

PVA/jyc 3/16/2011



**FILED**

03-16-11  
03:51 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

Rulemaking 10-05-006  
(Filed May 6, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON NOTICES OF INTENT TO CLAIM COMPENSATION**

**Summary**

This ruling responds to the notice of intent to claim compensation filed in this docket by The Green Power Institute (GPI). Pursuant to Public Utilities Code Sections 1801 to 1812, this ruling reviews the eligibility requirements for compensation and determines that GPI meets those requirements. A finding of eligibility, however, does not necessarily guarantee an award of compensation.

**Procedural Issues**

An intervenor must be a customer, as described in Pub. Util. Code § 1802(b) which defines a customer in three ways: a participant representing utility consumers, a representative authorized by a customer, and a representative of a group or organization that is authorized by its articles of incorporation or bylaws to represent the interests of residential customers. GPI meets this final definition of customer, referred to as a "Category 3" customer.

GPI provided further details of its organization in its filed NOI, explaining that GPI is a program of the Pacific Institute for Studies in Development, Environment, and Security. The Pacific Institute is a non-profit, public-purpose

environmental research organization. The GPI Bylaws describe the purpose of the organization as that which “engage[s] in scientific research and provide[s] public education about complex problems threatening the well-being of human society.” GPI also notes that the California Public Utilities Commission (Commission) determined GPI to be an eligible Category 3 customer in Proceeding R.09-08-009.

Under Pub. Util. Code § 1804(a)(1): “[a] customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held (or according to the date set by the assigned Administrative Law Judge (ALJ) as set forth in Rule 17.1), file and serve on all parties to the proceeding a notice of intent to claim compensation.” GPI timely filed its NOI by August 13, 2010, in accordance with the June 22, 2010, ALJ Ruling.

### **Scope of Anticipated Participation**

Pub. Util. Code § 1804(a)(2)(A)(i) requires that each NOI include a statement of the nature and extent of the customer’s planned participation in the proceeding, to the extent that can be predicted. In its NOI, GPI explains that it expects to be an active participant in the proceeding, concentrating in the areas of procurement planning to achieve implementation of the Energy Action Plan’s 33 percent renewables by 2020 target, and long-term procurement planning in the context of the implementation of the state’s greenhouse-gas emissions-reduction goals (AB 32). GPI notes that its involvement will depend in part on the work done by other parties representing similar interests. However, GPI expects to consult regularly with other participating environmental and consumer organizations and renewable energy associations, as was done in previous portions of this proceeding. GPI is particularly concerned with the pace of the progress being made in implementing California’s RPS program.

NOIs must also include an itemized estimate of the compensation the customer expects to receive as per the requirements of Pub. Util. Code § 1804(a)(2)(A)(ii). GPI has developed the following estimate of the amount it may request to cover its expenses, based on the time it has already devoted to this proceeding.

<b>Attorney/Category</b>	<b>Estimated Hours</b>	<b>Hourly Rate</b>	<b>Estimated Cost</b>
<b>Gregory Morris</b>	<b>360</b>	<b>\$240</b>	<b>\$86,400</b>

### **Showing of Significant Hardship**

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Pub. Util. Code § 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the notice of intent. As defined in Pub. Util. Code § 1802(g), “significant financial hardship” is either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

In its NOI, GPI states that its organization is part of the Pacific Institute for Studies in Development, Environment, and Security, a non-profit, policy-oriented research institution. Furthermore, GPI is dependent on outside funding sources to perform its work. Noting that any economic impact on the organization and its members resulting from the outcome of this proceeding would be negligible, GPI contends that its participation without assistance of the

