



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

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Application 11-03-014
(Filed March 24, 2011)

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications (U39M)	
And Related Matters	Application 11-03-015 Application 11-07-020

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and checked), ALJ RULING
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Center for Accessible Technology			
Assigned Commissioner: Michael R. Peevey		Assigned ALJ: Amy C. Yip-Kikugawa	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
Signature: /S/ Melissa W. Kasnitz			
Date:	June 28, 2012	Printed Name:	Melissa W. Kasnitz

PART I: PROCEDURAL ISSUES

(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because it (check one):	Applies (check)
1. Category 1: Represents consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the Commission (§ 1802(b)(1)(A))	
2. Category 2: Is a representative who has been authorized by a “customer” (§ 1802(b)(1)(B)).	
3. Category 3: Represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to represent “small commercial customers” (§ 1802(h)) who	X

receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group.	
<p>4. The party’s explanation of its customer status, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party’s “customer” status. Any attached documents should be identified in Part IV.</p> <p>The Center for Accessible Technology (CforAT) is an organization that is authorized by its bylaws to represent the interests of residential customers with disabilities before the Commission; specifically, its bylaws state at Article 2.1(d) that CforAT is “involved in advocacy initiatives to enhance the lives of the disability community, including ways to improve access to technology and increase the ability of people with disabilities to live independently. In particular, CforAT is authorized and urged to actively participate and intervene before government entities, including but not limited to the California Public Utilities Commission, on all matters that it deems appropriate that will affect directly or indirectly the interests of residential customers with disabilities, ratepayers with disabilities, small businesses owned by people with disabilities, including customers who receive bundled electric service from an electrical corporation.” CforAT is not a membership organization.</p> <p>A copy of CforAT’s bylaws were submitted with its NOI in A.10-03-014, which was filed on August 29, 2011. An additional copy can be provided upon request.</p> <ul style="list-style-type: none"> Describe if you have any direct economic interest in outcomes of the proceeding. CforAT does not have any direct economic interest in the outcome of the proceeding. 	

B. Timely Filing of NOI (§ 1804(a)(1)):	Check
<p>C. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: May 16, 2012</p>	<p>Yes ___ No <u>X</u></p>
<p>2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?</p>	<p>Yes <u>X</u> No ___</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p> <p>CforAT was not a party to this proceeding at the time of the Prehearing Conference and did not attend. CforAT only determined that its participation was appropriate and likely to result in a substantial contribution on the limited legal issues of the applicability of access laws to opt-out fees, discussed below, upon review of the Assigned Commissioner’s Ruling issued on June 8, 2012. This NOI is being filed at the same time as CforAT’s Motion for Party Status.</p>	

2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, or ALJ ruling, or other document authorizing the filing of its NOI at that other time:

PART II: SCOPE OF ANTICIPATED PARTICIPATION

(To be completed by the party ("customer") intending to claim intervenor compensation)

D. Planned Participation (§ 1804(a)(2)(A)(i)):

- The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed).

CforAT intends to participate on the legal briefing portion of Phase 2 of this consolidated proceeding. Specifically, CforAT intends to brief the legal questions regarding the applicability of state and federal access laws to the opt-out fees for customers who wish to retain analog electric meters, as adopted in the Opt-Out Decisions, D.12-02-014, D.12-04-018 and D.12-04-019. In addition to the written briefs, CforAT may take additional action to respond to the legal questions presented in the Assigned Commissioner's Ruling Amending Scope of Proceeding to Add a Second Phase (Phase 2 Ruling), issued on June 8, 2012, such as participating in ex parte meetings, all party meetings, oral arguments, or such other procedural actions as may be scheduled.

- The party's statement of the issues on which it plans to participate.

At this time, CforAT only intends to address the legal issues raised in the Phase 2 Ruling regarding the applicability of access laws to the Opt-Out Decisions. Depending on the evolution of Phase 2, CforAT retains the right to expand its participation to represent the interests of electric customers with disabilities. CforAT will coordinate with other parties to address this issue to the extent that other parties have overlapping interests and arguments.

E. The party's itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY FEES				
Melissa W. Kasnitz	40	\$435	\$17,400	1
[Attorney 2]				
		Subtotal:	\$17,400	

EXPERT FEES				
[Expert 1]				
[Expert 2]				
	Subtotal:			
OTHER FEES				
[Person 1]				
[Person 2]				
	Subtotal:			
COSTS				
Internal expenses (printing/copying, postage, etc.)			\$200	
[Item 2]				
[Item 3]				
	Subtotal:		\$200	
TOTAL ESTIMATE \$:			\$17,600	
<p>Comments/Elaboration (use reference # from above):</p> <p>Estimated budget by issue: CforAT estimates that it will allocate 85% of its time to addressing the legal issues regarding the applicability of access laws to the decision to allow opt-out fees for customers who wish to retain analog electric meters, and 15% of its time to general participation (reviewing other party filings, procedural activities, etc.)</p> <p>1. CforAT will provide complete justification for Melissa Kasnitz's rate in its eventual request for compensation.</p>				
<p>When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated claim preparation time. Claim preparation is typically compensated at ½ of preparer's normal hourly rate.</p>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

(To be completed by party ("customer") intending to claim intervenor compensation; see Instructions for options for providing this information)

A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis:	Applies (check)
1. "[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation" (§ 1802(g)); or	<input type="checkbox"/>
2. "[I]n 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" (§ 1802(g)).	<input type="checkbox"/>
3. A § 1802(g) finding of significant financial hardship in another	<input type="checkbox"/>

proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption of eligibility for compensation in this proceeding (§ 1804(b)(1)).	X
ALJ ruling (or CPUC decision) issued in proceeding number: A.10-03-014 Date of ALJ ruling (or CPUC decision): October 31, 2011	

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOD):

**PART IV: THE PARTY’S ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents (add rows as necessary.) Documents are not attached to final ALJ ruling.)

Attachment No.	Description
1	Certificate of Service

ADMINISTRATIVE LAW JUDGE RULING¹
(ALJ completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated status as a “customer” for the following reason(s):	
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

¹ An ALJ Ruling will not be issued unless: (a) the NOI is deficient; (b) the ALJ desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer’s claim for compensation); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(g).

IT IS RULED that:

	Check all that apply
1. The Notice of Intent is rejected.	
2. Additional guidance is provided to the customer as set forth above.	
3. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	
4. The customer has shown significant financial hardship.	
5. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	

Dated _____, at San Francisco, California.

ADMINISTRATIVE LAW JUDGE

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], 200_, at [city], California.

[Signature]

[Printed name and address]