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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 12-03-014 (Filed March 22, 2012)

ADMINISTRATIVE LAW JUDGE'S RULING VACATING PREVIOUS RULING ON THE CLEAN COALITION'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

On August 1, 2013, Clean Coalition filed a Notice of Intent to Claim Intervenor Compensation (NOI) in this proceeding. On August 27, 2013, Administrative Law Judge (ALJ) Gamson issued a Ruling which denied the NOI. On September 19, 2013, Clean Coalition filed a Motion for Reconsideration of this Ruling. This Ruling vacates the August 27, 2013 Ruling.

Section 1804(a) of the Public Utilities Code requires the filing of a NOI within 30 days after a prehearing conference is held and provides for certain exceptions to this rule. In this proceeding, the Order Instituting Rulemaking (OIR) directed that NOIs must be filed no later than 30 days after the mailing of the OIR. The OIR also stated: "Determinations of eligibility for intervenor compensation rendered in R.10-05-006 shall continue to this proceeding upon request in the NOI." However, the May 17, 2012 Assigned Commissioner Ruling (ACR) and Scoping Memo in this proceeding stated at 15: "Parties who were previously found eligible to request compensation in R.10-05-006 shall remain eligible in this proceeding and do not need to file a notice of intent within 30 days, provided there are no material changes in their by-laws or financial status."

On August 1, 2013, Clean Coalition tendered an NOI.[1] An ALJ Ruling on August 27, 2013 denied the NOI on the basis that Clean Coalition did not qualify as a category 3 customer and had not demonstrated financial hardship.

However, Clean Coalition points out in its Motion that it had already been found to be a category 3 customer in the previous Long-Term Procurement Plans proceeding (R.10-05-006), in a July 19, 2011 Ruling. Based on the direction from the ACR and Scoping Memo, there was no requirement that Clean Coalition submit a new NOI in this proceeding, and no need for an ALJ Ruling regarding the financial hardship or customer status of Clean Coalition. The August 27, 2013 Ruling was issued in error and is hereby vacated.

IT IS RULED that the August 27, 2013 Administrative Law Judge's Ruling on Clean Coalition's Showing of Significant Financial Hardship is hereby vacated.

Dated October 23, 2013, at San Francisco, California.

/s/ DAVID M. GAMSON
David M. Gamson
Administrative Law Judge

[1] Clean Coalition in its Motion explains the circumstances which led to the unnecessary NOI in this proceeding.