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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies.

Rulemaking 13-11-007
(Filed November 14, 2013)

ADMINISTRATIVE LAW JUDGE’S RULING ON GREEN POWER INSTITUTE’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer: The Green Power Institute (GPI)	
Assigned Commissioner: Carla Peterman	Assigned Administrative Law Judge: Irene K. Moosen

PART I: PROCEDURAL ISSUES

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because the party is:	Applies (check)
1. A 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)). ¹	
2. A 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 receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group.	X
The party’s explanation of its customer status, with any documentation (such as articles of incorporation or bylaws) that supports the party’s “customer” status.	
The GPI has been participating actively on behalf of the interests of renewable energy development in the original Procurement Proceeding, R.01-10-024, the successor Long Term Procurement Proceedings, R.04-04-003 R.06-02-013, R.08-02-007, R.10-05-006, and R-12-03-014, the RPS Proceedings, R.04-04-026, R.06-02-012, R.06-05-027, R.08-08-009, and R11-05-005, and the original Alternative-Fueled Vehicle Proceeding, R.09-08-009. As specified in § 1802 (b) of the Public Utility Code, the GPI plans to participate in the new Alternative-Fueled Vehicle Proceeding as a “representative of an organization pursuant to its articles of incorporation or bylaws to represent the interests	

¹ This and subsequent code references are to the California Public Utilities Code, unless specified otherwise.

of residential customers” of Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas and Electric Company. The GPI has previously been found to be an eligible category-three customer in Proceedings R.01-10-024, R.04-04-003, R.04-04-025, R.04-04-026, R.05-06-040, I.05-09-005, R.06-02-012, R.06-03-004, R.06-04-009, R.06-05-027, R.08-08-009, R.08-12-009, R.09-08-009, R.10-05-006, R.10-12-007, R.11-03-012, R.11-05-005, and R.13-02-008.

The 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 (IRS Code § 501(c)(3)) founded in 1987, and located in Oakland and Berkeley, California.

The Pacific Institute has more than 100 members who are California residential customers of the regulated gas and electric utility companies. The Pacific Institute represents the interests of its members by conducting research into complex issues with important environmental implications, and applying that research in the public-policy arena. The GPI is the Pacific Institute’s program on renewable energy, and represents an important focus of the Institute. The GPI, on behalf of and in the interests of the Pacific Institute and its officers and members, has been conducting research on renewable energy development and the environmental impacts of energy production in California for over two decades. The GPI represents customers who have a concern for environmental quality in California, and supports efforts to implement renewable energy policy in California in a way that is sufficiently cost effective to allow the renewable energy industries to grow and flourish in the state. The GPI represents customers with a concern for the environment that distinguishes their interests from the interests represented by other consumer advocates who are intervening actively in this proceeding. As an environmental-research organization, neither the GPI, nor the Pacific Institute, have any direct economic interest in the outcome of this proceeding.

B. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: __February 26, 2014____	Yes <u>x</u> No __

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)(i)):
The GPI expects to be an active participant in the alternative-fueled vehicle proceeding, concentrating in the areas of use of renewable energy in in vehicle fuels, tariffs and metering for vehicle power, including net metered customers, and economic analysis. The ultimate extent of the GPI’s involvement in these proceedings will depend in part on the work done by other parties representing similar interests. We expect to consult regularly with other participating environmental and consumer organizations and renewable energy associations, as we have done in previous PUC proceedings.

The GPI has been actively participating in the Commission’s general procurement and RPS procurement proceedings, as well as related proceedings such as energy storage, electric vehicles, and greenhouse gas issues. We will participate actively in hearings and workshops, prepare comments and testimony, and submit motions and briefs as appropriate, as the Proceeding advances.

B. 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, EXPERT, AND ADVOCATE FEES				
Gregg Morris	40	250	\$ 10,000	
Tam Hunt	240	345	\$ 82,800	
		Subtotal:	\$ 92,800	
COSTS				
Filing and Service Expenses			\$ 50	
Misc.			150	
		Subtotal:	\$ 200	
TOTAL ESTIMATE \$:			\$ 93,000	
Estimated Budget by Issues:				
Use of Renewable Energy in Vehicles	25%			
Tariffs and Metering for Electric Vehicles	50%			
Economic Analysis	25%			

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[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)).	X
2. A § 1802(g) finding of significant financial hardship in another 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)).	
CPUC Decision (D.)13-10-012, issued in proceeding number Rulemaking (R.) 11-05-005, on October 3, 2013, was the most recent decision awarding intervenor compensation to the GPI. D.13-10-012 confirmed the finding of significant financial hardship for the GPI.	

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 NOI):

The GPI is part of the Pacific Institute for Studies in Development, Environment, and Security, a non-profit (501(c)(3)), policy-oriented environmental research institution that brings an interdisciplinary perspective to the understanding and analysis of complex public policy problems. As a public-purpose research institution, the GPI is dependent on outside funding sources to perform its work. This proceeding is a very intense and complex process, and the GPI has identified a strong need for the analytical input that we are planning to provide. The GPI cannot afford, without undue hardship, to pay for the costs of the effective participation of our staff and professionals in this proceeding without the assistance of the intervenor compensation program. Because the nature of our participation focuses on the technical and environmental impacts of the matters under consideration in this proceeding, the direct economic impacts on the organization and its members are anticipated to be negligible.

ADMINISTRATIVE LAW JUDGE RULING

1. The Notice of Intent (NOI) has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).

2. The Administrative Law Judge (ALJ) provides the following additional guidance (see § 1804(b)(2)):

Pub. Util. Code § 1801.3(f) states that “[t]his article shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.” § 1801.3(b) indicates that the Legislature intends for us to administer the provisions of §§ 1801et seq. in a manner “that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” When it codified the intervenor compensation program, the Legislature struck a balance between competing goals: to encourage the effective and efficient participation of all groups that have a stake in the public utility regulation process while avoiding unproductive or unnecessary participation that duplicates the participation of others (D.98-04-059 at 19).

Eight intervenors filed their notices of intent of intent to claim intervenor compensation in this proceeding, with the combined estimated budget in excess of \$700,000. It is critical for each intervenor seeking compensation to limit its participation to the specific issues of the intervenor’s expertise within the scope of this Rulemaking and to coordinate its participation with other parties, to ensure that its efforts complement or supplement, but do not duplicate, their efforts. I urge each intervenor to achieve a high level of the efficiency in this rulemaking. Green Power Institute may participate strictly within the scope of this proceeding as identified in the Order Instituting Rulemaking, Scoping

