

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



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In the Matter of the Application of Pacific Gas and Electric Company for Approval of its Electric Vehicle Infrastructure and Education Program (U39E).

Application 15-02-009  
(Filed February 9, 2015)

**MOTION TO RECONSIDER ADMINISTRATIVE LAW JUDGE'S RULING  
REJECTING CLEAN COALITION'S AMENDED NOTICE OF INTENT TO CLAIM  
INTERVENOR COMPENSATION**

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August 1, 2016

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**I. INTRODUCTION**

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), the Clean Coalition hereby submits this Motion to Reconsider the Administrative Law Judge’s Ruling Rejecting Clean Coalition’s Amended Notice of Intent to Claim Intervenor Compensation, issued on June 30, 2016 in Application (“A.”) 15-02-009, Pacific Gas and Electric Company’s (“PG&E”) application for approval of its electric vehicle infrastructure and education program.

The Clean Coalition is a nonprofit organization whose mission is to accelerate the transition to renewable energy and a modern grid through technical, policy, and project development expertise. The Clean Coalition drives policy innovation to remove barriers to procurement and interconnection of distributed energy resources (“DER”)—such as local renewables, advanced inverters, demand response, and energy storage—and we establish market mechanisms that realize the full potential of integrating these solutions. The Clean Coalition also collaborates with utilities and municipalities to create near-term deployment opportunities that prove the technical and financial viability of local renewables and other DER.

The Clean Coalition requests that the Administrative Law Judge (“ALJ”) reconsider the Administrative Law Judge’s Ruling Rejecting the Clean Coalition’s Amended Notice of Intent to Claim Intervenor Compensation (“Ruling”) because the Clean Coalition is an environmental organization that derives limited compensation for

work with utilities and municipalities. The work with utilities also strictly aligns with the Clean Coalition's mission on behalf of the environmental interests of ratepayers, and the organization has no competitive interest in any of the proceedings in which we participate. The Ruling did not specify what alleged competitive interest Clean Coalition has regarding PG&E's application, for approval of its electric vehicle program, nor how the organization could benefit "materially and directly" from its participation. The Clean Coalition further seeks guidance on behalf of all intervenors regarding the types of engagements and compensation that organizations should avoid to ensure that there is no question of market involvement.

## **II. BACKGROUND**

The Clean Coalition timely submitted a Notice of Intent to Claim Intervenor Compensation ("NOI") on July 10, 2015 in A.15-02-009. On October 9, 2015, the assigned Administrative Law Judges ("ALJs") issued a ruling directing the Clean Coalition to clarify its showing of customer status and significant financial hardship by filing an Amended NOI within 30 days of the ruling. The Clean Coalition then submitted an Amended NOI on November 9, 2015, along with organizational bylaws and responses to the ALJs' questions. On June 30, 2016, the ALJ issued a ruling rejecting the Clean Coalition's Amended NOI, reasoning that the Clean Coalition was not eligible for Intervenor Compensation in this instance due to its partnerships with municipalities, grid owners and operators, utilities, and other renewable energy industry and market stakeholders. The Ruling reasoned that these partnerships were evidence of active participation in the DER and wholesale distributed generation industry and market. The Clean Coalition submits this motion requesting that the Commission reconsider the June 30 ruling and to provide additional clarification on what types of collaborations with industry and market stakeholders constitute market participation sufficient to bar an organization from eligibility in the Commission's Intervenor Compensation Program.

The Clean Coalition also submits, under a separate filing, an Application for Rehearing to preserve its objection to this ruling and to request appropriate Commission review on this issue.

### III. DISCUSSION

The Clean Coalition should be eligible for intervenor compensation under two theories—both as an organization authorized by its bylaws to represent the interests of residential customers and under the Commission’s decisions regarding eligibility of environmental organizations. Furthermore, the Clean Coalition’s limited consulting work with utilities does not constitute a competitive interest sufficient for the organization to be considered a market participant.

- a. *The Clean Coalition, as evidenced by articles of incorporation, actions, and history of Commission participation, is an environmental organization committed to advancing environmental sustainability and ratepayer benefits.*

The intent of the Intervenor Compensation Program is to “assure the availability of compensation to those deserving parties advocating customer interests that otherwise would go un- or under-represented.”<sup>1</sup> The Commission has previously stated that the eligibility element is not a hurdle to participation, as: “[i]t is fruitless to create hurdles to participation at an early stage of the proceeding, when the participation may prove to be valuable because it makes the required substantial contribution. The statute does not permit it.”<sup>2</sup>

In order to prove eligibility for the Intervenor Compensation Program, the intervenor must show that they are a public utility “customer” within the meaning of § 1802(b).<sup>3</sup> An organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers qualifies.<sup>4</sup> This category of customer consists of “groups whose raison d’etre, as demonstrated in their bylaws or articles of incorporation, is the representation of residential consumers.”<sup>5</sup>

Under the statute and the above-cited decision, the Clean Coalition qualifies for intervenor compensation in two ways. First, the Clean Coalition, formally a project of

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<sup>1</sup> CAL. PUB. UTIL. CODE § 1801.

<sup>2</sup> D.04-12-012 at 3 (Oct. 7, 2004).

<sup>3</sup> *Id.* § 1802(b).

<sup>4</sup> *Id.*

<sup>5</sup> D.86-05-007, 1986 Cal. PUC LEXIS 287, \*6–7; 21 CPUC 2d 99.

Natural Capitalism Solutions (“NCS”), is authorized by Article 13 of the NCS bylaws to “represent the interests of residential electric customers in front of state and federal government entities in order to promote a more sustainable energy system.”<sup>6</sup>

Second, the Clean Coalition is an environmental nonprofit organization whose mission is to “accelerate the transition to renewable energy and a modern grid” through technical, policy, and project development expertise. The mission of NCS and the Clean Coalition is based on the overarching goal of environmental sustainability, and both organizations would not promote renewable energy absent this broader environmental objective.<sup>7</sup> More specifically, the Clean Coalition has identified DER as frequently underutilized resources in cost-effective preferred resource policy, planning, and development, and the organization works to optimize renewable resource portfolios by recognizing locational value and other benefits of DER. We recognize that achieving our sustainability goal requires us to develop policy proposals that promote greater reliance on cost-effective DER deployments. The focus of our participation at the Commission contributes towards ensuring that DER valuation accurately reflects the full benefits and costs of DER, and we only promote policies that accomplish both environmental and ratepayer benefits.

Because the Clean Coalition represents environmental interests before the Commission, it is an environmental organization and should qualify as a Category 3 customer as defined in prior Commission decisions and the Intervenor Compensation Program Guide. The Intervenor Compensation Program Guide notes that “certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws.”<sup>8</sup> The Commission has regularly found

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<sup>6</sup> *Clean Coalition’s Amended Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge’s Ruling on Clean Coalition’s Showing of Significant Financial Hardship, Attachment 1: NCS Bylaws*, A.15-02-009 (Nov. 9, 2015).

<sup>7</sup> Clean Coalition, *Mission, Vision, and Approach*, <http://www.clean-coalition.org/about/mission-vision-approach/> (last visited Aug. 1, 2016); Natural Capitalism Solutions, *Mission*, <http://natcapsolutions.org/about/mission/> (last visited Aug. 1, 2016).

<sup>8</sup> California Public Utilities Commission, *Intervenor Compensation Program Guide and Instructions*, (May 2014), available at <http://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=2558>. See also D.98-04-059 at 30 (Apr. 23, 1998).

environmental groups eligible for compensation with the understanding that they represent customers whose environmental interests include the “adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging.”<sup>9</sup>

Indeed, the Commission has formally recognized the Clean Coalition’s status as an environmental organization in previous decisions. In Decision (“D.”) 15-05-047, the ALJ specifically reversed a ruling that found the Clean Coalition ineligible for compensation because it was not a membership organization, stating the “Clean Coalition satisfies the environmental group exception set forth in D.98-04-059.”<sup>10</sup>

*b. The Clean Coalition is not a participant in the DER industry, and limited paid consulting does not constitute a competitive interest in the DER industry.*

Despite being otherwise eligible, the Commission has previously found organizations to be ineligible for intervenor compensation in proceedings where they have a “clear and substantial competitive interest in an issue from claiming compensation for their advocacy.”<sup>11</sup> For example, in D.00-04-026, the Commission reviewed whether an engineering consulting firm should qualify as a “customer” with “significant financial hardship” eligible for intervenor compensation. Utility Design, Inc. (“UDI”) is an engineering consulting firm that designs gas and electric facilities and has participated in proceedings related to line extensions in order to expand the market for its services. In D.0-04-026, UDI claimed to contribute to a decision following implementation of a design pilot program, which was implemented as a regular utility tariff option. UDI had earlier stated that its interest was to represent interests of designers and consultants as well as applicants in establishing their right to choose whom designs gas and electric facilities, but the organization later altered its position and argued that their participation protected ratepayer interests. The Commission found UDI ineligible for intervenor compensation due to their pecuniary interest in the proceeding, and the Commission adopted a narrow definition of customer to exclude competitors with a “clear and

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<sup>9</sup> D.98-04-059 (Apr. 23, 1998).

<sup>10</sup> D.15-05-047 at 3 (May 21, 2015).

<sup>11</sup> D.00-04-026 (Apr. 6, 2000).

substantial competitive interest in an issue from claiming compensation for advocacy efforts *on that issue*.”<sup>12</sup>

D.88-12-034 provides an additional example where the Commission found that TEC, a company providing wiring services in competition with Pacific Bell, was not eligible for intervenor compensation because their self-interest in a proceeding arose primarily from their competition in the industry. TEC asserted structural separation of their inside wiring business activities from their regulated activities, but the Commission defined TEC’s position as a competitor in the inside wiring industry because their activities in the proceeding would undoubtedly influence inside wiring rates. The Commission refined their interpretation of the phrase “participant representing consumers, customers, or subscribers” found in § 1802(e) so that participants must be “actual customers of a utility whose self-interests in the proceeding arise primarily from their role as customers of the utility, in addition to the already-established requirement that they represent the broader interests of at least some other consumers, customers, or subscribers.”<sup>13</sup>

The Clean Coalition can be distinguished from the organizations in the above-cited cases on a number of important grounds. First, unlike the organizations at issue in those cases, the Clean Coalition does not compete to build energy resources or provide design services.<sup>14</sup> Other than California Energy Commission grant applications, the Clean Coalition has never submitted a response to any other competitive solicitation process in California. The vast majority of the Clean Coalition’s budget originates from grants and foundation funding, as shown in the financial reports that the Clean Coalition previously filed with the Commission. For example, in a confidential attachment to the Clean Coalition’s NOI in R.14-07-002, the Clean Coalition disclosed financial data from 2014–

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<sup>12</sup> D.00-04-026, 2000 Cal. PUC LEXIS 203, 12 (emphasis added).

<sup>13</sup> D.88-12-034 at 7 (Dec. 9, 1988).

<sup>14</sup> Utilities also seek support from the Clean Coalition on programs such as feed-in tariff design precisely *because* the Clean Coalition is not a market participant. By partnering with the Clean Coalition, utilities can make use of the organization’s expertise with feed-in tariffs, while ensuring that the collaboration is not motivated by an interest in participating in the market at a later date.

2015 with detailed information on funding sources.<sup>15</sup> These disclosures noted that approximately 10% of the Clean Coalition funds for 2014 came from its collaboration with utilities and municipalities.<sup>16</sup> The vast majority of the Clean Coalition budget originates from foundational or government support.<sup>17</sup>

Second, unlike either of the parties in the above-cited cases, the Clean Coalition is a nonprofit organization with 501(c)(3) tax status. The 501(c)(3) tax status is available only to charitable organizations, which may not be organized or operated for the benefit of private interests.<sup>18</sup> Beyond intervenor compensation awards, the Clean Coalition has no financial interest in the outcome of any Commission proceedings. The Clean Coalition's *raison d'être* is to advance the public interest as it relates to sustainable energy practices. This is evident by the fact that the Clean Coalition makes its findings and experience publicly available for free on its website with the goal of enabling other organizations to replicate our work in their own communities. The Clean Coalition only charges for specialized consulting where funding is needed to cover the operating expenses of providing such assistance.

Finally, the Ruling suggests that the Clean Coalition functions more like a trade association, but the Internal Revenue Service recognizes a separate tax status—501(c)(6)—for trade associations and business leagues, which are organizations committed to improving business conditions for a particular industry. Unlike a trade association, there are no dues or advertising fees associated with membership within the Clean Coalition. The Clean Coalition estimates that fewer than 15% of our newsletter

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<sup>15</sup> *Clean Coalition's Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge's Ruling on Clean Coalition's Showing of Significant Financial Hardship, Attachment 1: Clean Coalition Response to ALJ Simon's Request for Clarification*, R.14-07-002 (Mar. 19, 2015).

<sup>16</sup> The Clean Coalition received \$685,000 in grant funds for 2014 and is expected to receive a maximum of \$78,000 for its work to assist Southern California Edison in evaluating and procuring wholesale distributed solar to optimize local solar in their Preferred Resources Pilot.

<sup>17</sup> *Clean Coalition's Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge's Ruling on Clean Coalition's Showing of Significant Financial Hardship, Attachment 1: Clean Coalition Response to ALJ Simon's Request for Clarification*, R.14-07-002 (Mar. 19, 2015).

<sup>18</sup> Internal Revenue Service, *Exemption Requirements—501(c)(3) Organizations* (updated June 28, 2016), available at <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501-c-3-organizations>.

subscribers are affiliated with organizations in the DER or wholesale distributed generation (“WDG”) market and industry.<sup>19</sup> The Clean Coalition does not single-mindedly work to advance business opportunities for a particular industry group. Instead, we continually advocate for cost-effective procurement mechanisms and removal of barriers to small-scale resources. The Clean Coalition’s participation in Commission proceedings reflects technology-agnostic, ratepayer-centric advocacy that does not focus on advancing business opportunities for specific industry groups.

*c. Even if narrowly construing eligibility, the issues arising in this proceeding are unrelated to the Clean Coalition’s previous consulting work, such that the Clean Coalition should not be barred from intervenor compensation in this proceeding.*

In previous decisions, the Commission has carefully reviewed eligibility based on the relationship between the interests of the intervenor organization and the particular issues addressed in the proceeding. The Ruling cites D.88-12-034 where the Commission concluded that only participation on behalf of utility customer interests qualifies for eligibility in the Intervenor Compensation Program. In that decision, the Commission denied eligibility to a company that provided services in the same market as the applicant.<sup>20</sup> The Commission reasoned that San Francisco Community Power (“SFCP”) would have benefitted “materially and directly” if the Commission had adopted one of their proposals. SFCP had implemented a program for pay by PG&E, and the program was essentially the same as the one adopted by the Commission’s decision. The Commission therefore found that SFCP acted in its own self interest by advocating for additional contract funding, and that its advocacy put SFCP in the position of being more of a contractor or consultant than a customer.

The Clean Coalition, on the other hand, would not “materially and directly” benefit from participation in the current application. The issues presented in the EV proceeding are not in any way related to the Clean Coalition’s paid consulting work. In

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<sup>19</sup> *Clean Coalition’s Amended Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge’s Ruling on Clean Coalition’s Showing of Significant Financial Hardship, Attachment 2: Clean Coalition Response to Administrative Law Judge Ruling* at 1, A.15-02-009 (Nov. 9, 2015).

<sup>20</sup> D.88-12-034, 1988 Cal. PUC LEXIS 770, \*6-8; 30 CPUC2d 9.

A.15-02-009, PG&E seeks approval of its proposed Electric Vehicle Infrastructure and Education Program. The Commission has evaluated the program on a number of criteria, including the nature of the program, any potential competitive impacts, and whether any rules, conditions, or regulatory protections are needed.<sup>21</sup> Unlike SFCP in D.88-12-034, the Clean Coalition has never operated a program like the one at issue in the present application. The Clean Coalition's expertise focuses on DER, and our compensated work with utilities concerns feed-in tariff design, microgrid projects, and solar siting—none of which are at issue in this proceeding.<sup>22</sup> The Clean Coalition's planned participation in this proceeding was to ensure that the deployment of EV infrastructure would incorporate reasonable planning for the development of other cost-effective DER, which would lead to net ratepayer benefits.

*d. To prohibit all organizations with any history of working with utilities and other market participants would stifle the Intervenor Compensation Program.*

By restricting eligibility in the intervenor compensation program only to organizations that have never collaborated with utilities and other market participants, the Commission risks creating a precedent where all nonprofits that have worked with utilities could not take advantage of the Intervenor Compensation Program—contrary to the legislative intent of the Program. These collaborations offer significant benefits, and many nonprofits would not be able to participate in Commission proceedings absent the Intervenor Compensation Program. Further, environmental organizations have a history of collaborating with utilities and the energy industry to find pragmatic solutions to environmental issues.<sup>23</sup> Consultation between utilities and environmental organizations

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<sup>21</sup> *Joint Assigned Commissioner and Administrative Law Judges' Scoping Memo and Ruling*, A.15-02-009 (Sept. 4, 2015).

<sup>22</sup> *See Clean Coalition's Amended Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge's Ruling on Clean Coalition's Showing of Significant Financial Hardship, Attachment 2: Clean Coalition Response to Administrative Law Judge Ruling* at 3–4, A.15-02-009 (Nov. 9, 2015).

<sup>23</sup> *See, e.g.*, <https://www.nrdc.org/experts/noah-long/oregons-groundbreaking-clean-energy-bill-becomes-law-adds-growing-momentum-address>; [http://www.edisonfoundation.net/iei/Documents/EE\\_at\\_Work\\_Elec\\_Persp\\_Nov08.pdf](http://www.edisonfoundation.net/iei/Documents/EE_at_Work_Elec_Persp_Nov08.pdf); <http://business.edf.org/projects/industrial-efficiency-project-cutting-energy-costs-and-co2-at-cg-power>; <https://www.edf.org/news/ge-edf-collaborate-improve-energy-efficiency-reduce-costs-cities-universities-private-industry>.

like the Clean Coalition is critical to developing sensible sustainable energy programs because all parties gain a better understanding of the issues.

When the Clean Coalition collaborates with the investor-owned utilities, it enables us to build expertise and develop workable solutions that benefit the environment and promote the economic interests of California ratepayers. For example, in the Green Tariff Shared Renewables proceeding, our work with SCE identifying DER siting opportunities—which the Ruling referenced—provided us with the technical background to argue against a position SCE had taken in the proceeding.<sup>24</sup> The Clean Coalition convinced the Commission to adopt our recommendation, and we were ultimately successful with our advocacy because we leveraged our prior work with SCE to argue for a more cost-effective, flexible, and environmentally beneficial program.<sup>25</sup> Further, the Intervenor Compensation Program limits compensation to instances where organizations make particular substantial contributions; therefore, the Clean Coalition did not seek compensation for any of the work performed identifying DER siting opportunities—only for the work developing our policy proposals.

The Clean Coalition has also developed expertise in designing demonstration projects to show the feasibility of community microgrids that incorporate portfolios of DER. This expertise developed outside of Commission proceedings, and the Clean Coalition does not seek to recover fees through the Intervenor Compensation Program for the work spent developing this expertise. However, the Clean Coalition has recovered operating costs from the utilities for limited engagements unrelated to the policy work in specific proceedings. The Commission should not stifle these relationships because the engagements allow organizations like ours to more fully participate in proceedings.

Our work collaborating with utilities and industry has informed our policy proposals, many of which the Commission has adopted. Prior advocacy of the Clean Coalition has promoted recognition of the locational value of resources in procurement

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<sup>24</sup> *Clean Coalition Reply Comments on the Green Tariff Shared Renewables Program Phase IV Track B Issues*, A.12-01-008 (Dec. 9, 2015).

<sup>25</sup> *See* D.16-05-006 at 17–18 (May 12, 2016).

and dispatch decisions,<sup>26</sup> proposed the establishment of distribution planning process to capture DER value,<sup>27</sup> and argued for recognition of the value of resources contributing to transmission capacity so as to avoid or defer unnecessary transmission investment.<sup>28</sup> The Commission has adopted several Clean Coalition proposals, such as a locational adder to value avoided transmission and distribution costs<sup>29</sup> and the identification of “hot spots” where additional generation would defer distribution or transmission investments.<sup>30</sup> Grant funding and collaborations with utilities and industry supported this work, and we make all the resulting information freely available to the public, the Commission, and interested stakeholders. The policy advocacy that followed these engagements assisted the Commission in making environmentally beneficial and cost-effective decisions that will accelerate the deployment of DER.

*e. The Clean Coalition NOI established that participation in this proceeding poses a significant financial hardship.*

In addition to requiring an intervenor to prove that it meets the definition of “customer,” the intervenor compensation statute requires a demonstration of significant financial hardship.<sup>31</sup> The Clean Coalition noted previous Commission rulings that

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<sup>26</sup> See, e.g., *Clean Coalition Prehearing Conference Statement*, R.15-02-020 (Apr. 15, 2015); *Clean Coalition Comments on the Order Instituting Rulemaking*, R.15-02-020 (Mar. 26, 2015); *Clean Coalition Phase IV Prehearing Conference Statement*, A.12-01-008 (Feb. 17, 2015).

<sup>27</sup> See, e.g., *Clean Coalition Responses to Order Instituting Rulemaking Regarding Policies, Procedures and Rules for Development of Distribution Resources Plans*, R.14-08-013 (Sept. 5, 2014); *Clean Coalition Reply Comments on Order Instituting Rulemaking Regarding Policies, Procedures and Rules for Development of Distribution Resources Plans*, R.14-08-013 (Oct. 6, 2014). See also, *Clean Coalition Comments on Developing the REV Market in New York: DPS Staff Straw Proposal on Track One Issues*, Case 14-M-0101 (Sept. 22, 2014), available at [http://www.clean-coalition.org/site/wp-content/uploads/2014/09/Clean-Coalition-Comments-on-REV-Track-One-Straw-Proposal\\_Final-01-bk-22-Sept-2014.pdf](http://www.clean-coalition.org/site/wp-content/uploads/2014/09/Clean-Coalition-Comments-on-REV-Track-One-Straw-Proposal_Final-01-bk-22-Sept-2014.pdf).

<sup>28</sup> See, e.g., *Clean Coalition Response on Distribution Resource Plan Locational Net Benefits Proposals*, R.14-08-013 (Jan. 26, 2016); *Clean Coalition Opening Comments on SB 1122 Implementation*, R.11-05-005 (Dec. 20, 2013). See also Clean Coalition, *Transmission Access Charges Campaign*, <http://www.clean-coalition.org/tac> (last visited Aug. 1, 2016).

<sup>29</sup> D.15-05-017 (May 7, 2015).

<sup>30</sup> D.13-12-023 (Dec. 5, 2013).

<sup>31</sup> CAL. PUB. UTIL. CODE § 1802(g).

recognized the Clean Coalition's significant financial hardship in R.13-09-011<sup>32</sup> and R.12-03-014,<sup>33</sup> which established a rebuttable presumption of eligibility.<sup>34</sup> However, the Ruling determined that the Clean Coalition did not demonstrate significant financial hardship because previous Commission decisions granting the Clean Coalition eligibility were issued when the Clean Coalition was a new project without evidence of participation in the DER/WDG industry.

For the reasons stated above, the Clean Coalition does not have a competitive interest in the DER/WDG industry, and therefore the Commission should reverse the Ruling's determination that the NOI did not demonstrate significant financial hardship. In the NOI, the Clean Coalition argued that the economic interest of individual Clean Coalition subscribers is small in comparison to the costs of effective participation in this proceeding.<sup>35</sup> The customers represented by the Clean Coalition share an interest in the environmental and economic impacts of this proceeding, and some of the Clean Coalition's subscribers may eventually experience lower and more stable electricity bills because of the Clean Coalition's contribution to this proceeding.

#### IV. CONCLUSION

For the reasons stated above, the Clean Coalition respectfully requests that the Commission reconsider the ALJ Ruling and provide additional clarity on the types of utility collaboration that would bar an organization from eligibility in the Intervenor Compensation Program.

Respectfully submitted,

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<sup>32</sup> D.15-10-044 (Oct. 22, 2015).

<sup>33</sup> D.15-06-027 (June 11, 2015).

<sup>34</sup> *See Clean Coalition's Amended Notice of Intent to Claim Intervenor Compensation and, If Requested, Administrative Law Judge's Ruling on Clean Coalition's Showing of Significant Financial Hardship* at 6, A.15-02-009 (Nov. 9, 2015).

<sup>35</sup> *Id.*

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Dated: August 1, 2016