



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

Application of Pacific Gas and Electric Company to Revise its Electric Marginal Costs, Revenue Allocation and Rate Design. (U39M)	A.16-06-013 (Filed June 30, 2016)	10-12-16 04:59 PM
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X]¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON SIERRA CLUB'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Customer (party intending to claim intervenor compensation):	
Sierra Club. Please note that Sierra Club has filed a motion for party status in this proceeding on October 10, 2016, and that motion is pending.	
Assigned Commissioner: Carla Peterman	Administrative Law Judge: Jeanne M. McKinney
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.	
Signature:	/s/ Sara Gersen
Date: October 12,2016	Printed Name: Sara Gersen

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 the party is (check one):	Applies (check)
1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.	<input type="checkbox"/>
In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other	

¹ DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

<p>customers.</p>	
<p>2. A Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. <i>See D.98-04-059 at 30.</i></p>	<p style="text-align: right;"><input type="checkbox"/></p>
<p>3. A Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.² 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. <i>See D.98-04-059, footnote at 3.</i></p>	<p style="text-align: right;"><input checked="" type="checkbox"/></p>
<p>The party’s explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>Sierra Club meets the third definition of “customer” provided in Public Utilities Code section 1802(b)(1)(C). Sierra Club is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers . . . ” Sierra Club is a non-profit, member-based, “public benefit” California corporation with over 600,000 members nationwide and more than 140,000 members living in California, and many of the California members (most likely more than 50%) are residential customers of the three Investor Owned Utilities (“IOUs”).</p> <p>Sierra Club’s Articles, Bylaws, Standing Rules and policies authorize and require it to represent the environmental interests of its members – including California IOU customers. Sierra Club’s Board of Directors is democratically elected by its members. <i>See Sierra Club Standing Rule (“S.R.”) 4.8.1.</i>³ Sierra Club is expressly authorized to participate in environmental legal actions to advance its mission, including lawsuits and administrative proceedings. <i>See S.R. 5.15.1 and 9.1.1.</i> For</p>	

² Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

³ A copy of the Sierra Club’s Bylaws and Standing Rules and Articles of Incorporation are attached. *See Attachments 2 and 3.*

decades, Sierra Club has participated in environmental lawsuits and administrative proceedings, and has appeared many times before the California Public Utilities Commission. Sierra Club California was an active participant in the energy storage proceeding (R.10-12-007), as well as the 2010 and 2012 Long-Term Procurement Plan proceedings (“LTPP”). Sierra Club is currently involved in the 2014 LTPP. Sierra Club California was awarded fees for its substantial contribution to the energy storage proceeding and the 2010 LTPP. *See* D.13-12-027 and D.13-10-068. Sierra Club California is a chapter of the Sierra Club. However, Sierra Club is a single legal entity. *See* S.R. 1.1.1. There is no legal distinction between participation in a regulatory docket or litigation by a specific Sierra Club Chapter, such as Sierra Club California, or by Sierra Club.

Sierra Club’s environmental concerns encompass a broad range of energy and pollution issues. Specifically, Sierra Club has become a leader in the effort to reduce California’s and the nation’s dependence on fossil fuels. The highest current priority of Sierra Club’s work is eliminating the need for fossil fuel-fired power plants through the development of affordable renewable energy. Sierra Club has been active in the legislature and its committees, as well as in the Governor’s office, to bring renewable energy online and to reform the state’s renewable portfolio standard. Sierra Club is a prominent advocate for energy efficiency, demand response, rooftop solar, and other demand-side resources because they are the cleanest options available to meet our electricity needs.

To advance these energy-related concerns, Sierra Club has employed litigation, participation in administrative proceedings, public education and organizing, electoral and lobbying efforts, and communications and media work. Sierra Club has brought legal actions numerous times to address pollution from coal-fired power plants, while simultaneously affirmatively supporting renewable energy projects involving wind and solar. Sierra Club lobbyists and volunteer members actively worked in favor of passage of California’s landmark laws and implementing regulations to address global warming, including A.B. 32 (“Global Warming Solutions Act of 2006”) and A.B. 1493 (the “Pavley bill,” imposing greenhouse gas emission limits on motor vehicles).

The interests of the customers represented by Sierra Club are unique and well suited to this proceeding and are not adequately represented by other parties that have intervened in this proceeding.⁴ As the Commission has recognized: “With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary

⁴ *See* D.07-03-011 at 7 (“Section 1801.3(f) requires an intervenor to avoid unnecessary participation that duplicates that of similar interests otherwise adequately represented by another party, or unnecessary for a fair determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation if its participation materially supplements, complements, or contributes to that of another party if that participation makes a substantial contribution to the commission order.”).

<p>new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo at 3). They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” D.98-04-059 at 29 n.14. Sierra Club brings to this proceeding its members’ unique perspective and experience advancing innovative technical and regulatory solutions to increase renewable energy sources and drastically reduce California’s carbon footprint. The Commission has accordingly approved Sierra Club’s intervention with entitlement to compensation on several occasions. <i>See, e.g.</i>, D.13-10-068, D.09-10-054, D.06-06-056, D.13-12-027.</p> <p>Sierra Club, consistent with its governing documents, appropriately represents the environmental and energy conservation interests of its members who are California IOU customers. Sierra Club therefore qualifies as a “customer,” as defined in section 1802(b)(1)(C) of the Public Utilities Code and the Commission’s decisions applying this section to environmental organizations.</p>	
<p>Identify all attached documents in Part IV.</p> <p>1) Sierra Club Bylaws and Standing Rules; 2) Sierra Club Articles of Incorporation</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?⁵</p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If “Yes”, explain:</p>	

B. Conflict of Interest (§ 1802.3)	Check
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No

C. 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: 9/12/2019/12/2019	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

⁵ See Rule 17.1(e).

2a. The party's description of the reasons for filing its NOI at this other time:

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

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(To be completed by the party ("customer") intending to claim intervenor compensation)

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

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

Sierra Club intends to promote residential fixed charge policies and tariffs that encourage customers to conserve energy and invest in energy efficiency, distributed generation, and other distributed energy resources that reduce the environmental impact of the electric system. Sierra Club will engage on the following issues:⁶

- Which fixed costs are appropriate to collect through a fixed charge;
- Ensuring that any fixed charge amount treats small and large customers fairly, including the reasonableness and design of demand charges for residential customers;
- Timing of including new or increased fixed charges in residential rates;
- Marketing, education, and outreach for fixed charges;
- Pacific Gas and Electric Company's request for new rate designs effective in 2018, including requested changes to time-of-use periods.

Sierra Club will assist the Commission in developing residential fixed charge policies and tariffs that will allow energy conservation and clean distributed energy resources to flourish and help California achieve its climate and energy policy goals.

The party's explanation of how it plans to avoid duplication of effort with other parties:

Sierra Club represents the interests of its membership, and as a result will bring a unique perspective to the proceeding. However, Sierra Club will coordinate with other environmental groups in this proceeding, such as the Natural Resources Defense Council and Environmental Defense Fund, as well as ratepayer advocates who may share similar positions to avoid duplication of effort.

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

Sierra Club plans to attend all workshops related to residential fixed charges and to submit comments. Sierra Club's participation is difficult to assess at this stage because only one workshop has been noticed. However, Sierra Club is committed to making significant contributions on the issues described above. In addition, Sierra Club intends to evaluate Pacific Gas and Electric Company's application for any rate design proposals that may unreasonably

⁶ See OIR at 11-12.

impede the deployment of energy efficiency, distributed generation, or other clean distributed resources. For all issues described above, Sierra Club will participate to the extent necessary to achieve its goals in this proceeding.

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				
Susan Stevens Miller	100	575	\$57,500	1
Sara Gersen	100	325	\$35,500	2
Expert	70	200	\$14,000	3
				<i>Subtotal:</i>
\$ 107,000				
OTHER FEES				
[Person 1]				
[Person 2]				
				<i>Subtotal: \$</i>
COSTS				
Travel			\$5000	5
Estimated Miscellaneous Expenses (e.g. telephone, photocopying)			\$500	6
				<i>Subtotal: \$ 5,500</i>
TOTAL ESTIMATE: \$112,500				
Estimated Budget by Issues:				
<p>Sierra Club roughly estimates allocating its hours to issues in this proceeding as follows:</p> <ul style="list-style-type: none"> • Which fixed costs are appropriate to collect through a fixed charge (35%); • Ensuring that any fixed charge amount treats small and large customers fairly, including the reasonableness and design of demand charges for residential customers (35%); • Timing of including new or increased fixed charges in residential rates (10%); • Marketing, education, and outreach for fixed charges (10%); • Pacific Gas and Electric Company's request for new rate designs effective in 2018, including requested changes to time-of-use periods (10%). 				
<u>Comments/Elaboration (use reference # from above):</u>				
The estimated hours ultimately spent in this proceeding and allocated to each issue may change depending on the number and scope of workshops in this proceeding.				

The reasonableness of the hourly rates for Sierra Club’s attorneys and experts will be addressed in our request for compensation (reference # 1 – 3). Experts on technical matters are to be identified at rate up to \$250 (reference # 4). Estimated claim preparation time is not included.

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 time is typically compensated at ½ professional hourly rate.

**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 Intervenor Compensation Claim 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 checked="" type="checkbox"/>
3. 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 in this proceeding (§ 1804(b)(1)). Commission’s finding of significant financial hardship made in proceeding number: R.14-07-002 Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: 5/26/2016	<input checked="" type="checkbox"/>

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:
<p>The rebuttable presumption applies because Sierra Club received a finding of significant financial hardship in R.14-02-001 less than one year ago. Sierra Club has received a finding of significant financial hardship in other Commission proceedings, including A.10-03-014, R.08-08-009, R.10-05-006, R.10-12-007, and R.12-06-013. In the February 25, 2013 decision in R.12-06-013, ALJs Sullivan and McKinney determined that:</p> <p align="center">Sierra Club’s estimated cost of participating in this proceeding far exceeds the economic interests of the individual members of Sierra Club</p>

or of Sierra Club itself. Thus, Sierra Club[’s] showing meets the eligibility criteria for intervenor compensation set forth in § 1804 because Sierra Club has demonstrated that it qualifies for a finding of significant financial hardship pursuant to § 1802(g).

The average utility bill of Sierra Club’s California members and the customers it represents continues to be small compared to the costs of effective participation in this proceeding. Sierra Club, therefore, should continue to be entitled to a finding of significant financial hardship pursuant to Public Utilities Code section 1802(g).

Sierra Club does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to challenge Sierra Club’s eligibility, Sierra Club requests that it be granted the opportunity to reply to such party’s allegations within 10 days after the service of such filing.

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**
(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

Attachment No.	Description
1	Certificate of Service
2	Sierra Club Bylaws and Standing Rules
3	Sierra Club Articles of Incorporation

ADMINISTRATIVE LAW JUDGE RULING⁷
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party’s status as a “customer” for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>

⁷ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge 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 Intervenor Compensation Claim); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(g).

2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. 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.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

Administrative Law Judge