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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Revise Its Electric Marginal Costs, Revenue Allocation and Rate Design. (U39M)	Application: No. 16-06-013 (Filed June 30, 2016)
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X]¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON SMALL BUSINESS UTILITY ADVOCATES 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): Small Business Utility Advocates	
Assigned Commissioner: Jeanne M. McKinney	Administrative Law Judge: Carla Peterson
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/	
Date: October 11, 2016	Printed Name: James M. Birkelund

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	

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>your participation goes beyond just your own self-interest and will benefit other 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</i> D.98-04-059 at 30.</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</i> D.98-04-059, footnote at 3.</p>	<p style="text-align: right;"><input checked="" type="checkbox"/></p>
<p>4. 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>Small Business Utility Advocates (SBUA) is a California nonprofit public benefit corporation that represents the interests of small businesses in California (and nationwide). SBUA’s mission and purpose are set forth in its Articles of Incorporation. <i>“The specific purpose of this corporation”</i> includes to <i>“represent, protect, and promote the interests of small businesses”</i> in their capacity <i>“as public utility customers of bundled electric, natural gas, water, and telecommunications services.”</i> SBUA Articles of Incorporation, Art. II (b). Consistent with its governing mission, SBUA seeks members in California that are small businesses receiving bundled electric service and represents them as a community to protect their utility and energy-related concerns. SBUA has a few members that are themselves nonprofit organizations that represent small businesses but estimates that 97% or more of its California members are small commercial customers who receive bundled electric service from an electrical corporation.</p> <p>SBUA’s high priorities include promoting and maintaining equitable and fair customer rates and revenue allocations to facilitate the success of small businesses.</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.

<p>SBUA is the only party in this proceeding focusing <i>exclusively</i> on the small business community as a whole, whose interests diverge from residential ratepayers and mid-to large-businesses on issues of revenue allocation, rate structure, marginal costs, and other energy matters.</p>	
<p>Identify all attached documents in Part IV.</p> <p>Current SBUA Articles of Incorporation are on file with the Commission. <i>See</i> SBUA Notice of Intent to Claim Intervenor Compensation in Application 12-11-009, filed February 11, 2013. Accordingly, pursuant to Commission Rule 17.1(d), SBUA has not attached another copy of SBUA’s Articles with the Notice in this proceeding.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?³</p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If “Yes”, explain:</p>	

B. Conflict of Interest (§ 1802.3)	Check
<p>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?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>9/12/2016</u></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</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><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	
<p>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:</p>	

³ See Rule 17.1(e).

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:

SBUA seeks to intervene in this proceeding to submit testimony and otherwise support the interests of small commercial customers. SBUA is already proactively involved and attended PG&E workshops in the fall of 2015 regarding marginal costs and revenue allocation. Below are areas where SBUA expects to make recommendations:

- **Marginal Cost and Revenue Allocation (Issue 1):** SBUA will examine and comment on PG&E’s methods for calculating marginal costs as the basis for revenue allocation and setting electric rates that impact small businesses. SBUA is concerned that PG&E proposes to increase bundled electricity rates for customers in the Small Light and Power (S&P) class, while significantly reducing proposed rates for several other customer classes. SBUA further maintains that revenue allocation historically has been impacted by and unfairly based on an over-allocation of costs to S&P Customers.
- **Small Commercial Rate Design (Issue 2):** SBUA’s expert(s) will analyze PG&E’s and other parties’ proposed rate design to maintain and promote the interests of small businesses. SBUA is particularly concerned with any large increases in customer and usage fees for small commercial customers and with the various rate structures that impact Schedule A-1.
- **Large Light and Power and Standby Rate Design (Issue 3).** SBUA will analyze and comment on Standby Rates (Schedule S customers) to the extent they impact small commercial entities. SBUA, for example, argued against increases in basic service and reservation charges in PG&E’s last General Rate Case, Phase 2 that impact small businesses.
- **Time of Use and Peak Periods (Issue 4):** PG&E proposes to make significant changes to its time-of-use (TOU) periods, which will be applicable to the TOU rates for commercial customer classes. SBUA’s expert has substantial expertise in this area and will provide significant testimony and recommendations on how best to proceed with this TOU change. The proposed TOU periods, including changes in the summer peak period, have the potential to significantly impact small businesses and incentives to use renewable energy and conservation measures, which are all concerns to SBUA members.
- **Storage-Enabling Rate (Issue 5):** PG&E proposes two new rates, E-DMD and A-1 DMD, “to incent the installation of battery storage technology to allow solar electricity to be stored when it is plentiful and used when it is not, later in the evening.” SBUA intends to analyze and comment on these propose rate structures to the extent they may incent small commercial customers to install energy storage systems.

SBUA requests the Commission grant SBUA intervenor status to address the above interests. In addition, SBUA reserves the right to address other issues that arise as the proceeding progresses that may impact small businesses.

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

SBUA has begun and will continue to coordinate its participation with parties to the extent they seek similar objectives. SBUA has already contacted the Office of Ratepayers Advocates (“ORA”) and The Utility Reform Network (“TURN”) and plans to continue these efforts. Where there is overlap, SBUA will cooperate with other groups with common concerns.

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):

SBUA expects to participate in those aspects of PG&E’s rate case that have a significant impact on small commercial customers, including the reasonableness of revenue allocations to this class and rate design. SBUA plans to submit expert reports and briefing on any matters directly impacting small businesses, conduct discovery, prepare comments on the proposed decision, attend hearings, and engage in additional work, if required, to respond appropriately to issues raised by other parties.

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				
Attorney James M. Birkelund	220	\$440	\$96,800	1
Expert Michael Brown	200	\$220	\$44,000	2
Asst. Executive Director / Advocate	30	\$150	\$4,500	3
			<i>Subtotal: \$145,300</i>	
OTHER FEES				
Paralegal	20	\$130	\$2,600	4
			<i>Subtotal: \$2,600</i>	
COSTS				
Travel			\$1200	
Estimated Miscellaneous Expenses (e.g., mailing, copying, etc.)			\$300	
			<i>Subtotal: \$1,500</i>	
			TOTAL ESTIMATE: \$149,400	
Estimated Budget by Issues:				
The exact allocation of time per issue and total hours required will be dependent on numerous				

factors, including the extent of controversy surrounding various matters and whether additional small-business issues are identified as the proceeding progresses. An initial estimate of budget by issue is as follows: Issue 1 (30%); Issue 2 (30%); Issue 3 (10%); Issue 4 (20%); Issue 5 (5%). SBUA is willing to resolve issues early in the proceeding to extent possible.

The reasonableness of the hourly rates for SBUA’s representatives, which include cost-of-living adjustments (COLA) and step increases, will be addressed in our request for compensation (#1-4). If the Commission or assigned administrative law judge require any additional clarifications of qualifications or fees estimated above, SBUA will be happy to supply them as requested.

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: Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	<input 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:
SBUA is requesting a ruling on its showing of significant hardship because more than one year has passed since SBUA was last granted a ruling on this issue by the Commission. The Commission has previously found SBUA to have satisfied the eligibility requirements under

Public Utilities Code section 1804 and to have shown the requisite significant financial hardship to be eligible for intervenor compensation. *See, e.g.,* A.13.04.012, R.14-11-001.

SBUA represents small commercial entities that otherwise face significant financial hardship in participating in Commission proceedings. Because small businesses usually cannot afford their own representation, there is a danger that these small businesses may not be adequately represented as a customer class at proceedings before the Commission. The economic interests of individual small commercial customers are small when compared to the costs of effective participation in this proceeding. The Commission has recognized that adequate representation in PUC proceedings requires not only the broad efforts of the Office of Ratepayers Advocates, but also the participation of parties with special interests.

SBUA has not obtained funds from any donors directly to support its participation in this proceeding.

**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

**ADMINISTRATIVE LAW JUDGE RULING⁴
(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"/>
2. The NOI has demonstrated significant financial hardship for the reasons set	<input type="checkbox"/>

⁴ 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).

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forth in Part III of the NOI (above).	
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