



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Application of Pacific Gas and Electric Company for Approval of the Retirement of Diablo Canyon Power Plant, Implementation of the Joint Proposal, And Recovery of Associated Costs Through Proposed Ratemaking Mechanisms. (U 39 E)

Application 16-08-006
(Filed August 11, 2016)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON NATURAL RESOURCES DEFENSE COUNCIL'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): NRDC		
Assigned Commissioner: Michael Picker		Administrative Law Judge: Peter V. Allen
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 Peter Miller
Date: 11/4/16	Printed Name:	Peter Miller

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).

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)
<p>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.</p> <p>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 customers.</p>	<input type="checkbox"/>
<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. See D.98-04-059 at 30.</p>	<input type="checkbox"/>
<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. See D.98-04-059, footnote at 3.</p>	<input checked="" type="checkbox"/>
<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>4. NRDC falls within the third category listed in Section 1802(b) because it is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers....”</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.

NRDC is a non-profit membership organization with a long-standing interest in minimizing the societal costs of the reliable energy services that a healthy California economy requires. We have participated in numerous California Public Utilities Commission proceedings over the last 40 years with a particular focus on representing our California members' interest in the utility industry's delivery of cost-effective energy efficiency programs, renewable energy resources, and other sustainable energy alternatives. The majority of our California members are residential customers.

NRDC is a formally organized group authorized pursuant to our bylaws to represent the interests of our members, nearly all of whom are residential customers. NRDC's bylaws state in Section 1.02(a) that: "Individual membership in the Corporation shall constitute an authorization for the Corporation to represent members' interests in regulatory and judicial proceedings within the scope of the activities of the Corporation." The Certificate of Incorporation of the Natural Resources Defense Council, Inc., states that: "The purposes for which the corporation is formed are: To preserve, protect and defend natural resources, wildlife and environment against encroachment, misuse and destruction" and "[t]o take whatever legal steps may be appropriate and proper to carry out the foregoing purposes." Attachment 1 includes the relevant section of the Certificate. The relevant section of the bylaws is included in Attachment 2. More than 70,000 of NRDC's members live and purchase utility services in California. NRDC's members are dispersed throughout the state and the majority of these members are residential customers of Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, or San Diego Gas and Electric Company. This qualifies NRDC as a Category 3 customer pursuant to Section 1802(b) of the Public Utilities Code.

The interests of the customer represented by NRDC are unique and are not adequately represented by other parties that have intervened in the case. NRDC's members highly prioritize the need to preserve environmental quality while minimizing the societal costs of providing electric service through energy efficiency, renewable resources, and other cost-effective alternative energy resources.

In D. 98-04-059, page 29, footnote 14, the Commission reaffirmed its "previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers." The Commission explained that "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 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." Consistent with this

articulation, NRDC represents customers with a concern for the environment that distinguishes their interests from the interests represented by other consumer advocates who have intervened in this case.	
Identify all attached documents in Part IV.	
Do you have any direct economic interest in outcomes of the proceeding? ³	
Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
If "Yes", explain:	

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 checked="" 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: 10/6/2016	<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
2a. The party's description of the reasons for filing its NOI at this other time: n/a	
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: n/a	

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: NRDC was an active party in the development of the joint proposal that formed the basis for the application in this proceeding. NRDC will focus its participation in this proceeding on the development and approval of a procurement plan to replace Diablo Canyon Power Plant

³ See Rule 17.1(e).

with GHG-free resources. Our goal will be to achieve an orderly transition to a balanced portfolio of replacement resources that also addresses the needs of local communities, plant workers, and PG&E customers.

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

To the extent possible, when there are overlapping efforts, concerns, and recommendations, NRDC will coordinate its participation with other parties to avoid duplication, work out issues ahead of time when possible, and utilize joint comments as an advocacy option whenever possible.

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).

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). NRDC will participate in all workshops, hearings, and related meetings, and will submit written comments, briefs, testimony, etc., as necessary.

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				
Peter Miller	60	\$195	\$11,700	1
				Subtotal: \$11,700
OTHER FEES				
				n/a
				Subtotal: 0.00\$
COSTS				
				n/a
				Subtotal: \$0.00
			TOTAL ESTIMATE: \$11,700.00	

Estimated Budget by Issues:

We estimate we will spend the majority of our time on issues related to the development of an appropriate replacement portfolio for Diablo Canyon Power Plant including the amount, timing, and procurement methods of energy efficiency and renewable resources..

Comments/Elaboration (use reference # from above):

NRDC expects to be an active participant in this proceeding, although it is difficult to estimate with certainty the magnitude of our expected request at this early stage of the proceeding. The amount of any future claim to compensation is dependent upon the scope of the proceeding and the Commission’s final decision in this proceeding, as well as the resources NRDC has to devote to this proceeding going forward.

The rates above are reasonable because the energy project staff in NRDC’s San Francisco office have participated in Commission proceedings for over 40 years and have extensive experience in promoting reliable, affordable energy services at the lowest environmental impact. The Commission’s recognition of NRDC’s role as a leading stakeholder has been demonstrated by repeated invitations to appear at full panel hearings. Public Utilities Code § 1806 directs the Commission to consider “the market rates paid to persons of comparable training and experience who offer similar services” when computing a compensation award.

The rates requested by NRDC for its expert staff are consistent with D.07-01-009 (which established rate ranges for experts based on years of experience), with D.08-04-010 (which provides considerations for establishing rates for new representatives), and with Resolution ALJ-329, May 12, 2016. We have revised our requested rates to be consistent with the Commission-adopted rate ranges, but continue to request conservative rates at the low ends of those ranges in addition to being extremely conservative with amount of time we claim.

Comment #1: We anticipate a rate of \$195 for Peter Miller based on D.16-02-023

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)).	<input type="checkbox"/>

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:	

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 economic interest of individual NRDC members is small when compared to the costs of effective participation. NRDC is representing the interests of its members in California who are customers of utilities under the jurisdiction of the Commission. These customers share an interest in the environmental, public health, and economic impacts of this proceeding. However, their economic interest is small in comparison to the costs of our participation in the 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 incorporation
2	Bylaws

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 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

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).