



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

11-04-16

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 04:59 PM (Filed August 11, 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 SAN LUIS OBSIPO MOTHERS FOR PEACE’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): San Luis Obispo Mothers For Peace, Inc.	
Assigned Commissioner: Michael Picker	Administrative Law Judge: Peter 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/ Sherry Lewis
Date: 11/4/16	Printed Name: Sherry Lewis

**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"/>

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>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>	
<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>	<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. <i>See</i> D.98-04-059, footnote at 3.</p>	<p>X</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>Organized in 1969, SLOMFP is a non-profit public benefit corporation concerned with the health, safety, environmental, and economic impacts of nuclear weapons and nuclear power and the development of alternative energy sources. To that end, SLOMFP has been an intervenor in a number of administrative proceedings concerning the operation of the DCP. SLOMFP has participated in proceedings before the U.S. Nuclear Regulatory Commission ("NRC") in all matters pertaining to safety and the environment with regard to the DCP's operation. SLOMFP, by and through its representatives and attorneys, have appeared before the Atomic Safety and Licensing Board, the Nuclear Regulatory Commission, the Ninth Circuit Court of Appeals and the California Public Utilities Commission on matters related to the DCP.</p> <p>SLOMFP has approximately 1000 members. 100% of SLOMFP members are</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.

residential ratepayers. SLOMFP’s Bylaws expressly authorize the organization to participate in this CPUC proceeding on behalf of its members (see Attachment 2, page 13 [the program will include representing the interest of people living and working near the Diablo Canyon Nuclear Power Plant in proceedings before federal, state, and local governing and administrative agencies].)	
Identify all attached documents in Part IV. Bylaws of San Luis Obispo Mothers for Peace, Inc. Articles of Incorporation of San Luis Obispo Mothers for Peace	
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?	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: 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 type="checkbox"/> No
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:	

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:
SLOMFP anticipates addressing the following issues: 1) timing of the Diablo Nuclear Power Plant’s retirement and relationship to safety and environmental impacts and estimated costs associated therewith, 2) PG&E’s proposed use of Decommissioning Funds for non-decommissioning activities and expenditures, 3) cost recovery for license renewal efforts.
The party’s explanation of how it plans to avoid duplication of effort with other parties:
SLOMFP has reviewed the protests and responses to PG&E’s Application to identify other parties who have raised similar issues raised by SLOMFP in its Response. SLOMFP has already begun the process of reaching out to other intervenors to discuss coordination of efforts. SLOMFP will limit its participation to cross-examination and briefing where other parties are substantially contributing to an issue raised by SLOMFP in its Response (e.g., reimbursement for relicensing activities.) Where appropriate, SLOMFP will co-sponsor testimony with other intervenor(s).
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).
SLOMFP intends to fully participate in all phases of this proceeding including submitting intervenor testimony, participating in the evidentiary hearings (cross-examination), briefing, and commenting on any proposed and/or alternate decision.

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				
Sabrina D. Venskus, Venskus & Associates	250	\$425	\$106,250	
Elise Cossart-Daly, Venskus & Associates	250	\$300	75,000	
Arnold Gundersen, Fairewinds Associates, Inc.	100	\$200	20,000	
David Jackson, UCLA	40	\$350	14,000	
Bill Powers, Powers Engineering	40	\$350	14,000	
Jane Swanson	75	\$85	6,375	
Sherry Lewis	75	\$85	6,375	

Linda Seeley	100	\$85	8,500	
Subtotal: \$ 250,500				
OTHER FEES				
Rachael Kimball, Legal Assistant, Venskus & Associates	100	\$150	15,000	
Subtotal: \$15,000				
COSTS				
Travel (Airfare)	\$5,000			
Travel (Hotel)	\$5,000			
Subtotal: \$10,000				
TOTAL ESTIMATE: \$ 275,500				
Estimated Budget by Issues:				
1) timing of the Diablo Nuclear Power Plant's retirement and relationship to safety-cost and environmental impacts [80%, or \$220,400] 2) use of Decommissioning Funds for non-decommissioning activities and expenditures, [15%, or \$41,325] 3) cost recovery for license renewal efforts [5%, or \$13,775])				
<i>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.</i>				

**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:	
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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:

SLOMFP’s members are residential customers of PG&E. SLOMFP is informed and believes that these residential customers’ electricity bills average between \$50-\$200 per month. The anticipated cost of SLOMFP’s participation in the instant proceeding is estimated at \$275,000. This amount substantially outweighs the financial benefit to the individuals SLOMFP represents, which is anticipated to total only a tiny fraction of each individual’s annual electricity bill. Accordingly, these members’ economic interests are small relative to the costs of participation. The Commission has previously found SLOMFP eligible to claim intervenor compensation and found that SLOMFP demonstrated significant financial hardship in proceeding A.04-01-009. (See D.06-06-056.)

**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	Bylaws of San Luis Obispo Mothers for Peace, Inc.
3	Articles of Incorporation of San Luis Obispo Mothers for Peace

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"/>

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).

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