

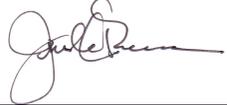


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
FILED

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. <p style="text-align: right;">(U39 E)</p>	Application 16-08-006 (Filed August 11, 2016) <p style="text-align: right;">11-04-16 04:59 PM</p>
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and ¹ checked), ADMINISTRATIVE LAW JUDGE'S RULING ON WORLD BUSINESS ACADEMY'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 icompcordinator@cpuc.ca.gov.

Customer (party intending to claim intervenor compensation): World Business Academy	
Assigned Commissioner: Michael Picker	Assigned ALJ: 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:	
Date: November 4, 2016	Printed Name: Jerald B. Brown. Ph.D.

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. 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. 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. 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>	

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.

The World Business Academy's ("Academy") business office is located at 2020 Alameda Padre Serra, Suite 135, Santa Barbara, CA 93103. The Academy was founded in 1986, and established as a tax-exempt 501(c)(3) public charity in 1987. The Academy is a non-profit think tank, action incubator and network of business and thought leaders. The goal of the Academy is to explore the role and responsibility of business in relation to critical moral, environmental, and social issues of our day. The Academy's mission is to inspire business to assume responsibility for the whole of society and assist those in business who share its values to make the transformations that will enable them to prosper in a society that relies on clean and sustainable energy resources.

The Academy formally began investigating the various issues associated with energy infrastructure in 1995, which it followed with a book (*Profiles in Power*) on the subject in 1997, and a lengthy well-researched and footnoted chapter on the subject in its book (*Freedom From Mid-East Oil*) published in 2007. In addition to those two books, the Academy has published more than a dozen articles on the subject of energy up to the present time in various journals both domestically and abroad, including the American Bar Association journal.

The Academy has worked to catalyze greater corporate responsibility by business towards society. The Academy has sought to use its business expertise and its prominent network of Fellows (see www.worldbusiness.org) to educate and thereby encourage businesses to understand the connection between environmentally and socially responsible business practices and an improved economy. In this way, the Academy assists businesses to become more environmentally, socially and financially sustainable which benefits the general public.

For example, through its free-to-the public monthly radio show (*New Paradigms in Business*, a commentary on business and society) and its monthly newsletter (*Currents In Commerce*), the Academy analyzes and advocates "best business practices" with respect to energy sources and use, educating business about the strengths and weaknesses of each form of energy, the appropriate mix of energy sources, the benefits and drawbacks of various sources of energy supply, and the externalized costs of different energy sources.

The Academy is specifically authorized by Section 2.1 of its Bylaws:

"c. To focus on preventing the procurement of irresponsible nuclear energy generators, and/or any other energy generating methodology that has actual or potential damaging effects on the environment, and on reducing economic drivers for environmentally harmful technologies;

- "d. To engage in programs to reduce the cost and waste of energy and energy resources and fuels;
- "e. To encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging; and
- "f. To conduct related activities."

The Academy's focus on preventing the procurement of irresponsible nuclear energy generators, and/or any other energy generating methodology that has actual or potential damaging effects on the environment, on reducing economic drivers for environmentally harmful technologies, on engaging programs to reduce the cost and waste of energy and energy resources and fuels, and on encouraging the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging in qualifies it for Category 3 customer status. A necessary corollary of such efforts is the representation of the interests of residential and small commercial customers of electric utilities. *See* Cal. Pub. Util. Code § 1802(b)(1)(C).

The Academy is a membership organization with 290 individual members and Fellows (*i.e.*, persons, not businesses) together with over 5,000+ subscribers, over 2,000 of whom who live in the service territory of the Southern California Edison Company. These individual members, **all of whom are residential ratepayers**, look to the Academy to represent their interests in advocating for the fastest possible deployment of clean energy in California and more broadly in the world. For the past three-plus years, the Academy has served its members' interests in this regard by participating in various proceedings at this Commission.

In addition to a dedicated paid staff, the Academy's unique network of Fellows comprises a veritable Who's Who of world-class thinkers. These include, among the most notable: Lester Brown (global environment), Deepak Chopra, M.D. (healing and wellness), Hazel Henderson (economic futures), Amory Lovins (energy policy), David Gershon (social organization theorist), and Ervin Laszlo (Founder, Club of Budapest). By tapping into these vast intellectual resources, the Academy is able to tackle complex issues with a minimum of on-going financial support given the scope of activities it addresses.

Among a wide variety of projects the Academy undertakes, the Academy's most significant major ongoing project is its Clean Energy Moonshot Project, a strategy to create a replicable renewable energy model for the world, starting in Santa Barbara (the "SBR3" Project), California, where challenges to the reliability of the local electricity supply are particularly acute.

The Academy's organizational purposes, and its members' shared interest in those purposes, are consistent with Commission guidance on Category 3 customer eligibility with regard to environmental groups. Indeed, Commission precedent shows that the Academy's Bylaws adequately establish the members' broad interest in the environmental and societal impacts that the Commission has previously recognized as sufficient to establish an organization's Category 3 status:

“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.” D.98-04-059, mimeo, fn 14 at 16-17.

The Commission's Intervenor Compensation Program Guide (“Guide”) also supports the Academy's Category 3 status. The Guide states that certain environmental organizations may qualify as Category 3 customers “as long as these organizations seek to protect the broader interests in the environment held by residential ratepayers, and address the customers' environmental concerns.” The Academy's focus on reducing economic drivers for environmentally harmful technologies is of considerable benefit to residential ratepayers in California. This places the Academy clearly within the spectrum of groups that the Commission has previously recognized as representing residential ratepayer concerns. See, e.g., D. 11-03-025 at 3-4; D.09-09-045 at 6.

The Academy's membership consists virtually entirely of California residents. All of these members are in the residential class, including residential customers of electrical corporations subject to the Commission's jurisdiction. The Academy therefore satisfies the statutory threshold to qualify as a Category 3 customer, authorized by its bylaws to “engage in programs to reduce the cost and waste of energy and energy resources and fuels,” a necessary corollary of which is the representation of the interests of residential and small commercial customers of electric utilities in California.

The Academy therefore respectfully requests that the Commission recognize the Academy's Category 3 customer status so that the Academy further the interest of its members and California residential ratepayers in demonstrating that California's power needs can be reliably met without Diablo Canyon through continued investment in safe, clean and responsible technologies such as renewable energy and energy efficiency.

Identify all attached documents in Part IV.

Certificate of Service
 World Business Academy Articles of Incorporation
 Amended Bylaws of the World Business Academy, dated December 17, 2015.
 First page of World Business Academy's 2014 IRS Form 990
 Extension granted by Internal Revenue Service for Academy's filing of 2015 IRS Form 990

Do you have any direct economic interest in outcomes of the proceeding?³

Yes: No:

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 checked="" type="checkbox"/> Yes <input 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: October 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	

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:

The Academy intends to focus its participation on the one major issue that was the subject of its September 15, 2016 Protest that was filed in this proceeding, namely, (1) the need for the dramatic acceleration of the procurement activities, pursuant to Tranches 1 and 2 of the Joint Proposal, for developing the clean and renewable resources needed to replace the energy from Diablo Canyon, and (2) the concomitant need for the Commission to adopt a dramatically accelerated schedule for the shutdown of Diablo Canyon. Diablo Canyon must be shut down by the earliest possible date, because of the serious adverse environmental and health impacts that have accumulated over the historical operation of Diablo Canyon and that will continue to accumulate from continued operation of that plant over the proposed extended term of its operation through 2025.

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

In order to avoid duplication of effort, the Academy will collaborate closely with all other parties that share its concerns with regard to the issue noted just above in order to demonstrate to the Commission's satisfaction in this proceeding that **all** of the GHG-free resources needed to replace the needed output of Diablo Canyon can be procured, installed and available on-line by no later than December 31, 2020, and that many of those resources can be procured, installed and available on-line by much sooner than that -- *i.e.*, in the 2018-2019 time frame -- such that Unit 1 of Diablo Canyon can and should be permanently shut down by the end of 2019 and Unit 2 can and should be permanently shut down by the end of 2020.

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

It should be noted that the Academy does not protest many elements of the Joint Proposal. Indeed, the Academy applauds and supports PG&E's decision not to seek to re-license Diablo Canyon, as well the Employment Program in Section 3 of the Joint Proposal and the community support elements set forth in Section 4 of the Joint Proposal. However, in order to avoid duplication of effort, the Academy does not plan to devote any of its resources to advocate for these other elements. Rather, it will rely on, and simply support the efforts of, other parties (including Friends of the Earth and A4NR) to make the affirmative case for said elements of the Joint Proposal that it does not oppose.

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):

Just in advance of the October 6 Prehearing Conference, the parties presented for consideration by ALJ Allen a common testimony outline. The Academy expects that its participation in this proceeding will primarily be limited to item I. on that list, "Retirement of Diablo Canyon Power Plant," although some of its effort may also need to be directed to item II., "Proposed Replacement Procurement (if in scope)" to the extent that issues arise during the course of the proceeding with regard to the timing of developing and bringing such replacement resources on line.

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				
Laurence Chaset, Attorney	200	\$400	\$80,000	
Rinaldo Brutoco, Expert 1	100	\$400	\$40,000	
Jerald Brown, Ph.D. Project Advocate	300	\$320	\$96,000	
Bob Perry, Expert 2	100	\$320	\$32,000	
Expert 3 (to be determined) will address adverse health impacts of operation of nuclear power plants	100	\$320	\$32,000	
Subtotal: \$280,000				
COSTS				
Travel	10 round trip airfares	\$500 per round trip	\$5,000	
	20 hotel nights	\$400/night	\$8,000	
[Item 2]				
Subtotal: \$13,000				
TOTAL ESTIMATE: \$293,000				

Estimated Budget by Issues:

Virtually all of the Academy's efforts will focus on item I, as set forth in the Common Testimony Outline that was presented to ALJ Allen in advance of the October 6 Prehearing Conference.

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 is 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	X
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)).	X
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:	

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 Academy cannot without undue hardship afford to pay costs of effective participation. As estimated in Part II, Section B, the economic interests of an individual Academy member are small in comparison to the cost of effective participation in this proceeding. The Academy's members and Fellows wish to further the Academy's objectives to promote safe and cost-effective energy sources, goals that go beyond an easily identified individual economic interest. These are goals that represent a broader public interest perspective, consistent with the Legislature’s intent that the Commission encourage participation by “administer[ing] the provisions of §§ 1801 et seq. in a manner ‘that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.’” D.06-05-027, mimeo, at 9.</p> <p>The Academy's purposes for participating in this proceeding reflect the broader public interest of safe and cost-effective electric generation. The benefits of the Academy's participation to a particular member are difficult to isolate from this broader public benefit. This means that the cost of participation (estimated to be \$293,000) is much greater than any one individual member’s benefit. The Commission’s disposition of scoped issues could result in range of potential ratepayer impacts, from positive to negative, but none of those foreseeable impacts on individual member-ratepayers approaches the magnitude of the costs of full and effective participation in this proceeding.</p>

The Academy will incur significant costs for participation in this proceeding, which has already become an undue hardship on the Academy. To demonstrate this undue hardship, the Academy is providing, as Attachment 4, a copy of the first page of its 2014 Form 990, tax return for that year to the Internal Revenue Service. This document proves that the Academy not only ran a substantial deficit in calendar year 2014, but also that its liabilities far outweigh its assets.

The Academy's tax return for 2015, if it were available, would demonstrate a similar operating deficit. The Academy has requested, and the IRS has granted, an extension to the Academy's deadline for submitting its 2015 Form 990 until November 15, 2016. That approval is attached as Attachment 5. If the Commission so wishes, the Academy will gladly provide a copy of its 2015 Form 990 when that becomes available in several weeks.

**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	World Business Academy Articles of Incorporation
3	World Business Academy Amended and Restated Bylaws
4	First page of World Business Academy's 2014 IRS Form 990
5	Extension granted by Internal Revenue Service for Academy's filing of 2015 IRS Form 990

ADMINISTRATIVE LAW JUDGE RULING⁴
(ALJ completes)

1. The Notice of Intent (NOI) is rejected for the following reasons:	
a. The NOI has not demonstrated the party’s status as a “customer” for the following reason(s):	
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	
3. The NOI has not demonstrated significant financial hardship for the following reasons.	
4. The ALJ provides the following additional guidance (see § 1804(b)(2)):	

IT IS RULED that:

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

Dated _____, at San Francisco, California.

Administrative Law Judge

⁴ An ALJ Ruling needs not be issued unless: (a) the NOI is deficient; (b) the ALJ 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).