BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition to Adopt, Amend, or Repeal a Regulation Pursuant to Pub. Util. Code Section 1708.5. (Filed February 27, 2017)

Order Instituting Rulemaking to Consider Whether Text Messaging Services Are Subject to Public Purpose Program Surcharges. (Filed June 29, 2017)

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ X ]

1 checked), ADMINISTRATIVE LAW JUDGE’S RULING ON THE GREENLINING INSTITUTE’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

NOTE: AFTER ELECTRONICALLY FILING A PDF COPY OF THIS NOTICE OF INTENT, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT Icompcoordinator@cpuc.ca.gov.

Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): The Greenlining Institute

Assigned Commissioner: Carla Peterman

Administrative Law Judge: Regina DeAngelis and Zita Kline

I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent is true to my best knowledge, information and belief.

Signature: /s/ Paul Goodman

Date: September 1, 2017

Printed Name: Paul Goodman

PART I: PROCEDURAL ISSUES
(To be completed by the party intending to claim intervenor compensation)

A. Status as “customer” (see Pub. Util. Code § 1802(b))2 The party claims “customer” status because the party is (check one):

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, ☐

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).

2 All statutory references are to California Public Utilities Code unless indicated otherwise.
at the same time, the customer must represent the broader interests of at least some other customers. See, for example, D.08-07-019 at 5-10).

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.

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 (§1802(b)(1)(C)). 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 30.

4. **The party’s detailed explanation of the selected customer category.**

The party’s explanation of its status as a Category 3 customer.

Greenlining’s members and constituents are purchasers of telecommunications and energy services from utilities in California, qualifying Greenlining to file this NOI as “customers” pursuant to PU Code § 1802(b). Greenlining will represent low-income and minority residential and small business utility customers in this proceeding. In compliance with D.98-04-059, Conclusion of Law 5 and Finding of Fact 12, Greenlining estimates that it represents a constituency that is divided 75% and 25% between residential customers and small business customers, respectively. These percentages represent Greenlining’s best estimates only.

Article II, Section 17 of Greenlining’s by-laws authorizes it to represent the “interests of low income communities, minorities, and residential ratepayers” before regulatory agencies and courts. Copies of the by-laws of Greenlining are attached to an NOI filed on March 5, 2010 in R.10-02-005.

---

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

If “Yes”, explain:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

3 See Rule 17.1(e).
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  
[ ] No

2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?  

[ ] Yes  
[ ] No

C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)  
The party claims “eligible local government entity” status because the party is a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and safety of the residents within the entity’s jurisdiction following a catastrophic material loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure.

The party’s explanation of its status as an eligible local government entity must include a description of  
1. The relevant triggering catastrophic event;  
2. The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and  
3. The entity’s reason(s) to participate in this proceeding.

D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):  

1. Is the party’s NOI filed within 30 days after a Prehearing Conference?  
   Date of Prehearing Conference: 9/13/2017  
   Comment #1: Greenlining is filing its NOI within 30 days of the first opportunity to submit a responsive pleading.  

[ ] Yes  
[ ] 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)?

[ ] Yes  
[ ] 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:

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

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

3
The party’s statement of the issues on which it plans to participate:

Greenlining plans to participate on each of the issues identified in the OIR including the question of whether text messages are subject to public purpose program surcharges and user fees as well as:
1. Whether text messaging is an information service or a telecommunications services as defined in the Act.
2. Whether text messages are an economic substitute for voice messages.
3. Any other matters that are relevant to the scope of this rulemaking proceeding.

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

Greenlining worked closely with the Center for Accessible Technology and The Utility Reform Network to respond to the underlying petition and anticipates that we will continue to work closely with those and any other intervenors throughout this proceeding. Greenlining expects to continue to file joint pleadings with these intervenors and otherwise coordinate work effort. Greenlining believes each intervenor will focus on different issues, but will combine their work effort to represent consumer interests in an efficient and strategic manner on all relevant issues.

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):

Although the Commission has not yet issued a scoping memo or conducted a prehearing conference, Greenlining expects to be an active participant in all aspects of this proceeding. Greenlining has filed a joint protest with two other intervenors and will file pleadings and briefs at each juncture of this proceeding, conduct discovery and attend hearings as necessary, and review Commission documents.

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)):

<table>
<thead>
<tr>
<th>Item</th>
<th>Hours</th>
<th>Rate $</th>
<th>Total $</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATTORNEY, EXPERT, AND ADVOCATE FEES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Goodman</td>
<td>75</td>
<td>$330</td>
<td>$24,750</td>
<td>ALJ-345</td>
</tr>
<tr>
<td>Vinhcent Le</td>
<td>45</td>
<td>$200</td>
<td>$9,000</td>
<td>ALJ-345</td>
</tr>
<tr>
<td>[Expert 1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Expert 2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Advocate 1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Advocate 2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotal: $33,750

OTHER FEES

<table>
<thead>
<tr>
<th>Item</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Person 1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[Person 2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subtotal: $

COSTS

<table>
<thead>
<tr>
<th>Item</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Postage and photocopying</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Computerized legal research</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney travel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Subtotal: $

**TOTAL ESTIMATE: $33,750**

**Estimated Budget by Issues:**

1. Whether text messaging should be subject to PPP surcharges – 30%
2. Whether text messaging is an information service or a telecommunication service – 30%
3. Impact of a change in Commission policy on surcharge levels and public purpose funding – 20%
4. Whether text messaging is an economic substitute for voice messages – 5%
5. Other related issues – 10%
6. Coordination among parties – 5%

The Commission opened this rulemaking in response to a Petition filed by CTIA- the Wireless Association. Working the Center for Accessible Technology and The Utility Reform Network, Greenlining filed a joint response to the CTIA Petition and comments on the proposed OIR granting the CTIA Petition. The estimates of attorney fees above include Greenlining’s hours for its work on the underlying Petition and Greenlining anticipates that it will include those hours in any request for compensation it may file after a Final Decision in this proceeding.

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 intending to claim intervenor compensation; see Instructions for options for providing this information)

A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:

1. The 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(h))

2. In 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(h))

3. The eligible local government entities’ participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)

4. A § 1802(h) or § 1803.1(b) 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)).

<table>
<thead>
<tr>
<th>Applies (check)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
</tr>
<tr>
<td>☑</td>
</tr>
<tr>
<td>☐</td>
</tr>
<tr>
<td>☐</td>
</tr>
</tbody>
</table>
B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI):

1. Greenlining is an organization authorized in its Articles of Incorporation to represent the interests of both residential and small telecommunication customers, with particular focus on low-income and of-color communities and customers. A copy of Greenlining’s Articles of Incorporation was previously filed with the Commission in R.10-02-005 (as an attachment to our NOI, filed March 5, 2010). As such, Greenlining is a Category 3 customer as defined in D.98-04-059.

2. As a Category 3 customer, Greenlining must satisfy the “comparison test” by demonstrating that the economic interest of its members and constituencies in the instant proceeding is small relative to the cost of effective participation in the proceeding. Greenlining submits that it satisfies this test.

3. In this proceeding, customers will benefit from Greenlining’s advocacy for increased clarity regarding how much, and on what basis, customers pay surcharges for public purpose programs. Customers who lack the technical and procedural experience to effectively participate at the CPUC are unlikely to do so for their own individual interests, as the cost to do so would be significantly higher than the dollars they would save. These are customers who may otherwise go unrepresented but for Greenlining’s participation.

4. It may be difficult to quantify exactly what financial benefits consumers might receive from the Commission’s determination of this matter. However, as a result of Greenlining’s advocacy in this proceeding, consumers will benefit from increased clarity about the funding sources and methods for PPP surcharges, and may further benefit from PPP funding being drawn equitably from a number of different services. It is safe to assume that the “savings” experienced by customers as a result of this proceeding will greatly exceed Greenlining’s claim.

5. 

6. Because the cost of participation exceeds the financial benefit to be reaped by individual customers, Greenlining satisfies the “comparison test” as described above. In satisfying this test, Greenlining submits that it has successfully demonstrated significant financial hardship as appropriate for a Category 3 customer.

7. 

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

<table>
<thead>
<tr>
<th>Attachment No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Certificate of Service</td>
</tr>
</tbody>
</table>
## ADMINISTRATIVE LAW JUDGE RULING
*(Administrative Law Judge completes)*

<table>
<thead>
<tr>
<th>1. The Notice of Intent (NOI) is rejected for the following reasons:</th>
<th>Check all that apply</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. The NOI has not demonstrated the party’s status as a “customer” or an “eligible local government entity” for the following reason(s):</td>
<td>☐</td>
</tr>
<tr>
<td>b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):</td>
<td>☐</td>
</tr>
<tr>
<td>c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):</td>
<td>☐</td>
</tr>
</tbody>
</table>

| 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 reason(s): | ☐ |

| 4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)): | ☐ |

**IT IS RULED** that:

| 1. The Notice of Intent is rejected. | ☐ |
| 2. The customer or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a). | ☐ |
| 3. The customer or eligible local government entity has shown significant financial hardship. | ☐ |
| 4. The customer or eligible local government entity 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 or eligible local government entity as set forth above. | ☐ |

Dated ____________, at San Francisco, California.

---

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 or eligible local government entity’s Intervenor Compensation Claim); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(h).
Administrative Law Judge