



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding Emergency Disaster Relief Program.	Rulemaking 18-03-011 (Filed March 22, 2018)
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06/05/18  
04:59 PM

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and [ x ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON CENTER FOR ACCESSIBLE TECHNOLOGY'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 [lcompcoordinator@cpuc.ca.gov](mailto:lcompcoordinator@cpuc.ca.gov).

<b>Customer (party intending to claim intervenor compensation):</b> Center for Accessible Technology (CforAT)	
<b>Assigned Commissioner:</b> Michael Picker	<b>Administrative Law Judge:</b> Colin Rizzo
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/ Melissa W. Kasnitz
Date: 6/5/2018	Printed Name: Melissa W. Kasnitz

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

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)):</b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
1. A <b>Category 1</b> 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.  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.	<input type="checkbox"/>

<sup>1</sup> 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>2. A <b>Category 2</b> 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 D.98-04-059 at 30.</i></p>	<input type="checkbox"/>
<p>3. A <b>Category 3</b> 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.<sup>2</sup> 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 D.98-04-059, footnote at 3.</i></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>The Center for Accessible Technology (CforAT) is an organization that is authorized by its bylaws to represent the interests of residential customers with disabilities before the Commission; specifically, our bylaws state at Article 2.1(d) that CforAT is “involved in advocacy initiatives to enhance the lives of the disability community, including ways to improve access to technology and increase the ability of people with disabilities to live independently. In particular, CforAT is authorized and urged to actively participate and intervene before government entities, including but not limited to the California Public Utilities Commission, on all matters that it deems appropriate that will affect directly or indirectly the interests of residential customers with disabilities, ratepayers with disabilities, small businesses owned by people with disabilities, including customers who receive bundled electric service from an electrical corporation.” CforAT is not a membership organization.</p>	

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<sup>2</sup> 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>A copy of CforAT’s bylaws were submitted with our NOI in A.10-03-014, which was filed on August 29, 2011. No changes have been made since that time. An additional copy can be provided upon request.</p>	
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Identify all attached documents in Part IV.

Do you have any direct economic interest in outcomes of the proceeding? <sup>3</sup>

Yes:  No:

If “Yes”, explain:

<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
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? <b>[Among other interests, CforAT represents small businesses owned by people with disabilities]</b>	<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

<b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 5/7/2018	<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:	
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 (“customer”) intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
The party’s statement of the issues on which it plans to participate:

<sup>3</sup> See Rule 17.1(e).

CforAT has a longstanding interest in ensuring that the needs of vulnerable Californians are taken into consideration when developing policies that impact public safety, including the critical emergency planning that is the subject of this proceeding. Based on the information available to parties at this time, CforAT expects to focus on ensuring that protections are provided for vulnerable Californians, including the following:

Expedited consumer protections (Track 1):

Long-term consumer protections (Track 2):

- Access to utility service/reliability:
- Adequate financial support or relief after a disaster:
- Unique needs of customers with disabilities

Structure of disaster relief programs:

- Program trigger and duration
- Eligibility
- Coordination with other state and federal programs

Elements and adequacy of disaster relief programs:

Effective communication regarding disaster relief programs:

Procedural issues:

- Jurisdiction
- Integration with Commission General Orders

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

CforAT intends to broadly support the adoption of effective disaster relief for utility customers across the industries regulated by the Commission, while including a particular focus on issues directly affecting Californians with disabilities and other similarly identified hard-to-reach populations. CforAT regularly collaborates with other consumer advocates and will continue to do so. In this proceeding, CforAT has prepared early filings in conjunction with The Utility Reform Network (TURN) and the National Consumer Law Center (NCLC) in order to avoid duplication. We will continue to coordinate with other parties as appropriate.

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).

CforAT intends to actively participate in all aspects of this proceeding, including workshops (both general and industry-specific), briefing (if needed on topics such as the extent of the Commission's jurisdiction over certain telecommunications carriers), and opportunities for written comments. If testimony and hearings are set, CforAT will participate as appropriate; similarly if working groups are established CforAT will

participate. CforAT will also engage directly with other stakeholders and with policymakers as appropriate.

At this time, CforAT's estimates that the schedule is likely to include as many as five workshops, legal briefing on jurisdictional issues, multiple opportunities for substantive comments and at least two Commission decisions (on Track 1 and Track 2). To the extent that the schedule differs substantially from these estimates, the time spent by CforAT is likely to vary from these estimates.

**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 \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Melissa W. Kasnitz	180	\$475	\$	
<i>Subtotal:</i>			<b>\$85,500</b>	
<b>OTHER FEES</b>				
<i>Subtotal</i>				
<b>COSTS</b>				
Internal Office Costs (printing/copying, postage, etc.)			\$500	
<i>Subtotal:</i>			<b>\$500</b>	
<b>TOTAL ESTIMATE:</b>			<b>\$86,000</b>	

**Estimated Budget by Issues:**

Track 1: 20%

Long-term consumer protections: 15%

Structure of disaster relief programs: 10%

Elements and adequacy of disaster relief programs: 10%

Effective communication regarding disaster relief programs: 15%

Procedural issues: 20%

General Participation: 10%

*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 1/2 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)**

<b>A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
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"/>
<p>3. A § 1802(g) finding of significant financial hardship in another proceeding, <input checked="" type="checkbox"/> made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding ( § 1804(b)(1)).</p> <p>Commission’s finding of significant financial hardship made in proceeding number:</p> <p>CforAT has routinely been found to satisfy the showing of significant financial hardship. The most recent determination of financial hardship by the Commission was in D.17-05-009, issued in A.14-11-007 on May 12, 2017. Because this determination is now over one year old, CforAT is submitting an updated showing of financial hardship below.</p> <p>Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: December 21, 2015</p>	<input type="checkbox"/>

<b>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:</b>
<p>As noted above, CforAT has routinely been found eligible for intervenor compensation based on a showing of significant financial hardship. However, at this time, it appears that our most recent showing is over one year old, and is thus outside of the window for the rebuttable presumption of hardship to apply. For this reason, CforAT hereby sets forth the following information to demonstrate the organization’s ongoing financial hardship that requires compensation through the intervenor compensation program.</p>

At all times, CforAT represents our constituency of utility customers with disabilities (including many low-income customers) for no charge to the community. CforAT relies on the intervenor compensation program to sustain our ability to represent this unique constituency before the Commission.

CforAT has no other source of support for the work we do to represent these vulnerable consumers before the Commission, and few people with disabilities have the resources or awareness of utility issues to consider representation through private counsel. While CforAT’s work provides value to our constituency, the value for each individual customer is small compared to the cost of representation; often this value comes in the form of improved accessibility of utility services and communications (and thus improved customers understanding of programs and services available) rather than in the form of monetary benefit. This interest cannot easily be expressed as an economic interest, but it remains crucial to a vulnerable customer group.

If the intervenor compensation program were not available, CforAT would be unable to continue this work.

If the Commission requires further information in support of CforAT’s financial hardship status, we request the opportunity to provide such information, including sworn testimony or other appropriate material, in support of our compensation request.

CforAT respectfully requests a prompt determination of our renewed showing regarding significant financial hardship.

**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 RULING<sup>4</sup>**  
(Administrative Law Judge completes)

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	<input type="checkbox"/>

<sup>4</sup> 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).

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"/>
<b>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</b>	<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.

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Administrative Law Judge