



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine Electric Utility De-Energization of Power Lines in Dangerous Conditions	09/10/19 04:26 PM R.18-12-005 (Filed December 13, 2018)
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NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and checked), ADMINISTRATIVE LAW JUDGE'S RULING ON [DISABILITY RIGHTS EDUCATION & DEFENSE FUND (DREDF)]'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): Disability Rights Education & Defense Fund (DREDF)		
Assigned Commissioner: Michael Picker	Administrative Law Judge: Melissa K. Semcer	
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/ Marilyn Golden
Date: September 10, 2019	Printed Name:	Marilyn Golden

**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))¹ 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. See, for example, D.08-07-019 at 5-10).	<input type="checkbox"/>
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	

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>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>	<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 (§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. <i>See</i> D.98-04-059, footnote at 30.</p>	<input checked="" type="checkbox"/>
<p>4. The party's detailed explanation of the selected customer category.</p> <p><u>The party's explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party's own interest in the proceeding and show how the customer's participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility's bill.</p> <p><u>The party's explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p><u>The party's explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding's docket number and the date of filing) to such filings needs to be made.</p> <p>-----</p> <p>The Disability Rights Education & Defense Fund (DREDF) is already authorized for intervenor status under the CPUC Order Instituting Rulemaking to Implement Senate Bill 1376 Requiring Transportation Network Companies to Provide Access for Persons with Disabilities, Including Wheelchair Users who need a Wheelchair Accessible Vehicle. See: http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=309592511</p>	

and

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M309/K592/309592511.PDF>

DREDF was granted Party Status in Proceeding R.18-12-005 in a written ruling on July 30, 2019.

DREDF is a national law and policy center that is authorized by its bylaws to represent the interests of people with disabilities. DREDF is not a membership organization.

Specifically, our website states at <https://dredf.org/about-us/>: “The Disability Rights Education and Defense Fund (DREDF), founded in 1979, is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. ... Our mission is to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development. Our vision is a just world where all people, with and without disabilities, live full and independent lives free of discrimination. ... We work with the core principles of equality of opportunity, disability accommodation, accessibility, and inclusion by employing the following strategies: (which include) Public Policy and Legislative Development: We design and carry out strategies that strengthen public policy and that lead to the enactment of federal and state laws protecting and advancing civil rights for people with disabilities such as the Handicapped Children’s Protection Act, the Civil Rights Restoration Act, the landmark 1990 Americans with Disabilities Act, and the IDEA Amendments Act.”

DREDF bylaws were previously filed with the Commission at <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M292/K966/292966749.PDF> on May 23, 2019 in Proceeding: R1902012. These bylaws, which state our purpose in more general terms, include, in Article 2, Purposes: “-To assist disabled persons in achieving an independent life style by cultivating their appreciation of rights and powers provided by law and to create in others an awareness and respect for such rights and powers. -To have and exercise such authority as shall be necessary to fulfill its charitable goals. Such purposes shall be pursued, and such authority and powers shall be exercised, in service of the broad public interest ... -In addition, this corporation is formed for the purposes of performing all things incidental to, or appropriate in, the achievement of the foregoing specific and primary purposes. - This corporation shall hold and may exercise all such powers as may be conferred upon a nonprofit corporation by the laws of the State of California and as may be necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation.”

In addition, Article 4 includes that, “No substantial part of the activities of the corporation shall consist of the carrying on of propaganda or otherwise attempting to influence legislation.” DREDF’s substantial activities are research, training, technical assistance, and legal advocacy. A portion of our resources are also dedicated to policy development, including work on the life-threatening difficulties

<p>public safety power shutoffs (de-energization) will pose for many Californians with disabilities.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding? ² If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>B. Conflict of Interest (§ 1802.3)</p>	<p>Check</p>
<p>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?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</p>	
<p>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.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>The party’s explanation of its status as an eligible local government entity must include a description of</p> <ul style="list-style-type: none"> (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. 	
<p>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</p>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: Click here to enter a date.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	

² See Rule 17.1(e).

This NOI is being filed pursuant to section 7 of the Assigned Commissioner’s August 14, 2019 Scoping Memo and Ruling which states: “In cases ... where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new ... notices of intent,” this Ruling allows any parties wishing to do so, to file a new Notice of Intent to Claim Intervenor Compensation no later than 30 days from issuance of this Scoping Memo.”

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:

The proceeding number authorizing this filing is R1812005 and the decision date authorizing this filing is August 14, 2019.

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

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

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

The OIR for this proceeding broadly identifies seven issues as the focus of Commission review (OIR at p. 2); DREDF expects to address all of the identified issues with the greatest focus on accessible alerting and communications to people with disabilities and access and functional needs before, during, and post PSPS event, mitigation efforts to ameliorate the effects of PSPS on this population, and community education and outreach. To the extent that the list of issues is expanded in any Scoping Memo that is issued, DREDF expects to address the newly identified set of issues as well.

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

DREDF expects to coordinate with other parties representing the disability community, including preparation of joint filings as appropriate, in order to avoid duplication of effort.

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).

DREDF intends to actively participate in all aspects of this proceeding, including workshops, written comments, and any other opportunities for input scheduled by the Commission. If testimony and hearings are set, DREDF will participate as appropriate. DREDF will also engage directly with other stakeholders and with policymakers as appropriate.

In the Phase 2 Scoping Memo issued on August 14, 2019, the Commission indicated that Phase 2 of the proceeding will be divided into two tracks. Track 1 issues will be addressed on a more rapid timeline in order to inform PSPS events as soon as possible; however, both tracks will run concurrently. Phase 2, Track 1 issues include developing efforts resulting in more complete

contact lists of AFN utility customers, the timing and content of notification and communication information before, during and post PSPS event, and lessons learned from recent PSPS events (since adoption of D.19-05-042).

Although the Phase 2, Track 2 Scoping Memo has not been issued, relevant issues outlined in the August 14, 2019 Phase 2 Scoping Memo addressing Track 2 issues that are relevant to DREDF include identifying communication parameters and methods the Commission should require of the electric IOUs, the guidelines the Commission should adopt for notification and communication if local jurisdictions choose not to form an emergency operations center (EOC) during a PSPS event, the services that are needed during a PSPS event to mitigate risks to public safety, the process for providing back-up generation to critical facilities, mitigation measures that should be considered for PSPS events that result in loss of power for more extended periods of time, additional education and outreach needed beyond that currently being undertaken by the electric IOUs and other state partners, and evaluation processes for PSPS events. DREDF will participate actively in both tracks of Phase 2.

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)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Sydney Pickern	100	\$270	\$27,000	
Marilyn Golden	100	\$350	\$35,000	
<i>Subtotal: \$62,000.</i>				
OTHER FEES				
[Person 1]				
[Person 2]				
<i>Subtotal: \$</i>				
COSTS				
General office expenses (printing, mail, etc)			\$200	
Travel (e.g. Sacramento for workshops or hearings)			\$500	
<i>Subtotal: \$700</i>				
TOTAL ESTIMATE: \$62,700.				

Estimated Budget by Issues:

At this time, the Scoping Memo for Phase 2 has been issued; however, the procedural schedule is preliminary and includes only the first procedural items in Phase 2 Track 1. The time spent working on this proceeding will be impacted by the eventual scope and schedule of Phase 2 Track 2.

Additionally, these estimates are based on the issues set out in the August 14, 2019 Scoping Memo. To the extent the scope of the proceeding changes, additional issues will also be addressed.

- Accessible Notice and Communications Population Identification and Methods: 30%
- Critical Facilities and Generator Resources: 5%

- Mitigation of impact on vulnerable populations: 30%
- Education and Outreach: 20%
- Consistency in notice & reporting: 5%
- 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 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:	Applies (check)
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))	<input type="checkbox"/>
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))	<input checked="" type="checkbox"/>
3. The eligible local government entities’ participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	<input type="checkbox"/>
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)).	<input type="checkbox"/>
Commission’s finding of significant financial hardship made in proceeding number: R.19-02-12	
Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: July 8, 2019.	

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:

DREDF represents our constituency of Californians with disabilities, at no charge to the community. DREDF must rely on the intervenor compensation program to sustain our ability to represent this constituency before the Commission through comments, participation in Workshops, etc. Further, DREDF is deeply networked with other disability rights

organizations across California, and will continue to keep this constituency informed of what happens with this proceeding, and encourage their participation before the Commission.

DREDF has no other source of support for the work we do to represent these frequently disadvantaged citizens, and few people with disabilities have the resources to support our work, nor the awareness of the CPUC’s activities on their own. While DREDF’s work provides considerable value to our constituency, the value for each individual customer is small compared to the cost of representation; this value will hopefully result in the form of an improved system of preparing and assisting people with access and functional needs (AFN) to withstand de-energization events, not necessarily in the form of a monetary benefit. Thus, this interest cannot easily be expressed as an economic interest, but it remains crucial to a vulnerable customer group and, in many cases, could be life-saving.

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

If the Commission requires further information in support of DREDF’s financial hardship status, we request the opportunity to provide such information.

**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)**

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING³
(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” or an “eligible local government entity” for the following reason(s):	<input type="checkbox"/>

³ 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).

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 or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer or eligible local government entity has shown significant financial hardship.	<input type="checkbox"/>
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.	<input type="checkbox"/>
5. Additional guidance is provided to the customer or eligible local government entity as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

Administrative Law Judge