



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

**FILED**  
08-03-10  
04:59 PM

R.09-07-027

Order Instituting Rulemaking for the Purpose of Reviewing and Potentially Amending General Order 156 and to Consider Other Measures to Promote Economic Efficiencies of an Expanded Supplier Base and to Examine the Composition of the Utilities' Workforce

**AMENDED NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and  checked), ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation):

Assigned Commissioner: Mike Peevey

Assigned ALJ: Melanie Darling

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. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).

Signature:

*Faith Bautista*

Date:

4/21/10

Printed Name:

Faith Bautista

**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 it (check one):	Applies (check)
1. Category 1: Represents consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the Commission (§ 1802(b)(1)(A))	✓
2. Category 2: Is a representative who has been authorized by a "customer" (§ 1802(b)(1)(B)).	
3. Category 3: Represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to represent "small commercial customers" (§ 1802(h)) who receive bundled electric service from an electrical corporation (§	✓

1802(b)(1)(C)), or to represent another eligible group.	
4. The party's explanation of its customer status, economic interest (if any), with any documentation (such as articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV.	

<b>B. Timely Filing of 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: <i>Filed by the required date of April 30, 2010</i>	Yes <u>x</u> 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, or ALJ ruling, or other document authorizing the filing of its 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)): See Exhibit "A" attached.</b>
<ul style="list-style-type: none"> <li>The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed).</li> <li>The party's statement of the issues on which it plans to participate.</li> </ul>

<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY FEES</b>				
Senior Counsel	140	535	74,900	

[Attorney 2]				
			<b>Subtotal:</b>	
<b>EXPERT FEES</b>				
Diversity Expert	160	350	56,000	
[Expert 2]				
			<b>Subtotal:</b>	
<b>OTHER FEES</b>				
Law Intern	35	90	3,150	
Paralegal	100	125	12,500	
			<b>Subtotal:</b>	
<b>COSTS</b>				
Travel		5000	5000	
Misc		1500	1500	
[Item 3]				
			<b>Subtotal:</b>	\$153,050
<b>TOTAL ESTIMATE \$:</b>			153,050	
Comments/Elaboration (use reference # from above):				
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 typically compensated at ½ of preparer's normal 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 claim for intervenor compensation 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	✓
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)).	✓
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 of eligibility for compensation in this proceeding (§ 1804(b)(1)).	
ALJ ruling (or CPUC decision) issued in proceeding number:	
Date of ALJ ruling (or CPUC decision):	

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<p><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): Attached is exhibit “B”.</b></p>

**PART IV: THE PARTY’S ATTACHMENTS DOCUMENTING SPECIFIC  
ASSERTIONS MADE IN THIS NOTICE**

(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents (add rows as necessary.) Documents are not attached to final ALJ ruling.)

Attachment No.	Description
1	Exhibit A: Parties Planned Nature of Participation
2	Exhibit B:
3	Financial Hardship
4	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>1</sup>**  
(ALJ completes)

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	
a. The NOI has not demonstrated 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):	
<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>	
<b>3. The NOI has not demonstrated significant financial hardship for the following reason(s):</b>	
<b>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</b>	

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<sup>1</sup> An ALJ Ruling will 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 claim for compensation); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(g).

**IT IS RULED that:**

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

Dated \_\_\_\_\_, at San Francisco, California.

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ADMINISTRATIVE LAW JUDGE

**Attachment 1:**  
**Exhibit A: Parties Planned Nature of Participation**

Will participate in workshops, all meetings with interested corporations and parties to fulfill objectives of the OIR and the workshops. Will also participate in all arguments and submit briefs and comments in all of the anticipated rulings.

Will avoid overlap with other parties and will focus primarily on

- 1) women of color; and
- 2) Asian American disabled veterans.

In addition, will represent specific interests of the overall Asian American community with a particular emphasis relating to the Filipino American, Vietnamese American, Hmong and Korean American communities, for four of the largest underserved Asian American communities.

It should be noted that as of the date of the assigned commissioner's ruling of March 17<sup>th</sup>, there were no representatives of any women owned business groups participating and apparently just one group representing disabled veterans and one relating to Asian Americans. We do not believe that there is any overlap with either the disabled veterans since we will be focusing on a specific ethnic group and there will be little overlap with other Asian groups since we will be focusing on underserved Asian American communities.

**Attachment 2:  
Exhibit B:**

Refer to bylaw two:

*ARTICLE II  
PURPOSE*

*The organization shall be a non-profit, public benefit corporation.*

*The purpose of this corporation is to improve the quality of life of America's historically underrepresented minority communities by providing Mabuhay Alliance members with networking opportunities and access to resources, which are not attainable as a single entity.*

*Mabuhay Alliance aims to be the preferred conduit of economic development through technical assistance between the government, corporations and minority groups in California.*

The attached bylaw supports our eligibility. To elaborate. We assist the underserved regarding utility services, micro-business loans, micro-business technical assistance and capacity building and in a wide range of energy conservation programs largely with energy utility programs before the CPUC. As a result, we are on the consumer advisory board for Sempra, the CPUC low-income energy oversight board, and the Office of Thrift Supervision's National Minority's Business Advisory Board. We partner regularly with AT&T and Verizon, Sempra companies, PG&E and Edison on a wide range of services to the underserved. If the bylaw that is attached and this explanation is not sufficient for eligibility please advise and the board can amend the bylaws to reflect the related matters as the primary function of Mabuhay Alliance.

The Bylaws of Mabuhay Alliance, Incorporated

**The bylaws of Mabuhay Alliance, Incorporated are hereby amended and shall be effective as of September 15, 2008.**

ARTICLE I  
NAME

The name of this corporation shall be Mabuhay Alliance, Incorporated ("Mabuhay Alliance or the Corporation", for brevity).

ARTICLE II  
PURPOSE

The organization shall be a non-profit, public benefit corporation.

The purpose of this corporation is to improve the quality of life of America's historically underrepresented minority communities by providing Mabuhay Alliance members with networking opportunities and access to resources, which are not attainable as a single entity.

Mabuhay Alliance aims to be the preferred conduit of economic development through technical assistance between the government, corporations and minority groups in California.

ARTICLE III  
POWERS

Subject to the limitations contained in the articles of incorporation, bylaws and compliance with the provisions of existing and applicable laws, Mabuhay Alliance shall have all the powers of a non-profit public benefit corporation in accordance with the Corporation Code.

Mabuhay Alliance is a centralized organization. Transactions and dealings shall be made through its officers with authority from the Board of Directors.

Projects and programs of the corporation such as but not limited to, off-site projects, appointment of project managers, coordinators and conduct of business outside of its principal place of business does not create or constitute chapters of Mabuhay Alliance. These transactions do not grant any right to individuals or entity to gain access to documents or records of the organization.

The corporation is a non-profit corporation and no part of the net earnings of the corporation shall inure to the benefit of an individual. However, the Board of Directors may, through a resolution, allow and provide for the reasonable compensation of officers.

## **ARTICLE IV**

### **MEMBERSHIP**

#### Section 1 Membership

Membership is acquired through acceptance by the Board of Directors of individuals that represents or belongs to historically underrepresented minority organizations, church based organizations and other Board Approved organizations and other organization with the Mabuhay Alliance.

#### Section 2 Voting and transferability of membership

With the sole exception of voting for the composition of the Board of Directors, members shall have no right to vote in the management and affairs of Mabuhay Alliance. Membership is not transferable.

## **ARTICLE V**

### **BOARD OF DIRECTORS**

#### Section 1 Powers

This corporation shall have all the powers granted by law. All powers and activities of this corporation shall be exercised and managed directly by the Board of Directors or if delegated, under the ultimate control and direction of the Board of Directors.

The Board of Directors shall exercise general supervision over all property and affairs of the corporation. It shall appoint the officers of the corporation.

#### Section 2 Functions of the Officers and Executive

- a. The officers of this organization shall be the chairman, Vice-Chairman, Treasurer and Secretary.
- b. The elected officers along with the Chairman of the Advisory Board And the President/Executive Director (staff member) shall comprise The Executive Board.
- c. All officers of the corporation shall serve as members of the Board.
- d. The Board of Directors shall elect the officers and the President/Executive Director. Except for the power to amend the Articles of Incorporation and By-

Laws, the executive board shall have all the powers and authority of the Board of Directors in the intervals between meeting of the BOD, subject to the direction and control of the board.

### Section 3 Composition of the Board of Directors

The Board of Directors shall come from the members of the corporation. The Board shall have no fewer than five (5) persons and shall not exceed fifteen (15) persons. The quorum for Board meetings shall be 50% plus one of the total compositions of the Board of Directors.

### Section 4 Meetings of the Board of Directors

The Board of Directors shall meet on a quarterly basis. Whenever it is necessary, the Chairman of the Executive Board shall be empowered to call for special meetings. A quorum is necessary for all actions of the Board of Directors. In the absence of a quorum, the meeting may continue for discussion purposes only without any voting action taken on any issues. To facilitate attendance and a quorum, a Board Member, with good cause, may exercise the option to participate via telephone. However, a Board Member may only use this option twice a year. In matters of urgency, a vote may be taken and duly recorded via telephone or email. The Secretary has the responsibility of recording all minutes and votes.

#### a) Removal for Excessive Absences

If a member of the Board of Directors fails to attend two (2) regular board meetings during one operational year without reasonable cause, he/she shall be relieved of his position.

#### b) Reinstatement of Board Member Removed for Absenteeism

A Board Member may be reinstated if before the next regularly scheduled meeting, he/she provides a written statement of good cause for his/her absences. The written statement of acceptance by the Chairman of the Board and Secretary is necessary to reinstate the Director. In the event of disagreement by the Chairman of the Board and the Secretary as to whether there exists good cause for reinstatement, the statement shall be submitted to the entire Board for consideration before the next regularly scheduled meeting of the Board.

### Section 5 Suspensions and Removal of a Board Member for Misconduct, Dereliction of Duty and Responsibilities and Willful Violation of Bylaws

By the majority vote of the board a member may be expelled or removed from the Board for grave misconduct, dereliction of duties and responsibilities or willful violation of the bylaws. A Board Member may be immediately suspended from the Board, upon written notice from the Chairman of the Board. A copy of the written notice of the suspension shall be provided to the other Members of the Board, including the Chairman of the Advisory Board. A special meeting shall be held as soon as possible, not to exceed 15 days from the date of suspension, to consider the charges against the

Board member. Written notice of the special meeting and written charges shall be provided to all members including the suspended member before the special meeting.

#### Section 6 Resignation of a Board Member

a) A director may resign from his or her position by providing written notice to the Chairman or Secretary or the entire Board of Directors. The resignation shall be effective by written acceptance of the Board of Directors.

A director, based on his/her competency, may be offered a position on the Advisory Board, provided there is an available vacancy.

#### Section 7 Conflict of Interest of a Board Member

Whenever a Board Member or an officer has a financial or personal interest in any matter coming before the Corporation, the involved person shall fully disclose the nature of the interest and withdraw from voting on the matter. Any transaction or vote involving a potential conflict of interest shall be approved only when a majority of disinterested members determine that it is in the best interest of Mabuhay Alliance to do so. The minutes of the meetings at which such votes were taken shall record such disclosure, abstention and rationale for approval.

#### Section 8 Executive Board

The function of the Executive Board is to administer the operations of the organization under the direction of the Board of Directors. The Executive Board shall prepare an agenda for the Board of Directors. Except for the power to amend the Articles of Incorporation and By-Laws, the Executive Board shall have all the powers and authority of the Board of Directors in the intervals between meetings of the Board of Directors, subject to the direction and control of the Board of Directors. All members of the Executive Board have the right to vote at a meeting, unless otherwise specified.

#### Section 9 Members of the Executive Board

The Executive Board shall be composed of a Director to be voted upon by the Board, the Chairman of the Board and the Chief Executive Officer/President. The Chairman of the Board and the President shall serve as ex-officio member of the Executive Board. Members of the Executive Board shall have a term of two (2) years from date of election and shall serve as such until a successor is elected and qualified.

#### Section 10 Elections and Vacancies at the Executive Board

- a. Each member shall assume the duties of office after one (1) month from date of election. Upon resignation from the Executive Board, a member relinquishes his/her position on the Executive Board but remains as a Board of Director of Mabuhay Alliance.
- b. The Board of Directors, at their regular meeting or a special meeting called for that purpose, shall fill any vacancy in any office of the Executive Board. By a majority vote, the Board of Directors may censure or expel a member of the Executive Board for cause.

#### Section 11 Executive Board Meetings

The Executive Board shall meet six times a year. The quorum for the executive board meeting shall be three. To facilitate a quorum, an Executive Board Member may be considered present if he or she participates via conference call.

#### Section 12 Duties of the Chairman

**The Chairman shall act as Chief Officer of the corporation. He/she shall also be the Chairman of the Executive Board. The Chairman shall preside at all meetings of the Executive Board and the Board of Directors. The Chairman shall be an ex-officio member of all committees except the nominating committee.**

#### Section 13 Duties of the Vice- Chairman.

**The Vice-Chairman shall assume the duty of the Chairman in the latter's absence or incapacity. The Vice-Chairman is also the chair of the Program Planning Committee and fulfills such other duties as assigned by the Chairman.**

## ARTICLE VI

### ADVISORY BOARD

An advisory board will be created for program consultation and fund raising purposes. Prospective members of the advisory board may be recruited from both public and private sectors. The Chairman of the Advisory Board will serve, ex officio, as a voting member of the Board of Directors.

ARTICLE VII  
OFFICERS OF THE CORPORATION

Section 1 Chief Executive Officer/President

The President shall manage the operations of the corporation. He/she shall have the power and supervision over all the staff of the corporation. The President shall have authority over programs, financial and human resource issues. The President's decisions are limited to the provisions in a budget approved by the Board of Directors. The President has discretion to approve expenditures of up to one thousand five hundred dollars (\$1,500.00). The Board of Directors must approve any amount in excess of \$1,500.00.

Duties of the President include, but are not limited to, the creation and annual update of an office policy and procedures manual. This manual should reflect applicable State and Federal Laws regarding labor, worker's compensation, hiring and firing. The President shall also have the responsibility to ensure that each employee of Mabuhay Alliance has received a copy of the office policy and procedures and the employee has provided a signed acknowledgement of receipt. The President shall execute and implement projects that are approved by the Board of Directors. The President is the official spokesperson of Mabuhay Alliance and shall coordinate with the public relations committee. The President has the power to appoint heads of the standing committees. The President has the authority to appoint a person to supervise a project. However, the Board of Directors at the next regular scheduled Board meeting must confirm such appointment. The President shall hold office until a replacement is appointed and qualified.

Section 2 Secretary

The secretary shall record the minutes of all meetings of the Executive Board and Board of Directors and shall maintain a permanent record of the meetings. He/she shall prepare and circulate the items of the agenda that requires a vote of the Executive Board. He/she shall turn over to the successor an updated record of all minutes thirty (30) days before retirement from office. He/she shall be responsible in sending notices of regular and special meetings of the corporation. The Secretary shall be under the control and supervision of the Chairman of the Board. The Secretary shall have a term of office of two (2) years from date of appointment and shall sit as such until his/her replacement is appointed and qualified.

Section 3 Treasurer

The Treasurer shall maintain accurate and updated financial records of the corporation; he/she shall have custody of the funds of the organization, which shall be deposited in the name of the corporation in a financial institution approved by the Board of Directors. He/she shall sign checks with the Chairman, Vice-Chairman, Secretary and President on behalf of the organization, disburse money of the organization by order of

the Executive Board, provide a bond annual audit, and turn over to his/her successor an updated record of all funds, accounts and books of record thirty (30) days before retirement from office.

The Treasurer shall be under the control and supervision of the Board of Directors. The Treasurer shall also ensure that the financial business of Mabuhay Alliance is conducted in compliance with Article XI of these Bylaws. The Treasurer shall have a term of office of two (2) years from date of appointed and shall sit as such until his/her replacement is appointed and qualified.

All funds of the organization shall be deposited, handled and disbursed in a timely manner and in accordance with good accounting practices and principles. All bills, notes, checks and like obligations and endorsements, for deposit or collection, shall be signed as set forth in Article X of the Mabuhay Alliance Bylaws.

#### Section 4 Auditor

The Board of Directors or the Executive Board may create the position of an auditor or hire an independent and outsourced auditor. The auditor shall examine and ascertain the correctness of the expense reports of the corporation covering periods as may be required by the Board of Directors.

## ARTICLE VIII

### MEETINGS OF THE ORGANIZATION

#### Section 1 Annual Meeting

The Executive Board shall set a semi annual meetings of the board. Notice shall be sent to the members forty-five-(45) days before the semi annual board meeting and the annual advisory board meeting.

Communication to the members of the corporation will be conducted regularly. The Secretary has the responsibility to ensure that these communications are made.

#### Section 2 Special Meeting

The Chairman or the any two (2) members of the Board of Directors may call a special meeting. The purpose of the special meeting shall be stated in notice of meeting. No other business shall be conducted at the special meeting. Members shall receive the notice at least 48 hours before the special meeting.

## ARTICLE IX

### STANDING COMMITTEES

#### Section 1 Committees

There shall be standing committees, as the corporation deems necessary, to carry on its business. The Chairman of the Board and the President shall serve as ex-officio members of all standing committees.

Standing committees are as follows: Nominating Committee, Bylaws Committee, Public Relations Committee, Program Planning Committee, Annual Economic Summit Committee and Finance Committee. The Board of Directors may add other committees, as it deems necessary.

#### Section 2 Nominating Committee

The nominating committee shall be composed of at least three (3) members. The Board of Directors shall appoint them no later than the second week of January. The committee shall be responsible for preparing a slate of candidates for office, securing written information of experience for each candidate and shall present the slate at the Fourth Quarter Board of Director's meeting. The slate may be presented at a special board meeting called for this purpose. Each candidate must be a member in good standing of the Mabuhay Alliance. The Secretary shall chair the Nominating Committee. The Committee shall be responsible for providing recommendations for Board membership and officers. It shall conduct new Board member recruitment, orientation and education.

### Section 3 Bylaws Committee

The Bylaws committee shall be responsible for the drafting of proposed amendments to the Bylaws. The committee chair has the responsibility of presenting the drafts to the Board of Directors for comment and correction. This committee has the responsibility to prepare and maintain policy and procedures for the conduct of the corporation's business.

### Section 4 Public Relations Committee

The Public Relations Committee shall be chaired by a Board member and shall provide coordination of communication with media (TV, radio, newspapers, magazines, newsletters, and business and education journals), assist with the development and production of promotional materials. It shall actively pursue presentation opportunities and provide speakers as needed and shall establish a master calendar for promotions, publications and events. The Public Relations Committee shall work in cooperation with the President.

### Section 5 Program Planning Committee

The Vice-Chairman shall chair the Program Planning Committee and investigate, define and recommend program needs for the organization as well as evaluation methods of outcomes. The Program Planning Committee shall work in cooperation with the President

### Section 6 Finance Committee

The Treasurer shall chair the Finance Committee. It shall oversee all operating, capital and fund raising budgets, and monthly financial statements and provide for annual audits of records.

## ARTICLE X

### OPERATIONAL YEAR

The operation year of the corporation shall run from 1<sup>st</sup> of January until 31<sup>st</sup> of December.

## ARTICLE XI

### MANAGEMENT OF FINANCES

All financial transactions of the corporation shall be conducted in accordance with generally accepted accounting practice and principles. Accounting practice and principles shall ensure that all revenues and expenditures are accounted for and authorized, respectively and all financial obligations are paid in a timely manner.

All monies and assets shall be registered in the name of Mabuhay Alliance at an FDIC insured banking facility or other appropriate organization as designated by the Board of Directors. As needed, the Board of Directors may designate a "Named" Fund. Other monies and assets are considered part of the general fund unless otherwise specified.

Authorized signatories for bank drafts are the Chairman of the Board, Treasurer, Secretary and the President. No checks may be made payable to cash. All appropriate papers to document expenses must be given to the Treasurer within five (5) days from date of transaction.

In the event of the prolonged absence of any one of the signatories, the Executive Board may authorize one of its members to sign for designated transactions only.

## ARTICLE XII

### PARLIAMENTARY AUTHORITY

The rules contained in Revised Robert's Rules of Order shall govern the proceedings of this organization, except in cases governed by the bylaws and special rule adopted by this organization.

## ARTICLE XIII

### AMENDMENTS

#### Section 1 Origin

The bylaws committee shall propose amendments to the bylaws of this organization.

#### Section 2 Procedures for Amendment

Amendments may be adopted by the affirmative vote of the majority of the members of the Board of Directors. The proposed amendments must have been first circulated to each members of the Board of Directors at least thirty (30) days in advance of the vote for approval.

#### ARTICLE XIV

#### NONPARTISAN ACTIVITIES

This corporation has been formed under the California Nonprofit Public Benefit Corporate Law and in accordance with the provisions of the Internal Revenue Code 501 C-3 for the purpose described above, and it shall be nonprofit and nonpartisan. No part of the activities of the corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation and the corporation shall not participate in political campaigns.

#### ARTICLE XV

#### OFFICES

The principal office of the corporation is located in Suite G 9630 Black Mountain Road, San Diego California.

#### ARTICLE XVI

#### PROHIBITED AMENDMENTS

The Bylaws may not be amended to conflict with applicable State or Federal Laws or with Mabuhay Articles of Incorporation.

#### ARTICLE XVI

#### VOLUNTARY DISSOLUTION

The organization may be dissolved by a two-thirds vote (2/3) of the Board of Directors. Any funds remaining in the treasury shall be used to satisfy outstanding debts. In the event that funds remain, the Board of Directors shall dispense these funds and any other assets to another approved non-profit, 501 C-3 organizations.

Approved by the Board of Directors of Mabuhay Alliance at a meeting on September 15, 2008.

**Attachment 3:  
Financial Hardship**

We are, as our articles of incorporation Article Two states, "The organization shall be a non-profit, public benefit corporation. Mabuhay Alliance aims to be the preferred conduit of economic development through technical assistance between the government,

corporations and minority groups in California.” Consistent with this as set forth in Article Two is to, “...improve the quality of life of America’s historically underrepresented minority communities by providing Mabuhay Alliance members with networking opportunities and access to resources, which are not attainable as a single entity.”

We are audited annually by Considine and Considine. For the last year that we have filed, December 31, 2008, as the attached statement sets forth, our revenue was \$771,000 our expenses was \$613,000 and we had assets of \$258,000. We have received an extension of time for our 2009 filing but we can make available to you once it is completed and if you wish we and we can also make available to you the full outside CPA audits.

For 2009 and the first half of 2010, we, like many other small nonprofits particularly those serving underserved low-income communities, have a shortfall between revenue and expenses. Furthermore, since we represent low-income communities, our constituency’s average utility bills are very meager, tiny in fact, in comparison to the costs of serving these clients. We are facing, for example, potential layoffs and delays in meeting payroll but expect by the end of the year to have revenue that is equal to or slightly exceeding expenses for the year 2010.

I wish to call to your attention that due to the positive nature of the workshops and the growing cooperative relationships with many of the utilities on technical assistance, capacity building and co-ops and identification of small Asian American, women of color, and minority disabled veterans businesses, our time estimates for our experts and paralegals could significantly exceed the original hours provided in our original filing.

Please note our original estimates could not take into account the new developments at the two workshops or the increasing interests of the many utilities and telecommunication companies working with us to fulfill the objectives of the OIR.

**Attachment 4:  
Certificate of Service by Mabuhay Alliance**

I hereby certify that I, Faith Bautista, have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

- [ ] hand delivery;
- [ ] first-class mail; and/or
- [✓] electronic mail

to the following persons appearing on the official Service List:

<a href="mailto:jespinosa@cabreracapital.com">jespinosa@cabreracapital.com</a>	JUAN D.	ESPINOSA
<a href="mailto:sandra.carolina@swgas.com">sandra.carolina@swgas.com</a>	SANDRA	CAROLINA
<a href="mailto:emello@sppc.com">emello@sppc.com</a>	ELENA P.	MELLO
<a href="mailto:gwen@pacbell.net">gwen@pacbell.net</a>	GWEN	MOORE
<a href="mailto:tracy@adproweb.com">tracy@adproweb.com</a>	TRACY	STANHOFF
<a href="mailto:ed.jackson@parkwater.com">ed.jackson@parkwater.com</a>	EDWARD N.	JACKSON
<a href="mailto:jesus.g.roman@verizon.com">jesus.g.roman@verizon.com</a>	JESUS G.	ROMAN
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