



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

**FILED**  
03-09-11  
04:59 PM

In the Matter of the Application of Southern California Edison Company (U 338-E) for Additional Dynamic Pricing Rates

Application 10-09-002  
(Filed September 1, 2010)

**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): Disability Rights Advocates (“DisabRA”)			
Assigned Commissioner: Michael R. Peevey		Assigned ALJ: Sean Wilson	
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: /s/			
Date:	3/9/11	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)): The party claims “customer” status because it (check one):</b>	<b>Applies (check)</b>
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.	X
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. DisabRA’s bylaws explicitly conform to the statute that serves as the basis for customer	

eligibility. See Pub. Util. Code § 1802(b)(1)(C). Article I of DisabRA’s bylaws states, in part, that DisabRA’s mission includes “representation of the interests of disabled residential customers, and small commercial customers who receive bundled electric service from an electrical corporation and other disabled customers of utilities.” Our bylaws have previously been submitted to the Commission on November 17, 2009 as an attachment to an Intervenor Compensation Request in A.08-12-021, but additional copies can be provided upon request.

<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: <u>February 8, 2011</u>	Yes <u>X</u> No <u>  </u>
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 <u>  </u> No <u>X</u>
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)):</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> </ul> <p>In our Joint Prehearing Conference Statement filed on February 4, 2011, DisabRA indicated that our primary interest in SCE’s Application is in ensuring that communication and educational efforts directed toward residential customers about various types of dynamic pricing are accessible to customers with disabilities. DisabRA will continue to participate in all relevant aspects of the proceeding, including issuing discovery, serving testimony, participating in evidentiary hearings, filing briefs and comments, engaging in proceeding-related outreach, and pursuing settlement with SCE. DisabRA will work cooperatively with other consumer groups as appropriate, though no other groups are focused on the specific communications issues raised by DisabRA. Since no Scoping Memo has been issued in this proceeding, our estimates of time cannot reflect the specific scope or schedule that will be adopted in this proceeding. DisabRA’s estimates of time spent on this proceeding may change after a Scoping Memo sets a</p>

specific scope and schedule.

- The party's statement of its economic interest in participating in this proceeding

In this proceeding, DisabRA will represent the interests of residential consumers with hearing and vision disabilities who will be directly impacted by the way in which SCE communicates about its proposed dynamic pricing programs and by the optional critical peak pricing/time-of-use ("CPP/TOU") rates. DisabRA is the only consumer group participating in this proceeding that has the expertise necessary to effectively represent the needs of the disabled community.

Customers with hearing and vision disabilities are limited in their ability or unable to use standard forms of communications and are thus at risk of failing to receive or understand information SCE disseminates about its dynamic pricing program and event days, as well as information about how to reduce their energy consumption and to manage their energy bills. Customers who cannot shift their energy use due to a disability are also at great risk if they opt in to CPP/TOU rates. This proceeding provides a forum to ensure that people with disabilities are informed and able to effectively participate in SCE's proposed dynamic pricing program. While it is difficult to place a dollar value on the ability to effectively communicate with these customers, the dual goals of empowering customers and protecting a particularly vulnerable customer class have value beyond the anticipated costs of intervenor compensation.

- The party's statement of the issues on which it plans to participate.

DisabRA expects to represent the interests of consumers with disabilities to ensure that SCE takes their needs into account through all aspects of customer communication and education concerning its dynamic pricing program. DisabRA seeks for SCE to ensure that: (1) residential customers with disabilities develop a general awareness of the concept of dynamic pricing and SCE's shift toward this new energy pricing policy, particularly those customers who may be disadvantaged by these rates because of their disability; (2) residential customers, including those with vision and hearing disabilities that affect their ability to use standard forms of communication, understand SCE's proposed optional CPP/TOU rates; and (3) residential customers with disabilities who will be disadvantaged by these rates, including a substantial number of Medical Baseline customers, understand that they should not opt in to these CPP/TOU rates that SCE proposes to offer in 2012.

DisabRA understands the focus of SCE's Application is on non-residential customers, but raises the concerns of residential customers with disabilities in light of the fact that SCE proposes to offer optional dynamic rates in this Application and additional, more complex dynamic rates in the future, within the landscape of an industry-wide shift toward dynamic pricing.

**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 FEES</b>				
Melissa W. Kasnitz	70	\$420	\$29,400	1
Rebecca S. Williford	70	\$160	\$11,200	1
		<b>Subtotal:</b>	\$40,600	
<b>EXPERT FEES</b>				
Dmitri Belser, Center for Accessible Technology	40	\$125	\$5,000	2
		<b>Subtotal:</b>	\$5,000	
<b>OTHER FEES</b>				
Paralegal	25	\$120	\$2,400	3
		<b>Subtotal:</b>	\$2,400	
<b>COSTS</b>				
Estimated in-house expenses			\$500	
		<b>Subtotal:</b>	\$1,000	
<b>TOTAL ESTIMATE \$:</b>			\$48,500	

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rates requested for DisabRA's representatives (Nos. 1 and 3) will be addressed in our Request for Compensation. DisabRA has not included claim preparation time in this estimate. Our estimate of hours to be spent assumes that DisabRA is proceeding on two tracks simultaneously by pursuing settlement with SCE regarding accessible communication about its dynamic pricing programs but at the same time preparing to litigate this matter through hearing and subsequent briefing. DisabRA anticipates that we will retain an expert to present testimony on issues concerning accessible communication, and to assist us in pursuing settlement (No. 2).

The amount of any future request for compensation will depend on whether the matter is eventually litigated or settled, as well as upon the Commission's ultimate decision in this proceeding, as these issues will impact the resources DisabRA is required to devote to the matter going forward.

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)

A. The party claims “significant financial hardship” for its claim for intervenor compensation in this proceeding on the following basis:	Applies (check)
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	
2. “[I]n the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	X
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption of eligibility for compensation in this proceeding (§ 1804(b)(1)).	X
<p>ALJ ruling (or CPUC decision) issued in proceeding number:</p> <p>R.10-02-005 (Order Instituting Rulemaking on the Commission’s Own Motion to address the issue of customers’ electric and natural gas service disconnection)</p> <p>Date of ALJ ruling (or CPUC decision):</p> <p>May 18, 2010</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):</b>
N/A

**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	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>	

<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:**

	Check all that apply
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:  
Certificate of Service by Customer**

I hereby certify that I 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:

**Parties**

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DOUGLASS & LIDDELL  
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EMAIL ONLY, CA 00000  
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Executed this 9th day of March, 2011, at Berkeley, California.

/s/

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