



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED  
06-02-11  
09:53 AM

Application of Utility Consumers' Action Network for Modification of Decision 07-04-043 so as to Not Force Residential Customers to Use Smart Meters

A.11-03-015  
(Filed March 24, 2011)

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): Southern Californians for Wired Solutions to Smart Meters (SCWSSM)

Assigned Commissioner: Michael R. Peevey

Assigned ALJ: Bruce DeBerry

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:

*Martin Homec*

Date:

June 2, 2011

Printed Name:

Martin Homec

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.	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.

SCWSSM has members who are ratepayers in the SDG&E electric service area. It will participate in the A.11-03-015 proceeding to represent the ratepayers affected adversely by wireless technologies implemented by electrical, gas, telephone and sewer corporations and agencies in California.

SCWSSM has filed with the California Secretary of State to become an association. The proposed by-laws and articles of association are attached to this Notice.

<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: ___ May 6, 2011 _____	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
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>SCWSSM has members who are ratepayers in the SDG&amp;E electric service area. It will participate in all aspects of the A.11-03-015 proceeding to represent the ratepayers affected adversely by wireless technologies implemented by electrical, gas, telephone and sewer corporations and agencies in California. In this proceeding, SCWSSM plans to evaluate the SDG&amp;E opt-out proposal and, if needed, prepare rebuttal testimony, participate in evidentiary hearings, file briefs, and prepare comments on the proposed and any alternate decisions ultimately issued by the Commission.</p> <p><input type="checkbox"/> The party's statement of the issues on which it plans to participate.</p> <p>SCWSSM's focus will be on the costs and details of the opt out program proposed by</p>

SDG&E.

**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>				
Martin Homec	100	\$225/hour	\$22,500.00	
	<b>Subtotal:</b>		\$22,500.00	
<b>EXPERT FEES</b>				
Unidentified experts	50	\$250	\$12,500.00	
	<b>Subtotal:</b>		\$12,500.00	
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
	<b>Subtotal:</b>			
<b>COSTS</b>				
Copying, mailing, and miscellaneous			\$1,000.00	
[Item 2]				
[Item 3]				
	<b>Subtotal:</b>		\$1,000.00	
<b>TOTAL ESTIMATE \$:</b>			\$36,000.00	

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 1/2 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	X

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):	

**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):**

**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
2	SCWSSM Registration Documents
3	SCWSSM by-laws and articles of organization

**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

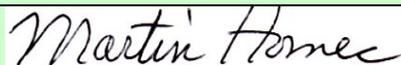
to the following persons appearing on the official Service List:

ATrial@SempraUtilities.com  
mshames@ucan.org  
kpp@cpuc.ca.gov  
michaelboyd@sbcglobal.net  
mike@ucan.org  
mrw@mrwassoc.com  
sbrinchman@aol.com  
barb.socalwiredsolutionsm@gmail.com  
RGiles@SempraUtilities.com  
CentralFiles@SempraUtilities.com  
cem@newsdata.com  
bmd@cpuc.ca.gov  
crv@cpuc.ca.gov  
tcr@cpuc.ca.gov

Executed this 2nd day of June, 2011, at Davis, California.



Martin Homec  
P. O. Box 4471  
Davis, CA 95617  
Tel.: (530) 867-1850  
E-mail: martinhomec@gmail.com



**Attachment 2:  
SCWSSM Registration Documents**

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760-782-9963

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 <p><b>State of California Secretary of State</b></p> <p><b>REGISTRATION OF UNINCORPORATED NONPROFIT ASSOCIATION PURSUANT TO CALIFORNIA CORPORATIONS CODE SECTION</b></p> <p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>Complete and mail to: Secretary of State, Document Filing Support Unit, P. O. Box 944225, Sacramento, CA 94244-2250 (916) 657-5448</li> <li>Include filing fee of \$10.00 per box checked below.</li> </ol> <p>Association includes any lodge, order, beneficial association, fraternal or beneficial society, historical, military, or veterans organization, labor union, foundation, or federation, or any other society, organization, or association, or degree, branch, subordinate lodge, or auxiliary thereof.</p>	<p>REG. NO. _____</p> <p align="center">This space For Filing Use Only</p>	
<p>Registration For:</p> <p> <input checked="" type="checkbox"/> Name                              <input type="checkbox"/> Insignia                              <input type="checkbox"/> Alteration                              <input type="checkbox"/> Cancellation       </p>		
<p>Association Name</p> <p align="center">SOUTHERN CALIFORNIANS FOR WIRED SOLUTION TO SMART METERS</p>		
Street or Mailing Address	City and State	Zip Code
14575 Flathead Road,	Apple Valley CA	92307
<p>Nature of Alteration (if Any):</p> <p align="center">N/A</p>		
<p>Description of Insignia, which may include badge, motto, button, decoration, charm, emblem, or rosette:</p> <p align="center">none</p>		
<p>Attach Facsimile:</p> <p align="center">N/A</p>		
<p>I declare under penalty of perjury under the laws of the State of California that I am a chief officer of the association; that I am authorized to act on behalf of the association with respect to completing and submitting this application; that the information contained in this application is true and correct.</p>		
<p><i>Barbara Schnier</i> 6-1-11</p> <p>Signature of Officer _____ Date _____</p> <p align="center">BARBARA SCHNIER</p>		<p>Signature of Additional Officer (Optional) _____ Date _____</p>
<p>Typed Name and Title _____</p>		<p>Typed Name and Title _____</p>
<p><small>Sec/State Form LPAUNA 128 (Rev. 03/2005)</small></p>		

**Attachment 3:  
SCWSSM By-Laws and Articles of Organization**

**INITIAL BYLAWS FOR  
SOUTHERN CALIFORNIANS FOR WIRED SOLUTIONS TO SMART  
METERS(SCWSSM)  
(Prepared May 5, 2011)**

1. **NAME.** The name of the organization is Southern Californians For Wired Solutions to Smart Meters Hereinafter referred to as “SCWSSM”. The name Southern Californians For Wired Solutions To Smart Meters (SCWSSM) has application for registration pending with the State of California, Secretary of State, as an unincorporated association. In the event of any dispute over use of the name, rights to the name shall belong to a majority of the members.
2. **PURPOSES.** Southern Californians For Wired Solutions to Smart Meters (SCWSSM) is organized for the following purposes:
  - (1) to represent, lobby and advocate all legal rights and the interests of residential and commercial customers and/or citizens affected adversely by wireless technologies implemented by electrical, gas, telephone and water corporations and agencies in California;
  - (2) to provide citizens, legislature and government agencies with medical research and scientific information and education on radiation/radio frequency illness and adverse biological effects of wireless technologies.
  - (3) to promote, advocate and seek legal remedies for (including but not limited to) federal and state violations of disability rights, civil rights, property rights, personal rights, consumer rights resulting from administrative agency’s decisions and resulting from implementation and operation of wireless technologies by the electric, gas, telephone and water corporations and agencies in California.
3. **DIRECTOR.**
  - 3.1 The Director shall serve without salary.
  - 3.2 The duties of the Director are: (1) to recruit and maintain membership, including limiting the number of members as necessary; (2) to secure legal representation and represent and advocate the interests of SCWSSM and its members before the California Public Utilities Commission and other government bodies including state and federal courts; (3) to keep members informed as to legal proceedings; (4) to maintain an office, including reasonable retention of records; (5) to produce a newsletter for members, at least once each year or periodically at his or her discretion; and (6) to manage the business affairs of the organization, including retention of administrative or professional staff or consultants.

- 3.3 Upon receipt of a petition signed by any five (5) members, the Director shall communicate to all members and organize a membership vote regarding any proposal to revise or amend the bylaws or to replace the Director.
- 3.4 Members may replace the Director by a vote of at least two-thirds of all members.
- 3.5 The initial Director is Barbara Schnier, P.O. Box 3, Warner Springs, CA 92086.
4. MEMBERS.
  - 4.1 The Director shall recruit and maintain members, sufficient to achieve reasonable representation in the service territories and among the service categories of California's major utility corporations and agencies.
  - 4.2 Total membership shall be limited to 100 or any other reasonable number, at the discretion of the Director, in order to limit time and administrative effort needed to maintain membership lists and account for member dues.
  - 4.3 Membership is limited to California utility customers of record or, in the case of residential customers, members of their families/household, or disabled citizens adversely affected by wireless technology implemented by the utilities or agencies.
  - 4.4 The Director shall not reveal the identity of any member without the consent of the member and shall not allow use of the membership list for any purpose other than Southern Californians For Wired Solutions To Smart Meters communications.
5. DUES. Membership dues shall be five dollars (\$5.00) a year.
6. BYLAWS. The initial Director has prepared these initial bylaws. Thereafter, members may revise or amend the bylaws by a vote of at least two-thirds of all members.
7. OFFICES. The Director shall maintain an office in a location at his or her discretion. The initial mailing address is Southern Californians For Wired Solutions To Smart Meters (SCWSSM), P.O. Box 3, Warner Springs, CA 92086. Initially, overnight and express mail may be delivered c/o Barbara Schnier, 14575 Flathead Road, Apple Valley, CA 92307.
8. FINANCES.
  - 8.1 The Director shall maintain reasonable financial records.
  - 8.2 Members are not responsible for any financial obligation incurred by Southern Californians For Wired Solutions To Smart Meters. The Director is responsible for all such financial obligations.
  - 8.3 Southern Californians For Wired Solutions To Smart Meters (SCWSSM) shall not assume ownership of any furniture or equipment with an initial

cost exceeding one hundred dollars (\$100.00). The Director shall provide for use by Southern Californians For Wired Solutions To Smart Meters (SWSSM) all necessary furniture, computers, printers, other office equipment and working capital. Southern Californians For Wired Solutions To Smart Meters (SCWSSM) shall not have exclusive use of those assets.

- 8.4 The Director shall maintain and hold sole signatory authority for a checking account at a local bank or financial institution.
- 8.5 The Director shall use member dues to offset the costs of the newsletter and other necessary office expenses.
- 8.6 The Director shall use intervenor compensation awarded by the California Public Utilities Commission to Offset office and expenses and other operating costs to the extent that such costs are included in the compensation award. The Director shall compensate himself, or herself or any expert witness, advocate or other person retained by Southern Californians For Wired Solutions to Smart Meters to the extent such costs are included in the compensation award.
- 8.7 The Director shall use any income derived from other sources to offset operating expenses not covered by members' dues or compensation awards.
- 8.8 For tax purposes, the Director may participate in Southern Californians For Wired Solutions To Smart Meters, (SCWSSM) operations as a sole proprietorship, consistent with applicable Federal and California law.
- 8.9 In the event Southern Californians For Wired Solutions To Smart Meters is disbanded or dissolved, the Director shall recover all equipment and assets not belonging to Southern Californians For Wired Solutions to Smart Meters (SCWSSM) and shall distribute any remaining equipment, supplies and other assets to a charitable or public purpose organization at his or her discretion.

Dated May 29, 2011, at San Diego, California.

By   
Barbara Schnier, Director  
Southern Californians For Wired Solutions to Smart Meters  
(SCWSSM)

**ARTICLES OF ORGANIZATION FOR  
SOUTHERN CALIFORNIANS FOR WIRED SOLUTIONS TO  
SMART METERS (SCWSSM)**

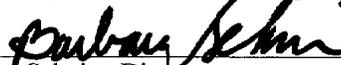
- 1. **NAME.** The name of the organization is Southern Californians For Wired Solutions to Smart Meters (SCWSSM). The name SOUTHERN CALIFORNIANS FOR WIRED SOLUTIONS TO SMART METERS (SCWSSM) has pending registration with the State of California, Secretary of State, as an unincorporated association. In the event of any dispute over use of the name, rights to the name shall belong to a majority of the members.

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- (3) to promote, advocate and seek legal remedies for (including but not limited to) federal and state violations of disability rights, civil rights, property rights, personal rights, consumer rights resulting from administrative agency's decisions and resulting from implementation and operation of wireless technologies by the electric, gas, telephone and water corporations and agencies in California.

- 2. **INITIAL AGENT.** The initial agent for service of process is Barbara Schnier, Southern Californians For Wired Solutions to Smart Meters, 14575 Flathead Road, Apple Valley, CA 92307, P.O. Box 3, Warner Springs, CA 92086.

Dated May 29, 2011 at Warner Springs, California.

By:   
 Barbara Schnier, Director  
 Southern Californians For Wired Solutions To Smart Meters  
 (SCWSSM)