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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 [X] checked), ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Utility Consumers' Action Network			
Assigned Commissioner: Michael R. Peevey		Assigned J: 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:	/s/ Michael Shames
Date:	06-1-2011	Printed Name:	Michael Shames

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.

The CPUC has repeatedly found that UCAN's bylaws "represent the interests of residential ratepayers." (e.g. D.10-05-013) UCAN's articles of incorporation and bylaws have not been modified since those earlier findings. D.98-04-059 directs groups such as UCAN to indicate the percentage of their members that are residential ratepayers. UCAN has approximately 31,000 dues paying members, of whom approximately 90% are residential ratepayers. Although we've been able to establish anecdotally that many of those residential members are also owners of small businesses.

B. Timely Filing of NOI (§ 1804(a)(1)):	**Check**
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: __May 6, 2011	Yes _X_ 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 X
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)

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

- 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).

In this proceeding, UCAN plans to prepare evaluate the SDG&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.

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

UCAN's focus will be on the costs and details of the opt out program proposed by

SDG&E and to conduct surveys or analysis needed to convince the Commission that an opt-out program is warranted.

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 $	#
ATTORNEY FEES				
Michael Shames	70	$333	$23,310	
		Subtotal:	$23,310	
EXPERT FEES				
JBS Energy	90	$200-260	$20,000	
Unidentified experts	60	$250	$15,000	
		Subtotal:	$35,000	
OTHER FEES				
Estimated miscellaneous expenses related to this proceeding (e.g., photocopying, telecommunications)			$500	
		Subtotal:	500	
COSTS				
Travel & Lodging			$1,000	
Legal services			-	
Copying & delivery			-	
		Subtotal:	$1,000	
		TOTAL ESTIMATE $:	$59,810	
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)

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)).	
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
ALJ ruling (or CPUC decision) issued in proceeding number: A.09-10-013. A.09-10-014, A.09-10-015 (Consolidated Proceedings) Date of ALJ ruling (or CPUC decision): May 10, 2010 (D.10-05-013)	

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):
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[1]

(ALJ completes)

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

[1] 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.

____

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
[X] electronic mail

to the following persons appearing on the official Service List:

martinhomec@gmail.com
ATrial@SempraUtilities.com
mshames@ucan.org
kpp@cpuc.ca.gov
michaelboyd@sbcglobal.net
mrw@mrwassoc.com
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CentralFiles@SempraUtilities.com
cem@newsdata.com
bmd@cpuc.ca.gov
crv@cpuc.ca.gov
tcr@cpuc.ca.gov

Executed this 1st day of June, 2011, at San Diego, California.

/s/ Laura Impastato

Laura Impastato
UCAN
3100 Fifth Avenue Suite B
San Diego, CA 92103