

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA



FILED

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Order Instituting Rulemaking into Transfer of
Master-Meter/Submeter systems at
Mobilehome parks and Manufactured
Housing Communities to Electric and Gas
Corporations

R.11-02-018
(Filed Feb 24, 2011)

**Notice of Intention of
San Luis Rey Homes, Inc. (SLRH)
Claim for Intervenor Compensation**

Samuel A. Rosen
Secretary/Treasurer
San Luis Rey Homes, Inc.
300 Academy Road
Oceanside, CA 92057

May 17, 2011

I.

PROCEEDING INFORMATION

Pursuant to Rules 76.71 et seq. of the CPUC Rules of Practice and Procedure, and Public Utilities Code § 1801, et seq. and § 1804(a), the San Luis Rey Homes, Inc. (SLRH) hereby serves notice on the CPUC and all parties to this investigation proceeding of its intent to claim compensation, as that term is defined in § 1802(a), for all costs of its participation in the above-captioned proceeding. (All subsequent statutory references are to the Public Utilities Code unless otherwise noted). This proceeding was initiated by the Western Manufactured Housing Community Association (WMA) for the purpose of seeking rules defining how the Commission can encourage the replacement by direct utility service of all submeter systems that supply electricity, natural gas, or both to mobilehome parks and manufactured home communities located within the franchised areas of electric and/or natural gas corporations.

II.

TIMELINESS OF SUBMISSION

The initial prehearing conference was held in this matter on April 15, 2011. The Administrative Law Judge has set the deadline for filing this Notice of Intent as within thirty (30) business days of the prehearing conference; i.e. May 27, 2011. Thus, the instant Notice is timely filed.

III.

CUSTOMER STATUS

San Luis Rey Homes, Inc. is a non-profit California Corporation formed over 45 years ago, and comprises 328 homeowners who reside in Oceanside, California. Our mobilehome park has a sub metered energy systems which supplies gas and electricity to the individual Resident Owned home sites. SLRH's actively participates to protect its members through legislation, education, and advocacy. SLRH's members and constituents are purchasers of gas and electric for residential purposes, which qualifies them as "customers" pursuant to § 1802(b).

SLRH is familiar with mobilehome park utility issues. Our members are becoming frequently involved in administrative and legal proceedings which involve an ongoing avoidance by San Diego Gas and Electric to assist in the costs beyond the repairing, maintaining, or upgrading of our sub metered energy systems, for example, no support for Smart Meters. As SLRH's park utility systems age, and our homeowners seek to upgrade their systems, the composition of the "differential discount" and an identification of avoided costs becomes increasingly important.

These issues shall be central to the rulemaking now at issue, as well as safety and reliability of energy systems. Our mobilehome residents are either seniors and/or on fixed or low incomes, and are unable to afford utility rate increases.

Section 3(C) SLRH's Bylaws states that the Corporation's primary and specific purpose is to provide utility services to each mobile home space. This would include representation in connection with the utility issues in this proceeding. Under Section 1802 (b), SLRH thus qualifies as a Category 1 customer as an actual customer whose self-interest in the proceeding arises primarily from its role as a customer of the utility and, in addition, it is expected that SLRH may represent the broader interests of at least one other mobilehome park (after reading SLRH's Comments to the PUC in this matter, SLRH has been approached by at least one other mobilehome park that expressed a desire to have SLRH help represent their similar interests in these proceedings).

IV SIGNIFICANT FINANCIAL

HARDSHIP

SLRH is a non-profit corporation which exists based upon the financial homeowners association fees from its members. It receives no government funding or grants, and no funds have been received from any source which would directly support SLRH's participation in this proceeding. Thus, any such participation represents a significant financial burden for the Intervenor, and absent eligibility for intervenor compensation, SLRH would not have adequate resources to advocate for its members in this manner without diminishing its reserve account. As a result of this hardship, SLRH intends to seek compensation for participation in these proceedings.

V.

**NATURE AND EXTENT OF
PLANNED PARTICIPATION**

(§1804(a)(2)(A)(i))

SLRH intends to fully participate in all aspects of this proceeding from and after this date, including participation in any briefing schedule as established on the issues, to formulate and serve discovery, to file expert testimony and to cross-examine others' witnesses at any evidentiary hearing, to attend and present witnesses at hearings before the Commission and to represent mobilehome resident concerns about the various issues in this proceeding, to attend prehearing conferences and workshops, and to participate in working groups. As the proceeding unfolds, SLRH shall undoubtedly become aware of the specific issues affecting vulnerable mobilehome residents which we shall raise before the Commission. SLRH will seek to coordinate its efforts with other parties, such as Rancho Carlsbad Owners Assn. and Solamar Mobile Estates, who share a like position. Individual homeowners will not be capable of self-representation in this proceeding without SLRH present.

At present, SLRH as Intervenor has identified its main concerns in this proceeding as:

- Safety and reliability of submetered systems and a seamless continuation of service during any transfers;
- Reasonableness of transfer cost allocation;
- Consistency of any rulemaking with previous Commission decisions

In pursuit of these concerns, as the proceeding unfolds SLRH shall, among other things, focus its efforts in the following areas:

- (1) Providing the parties and the commission with a database of information from SLRH members with respect to system safety and reliability, so as to help identify potential prioritization in connection with system transfer.
- (2) Providing the parties and the commission with a database of information from SLRH members concerning historical repair, maintenance and replacement activity in their submetered parks, so as to help identify the historical costs that might have been incurred in any such parks.
- (3) Participate in any and all workshops and discussions on any of the issues set forth in the Assigned Commissioner's Ruling and Scoping Memo dated May 11, 2011, and work with the parties to offer solutions to same.
- (4) Seek to ensure that our members, as residential customers, are not burdened with costs as a result of the transfer of any submetered system, which has already been paid to the SLRH owner through the monthly differential discount authorized by tariff.

VI.

ESTIMATE OF COMPENSATION REQUEST

At this early stage of the proceeding, it is difficult to predict the extent of services to be provided by advocates and expert witnesses whose fees would be the bulk of any claim for compensation. However, and with a reservation to update any such estimates, SLRH would expect to incur reasonable attorney's fees not to exceed \$14,000.00, at a rate of \$350 per hour, for participation in the approximate one year schedule which the Commission has laid out. Costs for basic services, such as duplication, transcripts, postage, travel, and courier services would approximate \$1,500.00.

If the Commission entertains the use of expert testimony in this proceeding, SLRH is prepared to supply such testimony and estimates its total cost at \$3,000.00. In the absence of expert testimony, SLRH will incur approximately \$2,000.00 for consulting services.

The following is thus a rough estimate of the expenses that SLRH expects to incur herein:

Attorney Fees

Fees of Alan Burson/TBD (40 hours at \$ 350 p/hour)	\$14,000.00
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Expert Fees

Fees of outside experts/consulting (25 hours at \$200.00 p/hour)	\$5,000.00
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Incidental Costs

Postage, Copies, Telephone, Supplies, Travel, etc.	\$1,500.00
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<u>Total Est. Costs</u>	<u>\$20,500.00</u>
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CONCLUSION

The information provided above satisfies the requirements of Section 1804 (a) and supports a finding of "significant financial hardship". In addition, SLRH has demonstrated that it will represent a group with interests that would otherwise be underrepresented in this proceeding. SLRH thus respectfully requests from the Commission a prompt determination of its eligibility for compensation in these proceedings.

Dated: May 17, 2011

Samuel A. Rosen
Secretary/Treasurer
San Luis Rey Homes, Inc.
300 Academy Road
Oceanside, CA 92057

BY Samuel A. Rosen

VERIFICATION

I am the Secretary/Treasurer for San Luis Rey Homes, Inc. and am the designated agent of said entity in this proceeding, and am authorized to make this verification on the organization's behalf. The statements in the foregoing notice are true of my own knowledge, except to the matters which are therein stated on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 17, 2011 at Oceanside, California.

Samuel A. Rosen
Secretary/Treasurer
San Luis Rey Homes, Inc.
300 Academy Road
Oceanside, CA 92057

By Samuel A. Rosen

