



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED
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In the Matter of the Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Facilities with Voltages Between 50 kV and 200 kV: Presidential Substation Project.

Application A.08-12-023
(Filed December 22, 2008)

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): CENTER FOR BIOLOGICAL DIVERSITY			
Assigned Commissioner: Dian Grueneich		Assigned ALJ: Janice L. Grau	
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/ Jonathan Evans			
Date:	7/20/09	Printed Name:	Jonathan Evans

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 Center for Biological Diversity (“Center”) meets the third definition—a	

representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential customers. The Center is a non-profit membership organization whose Articles of Incorporation specifically authorize it “to advance conservation efforts.” Attachment No. 2 Articles of Incorporation. The Center’s Climate Law Institute works to reduce the environmentally harmful byproducts of energy consumption in order to protect biological diversity, our environment, and public health. As part of that that mission, the Center strives to reduce the environmental impacts of energy development and advocates for and educates the public about energy efficiency in order to improve air quality, reduce greenhouse emissions, and promote renewable/alternative energy sources. In this capacity the Center represents its members, many of whom are residential ratepayers, who seek to protect the environment. The Center’s staff includes attorneys, scientists, and policymakers who have considerable expertise regarding environmental impacts of energy development and the benefits of alternative energy sources.

Approximately 9,500 Center members live in California and purchase utility services. Many of these members live in areas serviced by Southern California Edison. The interests of the members/customers represented by the Center are unique and are not fully represented by other parties involved with this case. Center members highly prioritize the need to reduce the environmental footprint of energy development, to further the use of alternative energy sources, and to adhere to environmental laws. If not for the Center’s intervention, these concerns would not be adequately represented.

In D.98-04-059, page 49, footnote 14, the Commission stated its “previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers.” The Commission explained that “With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g. regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. (D.88-04-066, mimeo, at 3.) They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” Id. The Center is such an environmental group because it represents customers with a concern for the environment that is different from the interests represented by other groups in this proceeding.

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: _____	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	Yes ___ No <u>X</u>

the timeframe normally permitted, or new issues have emerged)?	
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)):
<ul style="list-style-type: none"> 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). <p>Because the Presidential Substation Project could lead to significant environmental impacts in the Tierra Rejada valley, the Center plans to be part of every element of this proceeding including environmental analysis under CEQA and compliance with the California Public Utilities Code. The Center has been an active participant in the Presidential Substation Project proceedings to date and intends to remain actively involved in order to ensure that the environmental interests of its member ratepayers are protected. The Center plans to continue to submit briefs and comments as required, prepare and serve testimony, and participate in evidentiary hearings. Such action will require the use of legal counsel and any necessary expert involvement.</p> <ul style="list-style-type: none"> The party's statement of the issues on which it plans to participate. <p>The Center plans to participate in a range of issues during the proceeding including review and comments of the environmental analysis under CEQA and the submission of testimony during hearings. The Center's participation will include issues related to, but not be limited to, the following: alternatives to the transmission line, route-specific habitat and community impacts, cumulative and indirect environmental impacts, electrical demand need and timing for the project, project description and accurate description of the project area, cultural resources, air quality, hydrology and water quality, cost benefit analysis, and community values</p> <p>The Center intends to coordinate this participation in the proceeding with other parties in order to avoid duplication of effort.</p>

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				
Jonathan Evans	275	\$210	\$57,750	
Adam Keats	50	\$365	\$18,250	
		Subtotal:	\$76,000	
EXPERT FEES				
David Marcus	35	\$290	\$10,150	
Ileene Anderson	20	\$75	\$1,500	
		Subtotal:	\$11,650	
OTHER ATTORNEY FEES				
Justin Augustine	75	\$240	\$18,000	
		Subtotal:	\$18,000	
COSTS				
Travel			\$1,500	
Map productions			\$1,000	
Photocopies			\$1,000	
		Subtotal:	\$3,500	
TOTAL ESTIMATE \$:			\$109,150	
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)).	X
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this	No, but see

proceeding, created a rebuttable presumption of eligibility for compensation in this proceeding (§ 1804(b)(1)).	4/16/06 Ruling ¹
ALJ ruling (or CPUC decision) issued in proceeding number: A0512014, Administrative Law Judge’s Ruling Regarding Notices of Intent Claim Compensation Date of ALJ ruling (or CPUC decision): March 16, 2006	

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 NOD):

The cost of the Center’s involvement in this proceeding will substantially outweigh the benefit to the individual members it represents. Typical member electric bills are tiny in comparison to the Center’s expected costs of participation. As the Commission has stated in D.85-06-028,

It is obviously impractical for individual residential ratepayers to do much other than to send us letters or make brief statements at our public hearings, and while we appreciate such input it does not develop evidence of record upon which we can make findings of fact as required by law in connection with determining revenue requirement or rate changes. Realistically, then, there must be organized groups which participate on behalf of residential ratepayers on an ongoing basis with a reserve of experience and resources so that they can follow the continuing chain of ratemaking proceedings and participate effectively. We agree with TURN that it would simply not be cost effective for individual and residential ratepayers...to mount these expenditures [TURN’s estimated budget for participation] separately on their own behalf.

The Center respectfully requests that compensation be granted to represent the environmental interests of its members since it would not be cost effective for individual members to incur such expenses to intervene. The average residential monthly bill for Southern California Edison is \$85.² A residential electric bill of approximately \$1,000 per year is much less than Centers’ estimated cost of

¹ While the Center recognizes that a □1802(g) finding of significant financial hardship in another proceeding must be made within one year prior to the commencement of this proceeding in order to create a rebuttable presumption of financial hardship pursuant to □1804(b)(1) the CPUC has ruled that the Center qualified for Intervenor Compensation due, *inter alia*, to the significant financial hardship posed by the proceeding in a 2006 decision. A0512014, Administrative Law Judge’s Ruling Regarding Notices of Intent Claim Compensation (March 16, 2006).

² M. Lifsher, LA Times, California regulators OK Edison rate hike, March 13, 2009.

participation in this proceeding (\$100,000).

As a non-profit organization, the Center does not accept fees from its clients and receives no government funding. The Center relies upon awards of attorneys' fees in litigation where the Center represents the prevailing party, as well as donations from private individuals, private foundations and corporate contributions as its sources of income. Absent eligibility for intervenor compensation, the Center would not have adequate resources to advocate for conservation before the PUC.

**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	Articles of Incorporation

ADMINISTRATIVE LAW JUDGE RULING³
(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)):	

³ 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
- electronic mail

to the following persons appearing on the official Service List:

See Attached Service List

Executed this 20th day of July, 2009, at San Francisco, California.

/s/ Jonathan Evans

Jonathan Evans
351 California ST, Suite 600
San Francisco, CA. 94104