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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the Talega-Escondido/Valley-Serrano 500 KV Interconnect Project.

Application 10-07-001
(Filed July 6, 2010)

ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): SANTA ANA MOUNTAINS TASK FORCE A DIVISION OF THE SIERRA CLUB (SAMTF) and FRIENDS OF THE FOREST (TRABUCO DISTRICT) AND THE SANTA ROSA PLATEAU (FOF&P); shared equally.	
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Angela K. Minkin

PART I: PROCEDURAL ISSUES

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.	
Santa Ana Mountains Task Force (SAMTF) and Friends of the Forest (Trabuco District), AND the Santa Rosa Plateau meet 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.

SAMTF as a division of Sierra Club meets the third definition of “customer” provided in Public Utilities Code section 1802(b)(1)(C). Sierra Club California is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers”

FOF&P is a non-profit, member-based, “public benefit” California corporation. SAMTF and FOF&P members live within the boundaries of Southern California Edison and San Diego Gas and Electric boundaries and purchase utility services from those utilities.

SAMTF and FOF&P Bylaws and policies authorize and require them to represent the environmental interests of its members – including California IOU customers.

The interests of the customers represented by SAMTF and FOF&P are unique and well suited to this case and may not be adequately represented by other parties that have intervened in this case.

As the Commission has recognized: “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).

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 ___ No <u>X</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>X</u> No ___
2a. The party’s description of the reasons for filing its NOI at this other time: ALJ Minkin’s ruling in email of October 16, 2010 setting NOI filing date for December 17, 2010.	
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

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).

Because the Talega-Escondido/Valley-Serrano 500 kV Interconnect Project could lead to significant environmental impacts in Western Riverside, the Santa Ana Mountains, the Cleveland National Forest and the San Mateo Canyon Wilderness, as well as impacts to property owners; SAMTF and FOF&P plan to be part of every element of this proceeding including environmental analysis under CEQA and compliance with the California Public Utilities Code.

These parties have been active participants in the proceedings to date as well as the Lake Elsinore Advanced Pumped Storage (LEAPS) proceeding at the Federal Energy Regulatory Commission (FERC) and they state their intent to remain actively involved in order to ensure that the all of the interests of their member ratepayers are protected. SAMTF and FOF&P plan 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 an expert representative who has accumulated thousands of hours of experience in both legal matters and technical details in the LEAPS project over a period of 15 years. They point out that they do not yet know how extensively Commission will be analyzing the pumped storage component of the Project and that this is a task which will require considerably more time and effort than would the TE/VS project alone, so the level of involvement could vary.

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

The parties jointly plan to participate in a range of issues during the proceeding including review and comments of the environmental analysis and the submission of testimony during hearings. The issues they will address are related to, but not limited to, the following: alternatives to the transmission line, route specific habitat and community impacts, fire dangers, cumulative and indirect environmental impacts including property value 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 financial viability of the proponent. If need be they will also address alternatives to the pumped storage project, geological technicalities and dam break dangers. SAMTF and FOF&P intend to coordinate this participation in the proceeding with other parties in order to avoid duplication of effort.

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				
[Attorney 1]				
[Attorney 2]				
		Subtotal:		
EXPERT FEES				
[Expert 1] Gene Frick	406	100	40,600	
[Expert 2]				
		Subtotal:	40,600	
OTHER FEES				
[Person 1] Gene Frick	120	50	6,000	
[Person 2]				
		Subtotal:	6,000	
COSTS				
[Item 1] Travel			5,575	
[Item 2]				
[Item 3]				
		Subtotal:	5,575	
TOTAL ESTIMATE \$:			52,175	
Comments/Elaboration (use reference # from above). We may need the services of an expert geologist but have not yet made that determination.				
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

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)).	
ALJ ruling (or CPUC decision) issued in proceeding number:	

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):
<p>The cost of the SAMTF and FOF&P involvement in this proceeding will substantially outweigh the benefit to the individual members it represents. Typical member electric bills are small in comparison to their expected costs of participation. Many of their members will take personal time and effort to make statements at scoping meetings but will have very little ability to make the sort of “case” that will prevent this project from having a negative impact on their lives and fortunes. Some properties involved will, because of their special relationship to views associated with open space, lose considerable value if this project is built. These parties contend that it would not be cost effective for individual members to incur such expenses to intervene.</p>

**PART IV: THE PARTY’S ATTACHMENTS DOCUMENTING SPECIFIC
 ASSERTIONS MADE IN THIS NOTICE**
 (Documents are not attached to final ALJ ruling.)

Attachment No.	Description
2 & 3	FOF&P Bylaws & Sierra Club Bylaws

ADMINISTRATIVE LAW JUDGE RULING
 (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).	X
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)): The Center for Biological Diversity and FRONTLINES may have many similar interests and I caution the intervenors to work closely together to avoid duplication. In addition, I remind intervenors to identify issues when they apply for intervenor compensation, as is required by Rule 17.1(c).	X

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).	X
4. The customer has shown significant financial hardship.	X
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.	X

Dated February 1, 2011, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin
Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated February 1, 2011, at San Francisco, California.

/s/ GLADYS M. DINGLASAN
Gladys M. Dinglasan

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.