



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**FILED**  
02-01-11  
11:46 AM

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)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING ELIGIBILITY FOR INTERVENOR COMPENSATION**

Customer (party intending to claim intervenor compensation):	
John Pecora	
Assigned Commissioner: Michael Peevey	Assigned ALJ: Angela Minkin

**PART I: PROCEDURAL ISSUES**

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)): The party claims "customer" status because it (check one):</b>	<b>Applies (check)</b>
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))	X
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.	
<p>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.</p> <p>John Pecora states that he meets the first definition - 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).</p> <p>I am a customer/ratepayer of Elsinore Valley Municipal Water District (EVMWD). I am representing my family and myself to protect our property rights. As an intervenor I will represent my interests that would otherwise be underrepresented. My participation will be productive because the benefit I receive will be the protection of the normal use of my home, property and a continued stable quality of life. These intangible benefits, life, liberty and the pursuit of happiness, cannot be "monetized" through appropriate proxies. In D.98-04-059, page 49, footnote 14, the Commission stated its "previously articulated</p>	

interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers.” My interest as a customer arises from EVMWD and The Nevada Hydro Company's (TNHC) inaction concerning my property. EVMWD and TNHC's (co-applicants) proposed pumped storage project and transmission lines called LEAPS-TE/VS (FERC application P-11858) directly adversely affects my life and property if built as proposed. The preferred proposed Santa Rosa site for LEAPS-TE/VS is adjacent to my property. The lay down area for LEAPS-TE/VS surrounds my property on two sides, eliminating access and egress to my property and barring the unrestricted use of my home and property. The proposed construction of LEAPS-TE/VS will inflict numerous adverse affects upon my family and property. The LEAPS - TE/VS Final Environmental Impact Statement asserts that no residential property will incur adverse affects, therefore no mitigation required. In contrast, the commercial structure called the Santa Rosa Mountain Villa Apartments (33071 Santa Rosa Dr. Lake Elsinore CA), located within 700 feet of my property and home, will be purchased and razed with occupants paid to move to mitigate adverse affects incurred by the proposed development of LEAPS-TE/VS. In addition, historical sites over 2 miles away will be monitored for damaging vibrations due to the proposed construction of LEAPS/TEVS.

<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: September 22, 2010	Yes ___ No X
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 X No ___
2a. The party’s description of the reasons for filing its NOI at this other time: By order of ALJ Minkin via e-mail dated 10/19/2010.	
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: ALJ Minkin e-mail: Parties to A.10-07-001: Pursuant to Pub. Util. Code § 1804(a)(1) and Rule 17.1(a), intervenors who wish to claim compensation must file a Notice of Intent (NOI) within 30 days after the prehearing conference was held. In this proceeding, the prehearing conference was held on September 22, 2010 and the NOIs would normally be due on October 22, 2010. Pub. Util. Code § 1804(a) does allow some discretion in setting a different date for NOIs to be submitted, if issues cannot reasonably be determined within 30 days from the date of the PHC. I have considered the requests of certain intervenors to establish a later date for filing the NOIs as well as the Nevada Hydro Company’s objection. Because the information provided in Nevada Hydro’s updated testimony may well influence the extent of intervenors’ planned participation, I will establish December 17, 2010 as the	

date by which all NOIs must be filed and served. To the extent that intervenors have already filed and served their NOI, they may file amended NOIs, as necessary.

If intervenors have questions about the intervenor compensation program or participation in Commission proceedings, please contact the Commission's Public Advisor at [public.advisor@cpuc.gov](mailto:public.advisor@cpuc.gov)

Angela Minkin,  
Administrative Law Judge  
California Public Utilities Commission

## **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).

Mr. Pecora states that he is involved because this proceeding involves the Lake Elsinore Advanced Pumped Storage Project / Talega-Escondido/Valley-Serrano 500 kV Interconnect Project. He explain that this project will lead to significant environmental impacts to my life, property and home, Lakeland Village, Western Riverside County, the Santa Ana Mountains, and the Cleveland National Forest. If necessary to protect his family, property rights and quality of life, I plan to participate in all elements of this proceeding including environmental analysis under CEQA and compliance with the California Public Utilities Code. He has been an active participant in the proceedings to date and intend to remain actively involved in order to ensure that all interests of his family, property rights and quality of life are protected and all the adverse affects to his family and property are mitigated. He plans to continue to submit briefs and comments as required, possibly prepare and serve testimony, and participate in evidentiary hearings. This action may require legal counsel and necessary expert involvement. The nature and scope of this proceeding may require additional costs associated with his participation.

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

He plans to participate in the gamut of issues related to this proceeding, including review and comments of the environmental analysis under CEQA. My participation will include issues related to, but not be limited to: the impact to my family, property and quality of life, the local community impacts, transmission line alternatives, cumulative and indirect environmental impacts, project description and description of the project area, cultural resources, air quality, hydrology, lake affects, water quality, and cost benefit analysis. He intends to avoid duplication of effort and coordinate my participation in this proceeding with the other parties.

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				
	Subtotal:			
Expert Fees				
	Subtotal:			
Other Fees				
John Pecora	250	\$100.00	\$25,000.00	
	Subtotal:		\$25,000.000	
Costs				
Travel			\$1,500.00	
Copies			\$250.00	
General costs			\$250.00	
	Subtotal:		\$2,000.00	
<b>TOTAL ESTIMATE \$:</b>			\$27,000.00	
Comments/Elaboration (use reference # from above):				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

<b>A. The party claims “significant financial hardship” for its claim for intervenor compensation in this proceeding on the following basis:</b>	<b>Applies (check)</b>
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):**

Mr. Pecora states that participation in these proceedings constitutes a significant financial hardship for his family and himself. The definition of the term "significant financial hardship" is found in Section 1802(g) of the Code: "Significant financial hardship" means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation, or that, in 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.

Mr. Pecora states as follows: "I am representing my family and myself and would not otherwise be adequately represented in these proceedings. The Commission has recognized that adequate representation requires not only the broad efforts of the CPUC Division of Ratepayer Advocates, which represents all customer classes, but also the participation of Parties with special interests. I have a definite special interest, my life and property My cost for involvement in this proceeding will substantially outweigh my ability to finance my 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." I am attempting the impractical by participating in these proceedings on my own be-half. I respectfully requests that compensation be granted to me for my participation in this proceeding. I do not receive funding from any other source except my families hard work."

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

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>1</sup>**

	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): Mr. Pecora appears to be representing his own private interests as a private property owner, rather than the broader interests of a utility customer. To the extent that Mr. Pecora has concerns related to the environment or the development of multiple transmission lines in the Cleveland National Forest, it appears that Center for Biological Diversity, FRONTLINES, and jointly, Santa Ana Mountains Task Force (a division of the Sierra Club) and Friends of the Forest {Trabuco district} and the Santa Rosa Plateau will adequately address these concerns. Mr. Pecora is welcome to participate in this proceeding, but is not eligible for intervenor compensation.	x
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).



**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 hard copy 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 hard copy of the filed document is current as of today's date.

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

/s/ OYIN MILON

Oyin Milon

**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.

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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.

\*\*\*\*\* PARTIES \*\*\*\*\*

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