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

Application of Pacific Gas and Electric Company (U39E) for Approval of Demand Response Programs, Pilots and Budgets for 2012-2014.	Application 11-03-001 (Filed March 1, 2011)
And Related Matters.	Application 11-03-002 Application 11-03-003

**ADMINISTRATIVE LAW JUDGE’S RULING  
ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): Utility Consumers’ Action Network (UCAN)	
Assigned Commissioner: Michael R. Peevey	Assigned Administrative Law Judge (ALJ): Kelly A. Hymes

**PART I: PROCEDURAL ISSUES**

<b>A. Status as “customer” (see Pub. Util. Code § 1802(b)):</b> The party claims “customer” status because it:	<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)).	
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	X

(§ 1802(b)(1)(C)), or to represent another eligible group.	
<p>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>The CPUC has repeatedly found that UCAN's bylaws "represent the interests of residential ratepayers.” (e.g. Decision (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.</p>	

<b>B. Timely Filing of Notice of Intent (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: May 3, 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 reason for filing its NOI at that other time: n/a	
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: n/a	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>
<ul style="list-style-type: none"> <li>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)</li> </ul> <p>In this proceeding, UCAN plans to prepare testimony, participate in evidentiary hearings, file briefs, and prepare comments on the proposed and any alternate decisions ultimately issued by the Commission.</p> <ul style="list-style-type: none"> <li>The party’s statement of the issues on which it plans to participate.</li> </ul> <p>UCAN's focus will be on the costs and details of the demand response programs</p>

proposed by San Diego Gas & Electric.

<b>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)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY FEES</b>				
Michael Shames	50	\$333	\$16,650	
		<i>Subtotal:</i>	\$16,650	
<b>EXPERT FEES</b>				
JBS Energy	90	\$200-\$260	\$20,000	
Unidentified experts	60	\$250	\$15,000	
		<i>Subtotal:</i>	\$35,000	
<b>OTHER FEES</b>				
Estimated miscellaneous expenses related to this proceeding (e.g., photocopying, telecommunications)			\$500	
		<i>Subtotal:</i>	\$500	
<b>COSTS</b>				
Travel & Lodging			\$1,000	
		<i>Subtotal:</i>	\$1,000	
<b>TOTAL ESTIMATE \$:</b>			\$53,150	
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”; or	
2. “[I]n the case of a group or organization, the economic interest of the	

<p>individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.”</p>	
<p>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)).</p> <p>ALJ ruling (or CPUC decision) issued in proceeding number:</p> <p>Application (A.) 09-10-013, A.09-10-014, A.09-10-015 (Consolidated Proceedings)</p> <p>Date of ALJ ruling (or CPUC decision): May 10, 2010 (D.10-05-013)</p>	<p>X</p>

<p><b>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):</b></p>
<p>N/A</p>

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

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE’S RULING**

	Check all that apply
<p><b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b></p>	
<p>a. The NOI has not demonstrated status as a “customer” for the following reason(s):</p>	
<p>b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):</p>	

