



FILED
11-14-11
03:27 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902 M) for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2012.

Application 10-12-005
(Filed December 15, 2010)

Application of Southern California Gas Company (U904G) for authority to update its gas revenue requirement and base rates effective on January 1, 2012.

Application 10-12-006
(Filed December 15, 2010)

**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: Mark Ferron	Assigned ALJ: John S. Wong

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. 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 status. Any attached documents should be identified in Part IV. UCAN did not provide an explanation of its customer status or any documentation	

supporting its “customer” status in its NOI as required by Decision (D.) 98-04-059. However, this ruling takes notice of UCAN’s January 12, 2010 NOI in Application (A.) 09-10-013 and related matters wherein UCAN stated in part that it is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers,” and that it provided the relevant portion of its articles of incorporation in A.05-02-019 and that the articles of incorporation have not changed since that submission. UCAN also stated in that January 12, 2010 NOI that UCAN has approximately 36,000 dues paying members, of whom it believes the vast majority are residential and small business ratepayers.

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: January 31, 2011	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
2a. The party’s description of the reason for filing its NOI at that 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

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 the party’s NOI is filed). <p>UCAN plans to be active in all aspects of SDG&E’s rate case and will be exploring all operational costs, shared services, depreciation, and other aspects of the application.</p> <ul style="list-style-type: none"> The party’s statement of the issues on which it plans to participate. <p>UCAN plans to be active in all of the issues outlined in the scoping memo and ruling.</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				
Michael Shames	300	\$333	\$99,900	
Michael Scott	300	\$155	\$46,500	
David Peffer	200	\$150	\$30,000	
Michael Colter	150	\$300	\$45,000	
		Subtotal:	\$221,400	
EXPERT FEES				
JBS Energy			\$200,000	
MRW			\$200,000	
Unidentified experts			\$200,000	
Overland Consulting			\$150,000	
		Subtotal:	\$750,000	
OTHER FEES				
Deposition-related costs			\$5,000	
		Subtotal:	\$5,000	
COSTS				
Travel & Lodging			\$5,000	
Legal services			\$2,000	
Copying & Delivery			\$500	
		Subtotal:	\$7,500	
TOTAL ESTIMATE \$:			\$983,900	

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”; 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.”	

<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> <ul style="list-style-type: none"> • D.10-05-013 issued on May 10, 2010 in A.09-10-013 and related matters. 	<p>X</p>
--	----------

ADMINISTRATIVE LAW JUDGE RULING

	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.	X
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	
<p>4. The ALJ provides the following additional guidance (see § 1804(b)(2)):</p> <p>As an intervenor intending to claim intervenor compensation, UCAN must keep a daily record of the time and costs spent on each issue for which it intends to request compensation.</p>	<p>X</p>

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.	X
3. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	X
4. The customer has shown significant financial hardship.	X

