



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Carole Dominguez,

Complainant,

vs.

Pacific Gas and Electric Company (U39E),

Defendant.

Case 07-03-006
(Filed March 8, 2007)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING NOTICE OF INTENT TO CLAIM COMPENSATION
FILED BY CALIFORNIANS FOR RENEWABLE ENERGY**

Summary

This ruling responds to the notice of intent to claim compensation (NOI) filed by Californians for Renewable Energy (CARE), which has intervened in this proceeding, and finds that CARE is eligible to request intervenor compensation based on its participation in this proceeding.

Background

Under Section 1804(a)(1),¹ a customer who intends to seek an award of intervenor compensation shall, within 30 days after the prehearing conference (PHC) is held, file and serve on all parties to the proceeding a NOI. Two PHCs

¹ All Code citations are to the Public Utilities Code, unless otherwise stated.

have been held in this proceeding on April 30, 2007 and May 18, 2007. CARE's NOI, filed on June 22, 2007, was therefore timely filed. CARE also responded to a request for additional information from me on a timely basis.

Under Section 1804(a)(2), the NOI must address the following issues:

A. **Customer Status** - Whether the intervenor is a customer, as defined in Section 1802(b);

B. **Explanation of Planned Participation in the Proceeding** - A statement of the nature and extent of the customer's planned participation in the proceeding, so far as it is possible determine at the time of filing the NOI;

C. **Estimate of Costs** - An itemized estimate of the compensation that the intervenor intends to request, given the likely duration of the proceeding; and

D. **Financial Hardship** - The NOI may also address whether participation in the proceeding will cause the intervenor significant financial hardship, if intervenor is not found eligible for intervenor compensation. If this issue is not addressed in the NOI, the intervenor must demonstrate significant financial hardship resulting from participation in the proceeding in the subsequent request for an award of intervenor compensation.

Customer Status

Section 1802(b)(1) defines three types of "customers" eligible to claim intervenor compensation:

- A participant representing customers of a utility subject to the jurisdiction of the Commission;
- A representative authorized by a customer; and
- A representative of a group or organization authorized in its articles of incorporation or bylaws to represent the interests of residential customers or

small commercial customers who receive bundled electric service from an electrical corporation.

A “participant representing consumers” is an actual customer who represents more than his own narrow self-interest; a self-appointed representative.² A “representative authorized by a customer” connotes a more formal arrangement in which a customer, or a group of customers, selects a presumably more skilled person to represent the customers' views in a proceeding.³ A “representative of a group or organization” is a formally organized group (with articles of incorporation and/or bylaws) authorized to represent the views of customers.⁴

CARE has provided information which demonstrates that it is a nonprofit organization authorized by its by-laws to represent residential customers in this proceeding. CARE has also included a statement of one Pacific Gas and Electric (PG&E) customer who has authorized CARE to represent her interests in this proceeding.⁵ Therefore, CARE qualifies as a customer under Section 1802(b)(1)(C).

Significant Financial Hardship

In order to qualify for an award of compensation under Section 1804, the customer must demonstrate that, in the absence of intervenor compensation,

² Decision 98-04-059

³ Id.

⁴ Id.

⁵ CARE states that it represents a number of PG&E customers in this proceeding, but in order to protect their privacy, has submitted the name, address, and signature of only one customer.

his/her participation in the proceeding will result in significant financial hardship. Section 1802(g) defines “significant financial hardship” as follows:

... either the 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 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.

Here, CARE’s NOI estimates the cost of its participation in this proceeding as \$264,500, which includes attorney’s fees, fees paid to experts and land appraisers, and other costs.⁶ CARE’s NOI states that as of April 11, 2007, CARE’s total assets were \$1890.30. According to a supplemental declaration of CARE’s President filed on August 6, 2007, CARE presently has \$433.03 available to fund its costs in this proceeding. CARE has clearly demonstrated that the organization cannot afford to pay the costs of its effective participation in this proceeding, without suffering undue financial hardship. In addition, although CARE’s members may receive non-monetary benefits from CARE’s participation in this proceeding, which relates to the safety of PG&E’s natural gas pipeline located under the site of a youth athletic facility to be constructed in the City of Tracy, it appears that any financial benefit to the individual members of CARE will be very small, if any, as compared to the costs of participation in this proceeding.

⁶ CARE’s estimate is based on the assumption that this case will proceed to evidentiary hearings.

I therefore find that CARE has shown that, in the absence of intervenor compensation, its participation in this proceeding will result in significant financial hardship, pursuant to Section 1802(g).

Therefore, based on the above, **IT IS RULED** that:

1. California for Renewable Energy's (CARE) notice of intent to claim compensation was timely filed and meets the requirements of Section 1804.
2. CARE qualifies as a customer entitled to request intervenor compensation in this proceeding, pursuant to Section 1802(b)(1)(C).
3. CARE has demonstrated that, in the absence of intervenor compensation, its participation in this proceeding would result in a significant financial hardship, pursuant to Section 1802(g).
4. This ruling does not guarantee that CARE will receive an award of intervenor compensation based on its participation in this proceeding. All parties which intend to seek intervenor compensation should ensure that their efforts complement or supplement, but do not duplicate, the efforts of other parties with similar interests. Parties requesting intervenor compensation should discuss amongst themselves the issues that each will address in order to promote efficiency in the presentation of their case. Merely appearing, stating a position, and cross-examining does not ensure an award of compensation. Intervenors must demonstrate that their participation resulted in a substantial contribution to the proceeding through a unique presentation of facts or arguments that were relied upon by the assigned Administrative Law Judge or Commission in resolving this proceeding.

Dated August 16, 2007, at San Francisco, California.

/s/ MYRA J. PRESTIDGE

Myra J. Prestidge
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 August 16, 2007, at San Francisco, California.

/s/ SANDRA M. JACKSON

Sandra M. Jackson

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Last Update on 03-AUG-2007 by: JVG
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