INTERVENOR COMPENSATION

Instructions on Preparing and Submitting

Notices of Intent to Claim Intervenor Compensation & Claims for Intervenor Compensation

Using Standardized Forms

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Administrative Law Judge Division
California Public Utilities Commission

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An electronic version of this booklet is available at:
www.cpuc.ca.gov/__

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INTRODUCTION

California's Public Utilities Code allows certain parties in proceedings before the California Public Utilities Commission (CPUC) to request compensation for their participation (allowable fees and costs). The requirements for eligibility to request compensation are described in PU Code sections 1801 through 1812. The *Intervenor Compensation Program Guide* provides a detailed explanation of the program. The Guide may be requested from the Intervenor Compensation Coordinator (contact information on the cover page), the CPUC's Public Advisor (public.advisor@cpuc.ca.gov), or downloaded from the CPUC website.

A party requesting intervenor compensation in a proceeding is required to file two basic documents: (1) Notice of Intent to Claim Intervenor Compensation (NOI), usually early in the proceeding; and (2) Claim for Intervenor Compensation (Claim), usually filed at the end of the proceeding or when a defined phase of a proceeding is concluded. Firm filings deadlines apply to each document, and the *Intervenor Compensation Program Guide* discusses these and other requirements.

The Administrative Law Judge (ALJ) assigned to the proceeding may issue a ruling in response to the NOI, particularly if the party has requested an early determination of "significant financial hardship," one of the eligibility criteria, or if the NOI is deficient in some way. Once a properly completed Claim (the second required submission) is filed, the CPUC itself will issue a decision granting the claim, denying the claim, or awarding a different amount.

A party planning to file a NOI or Claim may prepare a traditional pleading, as described in the *Intervenor Compensation Program Guide*. Starting in 2008, a party may also use the standardized forms described in this booklet to prepare a NOI or Claim. These forms are appropriate when the NOI or Claim is not overly complicated and does not present unique issues of law or fact. Please contact the Intervenor Compensation Coordinator if you have any questions about whether you can use these forms.

The principal innovation of these forms is the combination of the intervenor's and the CPUC's determinations into one document. For instance, the Claim form combines (1) the intervenor's claim and (2) the CPUC's decision on the claim into one document. These forms make it easier for the intervenor to provide the necessary information, eliminate repetitive verbiage, and reduce the overall length of these rulings and decisions. While these forms vary from some of the formatting requirements of the Rule of Practice and Procedure, these variations have been made, pursuant to Rule 1.2 ("In special cases and for good cause shown, the CPUC may permit deviations from the rules") because of the specialized nature of intervenor compensation.

Part A of this booklet provides information on completing and filing the *Notice of Intent to Claim Intervenor Compensation* (NOI) form. Part B provides information on completing and filing the *Claim and Decision on Intervenor Compensation* (Claim) form.

PART A: INSTRUCTIONS FOR USING *NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION* FORM

GENERAL INSTRUCTIONS

The *Notice of Intent to Claim Intervenor Compensation and, if Requested, Ruling on Showing of Significant Financial Hardship* form is designed to simplify and expedite the preparation and consideration of routine notices expressing a party's intent to claim intervenor compensation under Public Utilities Code sections 1801 through 1812. It is a combined form:

- the claimant completes most of the information in Parts I, II, and III; and
- after the form is filed with the CPUC, the Assigned ALJ verifies the information provided by the claimant and, if necessary, completes the remainder of the form as an official ALJ Ruling deciding, as appropriate, whether the notice is deficient, whether the party has satisfied the eligibility requirements to claim compensation, and whether the party has shown significant financial hardship.

An electronic version of the *Notice of Intent to Claim Intervenor Compensation* form (MS Word) may be downloaded from the CPUC's website or requested from the Intervenor Compensation Coordinator (icompcoordinator@cpuc.ca.gov; (415) 355-5574).

Claimants using this form to provide the CPUC with notice of their intent to claim compensation must:

(1) formally file a paper or electronic version of the NOI with the CPUC's Docket Office (satisfying all filing and service requirements set forth in Resolution ALJ-188 and/or the CPUC's Rules of Practice and Procedure); and
(2) send (on the same day the NOI is filed) an electronic version of the Notice, in MS Word format (the format in which the form is created) to the Intervenor Compensation Coordinator at icompcoordinator@cpuc.ca.gov.

All Rule references herein are to the CPUC's Rules of Practice and Procedure (available on-line at http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/70731.htm). All Section (§) references are to the Public Utilities Code (available on-line at http://www.leginfo.ca.gov/calaw.html). Information regarding electronic filing is available at http://www.cpuc.ca.gov/PUC/efiling.

DETAILED INSTRUCTIONS FOR *NOTICE OF INTENT TO CLAIM COMPENSATION* FORM

The following are detailed instructions for completing specific parts of the form. Two forms are provided with these instructions: (1) a blank form, which may be downloaded from the CPUC website (see above) (FORM A); and (2) an illustrative form that has been completed by a fictitious party (FORM B).

Portions of the blank form (FORM A) are shaded in green and indicate information that must be provided by the claimant. Bracketed text in these green areas (for example, [Proceeding Name]) is text you may select and type over.

The numbered paragraphs below correspond to the numbered boxes in FORM A and provide guidance on how information should be set forth in the NOI.

Caption

1—Caption & Proceeding Number. Provide the caption or proceeding name and the proceeding number for the formal proceeding in which compensation will be requested. Earlier pleadings in the proceeding have this information but verify that no changes have been made to this information during the proceeding.

The document title, "Notice of Intent to Claim . . . ," contains a box that should be checked if the customer (the party intending to claim intervenor compensation) requests the assigned Administrative Law Judge (ALJ) to issue a ruling at this point in the proceeding on the customer's claim of "significant financial hardship" (see Part III below).

Summary Information

2—Customer Information & Verification. In the appropriate spaces, provide the name of the customer (the party intending to claim intervenor compensation) and the names of Commissioner and ALJ currently assigned to the proceeding. In the appropriate space, a duly authorized representative of the customer must verify the truth of the information in the claim by signing (see Rules 1.1 & 1.8 of the *Commission's Rules of Practice and Procedure* and Resolution ALJ-188).

Part I: Procedural Issues

3—Customer Status. When filing its NOI, a party must state how it meets the definition of customer." The different types of customers are known as Category 1, Category 2, and Category 3. The information that you must provide in your NOI differs depending on the type of customer you are:

- A **Category 1** customer is an actual customer who represents more than his or her own self-interest; a self-appointed representative of other consumer interests.
- A **Category 2** customer is a representative who has been authorized by actual customers to represent them. Category 2 is a more formal arrangement where a customer, or a group of customers, selects a more skilled person to represent the customers' views in a proceeding.
- A **Category 3** customer is a formally organized group usually authorized, pursuant to its articles of incorporation or bylaws, to represent the interests of residential customers or small commercial electric customers.

More detailed information on Customer Status, including information on supporting documentation, may be found in the *Intervenor Compensation Program Guide.*

In this section of the form, check your customer status (select only one) and in Box I(A)(4), provide a more detailed explanation of your customer status and attach any documents, such as articles of incorporation that support your claimed status. Please list these documents in Part IV of the form.

4—Timely Filing of Notice. The Public Utilities Code requires that an NOI must be filed within 30 days of a prehearing conference (PHC) in a proceeding. Certain exceptions exist to this rule. These exceptions are described in Rule 17.1 of the Commission's *Rules of Practice and Procedure*.

If your NOI is being filed within 30 days of the PHC, provide the PHC date in Box I(B)(1) and check "yes." You may proceed to Part II.

If your NOI is being filed at a different time, check "yes" in Box I(B)(2) and provide, in I(B)(2)(a) the reason for filing at this time and in Box I(B)(2)(b), specifically identify the CPUC decision, rule, Commissioner ruling, ALJ ruling, or other authority that authorizes you to file at this time.

Part II: Scope of Anticipated Participation

5—Planned Participation. In the space provided at Part II(A)(1) and using bullet points where possible, please describe how you plan to participate in this case. For example, will you serve written testimony; cross-examine witnesses; review the application, the scoping ruling and testimony served by other parties; attend prehearing conferences; file briefs, comments and other pleadings; participate, if invited, in settlement negotiations. In this section, you should list the issues you intend to address in the proceeding and briefly explain how you will address them. Discuss how you intend to avoid duplication of effort with other parties and intervenors.

6—Estimate of Compensation. In the table provided at Part II(B), please provide an itemized estimate of the compensation (fees and related costs), including an expected budget for each major issue, that you expect to request as the result of your participation in the proceeding. If you plan to hire attorneys or experts (or rely on in-house staff), identify how many hours you expect will be required and the hourly rate charged. Please note, the CPUC generally does not award compensation for time spent by support staff, except for paralegals. Travel time and time associated with preparing compensation related materials can be charged, at most, at half the hourly rate. You may type over any bracketed text to identify attorneys and experts by name, as well as the specific types of anticipated costs. If you want to elaborate on any entry, enter a number or letter in the # column and provide additional information in the "Comments/Elaboration" space. Please total your estimate.

Please note, the CPUC is not legally required to reimburse you for all your estimated or claimed expenses. The CPUC undertakes a detailed review of the reasonableness of the claimed expenses set forth in the *Claim and Decision on Intervenor Compensation* form.

Part III: Showing of Significant Financial Hardship

A showing of “significant financial hardship” does not need to be set forth in the NOI. Such a showing may be deferred and included in the eventual claim for intervenor compensation. If you choose to defer a determination on “significant financial hardship,” please leave Part III blank. However, by demonstrating “significant financial hardship” in the NOI, the intervenor learns early in the proceeding whether it has satisfied one of the main eligibility requirements for compensation. If you have <u>any</u> concern about whether you will meet the significant financial hardship test, you are <u>strongly</u> <u>encouraged</u> to make your showing in your NOI.

If you choose to make your showing now, you must indicate (in Part III(A)) which test of significant financial hardship you meet and provide supporting information (in Part III(B)). After the NOI is filed with this information, the Assigned ALJ will issue a ruling on your claim of “significant financial hardship.” The *Intervenor Compensation Program Guide* provides detailed information on how to complete this portion of the NOI.

7—<u>Basis for “Significant Financial Hardship</u>.” Section 1802(g) defines "significant financial hardship" as follows:

> (1) 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
> (2) 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.

In Part III(A), please check the appropriate box to indicate whether you claim eligibility under (1) or (2).

8—<u>Support for “Significant Financial Hardship</u>.” In this space (Part III(B)), provide an explanation supporting your claim of “significant financial hardship.” You may also identify any documents that support your claim and, if necessary, attach them to the NOI. Please also identify these documents in Part IV. See the *Intervenor Compensation Program Guide* for information on documents required for the significant financial hardship showing.

If you are a Category 1 or 2 customer and cannot without undue hardship afford to pay the costs of effective participation, you must provide financial information demonstrating this hardship. Category 1 and 2 customers must disclose their gross and net monthly income and monthly expenses.

For a Category 1 customer, you must provide your own financial information. For a Category 2 customer, you must provide the financial information of the customer who authorized you to serve in a representative capacity. You should summarize the financial information and explain how it demonstrates undue hardship.

If you are a Category 3 customer (a group or organization authorized by its bylaws to represent customers), you must meet the "comparison test" standard. The comparison test requires that the economic interest of the individual members of the group or organization be small in comparison to the costs of effective participation in the proceeding. You should make the comparison and demonstrate hardship.

If the CPUC ruled pursuant to Section 1802(g) that an Intervenor was eligible for compensation in another proceeding less than one year before this proceeding began, the intervenor can rely on that finding in this prior proceeding. Please provide a specific citation (usually an ALJ Ruling in the earlier proceeding) of that earlier determination.

Part IV: Attachments Documenting Specific Assertions Made in this Notice

9—List of Attachments. Part IV is a table identifying any documents attached to the NOI. One required document, identified as Attachment 1, is the Certificate of Service (see Instruction 11 below).

Please also use Part IV to identify other documents, such as articles of incorporation, that are attached to the completed NOI. Each document should be given an attachment number and described in the table.

Administrative Law Judge Ruling

10—ALJ Ruling. The last portion of the NOI is not completed by the intervenor. This part of the form may be completed by the Assigned ALJ and issued as a formal ALJ Ruling. Normally, 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 is, the intervenor has completed Part III of the NOI).

Attachments

11—Actual Attachments. You must attach a Certificate of Service to your NOI and any other documents you discuss in Part IV of the NOI (see instruction 9). Attachment 1 is the Certificate of Service that the intervenor must complete to identify the persons served with a copy of your NOI.

Filing the NOI

In order for your NOI and attached materials to be part of the formal record of the proceeding, the NOI with any attachments must be filed with the CPUC's Docket Office. Please see the "General Instructions" in this booklet, or the *Intervenor Compensation Program Guide*, for more information on how to file the NOI. You may file the NOI electronically, see http://www.cpuc.ca.gov/PUC/efiling. If you have any questions about filing, call the Docket Office at (415) 703-2121.

Serving the NOI

You must serve your NOI on all persons and entities identified on the Service List. You can access the Service List on the CPUC's website at http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm under the proceeding number. If you are unable to obtain the Service List from our website, please request one from the CPUC Process Office at (415) 703-2021. For more information regarding how to correctly serve your NOI on the Service list, please review the *Intervenor Compensation Program Guide.*

FORM A: BLANK *NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION*

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1

[Proceeding Name]	[Proceeding Number]

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ ] checked), ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

2

Customer (party intending to claim intervenor compensation):			
Assigned Commissioner:		Assigned ALJ:	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1). Signature:			
Date:		Printed Name:	

PART I: PROCEDURAL ISSUES

(To be completed by the party ("customer") intending to claim intervenor compensation)

3

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.	
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.	

4	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 __
	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 __
	2a. The party's description of the reasons for filing your NOI at this 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

(To be completed by the party ("customer") intending to claim intervenor compensation)

5	A. Planned Participation (§ 1804(a)(2)(A)(i)):
	• 1. 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). • The party's statement of the issues on which it plans to participate.

6	**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]				
	[Expert 2]				
			Subtotal:		
	OTHER FEES				
	[Person 1]				
	[Person 2]				
			Subtotal:		
	COSTS				
	[Item 1]				
	[Item 2]				
	[Item 3]				
			Subtotal:		
			TOTAL ESTIMATE $:		
	Comments/Elaboration (use reference # from above):				
	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

(To be completed by party ("customer") intending to claim intervenor compensation; see Instructions for options for providing this information)

7	**A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis (§ 1802(g)):**	**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."	

8

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):

PART IV: ATTACHMENTS DOCUMENTING SPECIFIC ASSERTIONS MADE IN THIS NOTICE

(The party ("customer") intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

9

Attachment No.	Description
1	Certificate of Service

ADMINISTRATIVE LAW JUDGE RULING[1]

(ALJ completes)

10

	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).	
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)):	

[1] 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."

ORDER

	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).	
4. The customer has shown significant financial hardship. The customer is entitled to a rebuttable presumption of eligibility for intervenor compensation in other Commission proceedings commencing within one year of the date of this ruling (§ 1804(b)(1)).	
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.	

Dated _____, at San Francisco, California.

_____

ADMINISTRATIVE LAW JUDGE

11

Attachment 1:
Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

[ ] hand delivery;
[ ] first-class mail; and/or
[ ] electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], 200_, at [city], California.

[Signature]

[Typed name and address]

FORM B: COMPLETED *NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION* (Illustrative)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Apex Gas and Electric Company for Authority to Increase Revenue Requirement to Recover the Costs to Deploy Remote Metering System.	Application 05-00-000

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X] checked), ALJ RULING ON SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): Concerned Citizens of Contra Costa County (The Five Cs)			
Assigned Commissioner: Silleroy		Assigned ALJ: J. Christopher	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
Signature: /s/ Clarence C. Clawson			
Date:	Aug. 15, 2005	Printed Name:	Clarence C. Clawson

PART I: PROCEDURAL ISSUES

(To be completed by the party ("customer") intending to claim intervenor compensation)

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	X

(§ 1802(b)(1)(C)), or to represent another eligible group.	
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. The Five Cs is a California nonprofit corporation with approximately 200 members who are residential customers of Apex Gas & Electric Co. Its articles of incorporation specifically authorize the organization to represent residential or small commercial customers on energy policy matters before administrative agencies including the CPUC. See Attachment 2 (a copy of the articles of incorporation).	

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: July 15, 2005	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 your NOI at this 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

(To be completed by the party ("customer") intending to claim intervenor compensation)

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

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				
Clara Crown	100	$150	$15,000	
Chris Carroll	100	$125	$12,500	
		Subtotal:	$27,500	
EXPERT FEES				
Candy Candee	75	$150	$11,250	a
Carson Coffee	50	$100	$ 5,000	
		Subtotal:	$16,250	
OTHER FEES				
[Person 1]				
[Person 2]				
		Subtotal:		
COSTS				
Est. Travel			$3,000	a
Est. copying			$2,000	
[Item 3]				
		Subtotal:	$5,000	
		TOTAL ESTIMATE $:	$48,750	
Comments/Elaboration (use reference # from above): a—Expert witness Candy Candee lives in Boston.				
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

(To be completed by party intending to claim intervenor compensation; may be filed with Notice of Intent; alternatively, may set forth later in compensation claim)

A. The party claims "significant financial hardship" for its claim for intervenor compensation in this proceeding on the following basis (§ 1802(g)):	**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."	X

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):
▪ All of The Five Cs members are residential customers. ▪ The typical residential electric bill for an individual member was approximately $245 per month (see Attachment 3, Member Survey). ▪ A residential electric bill of approximately $3000 per year is much less than The Five Cs' estimated cost of participation in this proceeding ($50,000).

PART IV: ATTACHMENTS DOCUMENTING SPECIFIC ASSERTIONS MADE IN THIS NOTICE

(The party ("customer") intending to claim intervenor compensation identifies and attaches documents (add rows as necessary). Documents are not attached to final ALJ ruling)

Attachment No.	Description
1	Certificate of Service
2	Articles of Incorporation
3	Member Survey

ADMINISTRATIVE LAW JUDGE RULING[1]

(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	

[1] 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."

set forth in Part III of the NOI (above).	
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)):	

ORDER

	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).	
4. The customer has shown significant financial hardship. The customer is entitled to a rebuttable presumption of eligibility for intervenor compensation in other Commission proceedings commencing within one year of the date of this ruling (§ 1804(b)(1)).	
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.	

Dated _____, at San Francisco, California.

_____

ADMINISTRATIVE LAW JUDGE

Attachment 1:
Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION** by (check as appropriate):

[ ] hand delivery;
[X] first-class mail; and/or
[X] electronic mail

to the following persons appearing on the official Service List:

Carlos Martinez
DRA, CPUC
505 Van Ness Ave.
San Francisco, CA 95102

Sonya Singer
Regulatory Vice President
Apex Gas and Electric Company
101 Market St.
San Francisco, CA 94101

ALJ J. Christopher
CPUC
505 Van Ness Ave.
San Francisco, CA 95102

Executed this 15th day of February 2008, at San Francisco, California.

/s/ CCC
[Signature]

Clarence C. Clawson
5xC
125 Stringer Ave.
Walnut Creek, CA 97102
[Typed name and address]

[OTHER ATTACHMENTS OMITTED FROM THIS EXAMPLE]

PART B: INSTRUCTIONS FOR USING *CLAIM AND DECISION ON REQUEST FOR INTERVENOR* COMPENSATION FORM

GENERAL INSTRUCTIONS

The *Claim and Decision on Request for Intervenor Compensation(Claim and Decision)* form is designed to simplify and expedite the preparation and consideration of routine intervenor compensation requests. It is a combined form:

- the claimant completes most of the information in Parts I, II, and III; and
- after the form is filed with the CPUC, the CPUC verifies the information provided by the claimant in Parts I, II, and III and makes necessary Findings, Conclusions, and Order in the last part of the request.

Because so many mathematical errors appear in intervenor compensation requests, we also ask intervenors using the *Claim and Decision* form to complete and submit an Excel spreadsheet to document the numerical calculations.

An electronic version of the *Claim and Decision* form (MS Word) and an Excel spreadsheet template may be downloaded from the CPUC website or requested from the Intervenor Compensation Coordinator (icompcoordinator@cpuc.ca.gov; (415) 355-5574).

Claimants using this process must:

(1) formally file a paper or electronic version of the claim with the CPUC's Docket Office and provide copies to the official Service List according to the service requirements set forth in the CPUC's *Rules of Practice and Procedure*);
(2) send (on the same day the claim is filed) an electronic version of the claim, in MS Word format (the format in which the form is created) to the Intervenor Compensation Coordinator at icompcoordinator@cpuc.ca.gov; and
(3) send (also on the same day the claim is filed) an electronic version of the completed Excel spreadsheet (see preceding paragraphs) to the Intervenor Compensation Coordinator, even if not all attachments are in an electronic format.

All Rule references herein are to the CPUC's *Rules of Practice and Procedure* (available on-line at http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/70731.htm).
All Section (§) references are to the Public Utilities Code (available on-line at http://www.leginfo.ca.gov/calaw.html).

DETAILED INSTRUCTIONS FOR *CLAIM AND DECISION* FORM

The following are detailed instructions for completing specific parts of the form. Two forms are provided with these instructions: (1) a blank form, which may be downloaded from the CPUC website (see above) (FORM C); and (2) an illustrative form that has been completed by a fictitious claimant (FORM D).

Portions of the blank form (FORM C) are shaded in green and indicate information that must be provided by the claimant. Bracketed text in these green areas (for example, [Proceeding Name]) is text you may select and type over.

The numbered paragraphs below correspond to the numbered boxes in FORM C and provide guidance on how information should be set forth in the Claim.

Caption

1—Caption & Proceeding Number. Provide the caption or proceeding name and the proceeding number for the formal proceeding in which compensation is claimed. Earlier pleadings in the proceeding have this information, but verify that no changes have been made to this information during the proceeding.

Summary Information

2—Customer Information & Verification. In the appropriate spaces, provide the name of the claimant, the number of the decision to which the claimant claims to have contributed, the names of the Assigned Commissioner and ALJ, and the total amount of the claim. In the appropriate space, a duly authorized representative of claimant must verify the truth of the information in the claim by signing (see Rule 1 of the Commission's *Rules of Practice and Procedure*).

Part I: Procedural Issues

3—Decision. Provide a brief description of the decision to which the claimant claims to have made a substantial contribution.

4—Timely Filing of Notice. In Part I(B) the claimant must provide information satisfying certain procedural requirements. Normally, a Notice of Intent to Claim Intervenor Compensation (NOI; see accompanying form) must be filed within 30 days of the Prehearing Conference (PHC), so the date of the PHC must be provided. In other instances (such as when no PHC is held), another date has been specified for filing the notice, and that date should be entered on Line #2. The actual date the NOI is filed must be entered on Line #3. See § 1804(a)(1) and Rule 17.1 for more details. Line #4 is completed by the CPUC.

5—Customer Status. These lines ask for information establishing the claimant's standing as a "customer" under § 1802(b). Sometimes the claimant has been recognized as a "customer" in an earlier ruling or decision in the same or different proceeding. Provide a citation to the ruling or decision recognizing "customer" status and the date thereof. If customer status has previously not been established in this or another proceeding, claimant should file a traditional compensation claim providing more justification. Line #8 is completed by the CPUC.

6—Significant Financial Hardship. These lines ask for information establishing that the claimant has demonstrated "significant financial hardship" justifying compensation in this proceeding, assuming other eligibility factors are satisfied. (§ 1802(g)). The CPUC may have already recognized the claimant as having "significant financial hardship" in an earlier ruling or decision in the same or different proceeding. Please provide a citation to the ruling or decision recognizing the claimant's actual "significant financial hardship" status and the date thereof. You may only refer to the finding of "significant financial hardship" in a different proceeding if no more than one year elapsed between the date of that finding and the filing date for the present proceeding. (§ 1804(b)(1)). If no such finding was made within the one-year period, file a traditional compensation claim providing a complete showing of "significant financial hardship." Line #12 is completed by the CPUC.

7—Timely Request for Compensation. The final procedural requirement is that the claim be filed in a timely fashion, usually within 60 days of the CPUC's final order or decision, to which the claimant claims a significant contribution. (§1804(c)). These lines ask for a citation to the final order or decision, the date the CPUC mailed the order or decision, and the date of the compensation request (the claim). The CPUC completed line #16.

8—Additional Comments. The table set forth as Part I(C) provides space for additional comments by the claimant to add or clarify the information set forth in Part I(A) or (B). If the comment specifically relates to an item in Part I(B) (e.g., "Date NOI Filed"), provide the specific line number (e.g., Line #3). This table can be expanded by placing the cursor in the bottom right cell and clicking the tab key.

Part II: Substantial Contribution

9—Contribution to Final Decision or Decision. Part II(A) is the most important part of the claim. Here the claimant must specifically identify the substantial contribution it has made to a CPUC order or decision. (§ 1802(i) & Rule 17). The claimant should list, in separate rows each specific factual contention, legal contention, or specific policy or procedural recommendation made by the claimant. For each contribution, the claimant should provide a citation to that portion of the order, decision, or record indicating that the CPUC has adopted in whole or in part the claimant's contentions or recommendations (for instance, by providing a specific reference to an ordering paragraph or page number in a decision). This table can be expanded by placing the cursor in the bottom right cell and clicking the tab key. However, please do not make an entry in the last column ("CPUC Verified"). Because "substantial contribution" can be a tricky area, please consult the *Intervenor Compensation Guide* for more information.

10—Avoidance of Duplication. Claimants should avoid or minimize the duplication of work performed by other parties in a proceeding. This is especially true when the Division of Ratepayers (DRA) is a party to the proceeding. In the lines in Part II(B), please indicate whether DRA was a party and identify other parties with positions similar to yours. In response to "d," describe in detail how you affirmatively sought to avoid duplication with other parties or how your work supplemented, complemented, or

contributed to that of another party. This can be demonstrated by working agreements among the parties, lead counsel arrangements on certain issues, sharing of expert witnesses, or other arrangements.

11—Additional Comments. The table set forth as Part II(C) provides space for additional comments by the claimant to add or clarify the information set forth in Parts II(A) or (B). If the comment relates to a specific item in Parts II(A) or (B), please provide the specific line number (e.g., Line #3). This table can be expanded by placing the cursor in the bottom right cell and clicking the tab key.

Part III: Reasonableness of Requested Compensation

12—General Claim of Reasonableness. Provide a concise explanation justifying claimant's costs of participation when compared to the benefits realized to ratepayers or the public through the participation. This explanation can be done in narrative or point-by-point form. Specific references in the decision or record of the proceeding discussing the benefits achieved as a result of claimant's participation are helpful.

13—Specific Claim. The table set forth in Part III(B) allows the claimant to itemize all professional fees and costs of participation in the proceeding. The claimant enters all relevant information called for on the left side of the bold line; the CPUC will set forth its award in the fields on the right side of the bold line. In some fields, bracketed text suggests the type of information you may want to enter (just select and type over the bracketed information).

14—Attorneys Fees. In the "Attorney Fee" section, enter the name(s) of your attorneys, the year and hours they worked on the proceeding, their hourly rate, and the basis for the hourly rate approved by the CPUC for that attorney. If the attorney worked in various calendar years, use a separate row for each year. The CPUC has approved an hourly rate for many attorneys who practice before the agency and provides guidance for determining compensation for new attorneys. Cite to a specific decision to support the claimed rate. This portion of the table can be expanded to add other attorneys by placing the cursor in the [Atty 2] row and selecting "Insert Row" from the Table menu. Please contact the Intervenor Compensation Coordinator at (415) 355-5574 if you have any questions.

15—Expert Fees. Intervenors frequently use expert witnesses to help present their case. In the "Expert Fee" section, enter the name(s) of your experts, the years and the hours they worked on the proceeding, their hourly rate, and the basis for the hourly rate approved by the CPUC for that attorney. If the expert worked in various calendar years, use a separate row for each year. The CPUC has approved an hourly rate for many expert witnesses who testify before the agency and provides guidance for determining compensation for new experts. Cite to a specific decision to support the claimed rate. This portion of the table can be expanded to add other experts by placing the cursor in the [Expert 2] row and selecting "Insert Row" from the Table menu. Please contact the Intervenor Compensation Coordinator at (415) 355-5574 if you have any questions.

16—Other Fees. Fees are often claimed for other persons, such as paralegals, who help in the presentation of the intervenor's case. Also, the travel rate for attorneys and experts is usually less than their normal hourly rate. For persons claiming these fees, please state their name and capacity, year and hours they worked on the proceeding, their hourly rate, and the basis for the hourly rate. Paralegals, in particular, are unlikely to have a CPUC-approved hourly rate, so they must provide a rational for their claimed rate. This portion of the table can be expanded by placing the cursor in the [Person 2] row and selecting "Insert Row" from the Table menu.

17—Claim Preparation. The intervenor's attorney or staff is usually involved in preparing the compensation claim. The CPUC compensates reasonable claim preparation at 50% of the person's normal hourly rate. Provide the year, hours worked, rate, and basis for rate information as before.

18—Costs. The CPUC compensates some other reasonable costs incurred in participating in a formal proceeding. These may include deposition expenses, copying expenses, certain travel, and other litigation-related expenses. Please itemize the expenses and set forth their cost. Further documentation may be attached to claim. This portion of the table can be expanded to insert additional rows by placing your cursor in the green row and selecting "Insert Row" from the Table menu.

19— List of Attachments. The table in PART III(C) is used to identify any documents attached to the claim. One required document, identified as Attachment 1, is the Certificate of Service (see Instruction 22 below). This table can be expanded to insert additional rows by placing your cursor in the green row and selecting "Insert Row" from the Table menu.

Other attachments should provide additional information in support of the specific fees and other costs set forth in the Part III(B) table. (Rule 17.4(b)). You must attach daily time records for hours worked that identify (a) the name of the person performing the task; (b) the specific task performed; (c) the issue that the task addressed (usually as set forth in the Scoping Memo). In the PART III(C) table, list each attachment by name (e.g., Att. A, "Attorney Time Records).

You may also use this table to provide additional comments in support of your claimed fees and costs; if you do so, please reference the corresponding line number in the Part III(B) table. As your award is subject to CPUC audit, you must retain sufficient records to support your claim.

20—CPUC Adjustments & Disallowances. The CPUC uses the Part III(D) table to identify and explain any adjustments or disallowances in the specific monetary claims set forth in the Part III(c) table. Claimants should not enter any information in the Part III(D) table.

Remainder of Form

21—Part IV, Findings & Conclusions, and Order. The CPUC completes these sections that constitute the remainder of the claim form.

Attachments

22—Actual Attachments. You must attach a Certificate of Service to your Claim (showing service on the official Service List for the Proceeding), any documents supporting the claimed amounts in the Part III(B) table, and any other documents necessary to substantial your claim. Attachment 1 is the Certificate of Service that the intervenor must complete to identify the persons served.

Filing the Claim

In order for your Claim and attached materials to be part of the record, they must be formally filed. Please see the "General Instructions," page 43, for more information on how to file the Claim. You may file the Claim electronically; see http://www.cpuc.ca.gov/PUC/efiling. If you have any questions about filing, call the CPUC Docket Office at (415) 703-2121.

Serving the Claim

You must serve your Claim on the Service List. You can access the Service List on the CPUC's website at http://docs.cpuc.ca.gov/published/service_lists/sl_index.htm under the proceeding number. If you are unable to obtain the Service List from our website, please request one from the CPUC Process Office at (415) 703-2021. You are not required to serve your Claim on those persons listed as "Information Only" on the Service List.

FORM C: BLANK *CLAIM AND DECISION ON INTERVENOR COMPENSATION*

Agenda ID #____

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1

[Proceeding Name]	[Proceeding Number]

CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

2

Claimant:		**For contribution to D.**	
Claimed ($):		**Awarded ($):**	
Assigned Commissioner:		**Assigned ALJ:**	
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
		Signature:	
Date:		**Printed Name:**	

PART I: PROCEDURAL ISSUES **(to be completed by Claimant except where indicated)**

3

A. Brief Description of Decision:

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

4

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:		
2. Other Specified Date for NOI:		
3. Date NOI Filed:		

4. Was the notice of intent timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:		
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision		
14. Date of Issuance of Final Order or Decision:		
15. File date of compensation request:		
16. Was the request for compensation timely?		

5

6

7

C. Additional Comments on Part I (use line reference # as appropriate):

8

#	Claimant	CPUC	Comment

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final decision or record.)

9

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1.		

2.		

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

10

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)		
b. Were there other parties to the proceeding? (Y/N)		
c. If so, provide name of other parties:		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

11

#	Claimant	CPUC	Comment

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

A. General Claim of Reasonableness (§§ 1801 & 1806):

12

13

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified

B. Specific Claim:

14

15

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
[Atty 1]			$						
[Atty 2]									
				Subtotal:				*Subtotal:*	
EXPERT FEES									
Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $

[Expert 1]									
[Expert 2]									
					Subtotal:				***Subtotal:***	

OTHER FEES

Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):

16

Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
[Person 1]									
[Person 2]									
					Subtotal:				***Subtotal:***	

INTERVENOR COMPENSATION CLAIM PREPARATION **

17

Item	Year	Hours	Rate $	Basis for Rate*	Total $	Year	Hours	Rate $	Total $
[Preparer 1]									
[Preparer 2]									
					Subtotal:				***Subtotal:***	

COSTS

18

#	Item	Detail	Amount	Amount	
			Subtotal:	***Subtotal:***	
			TOTAL REQUEST $:	**TOTAL AWARD $:**	

When entering items, type over bracketed text; add additional rows as necessary.

*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

C. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

19

Attachment or Comment #	Description/Comment
1	**Certificate of Service**

D. CPUC Disallowances & Adjustments (CPUC completes):

20

#	Reason

21

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this claim, Commission Staff or any other party may file a response to the claim (*see* § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the claim (Y/N)?

If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6)) (Y/N)?

If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.

2. The claimed fees and costs [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The total of reasonable contribution is $_____.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded $_____.

2. Within 30 days of the effective date of this decision, _____ shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime,

three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.

4. [This/these] proceeding[s] [is/are] closed.

5. This decision is effective today.

Dated _____, at San Francisco, California.

22

Attachment 1:
Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

[ ] hand delivery;
[ ] first-class mail; and/or
[ ] electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], 200_, at [city], California.

[Signature]

[Typed name and address]

FORM D: COMPLETED *CLAIM AND DECISION ON INTERVENOR COMPENSATION* (Illustrative)

Agenda ID #____

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Great Plains Water Company for an Order pursuant to Public Utilities Code Section 851 approving a Settlement in a Water Right Adjudication, and for an Order pursuant to Section 454 approving the proposed Ratemaking Treatment of the Costs of the Adjudication and Settlement.	Application 06-00-000 (Filed January 2, 2006)

CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: Jane Smith for The Water Protectors, Inc.			**For contribution to D.** 07-00-000
Claimed ($): $12,676.72			**Awarded ($):**
Assigned Commissioner: Carla Cox			**Assigned ALJ:** Manuel Lopez
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).			
		Signature:	/s/ Jane Smith
Date:	June 8, 2007	**Printed Name:**	Jane Smith

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

A. Brief Description of Decision: Approves a settlement agreement resolving certain contested issues, specifically, the ratemaking treatment of litigation expenses incurred by Great Plains Water Company in federal court litigation protecting its water rights.

D. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		
1. Date of Prehearing Conference:	4/19/07	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	5/10/07	
4. Was the notice of intent timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.06-00-000	
6. Date of ALJ ruling:	7/7/06	
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.06-00-000	
10. Date of ALJ ruling:	7/7/06	
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.07-05-000	
14. Date of Issuance of Final Decision:	5/24/07	
15. File date of compensation request:	6/11/07	
16. Was the request for compensation timely?		

E. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

D. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059) **(For each contribution, support with specific reference to final or record.)**

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. Demonstrated that federal court litigation also affected Great Plains water rights that do not serve ratepayers	Finding of Facts 12, 15 & 22, in D. 07-05-000	
2. Demonstrated that Great Plains' expert in federal court litigation had overbilled company by $10,000	Finding of Facts 13, in D. 07-05-000	
3. In protest, suggested that portion of company's litigation costs be amortized over 10-year period; this was incorporated into settlement approved by CPUC	Ordering paragraph 6 in D. 07-05-000; Settlement Agreement para. 23, attached to D.07-05-000	

E. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Yes	
b. Were there other parties to the proceeding? (Y/N)	Yes	
c. If so, provide name of other parties: Applicant, DRA, and Sierra Foundation (see Service List, Attachment 1)		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Water Protectors, DRA, and Sierra Foundation held six coordination meetings during proceeding; developed lead counsel arrangements on major issues; this coordination was communicated to Assigned ALJ at PHC and on first day of evidentiary hearing (See TR 1:22-25; TR 126: 9-25).		

F. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

E. General Claim of Reasonableness (§§ 1801 & 1806):

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
The settlement agreement provides that a portion of Great Plains' litigation costs are to be amortized with interest over a 10-year period rather than the entire amount going into ratebase. Claimant also demonstrated that certain litigation expenses did not benefit ratepayers. Savings to ratepayers as result of claimant's participation are estimated at $50,000, far in excess of compensation claim. See D.07-00-000 at Finding of Facts 12, 15 & 22.	

F. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Frank Fargo	2006	45	$150	D.06-02-000	$6750				
Frank Fargo	2007	2	$155	D.07-01-000	$310				
				Subtotal:	***$7060***			***Subtotal:***	
EXPERT FEES									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Jane Smith	2006	69.5	$100	Lowest rate for her qualification of registered professional engineer	$6950				
Jane Smith	2007	4.5	$100	Same	$450				
				Subtotal:	**$7400**			***Subtotal:***	
OTHER FEES **Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):**									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Jane Smith	2006	30	$50	Travel at ½ rate	$1500				
[Person 2]									
				Subtotal:	***$1500***			***Subtotal:***	
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Year**	**Hours**	**Rate $**	**Total $**
Jane Smith	2007	10	$100	½ of normal rate	$500				
[Preparer 2]									
				Subtotal:	***$500***			***Subtotal:***	

COSTS					
#	Item	Detail	Amount	Amount	
1	Photocopying		$40.00		
2	Postage	Expedited mailing of testimony	$300.00		
3	Phone		$73.00		
4	Hotel & parking	3 trips to San Francisco	$524.52		
5	Meals		$400.00		
6	Mileage	3 trips to SF @ 3 x 560 x $.44/mile	$739.20		
		Subtotal:	***$2076.72***	***Subtotal:***	
		TOTAL REQUEST $:	***$18,536.72***	**TOTAL AWARD $:**	

When entering items, type over bracketed text; add additional rows as necessary.

*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale to this Claim.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

G. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1.	**Certificate of Service**
2.	**Log of hours expended on A.06-00-000 & D.07-00-000.**
3.	**Receipts for expenses**

H. CPUC Disallowances & Adjustments (CPUC completes):

#	Reason

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this claim, Commission Staff or any other party may file a response to the claim (*see* § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the claim (Y/N)?

If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(2)(6)) (Y/N)?

If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.

2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The total of reasonable contribution is $_____.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded $_____.

2. Within 30 days of the effective date of this decision, _____ shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime,

three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.

4. [This/these] proceeding[s] [is/are] closed.

5. This decision is effective today.

Dated _____, at San Francisco, California.

[Attachments, including Certificate of Service, omitted from this example]