

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Bell Telephone Company
dba SBC California to Modify D.94-09-065 to
Enable SBC California to Reduce Prices to Meet
Competition.

Application 04-03-035
(Filed March 30, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

1. Summary

The Utility Reform Network (TURN) timely filed a Notice of Intent (NOI) to Claim Intervenor Compensation in this proceeding. Pursuant to § 1804 (b)(1),¹ this ruling addresses whether TURN will be eligible to seek an award of compensation.

2. Customer Category

Section 1802(b) defines “customer” in three ways: a participant representing utility consumers, a representative authorized by a customer, and a representative of a group or organization that is authorized by its articles of incorporation or bylaws to represent the interests of residential customers or certain small commercial customers. TURN is a “Category 3” customer, i.e., one that is authorized pursuant to its bylaws to represent residential customers.

¹ Section references are to the Public Utilities Code.

3. Adequacy of Representation

TURN is the only party that will represent solely residential and small commercial customers.

4. Significant Financial Hardship

For Category 3 customers, “significant financial hardship” means that 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).)

TURN states that Administrative Law Judge (ALJ) O’Donnell issued a ruling on April 15, 2004, in Application (A.) 04-01-009 finding that TURN had met the significant financial hardship test. A similar ruling was issued by ALJ Wetzell on July 27, 2004, in A.04-04-003. Pursuant to the rebuttable presumption created by § 1804(b)(1), TURN has demonstrated significant financial hardship.

5. Nature and Extent of Planned Participation

The NOI must include a statement of the nature and extent of the customer’s planned participation as far as it is possible to set out when the NOI is filed. (§ 1804(a)(2)(A)(i).) TURN has complied with this requirement by indicating that it plans active participation.

6. Itemized Estimate of Costs of Participation

The NOI must include an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed. (§ 1804(a)(2)(A)(ii).) TURN has complied with this requirement, and estimates its total expenses to be \$70,000.

IT IS RULED that:

1. The Utility Reform Network is eligible for an award of intervenor compensation. The exact amount of such award, if any, shall be based on the

reasonableness of the request for an award. This ruling “in no way ensures compensation.” (§ 1804(b)(2).)

2. The Commission may audit the records and books of the customer to the extent necessary to verify the basis of the award. (§ 1804(d).)

Dated August 16, 2004, at San Francisco, California.

/s/ MARIBETH A. BUSHEY

Maribeth A. Bushey
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated August 16, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

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.