

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to update the Commission's policies and procedures related to electromagnetic fields emanating from regulated utility facilities.

Rulemaking 04-08-020
(Filed August 19, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON CITIZENS CONCERNED ABOUT EMFS, THE 280 CORRIDOR
CONCERNED CITIZENS GROUP, AND N.O.P.E., INC.,
NOTICES OF INTENT TO CLAIM COMPENSATION**

On November 29, 2004, Notices of Intent to Claim Compensation (NOI) were filed and served by three groups: Citizens Concerned About EMFs (CCAЕ), the 280 Corridor Concerned Citizens Group (280 Citizens), and N.O.P.E., Inc. (NOPE). No responses to these NOIs have been received.

This ruling finds CCAЕ, 280 Citizens, and NOPE eligible to claim compensation.

Background

The Commission's "Intervenor Compensation Program Guide" dated January 2004 identifies the items that must be included in, and provides a template for, an NOI.¹ The necessary items are:

- a. Summary information,
- b. Statement of timely filing,

¹ For NOIs, see pp. 3-7, and pp. 14-16, of the Program Guide, which may accessed via the following internet link: <http://www.cpuc.ca.gov/PUBLISHED/REPORT/33691.htm>.

- c. Statement of customer status,
- d. Explanation of significant financial hardship,²
- e. Description of the nature and extent of planned participation,
- f. Itemized estimate of costs of participation, and
- g. Conclusion.

Discussion

NOPE states that it has previously been found eligible as a customer in Application (A.) 03-03-043.³ NOPE also states it is authorized by its articles and bylaws to appear in administrative proceedings before the Commission and therefore, meets the definition of a “customer” under Section 1802(b).⁴

280 Citizens states that it is authorized by its articles of association and bylaws to represent the interests of residential customers in proceedings before the Commission. 280 Citizens notes that its articles and bylaws were previously filed with the Commission in A.02-09-043.

CCAЕ attached its articles of incorporation and bylaws to its NOI. As explained in Section 2 of the CCAЕ bylaws, the “general purpose of CCAЕ is to educate and advocate for consumers, ratepayers, residential customers and others in California for issues regarding electric and magnetic fields (EMFs) and for reducing EMF exposure of the California Population.” CCAЕ notes that 100% of its members are residential customers and that under its bylaws it may appear in administrative proceedings before local, state or federal agencies.

² Alternatively, this showing may be deferred to the request for an award of compensation.

³ See Administrative Law Judge Malcolm ruling dated May 11, 2004.

⁴ All references are to the California Public Utilities Code unless otherwise noted.

No facts are presented here, or otherwise known, that would suggest a different conclusion regarding the eligibility of each group for purposes of intervenor compensation.

Each group has provided the required information in a timely filing, including customer status, financial hardship, nature and extent of planned participation, an itemized estimate of costs, and a conclusion.

Thus, after consulting with the Assigned Commissioner, this ruling is the “preliminary ruling addressing whether the customer will be eligible for an award of compensation.” (Pub. Util. Code § 1804(b)(1).) NOPE, 280 Citizens, and CCAE are each found eligible.

IT IS RULED that:

1. N.O.P.E., Inc. (NOPE), 280 Corridor Concerned Citizens Group (280 Citizens), and Citizens Concerned About EMFs (CCAЕ) each:
 - a. is a customer for purposes of intervenor compensation (Category 3),
 - b. presented a satisfactory (i) statement of the nature and extent of its planned participation, and (ii) itemization of an estimate of compensation it expects to request, and
 - c. has established by unrebutted presumption that its participation without an award of intervenor compensation would pose a significant financial hardship.
2. The reasonableness of the hourly rates for personnel services stated in each Notice of Intent to Claim Compensation shall be addressed in the later request for compensation, if any, by NOPE, 280 Citizens, and CCAE.
3. NOPE, 280 Citizens, and CCAE are each eligible for an award of intervenor compensation. The exact amount of the award, if any, shall be determined based on the reasonableness of their request for award, and this ruling “in no way ensures compensation.” (Section 1804(b)(2).) The Commission may audit the

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Citizens Concerned About EMFs, the 280 Corridor Concerned Citizens Group, and N.O.P.E., Inc., Notices of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated December 30, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

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