



**FILED**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

02:39 PM

In The Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U338E) for Authority to Lease Certain Fiber Optic Cables to CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS under the Master Dark Fiber Lease Agreement Pursuant to Public Utilities Code Section 851	A.17-02-001 (Filed February 03, 2017)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
 AND, IF REQUESTED (and  <sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE’S  
 RULING ON THE UTILITY REFORM NETWORK’S SHOWING OF  
 SIGNIFICANT FINANCIAL HARDSHIP**

**NOTE: AFTER ELECTRONICALLY FILING A PDF COPY OF THIS NOTICE OF INTENT, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT [Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov).**

<b>Customer or Eligible Local Government Entity (party intending to claim intervenor compensation):</b> The Utility Reform Network		
<b>Assigned Commissioner:</b> Clifford Rechtschaffen	<b>Administrative Law Judge:</b> Hallie Yacknin	
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent is true to my best knowledge, information and belief.		
Signature:		/s/
Date: 10/23/2017	Printed Name:	David Cheng

**PART I: PROCEDURAL ISSUES  
 (To be completed by the party intending to claim intervenor compensation)**

<b>A. Status as “customer” (see Pub. Util. Code § 1802(b))<sup>2</sup></b> The party claims “customer” status because the party is (check one):	<b>Applies (check)</b>
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<sup>1</sup> DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

<p><b>1. A Category 1 customer</b> is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers. See, for example, D.08-07-019 at 5-10).</p>	<input type="checkbox"/>
<p><b>2. A Category 2 customer</b> is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p>	<input type="checkbox"/>
<p><b>3. A Category 3 customer</b> is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation (§1802(b)(1)(C)). Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. See D.98-04-059, footnote at 30.</p>	<input checked="" type="checkbox"/>
<p><b>4. The party’s detailed explanation of the selected customer category.</b></p> <p><u>The party’s explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party’s own interest in the proceeding and show how the customer’s participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility’s bill.</p> <p><u>The party’s explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p><u>The party’s explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding’s docket number and the date of filing) to such filings needs to be made.</p> <p><b>TURN’s Customer Status</b></p>	

<p>TURN is a Category 3 “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. On October 15, 2015, TURN’s Board of Directors adopted amendments to TURN’s bylaws and articles of incorporation. TURN provided these revised bylaws and articles of incorporation in an amendment to the NOI submitted in A.15-09-001.</p> <p>TURN has approximately 20,000 dues-paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available. Similarly, TURN believes that the vast majority of our members receive bundled electric service from an electrical corporation. TURN does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU, those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer.</p>	
<p><b>Do you have any direct economic interest in outcomes of the proceeding?</b><sup>3</sup></p> <p>If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>
<p><b>B. Conflict of Interest (§ 1802.3)</b></p>	<p><b>Check</b></p>
<p>1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?<sup>4</sup></p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>
<p><b>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</b></p>	
<p>The party claims “eligible local government entity” status because the party is a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and safety of the residents within the entity’s jurisdiction following a catastrophic material</p>	<p><input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No</p>

<sup>3</sup> See Rule 17.1(e).

<sup>4</sup> TURN’s primary charge is to represent the interests of residential customers. In many instances, the issues in a Commission proceeding implicate similar if not identical interests for small commercial customers. In those instances, TURN often represents the interests of small commercial customers as well as residential customers. However, for purposes of Section 1802.3, TURN’s assessment is that it is not a customer representing the interests of small commercial customers who received bundled electric service.

loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure.	
The party's explanation of its status as an eligible local government entity must include a description of (1) The relevant triggering catastrophic event; (2) The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure; and (3) The entity's reason(s) to participate in this proceeding.	
<b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b>	
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 4/17/2017	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party's description of the reasons for filing its NOI at this other time:  An Amended Scoping Memo was issued on September 11, 2017, and it acknowledged that additional parties may intervene as a result of the amended scope. On September 18, TURN motioned for party status and requested leave to file a timely notice of intent to claim intervenor compensation no later than 14 days after the ruling on TURN's motion for party status. On October 9, ALJ Yacknin approved the motion and granted leave to file a timely notice of intent to claim intervenor compensation by October 23, 2017.	
2b. The party's information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge's ruling, or other document authorizing the filing of NOI at that other time:  On October 9, 2017, as part of proceeding A.17-02-002, ALJ Yacknin issued an E-mail Ruling Granting Party Status and Leave to File Reply Comments and Intervenor Compensation NOI by October 23, 2017.	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION  
(To be completed by the party intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)):</b>
<b>The party's statement of the issues on which it plans to participate:</b>  TURN anticipates addressing the following issues:  ■ Does SCE's application meet the requirements for revenue sharing established in D.99-07-070?

- How does SCE’s proposed MLA impact safety and reliability?
- What effects will SCE’s MLA have on the competitive market for telecommunications services in California?
- Revenue sharing between SCE shareholders and ratepayers.
- What steps can the Commission take to ensure that SCE does not subsidize its CLEC business with its gas and electric customers?
- Should any new rules developed through the Pole Attachment and Right-of-Way proceedings (I1706027/R1706028/R1703009) be applied to this MLA, if approved?
- Is SCE’s MLA proposal compliant with Orders 95 and 128, applicable local, state, and federal safety regulations, and best safety standards and practices?
- Should the terms of the MLA and/or Lease Route Orders with Verizon be public under General Order 96? If not, why not? Should SCE submit its Lease Route Orders to the CPUC?

**The party’s explanation of how it plans to avoid duplication of effort with other parties:**

TURN is the only party in this proceeding other than the Applicant (Southern California Edison).

**The party’s description of the nature and extent of the party’s planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed).**

TURN intends to participate actively, including conducting discovery, preparing appropriate motions, comments, and responding to the proposed decision. If applicable, TURN will also file intervenor testimony, participate in evidentiary hearings, and prepare opening and reply briefs.

**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)):**

Item	Hours	Rate \$	Total \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Christine Mailloux	60	\$455	\$27,300	
David Cheng	90	\$325	\$29,250	
<b>Subtotal: \$56,550</b>				
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
<b>Subtotal: \$</b>				
<b>COSTS</b>				
Postage, photocopying, phone, computerized research fees			\$500	
Travel Expenses			\$1,500	
<b>Subtotal: \$2,000</b>				
<b>TOTAL ESTIMATE: \$58,550</b>				
<b>Estimated Budget by Issues:</b>				

At this early juncture in the proceeding, TURN can only provide the following very rough estimate of the allocation of our estimated costs by issue area.

- Does SCE’s application meet the requirements for revenue sharing established in D.99-07-070? (5%)
- How does SCE’s proposed MLA impact safety and reliability? (10%)
- What effects will SCE’s MLA have on the competitive market for telecommunications services in California? (20%)
- Revenue sharing between SCE shareholders and ratepayers. (20%)
- What steps can the Commission take to ensure that SCE does not subsidize its CLEC business with its gas and electric customers? (20%)
- Should any new rules developed through the Pole Attachment and Right-of-Way proceedings (I1706027/R1706028/R1703009) be applied to this MLA, if approved? (10%)
- Is SCE’s MLA proposal compliant with Orders 95 and 128, applicable local, state, and federal safety regulations, and best safety standards and practices? (5%)
- Should the terms of the MLA and/or Lease Route Orders with Verizon be public under General Order 96? If not, why not? Should SCE submit its Lease Route Orders to the CPUC? (10%)

*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 time is typically compensated at ½ professional hourly rate.*

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP  
(To be completed by party intending to claim intervenor compensation;  
see Instructions for options for providing this information)**

<b>A. The party claims that participation or intervention in this proceeding without an award of fees or costs imposes a significant financial hardship, on the following basis:</b>	<b>Applies (check)</b>
1. 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. (§ 1802(h))	<input type="checkbox"/>
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. (§ 1802(h))	<input type="checkbox"/>
3. The eligible local government entities’ participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	<input type="checkbox"/>
4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).	<input checked="" type="checkbox"/>

Commission’s finding of significant financial hardship made in proceeding number: <u>A.16-08-006</u>	
Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: <u>11/28/2016</u>	

**B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI:**

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC ASSERTIONS MADE IN THIS NOTICE**  
**(The party intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)**

Attachment No.	Description
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>5</sup>**  
**(Administrative Law Judge completes)**

	Check all that apply
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	<input type="checkbox"/>
a. The NOI has not demonstrated the party’s status as a “customer” or an “eligible local government entity” for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>

<sup>5</sup> A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge 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 or eligible local government entity’s Intervenor Compensation Claim); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(h).

3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
<b>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</b>	<input type="checkbox"/>

**IT IS RULED** that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer or eligible local government entity has shown significant financial hardship.	<input type="checkbox"/>
4. The customer or eligible local government entity is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer or eligible local government entity as set forth above.	<input type="checkbox"/>

Dated \_\_\_\_\_, at San Francisco, California.

\_\_\_\_\_  
Administrative Law Judge