

**FILED****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**6/2/2020
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Order Instituting Rulemaking to Establish Policies, Processes, and Rules to Ensure Safe and Reliable Gas Systems in California and perform Long-Term Gas System Planning.

Rulemaking 20-01-007

**ADMINISTRATIVE LAW JUDGE'S RULING ON
CENTER FOR ACCESSIBLE TECHNOLOGY'S SHOWING
OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer: Center for Accessible Technology	
Assigned Commissioner: Liane Randolph	Administrative Law Judge: Ava N. Tran

PART I: PROCEDURAL ISSUES
(Completed by the party intending to claim intervenor compensation)

A. Status as "customer" (see Pub. Util. Code § 1802(b))¹ The party claims "customer" status because the party is (check one):	Applies (check)
1. A Category 1 customer 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).	<input type="checkbox"/>
2. A Category 2 customer 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.	<input type="checkbox"/>
3. A Category 3 customer 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.	<input checked="" type="checkbox"/>

¹ All "Section" and "§" references are to California Public Utilities Code unless indicated otherwise.

<p>4. The party's detailed explanation of the selected customer category.</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>The Center for Accessible Technology (CforAT) is an organization that is authorized by its bylaws to represent the interests of residential customers with disabilities before the Commission; specifically, our bylaws state at Article 2.1(d) that CforAT is "involved in advocacy initiatives to enhance the lives of the disability community, including ways to improve access to technology and increase the ability of people with disabilities to live independently. In particular, CforAT is authorized and urged to actively participate and intervene before government entities, including but not limited to the California Public Utilities Commission, on all matters that it deems appropriate that will affect directly or indirectly the interests of residential customers with disabilities, ratepayers with disabilities, small businesses owned by people with disabilities, including customers who receive bundled electric service from an electrical corporation." CforAT is not a membership organization.</p> <p>A copy of CforAT's bylaws were submitted with our NOI in A.10-03-014, which was filed on August 29, 2011. No relevant changes have been made since that time. An additional copy can be provided upon request.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding? ²</p> <p>If "Yes", explain:</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

² See Rule 17.1(e).

B. Conflict of Interest (§ 1802.3)	Check
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? [Among other interests, CforAT represents small businesses owned by people with disabilities]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):	
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 3/24/2020	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time:	
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:	

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(Completed by the party intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)):
<p>The party’s statement of the issues on which it plans to participate:</p> <p>The OIR initiating this proceeding contains a preliminary scoping memo that sets two tracks for this proceeding: Track 1 will be addressing reliability standards (Track 1A) and market structure and regulations (Track 1B) while Track 2 will be addressing long-term natural gas policy and planning. CforAT anticipates participating in Track 2, addressing long-term policy issues. We noted in our motion for party status that we do not anticipate active participation in Track 1 as scoped.</p> <p>As stated in our motion for party status, filed on February 10, 2020, CforAT represents utility customers with disabilities; these customers are disproportionately low-income, and are also highly reliant on affordable and reliable energy service to power assistive technology and support independent living. In general, our constituency is unlikely to be able to take individual steps to move away from gas infrastructure, and they are at risk of hardship if issues of stranded costs and increased operation and maintenance expenses result in increased rates for natural gas. These issues are squarely within the scope of the issues identified for consideration in Track 2.</p> <p>The party’s explanation of how it plans to avoid duplication of effort with other parties:</p> <p>CforAT will monitor activity in Track 1, but we do not expect to actively participate. When the proceeding advances to Track 2, CforAT will work with other consumer advocates as appropriate</p>

to coordinate on strategy and potentially draft joint filings to the extent our positions overlap in order to avoid duplication of effort.

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).

At this time, it is difficult to anticipate the activities that are likely to make up Track 2 of this proceeding. CforAT anticipates active participation in whatever activities are set, including filing written comments at each available opportunity, participation at workshops or in working groups that may be authorized, and submitting any other authorized pleadings, including testimony if appropriate.

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 \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Melissa W. Kasnitz	100	\$505	\$50,500	
<i>Subtotal: \$50,500</i>				
OTHER FEES				
[Person 1]				
<i>Subtotal: \$</i>				
COSTS				
General office costs (postage, copies, etc)			\$500	
<i>Subtotal: \$500</i>				
TOTAL ESTIMATE: \$51,000				

Estimated Budget by Issues:

This estimate is necessarily very general, as the scope of Track 2 has not been developed and the focus of the PHC held in March was on Track 1. CforAT's estimates assume that there will be at least two sets of written comments submitted by parties and that there will be at least two days of workshops or evidentiary hearings, plus comments on a proposed decision.

CforAT will focus on efforts to ensure that our constituency has the ability to participate in efforts to move residential customers away from gas infrastructure and that they are not disproportionately left behind in a manner that subjects them to stranded costs or other forms of hardship.

At this time we estimate that we will spend 80% of our time on protecting the interests of our constituency and 20% of our time on general participation, including basic monitoring of Track 1 to ensure that we do not miss opportunities to protect the interests of our constituency. We can update this estimate when the scope of Track 2 is developed further.

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(Completed by party intending to claim intervenor compensation)

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:	Applies (check)
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 checked="" 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 checked="" 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)). Commission's finding of significant financial hardship made in proceeding number: Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	<input type="checkbox"/>
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:	
<p>CforAT has repeatedly been found to be eligible for participation in the intervenor compensation program based on a showing of significant financial hardship; however, the most recent such showing was made more than one year prior to the commencement of this proceeding. The most recent showing was issued in R.18-03-011 on January 10, 2019.</p> <p>In order to renew the rebuttable presumption for CforAT's ongoing claim of financial hardship, CforAT sets forth the following explanation (which was also submitted to the Commission in conjunction with an NOI filed in R.19-09-009, the Resiliency Proceeding and in A. 19-11-003 et al., the low income program proceeding):</p> <p>At all times, CforAT represents our constituency of utility customers with disabilities (including many low-income customers) for no charge to the community. Our constituency is highly dependent on reliable and affordable access to utility services in order to support their ability to live independently in the community. CforAT relies on the intervenor compensation program to sustain our ability to represent this unique constituency before the Commission.</p> <p>CforAT has no other source of support for the work we do to represent these vulnerable consumers before the Commission, and few people with disabilities have the resources or awareness of utility issues to consider representation through private counsel. While CforAT's</p>	

work provides value to our constituency, the value for each individual customer is small compared to the cost of representation; often this value comes in the form of improved accessibility of utility services and communications (and thus improved customers understanding of programs and services available) or improved reliability of service rather than in the form of monetary benefit. This interest cannot easily be expressed as an economic interest, but it remains crucial to a vulnerable customer group.

If the intervenor compensation program were not available, CforAT would be unable to continue this work.

PART IV: ATTACHMENTS DOCUMENTING SPECIFIC ASSERTIONS MADE IN THIS NOTICE

(The party intending to claim intervenor compensation identifies and attaches documents)

Attachment No.	Description
1	Certificate of Service

ADMINISTRATIVE LAW JUDGE RULING

1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Center for Accessible Technology has demonstrated the party's status as a "customer" pursuant to Section 1802(b)(1)(C). A note has been taken of the facts that Center for Accessible Technology represents residential ratepayers with disabilities as well as small commercial establishments owned by people with disabilities, and that in this proceedings the interest of residential utility ratepayers and the interest of small commercial utility ratepayers do not conflict with each other.	<input checked="" type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III(B) of the NOI (above).	<input checked="" type="checkbox"/>

IT IS RULED that:

1. Center for Accessible Technology has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. Center for Accessible Technology has shown significant financial hardship.	<input checked="" type="checkbox"/>

3. Center for Accessible Technology 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 checked="" type="checkbox"/>
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Dated May 29, 2020, at San Francisco, California.

/s/ AVA N. TRAN

Ava N. Tran
Administrative Law Judge