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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U39M) for recovery of recorded expenditures related to wildfire mitigation and catastrophic events, as well as other recorded costs.	Application 20-09-019
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ADMINISTRATIVE LAW JUDGE’S RULING ON THOMAS RABER DEL MONTE’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP AND MOTION TO FILE UNDER SEAL

Customer (party intending to claim intervenor compensation): Thomas R. Del Monte	
Assigned Commissioner: Marybel Batjer	Administrative Law Judge: Amin Nojan

PART I: PROCEDURAL ISSUES

A. Status as “customer” (see Pub. Util. Code § 1802(b))¹ The party claims “customer” status because the party is (check one):	Applies (check)
<p>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).</p>	<input checked="" type="checkbox"/>
<p>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.</p>	<input type="checkbox"/>
<p>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.</p>	<input 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 interest in the proceeding and show how the customer’s participation goes beyond just his/her self-interest and will benefit other customers. Supporting documents must include a copy of the utility’s bill.</p> <p>I am a residential customer of Pacific Gas and Electric Company (PG&E). Because this is a ratesetting proceeding, I will be personally affected by any changes to PG&E residential electric rates. Despite my personal interest in the price I pay for utility services, I expect to be taking positions on issues that I believe are in the best interests of all residential ratepayers.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?²</p> <p>If “Yes”, explain:</p> <p>As mentioned above, I will be personally affected by any changes to PG&E residential electric rates and, therefore, have a direct economic interest in the outcome of this proceeding. I have no other direct economic interest in the outcome of the proceeding.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
B. Conflict of Interest (§ 1802.3)	
<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?</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>
C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 12/4/2020</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

² See Rule 17.1(e).

PART II: SCOPE OF ANTICIPATED PARTICIPATION

A. Planned Participation (§ 1804(a)(2)(A)):

The party's statement of the issues on which it plans to participate:

While a Scoping Memo is outstanding, ALJ Nojan provided a preliminary list broad issues. Del Monte anticipates to participate actively primarily on the first two issues identified by the ALJ:

1. Whether the Commission should grant PG&E's request to recover up to \$1.3 billion in revenue requirement.
2. Whether the Commission should grant PG&E's proposal to recover the authorized revenue requirements over a 12-month or 24-month period, or some other time period.
3. Whether the Commission should grant PG&E's proposed functionalization of the costs at issue in the Application.

I request that my right be preserved to address other issues, that present themselves as the proceeding unfolds.

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

I recognize the Legislative intent expressed in PU Code §1801.3(f) that the Commission should administer its intervenor compensation program in a manner that avoids unproductive, unnecessary, or duplicative participation. Other intervenors in this proceeding include the CPUC's Public Advocates Office (Cal Advocates), TURN, Wild Tree Foundation, Federal Executive Agencies and the Joint Customer Choice Aggregates. I have conferred with the attorneys from TURN and Wild Tree Foundation regarding this proceeding. I intend to continue to coordinate with parties with similar viewpoints in order to avoid undue duplication and in cases where duplication is unavoidable, I endeavor to ensure that my participation is complementary and supplements the showings from other parties.

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).

I intend to participate actively in this proceeding by conducting discovery, proffering expert testimony, participating in evidentiary hearings (if held), filing any required briefs and legal pleadings, and conducting other activities necessary for litigating and advocating on behalf of residential ratepayers. Thus far, I have filed at protest in this proceeding and participated in the prehearing conference.

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				
Thomas Del Monte (attorney)	150	497.15**	\$74,573	
Attorney TBD	50	375	\$18,750	
Expert Consultant			\$15,000	
<p>**Del Monte's hourly rate is not yet determined at the CPUC but is currently being considered in A.19-04-014 et al. and will be updated accordingly for hours worked during 2020 in this proceeding at the time of filing a request for award. The rate for hours worked in 2021 will be updated according to Resolution ALJ-393.</p> <p style="text-align: center;">Subtotal: \$108,333</p>				
OTHER FEES				
Subtotal: \$0.00				
COSTS				
Subtotal: \$0.00				
TOTAL ESTIMATE: \$108,333				
<p>Estimated Budget by Issues: At this early point in this proceeding, estimates of expected budget are, by definition, speculative and are provided under that understanding.</p> <ul style="list-style-type: none"> • General Costs, per Rule 17.1(c). (15%) • Issue #1 from Part II.A. from above (75%) • Issue #2 from Part II.A. (10%) <p>The actual amount of any future request for compensation may vary and will depend upon the Commission's how the proceeding will ultimately progress.</p>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

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 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:	
In Attachment 2 of this NOI, I have included the public version of Confidential Financial Information to demonstrate the requisite “significant financial hardship,” including a statement of personal assets and liabilities and federal tax return documents for 2019. Concurrently with this NOI filing, I have filed a Motion to File Under Seal (“MFUS”)and Proposed Order the Confidential Financial Information. Upon the granting of the MFUS, the Confidential Financial Information will be submitted under seal to the ALJ according the Commission’s published instructions.	

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

Attachment No.	Description
1 (Separate)	Certificate of Service and Service List
2	Public Version of Confidential Personal Financial Information Demonstrating Undue Significant Financial Hardship
3	PG&E Utility Bill for Thomas Del Monte

ADMINISTRATIVE LAW JUDGE RULING

1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Thomas Del Monte has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	X
2. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	X

<p>In part II (A) of the NOI, Thomas Del Monte states three substantive issues, on which he intends to focus in this proceeding; however, his allocation of the budget by issues in Part II (B) mentions only two substantive issues. Therefore, it is not clear on what issues Thomas Del Monte has planned to participate.</p>	
<p>3. Thomas Del Monte’s Motion for Leave to File Confidential Personal Information Under Seal filed on December 21, 2020 is granted.</p> <p>Upon reviewing confidential personal financial documents provided by Thomas Del Monte to the intervenor compensation program coordinator in support of Thomas Del Monte’s showing of significant financial hardship, we find that there is a good cause shown for withholding these documents from the public, as follows:</p> <p>The documents under seal pursuant to this ruling shall not be made accessible or disclosed to anyone other than Commission staff except upon the further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge (ALJ), the ALJ then designated as Law and Motion Judge.</p> <p>Thomas Del Monte is directed to formally file his confidential personal financial information, pursuant to the COVID-19 Temporary Filing and Service Protocol for Formal Proceedings, and any subsequent Updated Practitioner Alert published on the Commission’s website at www.cpuc.ca.gov. The correct directions are, as follows:</p> <p style="padding-left: 40px;">If a party has previously withheld from tendering hard copies of documents, including confidential documents, pursuant to the Commission’s previous temporary protocol but is able to tender them now, please tender them to the Docket Office at your earliest convenience.</p> <p style="padding-left: 40px;">When tendering hard copies of the confidential documents under this protocol, you must (1) tender 4 sets (1 original in a manila envelope and 3 copies each in separate manila envelopes) and (2) ensure that each envelope has affixed, by clear tape, to the front of each envelope a copy of the title page of the e-filed related motion showing the e-filed date (or the E-file Control Number where it is pending.)</p> <p style="padding-left: 40px;">If you are still unable to tender hard copy filings due to shelter-in-place constraints, you may tender them to the Docket Office within 30 days of this protocol being lifted or as directed by the assigned Judge.</p>	<p>X</p>

<p>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</p> <p>a. With respect to Thomas Del Monte's customer status, this Ruling points out that Thomas Del Monte is eligible and participates in this proceeding not as an attorney, but as a utility customer. Therefore, references to Thomas Del Monte's professional occupation are irrelevant as far as the intervenor's participation and status as a Category 1 customer are concerned.</p> <p>b. With respect to the final showing of significant financial hardship, Thomas Del Monte must state in an intervenor compensation claim filed pursuant to Section 1804(c), whether he has been engaged in any activity with or for any entity (whether commercial, governmental or non-for-profit) participating in the energy markets within the most recent two years.</p> <p>c. The Scoping Ruling for this proceeding has been issued, explaining what issues are in scope and what issues are out of scope. Subsequent efforts to expand the scope of this proceeding have been denied. Compensation will only be granted for substantial contributions to an issue that is within the scope of this proceeding. The burden of demonstrating a substantial contribution falls on the intervenor.</p>	X
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IT IS RULED that:

1. Thomas Del Monte has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	X
2. Thomas Del Monte has shown significant financial hardship.	X
3. Thomas Del Monte is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	X
4. Additional guidance is provided to Thomas Del Monte as set forth above.	X

Dated July 21, 2021, at San Francisco, California.

/s/ AMIN NOJAN
Amin Nojan
Administrative Law Judge