
**FILED****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**06/23/21
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Application of Pacific Gas and Electric Company for Adoption of Electric Revenue Requirements and Rates Associated with its 2022 Energy Resource Recovery Account (ERRA) and Generation Non-Bypassable Charges Forecast and Greenhouse Gas Forecast Revenue Return and Reconciliation (U 39 E)

Application 21-06-001

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE AGRICULTURAL ENERGY CONSUMER'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.

Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): Agricultural Energy Consumers Association (AECA)	
Assigned Commissioner: Martha Guzman Aceves	Administrative Law Judge: Susan Lee
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: 	
Date: 8/23/2021	Printed Name: Michael Boccadoro

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

A. Status as "customer" (see Pub. Util. Code § 1802(b))² The party claims "customer" status because the party is (check one):	Applies (check)
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¹ 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).

² All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>1. A <u>Category 1</u> 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 type="checkbox"/>
<p>2. A <u>Category 2</u> 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 <u>Category 3</u> 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 checked="" type="checkbox"/>
<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>AECA is an incorporated nonprofit association registered with the California State Secretary of State (C1682808). AECA is authorized pursuant to its articles of</p>	

incorporation and bylaws to represent and advocate the interests of agricultural customers of electrical and gas utilities in California. As stated in the AECA Bylaws, “The specific purpose of the corporation is to improve agricultural conditions by the promotion, encouragement and fostering of the education of the general public concerning the cost of energy to agriculture, including, but not limited to, participation in the discussion of issues and participation and intervention in governmental proceedings affecting agricultural use of energy and the cost of energy to agriculture in the State of California.” AECA is not established or formed by a local government entity for the purpose of participating in Commission proceedings, although it does have some public water agencies as members. The treatment of these public water agencies in any subsequent claim for compensation is addressed below.

Current AECA Bylaws are on file with the Commission. (*See, e.g.*, AECA Notice of Intent to Claim Intervenor Compensation in R.11-05-005 and A.11-06-007, filed July 11, 2011 and October 12, 2011, respectively.) Accordingly, pursuant to Commission Rule 17.1(d), AECA does not attach another copy of AECA’s Bylaws with this Notice of Intent to Claim Intervenor Compensation.

At the present time, AECA’s members include individual producers, processors, produce cooling operations, dairy farmers, digester developers, agricultural water agencies and member agricultural associations. The vast majority of these members are direct customers of PG&E, SCE and SDG&E. Approximately 75% are served by PG&E, 20% served by SCE and SoCalGas and the remainder served by SDG&E or other utilities. The agricultural association members are not direct customers of the utilities but collectively represent thousands of agricultural customers.

A Category 3 customer is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers who receive bundled electric service from an electrical corporation.” (Pub. Util. Code § 1802(b)(1)(C).) Public Utilities Code section 1812 explicitly states “A group or association that represents the interests of small agricultural customers in a

proceeding and that would otherwise be eligible for an award of compensation pursuant to Section 1804 without the presence of large agricultural customers, as determined by the commission, shall not be deemed ineligible solely because that group or organization also has members who are large agricultural customers.”

In recognition of these provisions, the Commission has consistently awarded intervenor compensation for the membership of AECA with annual electricity bills less than \$50,000. In D.96-11-048, Conclusion of Law 2, the CPUC stated “It is reasonable to exclude AECA members with annual bills in excess of \$50,000 when considering whether AECA is eligible for compensation.” It is important to note that D.19-04-032, D.16-08-013, D.15-12-041, D.13-02-019, D.07-05-048, D.95-02-093, D.96-08-040, and D.96-02-011 reached the same conclusion. This \$50,000 determination was most recently upheld by the Commission in D.19-11-010.

In those aforementioned decisions, awards of intervenor compensation were made to AECA, specifically excluding members of AECA whose annual electricity bills exceed \$50,000/year, as well as associations and water districts. AECA recently demonstrated that it is largely composed of small agricultural customers and revised its compensation factor as a result of proceeding R.17-06-015. In that proceeding, AECA demonstrated in its intervenor compensation claim that a compensation factor of 64% reflected the percentage of AECA members who were “small agricultural customers” (*see also* D.19-04-032). This figure can be updated at the time of request for intervenor compensation or as otherwise requested by the Commission. Despite inflation and rising energy rates, AECA makes no request to alter the \$50,000 “small agricultural customer” determination at this time.

For the purposes of this proceeding, AECA requests to be found eligible as a Category 3 customer intervening on behalf of these small agricultural customers. In filing to claim intervenor compensation, AECA will not request any compensation for its representation on behalf of water districts, which are public agencies, its agricultural associations or for large agricultural customers.

<p>Do you have any direct economic interest in outcomes of the proceeding?³</p> <p>If “Yes”, explain:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>B. Conflict of Interest (§ 1802.3)</p>	<p>Check</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?</p> <p>AECA is an association that represents the interests of agricultural customers of electrical and gas utilities in California, including small agricultural customers of electrical and gas utilities who receive bundled service from utilities. Mr. Boccadoro, AECA’s Executive Director, is AECA’s representative in this proceeding.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</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 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.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>The party’s explanation of its status as an eligible local government entity must include a description of</p> <p>(1) The relevant triggering catastrophic event;</p> <p>(2) The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and</p> <p>(3) The entity’s reason(s) to participate in this proceeding.</p>	
<p>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</p>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference?</p> <p>Date of Prehearing Conference: July 23, 2021</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<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</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

³ See Rule 17.1(e).

not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	
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
(To be 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>AECA has been an active participant in Commission proceedings, including utility General Rate Cases, for over 25 years and AECA intends to be fully involved in all areas of this proceeding as they pertain to agricultural and agricultural processing issues. AECA plans to participate in this proceeding to address factual and legal issues relating to the proposed revenue requirements and the resulting proposed agricultural rates. AECA seeks to ensure that the allocation of revenue requirements and design of rates proposed in this proceeding are based on correct billing determinants and other factors that are consistent with applicable decisions in General Rate Cases approving settlements with customer groups, including AECA. Currently, AECA intends to be active generally in all of Section 2 of the Scoping Ruling, but specifically in Issue 2.a. (Whether PG&E's 2022 ERRA Forecast revenue requirement is reasonable and should be adopted), and Issue 2.e (Whether all calculations and entries are in compliance with all applicable rules, regulations, resolutions and decisions for all customer classes).</p> <p>The party's explanation of how it plans to avoid duplication of effort with other parties:</p> <p>This participation will not be duplicative of the participation of other parties in this case, in that AECA will be specifically addressing issues as they pertain to agricultural and agricultural processing customers. Historically, AECA has offered unique and substantive testimony, and has been awarded intervenor compensation numerous times in recognition of this participation. Currently, AECA is the only intervenor representing agricultural customers in the case.</p> <p>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).</p> <p>AECA intends to be an active party in this proceeding, including reviewing the utility's application and testimony, submitting data requests, developing testimony, participating in any hearings and/or settlement discussions, and filing briefs and comments on a Proposed Decision.</p>				
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				
Ann Trowbridge, Attorney	15	\$425	\$6,375	

Steven Moss, Expert	20	\$215	\$4,300	
Richard McCann	50	\$215	\$10,750	
Michael Boccadoro	45	\$215	\$9,675	
Beth Olhasso	20	\$155	\$3,100	
Elizabeth Stryjewski	15	\$85	\$1,275	
Subtotal: \$35,475				
OTHER FEES				
Travel		\$5,000	\$5,000	
Subtotal: \$5,000.00				
COSTS				
Subtotal: \$				
TOTAL ESTIMATE: \$40,475				
<p>Estimated Budget by Issues:</p> <p>At this point in the proceeding, AECA's estimate of potential compensation is necessarily quite subjective as the full scope of issues and proceeding processes are still being determined. AECA's legal costs will be driven by the number of issues litigated and the length of any hearings and/or settlement discussions.. The table above outlines the estimated costs of fully participating this proceeding. These estimates are consistent with previous estimates by AECA.</p> <p>Estimates by issue:</p> <p>a. 20%- Whether PG&E's requested 2022 ERRA Forecast revenue requirement is reasonable and should be adopted.</p> <p>e. 70%- Whether all calculations and entries are in compliance with all applicable rules, regulations, resolutions and decisions for all customer classes</p> <p>10%- Other issues</p> <p>Proper compensation for claim preparation and travel will be appropriately reflected in any subsequent claims for compensation. These hourly costs are consistent (and in the case of attorney fees, lower) with historical estimates and compensation awards by AECA.</p> <p>All persons listed above have been previously awarded compensation upon application of AECA. All rates are requested at the amounts approved in Decision 19-11-010 and/or consistent with the relevant Intervenor Compensation rate tables.</p>				

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)

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 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"/>
<p>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)).</p> <p>Commission's finding of significant financial hardship made in proceeding number: AECA has been awarded intervenor status in numerous proceedings under this finding of significant economic hardship. The most recent award was granted by Decision 19-11-010 in Application 17-06-030. Verification of "significant financial hardship" determination was made in Administrative Law Judge Ruling issued December 2, 2019 in R.19-01-006.</p> <p>Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: The most recent Ruling on significant financial hardship was issued in R.19-01-006 (on December 2, 2019). As noted above, the most recent award to AECA was approved in Decision 19-11-010, which was issued on November 7, 2019. D.19-11-010 adopted a compensation factor of 64%, based on the percentage of AECA members who were "small agricultural customers." D. 19-04-032, D.19-09-017, D. 19-09-014, D. 16-08-013, D.15-12-041, D.13-02-019, D.07-05-048, D.06-04-065, D.95-02-093, D. 96-08-040, and D.96-02-011 also awarded compensation to AECA for its intervention.</p>	<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:

AECA has been consistently found eligible for this hardship portion of its membership that constitutes "small agricultural customers" per Public Utilities Code section 1821 (see D.19-11-010 (and ALJ Ruling in R.19-01-006), D.19-04-032, D.16-08-013, D.13-02-019 (and ALJ Ruling in A.10-03-014), D. 07-05-048 and D. 06-04-065. The cost of AECA's participation in this proceeding, which is estimated to be approximately \$40,475, substantially outweighs the benefit to the individual small agricultural members it represents. Those members' individual interests in the proceeding could be significant. However, these individual economic interests are small relative to the costs of participation. It is very unlikely that AECA's small agricultural members will see financial benefits that exceed the costs of intervention.

**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 RULING⁴
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<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"/>

⁴ 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).

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