

**FILED**

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Modernize the Electric
Grid for a High Distributed Energy Resources Future.

Rulemaking 21-06017
(Filed June 24, 2021)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON SIERRA CLUB'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): Sierra Club**

Assigned Commissioner: Darcie Houck

Administrative Law Judge: Carolyn Sisto

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/ Katherine Ramsey

Date: September 16, 2021

Printed Name:

Katherine Ramsey

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)
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"/>

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>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. <i>See</i> 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>Sierra Club's Customer Status</p> <p>Sierra Club meets the definition of a Category 3 customer, as defined in Public Utilities Code section 1802(b)(1)(C). Sierra Club is a "representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers" Sierra Club is a non-profit, member-based, "public benefit" California corporation with over 630,000 members nationwide and more than 125,000 members living in California. Sierra Club's</p>	

membership consists entirely (100%) of residential ratepayers. (Sierra Club does not, however, have easily obtainable data on the percentage of its California members that are Investor-Owned Utility (“IOU”) customers.)

Sierra Club’s Articles, Bylaws, Standing Rules and policies authorize and require it to represent the environmental interests of its members. Sierra Club’s Board of Directors is democratically elected by its members. (See Sierra Club Standing Rule (“S.R.”) 4.8.1.)³ Sierra Club is expressly authorized to participate in environmental legal actions to advance its mission, including lawsuits and administrative proceedings. (See S.R. 5.15.1 and 9.1.1.)

For decades, Sierra Club has participated in environmental lawsuits and administrative proceedings, and has appeared many times before the California Public Utilities Commission. In 2020, Sierra Club was awarded fees for its substantial contributions to the General Rate Case of Southern California Gas Company and San Diego Gas & Electric (see D.20-07-030) and the Integrated Resource Planning Framework docket (see D.20-01-019). Sierra Club is currently active in several open CPUC proceedings, including the Integrated Resource Planning docket (R.20-05-003), the rulemaking on long-term planning for the gas system (R.20-01-007), the rulemaking on microgrids (R.19-09-009), the rulemaking on building decarbonization (R.19-01-011), PacifiCorp’s 2021 Environmental Cost Adjustment Clause Application (A.20-08-002), PG&E’s General Rate Case Phase II (A.19-11-019), and the Extreme Weather proceeding (R.20-11-003).

Sierra Club’s environmental concerns encompass a broad range of energy and pollution issues. Sierra Club has become a leader in the effort to reduce California’s and the nation’s dependence on fossil fuels. In California, Sierra Club supports efforts to develop cost-effective incentives and policies that limit greenhouse gas emissions through development of clean energy resources that help the state meet its air quality and climate protection goals, create jobs for California families, and reduce our dependence on dirty forms of energy. Sierra Club is a prominent advocate for zero emissions resources to meet California’s energy and capacity needs, as well as widespread electrification of the transportation and building sectors.

The interests of the customers represented by Sierra Club are unique and well suited to this proceeding and are not adequately represented by other parties that have intervened in this proceeding. The Commission has “granted customer status to organizations, such as environmental groups, that represent ratepayer interests that are not solely economic, recognizing that participation in Commission proceedings by parties representing the full range of affected interests is important.” D.06-12-041 at 7. As the Commission works in this proceeding to ensure grid reliability during extreme weather emergencies, Sierra Club brings its

³ Sierra Club’s current Bylaws and Standing Rules and its Articles of Incorporation were last filed with the Commission in R.19-01-011 on November 9, 2020. Sierra Club can re-file these documents upon request.

<p>members' unique focus on ensuring that California utilities' programs and procurement are in line with the state's decarbonization objectives, including the Loading Order, and structured to promote reductions in fossil fuel use to protect human health and the environment. The Commission has accordingly approved Sierra Club's intervention with entitlement to compensation on several occasions. <i>See, e.g.,</i> D.21-09-013, D.20-07-030, D.20-01-019, D.19-05-015, D.18-02-013, and D.18-04-023.</p> <p>Sierra Club, consistent with its governing documents, appropriately represents the environmental and energy conservation interests of its members who are California IOU customers. Sierra Club therefore qualifies as a "customer" as defined in section 1802(b)(1)(C) of the Public Utilities Code and the Commission's decisions applying this section to environmental organizations.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?⁴</p> <p>If "Yes", explain:</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<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><input type="checkbox"/> Yes</p> <p><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</p> <p><input type="checkbox"/> No</p>
<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>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p><u>The party's explanation of its status as an eligible local government entity must include a description of</u></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>	

⁴ See Rule 17.1(e).

D. 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: 8/17/2021	<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 checked="" 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
(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>Sierra Club is committed to equitably decarbonizing the California electric sector. Sierra Club's primary focus will be to ensure that environmental and public health impacts are considered throughout this proceeding. In particular, Sierra Club intends to advocate for decisions that support and advance the need for deep electrification of vehicles and buildings in order to meet state climate targets. Sierra Club intends to advocate for market design rules that limit greenhouse and criteria pollutant emissions and support additional decarbonization efforts through transportation and building electrification. Pending the details included in the forthcoming Scoping Memo, Sierra Club intends to participate in all tracks.</p> <p>The party's explanation of how it plans to avoid duplication of effort with other parties:</p> <p>Sierra Club intends to continue working closely with other parties with similar concerns in this proceeding to avoid duplicative efforts. Sierra Club plans to continue coordination with other parties—including organizations with similar interests as well as organizations with opposing interests—in order to avoid duplication.</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>Sierra Club plans to continue to participate fully in this proceeding, including attending workshops, filing comments on proposed decisions and other matters, offering expert testimony, and conducting discovery, as appropriate.</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				
Katherine Ramsey (attorney)	50	\$470	\$35,000	1
Rose Monahan	100	\$350	\$35,000	2
<i>Subtotal: \$70,000</i>				
OTHER FEES				
N/A				
<i>Subtotal: \$0</i>				
COSTS				
N/A				
<i>Subtotal: \$0</i>				
TOTAL ESTIMATE: \$70,000				
Estimated Budget by Issues:				
Pending the release of a Scoping Memo for this proceeding, Sierra Club cannot estimate the budget for participation in this proceeding at this time.				
<u>Comment #1</u>				
Ms. Ramsey was admitted to the New York Bar in January 2012 (New York Bar Registration Number 5027131) and admitted to the California Bar in February 2015 (California Bar Number 302532). She has been an attorney with the Sierra Club's Environmental Law Program for over three years, where she focuses on energy issues.				
The requested rate for Ms. Ramsey is based on the approved rate for her 2021 work in Decision 21-09-013. The reasonableness of the hourly rates for Sierra Club's representatives will be further addressed in our request for compensation. Estimated claim preparation time is not included.				
<u>Comment #2</u>				
Ms. Monahan is an active member in good standing of both the Commonwealth of Pennsylvania (ID No. 322807) and the state of California. She was first admitted to the Maryland bar in December 2015 (ID No. 1512160126) and is currently on inactive status. She has been practicing law since 2015 and has worked at an environmental nonprofit in Pennsylvania, representing individuals on a wide range of environmental and energy matters. Since joining Sierra Club in 2018, Ms. Monahan has represented Sierra Club in public utility litigation and other proceedings in Oregon and Wyoming.				
The requested rate for Ms. Monahan is based on the approved rate for her 2021 work in Decision 21-09-013.				

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 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: A.20-08-002</p> <p>Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: December 9, 2020</p>	<input checked="" 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>Sierra Club has received many findings of significant financial hardship in the past in similar proceedings, most recently in A.20-08-020 (December 9, 2020), R.18-12-006 (May 13, 2019), and previously in A.10-03-014, R.08-08-009, R.10-05-006, R.12-06-013, R.14-02-001, A.17-01-020, and A.14-11-016.</p> <p>In R.18-12-006, ALJs Doherty and Goldberg found that "Sierra Club has demonstrated significant financial hardship. In a prior similar ruling in R.14-02-001, issued July 25, 2014, ALJ Gamson determined that "Sierra Club demonstrated that its estimated cost of participating in this proceeding far exceeds the economic interests of the individual members of Sierra Club or of Sierra Club itself."</p> <p>The same reasoning applies to this proceeding. We estimate the cost of Sierra Club's effective participation in this proceeding is \$75,000. Sierra Club, on behalf of its members, sees sustainable and equitable growth of distributed energy generation as a key component of achieving the state's climate goals and creating a framework that supports adoption of increasingly advanced demand-flexible technologies. To that end, Sierra Club will advocate in this proceeding for market rules and system operation designs that align with costs and both customer and system benefits. These objectives benefit ratepayers and Sierra Club members overall, but it is difficult to estimate at the outset what impact the proceeding will have on the bills of Sierra Club's individual members. The individual benefit will be small,</p>	

and it is unlikely that our members will see financial benefits that exceed the cost of Sierra Club's participation. Therefore, Sierra Club requests a finding of significant financial hardship pursuant to Public Utilities Code section 1802(h).

Sierra Club does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to challenge Sierra Club's eligibility, Sierra Club requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing.

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 RULING⁵

(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"/>
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"/>

⁵ 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).

4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>
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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