



**FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

**FILED**

09/13/21

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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 21-06-017 (Filed June 24, 2021)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE’S RULING ON 350 BAY AREA’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> 350 Bay Area	
<b>Assigned Commissioner:</b> Darcie L. Houck	<b>Administrative Law Judge:</b> ALJ: Carolyn Sisto, ALJ: Kelly A. Hymes
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:	<i>Claire Broome</i>
Date: Sept 13, 2021	Printed Name: Claire Broome

**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> The party claims “customer” status because the party is (check one):</b>	<b>Applies (check)</b>
<b>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,</b>	<input type="checkbox"/>

<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>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>	
<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 3 customer.</u> <i>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.</i></p> <p>350 Bay Area’s Articles, Bylaws and policies authorize and require it to represent the environmental interests of its members – including participating in activities with governmental agencies and other bodies to promote equitable policies supporting electrification, renewable energy transition and fair practices on behalf of the public and our supporters and volunteers who take residential service as customers of electric utilities and community choice energy providers. 350 Bay Area’s Board and members have determined that participation in some Public Utilities Commission proceedings is necessary for their interests in energy generation, consumption, and associated environmental impacts to be adequately represented.</p> <p>350 Bay Area is a 501c3 (educational non-profit) corporation recognized in California and by the IRS, and meets the definition of a Category 3 customer provided in Public Utilities Code section 1802(b)(1)(C). 350 Bay Area is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers . . . .” 350</p>	

<p>Bay Area is a non-profit, member-based, “public benefit” California corporation with over 18,000 members living in California, primarily in the PG&amp;E service territory. 350 Bay Area’s members are entirely (100%) residential ratepayers, reflecting a contemporaneous typical proportion of customers in the nine Bay Area counties within PG&amp;E service territory who are bundled Investor-Owned Utility (“IOU”) customers, CCA customers, and local municipal utility customers.</p> <p>350 Bay Area’s environmental concerns are focused on human induced emissions and their impact on the environment we all live within, with particular attention to disproportionate and inequitable impact on vulnerable populations. 350 Bay Area works to develop effective policies to reduce greenhouse gas and related 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 fossil fuels. 350 Bay Area advocates for widespread electrification of transportation and buildings, and the use of demand-side resources including efficiency, conservation, local solar, and related measures to reduce fossil fuel use and large scale infrastructure impacts on the environment.</p> <p>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) 350 Bay Area brings to this proceeding unique perspective on grid impacts, value, and customer participation related to locally installed efficiency, demand reduction, renewable generation and other load mitigation measures collectively associated with Distributed Energy Resource (DER) policy, and coordination with California’s other climate and equity related energy goals. We seek a finding of eligibility and financial hardship in order to participate effectively.</p> <p>A copy of 350 Bay Area’s Articles of Incorporation and Bylaws are attached</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</p> <p><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?</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><b>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</b></p>	

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

<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 <input checked="" type="checkbox"/> No</p>
<p>The party’s explanation of its status as an eligible local government entity must include a description of</p> <ol style="list-style-type: none"> <li>(1) The relevant triggering catastrophic event;</li> <li>(2) The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and</li> <li>(3) The entity’s reason(s) to participate in this proceeding.</li> </ol>	<p>N/A</p>
<p><b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b></p>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 8/17/2021</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>
<p>2a. The party’s description of the reasons for filing its NOI at this other time:</p>	
<p>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:</p>	

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

<p><b>A. Planned Participation (§ 1804(a)(2)(A)):</b></p>
<p><b>The party’s statement of the issues on which it plans to participate:</b></p> <p>350 Bay Area, through its members who are both participants and non-participants in the Commission’s DER programs, has a significant interest in the Commission developing policies and programs that supports sustainable growth of renewable distributed energy resources (“DER”) and which accurately accounts for both the full grid value and avoided costs of these resources, with special attention on non-participant transmission costs, as well as societal externalities including a particular focus on (avoided) emissions and associated health and environmental impacts. 350 Bay Area’s particular expertise and focus includes attention to emission and land use impacts on climate and health associated with avoided fuel extraction, production, refinement, and transmission. We seek to ensure that programs and tariffs are aligned with electrification of the transportation and building sectors, and that DER policy serves to both increase adoption of</p>

distributed generation for low income customers while avoiding increases to energy burdens for low-income non-participants, including 350 Bay Area members and supporters. (See Estimated Budget By Issues listed below)

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

350 Bay Area is actively coordinating with other parties to avoid duplication of effort, especially with regard to overlapping areas of special environmental concern, has recently submitted extensive opening comments on the OIR in light of the limited participation by any other parties addressing several areas of concern, and is uniquely engaging experts in these under-represented topics. Whenever there are overlapping efforts, concerns, and recommendations, 350 Bay Area will seek to coordinate its participation with other parties to avoid duplication, resolve issues ahead of time, and utilize joint comments whenever the opportunity is applicable and available.

**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).**

350 Bay Area is uniquely engaging experts in health and in economic analysis of non-wires alternatives to the rapid growth in ratepayer transmission costs for this proceeding to assess actual rate impacts. These individuals have actively engaged in related proceedings and will introduce or reference relevant work in DER avoided costs, distribution planning, societal costs, environmental impacts, and related studies. Additionally, 350 Bay Area is committed to racial, economic, and environmental justice and will actively support input from local and regional organizations representing historically impacted communities.

350 Bay Area will participate in all workshops, hearings, and related meetings as well as submitting comments and may participate in any settlement negotiations, should they occur. 350 Bay Area plans to work actively with parties to ensure that missing or incomplete consideration of factors is addressed in refinement of proposals.

**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>				
[Attorney 1]				
[Attorney 2]				
[Expert 1] Kenneth Sahm White	200	\$350	\$70,000	1
[Expert 2] Claire Broome, MD	140	\$356	\$49,840	2
[Advocate 1]				
[Advocate 2]				
<b>Subtotal: \$119,840</b>				
<b>OTHER FEES</b>				
[Person 1]				
[Person 2]				
<b>Subtotal: \$8000</b>				
<b>COSTS</b>				
[Item 1]				

[Item 2]				
<b>Subtotal: \$</b>				
<b>TOTAL ESTIMATE: \$127,840</b>				
<p><b>Estimated Budget by Issues:</b></p> <p>A. Grid planning for DER 5%</p> <p>B. Electric vehicles and chargers 5%</p> <p>C. ESJ access to DER and equitable participation and distribution of DER program benefits among diverse ratepayer communities, including multi-family and non-owner occupied factors 15%</p> <p>D. Distribution Planning Process community engagement 5%</p> <p>E. Investor Owned Utilities (IOUs) have insufficient incentive to support DER deployment 10%</p> <p>F. Distribution Investment Deferral Framework 5%</p> <p>G. DER value streams 5%</p> <p>H. Grid defection 5%</p> <p>I. IOU dispatch capability for behind-the-meter DERs to provide grid services 5%</p> <p>J. IOU Grid Modernization Plans to facilitate widespread DER integration 5%</p> <p>K. IOU GRC and DIDF alignment 0%</p> <p>L. DRP Data Portal, tools and scope of data to support DER provider and community planner needs 5%</p> <p>M. Tariffs, contracts, or other mechanisms for the deployment of cost-effective distributed resources that satisfy distribution planning objectives 5%</p> <p>N. Locational differences in the value of DER functions and services are not adequately recognized 10%</p> <p>O. Recommendations for refinements to DER interconnection policies 5%</p> <p>P. Identify any additional utility spending necessary to integrate cost-effective DER into distribution planning for net benefits to ratepayers 5%</p> <p>Additional issues arising in the proceeding: 5%</p> <p><b>Comment #1</b> The requested rate for Mr. White reflects the \$270/hr rate awarded for 2011 work in D.13-12-023, \$300/hr rate awarded for 2016 work in D.16-11-017 plus subsequent increases authorized by the Commission.</p> <p><b>Comment #2</b> The requested median rate for Dr. Broome as a level V Health Scientist reflects experience since 2015 in prior related IDER and IRP proceedings, extensive academic expertise over 12 years related to economic values of health impact, and 15 years policy experience as program developer and manager and as deputy director for the Centers for Disease Control in developing and implementing public health policy, supplementing her medical career.</p>				
<p><i>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.</i></p>				

**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 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:</p>  <p>Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:</p>	<input type="checkbox"/>
<b>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:</b>	
<p>The cost of the organization’s participation in CPUC proceedings, which is estimated to be in excess of \$100,000, substantially outweighs the benefit to the individual members it represents. Intervenor's members are typical cross section of residential customers whose individual interests in this proceeding average approximately \$50 or less in potential annual rate changes but who share a strong commitment to reducing GHGs and climate impacts. Accordingly, these economic interests are small relative to the costs of participation. Intervenor's members will not see financial benefits that approach or exceed the Intervenor's costs of participation.</p> <p>350 Bay Area represents the environmental and social justice interests of its members. As a non-profit organization with very limited resources, 350 Bay Area relies upon intervenor compensation to be able to effectively advocate in these proceedings.</p> <p>350 Bay Area does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to challenge Bay Area’s eligibility, 350 Bay Area requests that it be granted the opportunity to reply to such party’s allegations within 10 days after the service of such filing.</p>	

**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
2	350 Bay Area By-laws
3	
4	
5	

**ADMINISTRATIVE LAW JUDGE RULING<sup>4</sup>**  
**(Administrative Law Judge completes)**

	<b>Check all that apply</b>
<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"/>
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:**

<sup>4</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).



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.

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Administrative Law Judge