



FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

FILED

09/16/21

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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)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☒ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE CLIMATE CENTER'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):** The Climate Center

Assigned Commissioner: Darcie L. Houck

Administrative Law Judge: 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:

Date: September 16, 2021

Printed Name:

Kurt Johnson

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

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).

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"/>
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"/>
<p>4. The party’s detailed explanation of the selected customer category.</p> <p><i>The party’s explanation of its status as a Category 3 customer. 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>As noted in The Climate Center (TCC) Bylaws (attached), the general purpose of The Climate Center is to “provide education and charitable services to the general public regarding sustainability issues. The means of providing such education and charitable services includes but is not limited to developing and disseminating information through publications, education sessions, and other means.” This includes representing the environmental interests of supporting organizations and individuals – including participating in activities with state agencies such as the</p>	

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

<p>CPUC. The Climate Center is a 501c3 non-profit corporation recognized in California and by the IRS and meets the definition of a Category 3 customer provided in the Public Utilities Code 1802(b)(1)(C). The Climate Center is a “representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers.”</p> <p>The Climate Center is a statewide organization that has support from individuals and organizations located across the state, including many supporting individuals located in the service territory of IOUs.</p> <p>The Climate Center (TCC) is working to rapidly reduce greenhouse gas pollution at scale, starting in California. The Climate Center, founded in 2001, is addressing the climate crisis through science, partnerships, and policy. TCC launched Climate-Safe California, a comprehensive campaign to achieve net-negative emissions by 2030 in the state. All TCC programs are based on the latest science, help secure a just transition, and prioritize climate justice for frontline communities. The Climate Center’s Community Energy Resilience program, part of Climate-Safe California, is focused on enacting state policy changes to accelerate achievement of California’s decarbonization, equity and energy resilience goals.</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)</p> <p>The Climate Center brings to this proceeding related perspective based on having previously been involved in the expansion of CCA’s in California. The Climate Center is also a previous and current participation in CPUC proceedings, including the microgrid proceeding (R.19-09-009).</p> <p>TCC seeks a finding of eligibility and financial hardship in order to participate effectively.</p> <p>A copy of The Climate Center’s Bylaws is attached.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?³</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>

³ See Rule 17.1(e).

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?	<input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No
C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)	
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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The party’s explanation of its status as an eligible local government entity must include a description of (1) The relevant triggering catastrophic event; (2) The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and (3) The entity’s reason(s) to participate in this proceeding.	NA
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)):

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

As noted in Climate Center comments filed with the Commission on August 16, 2021: “Resilience is first and foremost a local attribute, the ability of communities to perform essential functions when a major disruption occurs and takes out grid electricity service, which intrinsically requires local DERs. Likewise, equity must be defined by and responsive to the needs of communities who have suffered adverse health and economic impacts due to a legacy of externalities which subsidize energy for the rest of us by keeping rates below true costs. Locally-owned carbon-free electricity assets can remedy many present and past inequities by providing revenues to fund direct local benefits as well as resilience and health benefits that the bulk system cannot provide.

Given these factors driving industry change, the challenge for energy policy and regulation is to create frameworks for DER growth that facilitate and guide bottom-up DER investment and operating decisions so as to yield the greatest benefits for the entire electricity system and for society as a whole, in addition to the direct benefits of DERs to the customers and communities who adopt them.”

In this proceeding The Climate Center will emphasize: issues related to modernizing distribution utility/DSO functions and business models for the High-DER Future; equitable access for all communities and customers to the benefits of clean resilient DERs; needed process and technical improvements to distribution utility/DSO operational, planning and investment activities; and policies for realizing the greatest value of DERs for customers, the grid and California as a whole.

The Climate Center believes that the involvement of local governments and local communities is key to success in achieving California's High DER Future goals, because local jurisdictions in California are increasingly proactive in identifying climate mitigation and adaptation solutions that require DER and because much of the needed new DER infrastructure is necessarily jurisdictional in terms of siting to local governments. Related, TCC has been engaged in policy development in the CPUC microgrid proceeding (R.19-09-009); we were grateful that the June 2020 “Track 1” decision in the microgrid proceeding specifically called for development of information tools to support local governments in development of resilience plans. TCC has also been actively engaged in legislative policy development (e.g. sponsorship of the Community Energy Resilience Act, authored by Senator Dodd), as well as in public educational efforts, e.g. a webinar series for local governments, most recently on September 8th featuring presentations from CPUC staff explaining newly developed information tools of interest to local governments pursuing community energy resilience planning.

TCC also plans to focus on the degree to which the proceeding can help advance environmental and social justice goals. The Climate Center would like to see a “High DER Future” grid structure created in California starting in vulnerable communities that suffer the most from air pollution and power outages.

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

As it has done in other related proceedings including the Microgrid Proceeding (e.g. convening the Microgrid Equity Coalition, which has offered collaborative proposals in the recent workshops on

implementing the Microgrid Incentive Program), The Climate Center is actively coordinating with other parties to avoid duplication of effort (including in submission of this NOI). Whenever there are overlapping efforts, concerns, and recommendations, The Climate Center 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).

TCC plans to participate in all three of the tracks proposed in the OIR, including workshops, hearings and related meetings, and will be submitting detailed comments.

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				
[Attorney 1]				
[Attorney 2]				
[Expert 1] Kurt Johnson, MA, MS	215	\$120	\$25,800	
[Expert 2] Lorenzo Kristov, PhD	255	\$350	\$89,250	
[Advocate 1]				
[Advocate 2]				
Subtotal: \$115,050				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$				
COSTS				
[Item 1]				
[Item 2]				
Subtotal: \$				
TOTAL ESTIMATE: \$115,050				

Estimated Budget by Issues:

A. Policy issues related to developing distribution system operator roles and responsibilities, IOU distribution utility business models and incentives, and high-DER grid architectures. 20%

B. Equitable access by environmental and social justice (ESJ) communities to DER solutions and DER program benefits, including community participation in distribution planning, solutions for multi-family and non-owner-occupied facilities, and transportation electrification. 20%

C. Improvements to IOU distribution planning processes, including DER growth forecasting, improving Integration Capacity Analysis, Distribution Investment Deferral Framework, DRP data

<p>portals, tools and scope of data to enable community and DER provider participation, and use of DERs to provide distribution grid services. 20%</p> <p>D. Policies to fully realize DER values to the grid, including services DER can provide for fair compensation, tariffs, contracts and other mechanisms for deploying cost-effective DERs to maximize system benefits, and enhancements to DER interconnection procedures. 15%</p> <p>E. IOU Grid Modernization Plans to facilitate widespread DER integration, needs for DER communication and control technologies, smart inverter functionality, alignment of distribution planning with GRCs. 15%</p> <p>F. Contribution to solutions for issues that may arise in the course of the proceeding, such as potential equity impacts of grid defection by affluent customers, alignment with the Commission's DER Action Plan 2.0, and improvements to methods of outreach and engagement with ESJ communities. 10%</p> <p>Comment #1</p> <p>The requested rate for Lorenzo Kristov, PhD, an independent consultant to TCC, reflects the rate he currently charges a variety of other clients for similar work.</p> <p>Comment #2</p> <p>The requested rate for Kurt Johnson reflects his background and 30 years of related prior experience (including a stint working at the CPUC 2006-2007).</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)

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"/>
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)).	<input type="checkbox"/>

<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>	
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<p>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>
<p>The cost of TCC's participation in CPUC proceeding, which is estimated to be \$115,000, substantially outweighs the private economic benefits to the individuals, foundations and other organizations that financially support The Climate Center. Insofar as they may have any economic interest, they are small relative to the costs of Climate Center participation in the proceeding. TCC supporters will not see financial benefits that approach or exceed The Climate Center's costs of participation. As a small non-profit organization with limited resources, The Climate Center relies upon intervenor compensation to be able to effectively participate in these proceedings.</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.	The Climate Center By-Laws

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"/>
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 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 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