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05/26/22
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A2110010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of its Electric Vehicle Charge 2 Program. (U39E.)

Application 21-10-010

ADMINISTRATIVE LAW JUDGES' RULING ON NATIONAL DIVERSITY COALITION'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP

Customer (party intending to claim intervenor compensation): National Diversity Coalition	
Assigned Commissioner: Clifford Rechtschaffen	Administrative Law Judges: Debbie Chiv and Brian Korpics

PART I: PROCEDURAL ISSUES
(Completed by the party intending to claim intervenor compensation)

A. Status as "customer" (see Public Utility (Pub. Util) Code § 1802(b))¹ 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. <i>See, for example, Decision (D.) 08-07-019 at 5-10).</i>	<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	<input checked="" type="checkbox"/>

¹ All statutory references are to California Pub. Util. Code unless indicated otherwise.

<p>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>	
<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>Cal Pub. Util. Code §1802(b)(1)(C) requires that organizations claiming Category 3 customer status be authorized in their bylaws to represent the interests of residential customers. In its bylaws, NDC is authorized to actively participate and intervene before the California Public Utilities Commission on all matters that can or could affect directly or indirectly the interests of minority consumers, ratepayers, and small businesses. NDC’s bylaws (filed February 5, 2018 in A.17-10-007 et. al) reflect its “customer” status, as found most recently in a ruling by Administrative Law Judge (ALJ) Stevens in A.19-11-018 et. al dated October 09, 2020.</p> <p>NDC is a 501(c)(3) non-profit, made up of numerous separate non-profit, community-based, and faith-based organizations that each serve ratepayers in minority communities in different ways. NDC member organizations are united by their desire, expertise, and experience in bringing about greater financial equality and empowerment for underserved groups. NDC as a group and through its members has participated in numerous cases before the California Public Utilities Commission, including A.14-04-014, A.15-02-009, A.17-10-020 et. al, A.18-06-015, and A.19-10-012 among others. (NDC members have formerly organized under the name “Joint Minority Parties” in</p>	

<p>prior CPUC proceedings and were represented by the National Asian American Coalition). It is difficult to assign a percentage to the members of NDC who represent residential ratepayers or otherwise, for NDC does not have a traditional membership structure. NDC members provide direct services in their communities, primarily to residential ratepayers directly, but to some extent also supporting minority small business owners as well.</p> <p>NDC members and affiliate organizations include the National Asian American Coalition, Advancing the Seed, Inc., African American Chamber of Commerce, African American Fire Fighter Museum, Asian Business Association, Asian Journal, Boys of Color of Santa Ana, Community Connections LLC, COR Community Development Corporation, El Mundo, Impact Southern California, Instituto de Avance Latino, Island Pacific Supermarkets, The Jesse Miranda Center for Hispanic Leadership, Korean American Coalition LA, Latino Coalition for Community Leadership, Los Angeles Latino Chamber of Commerce, Macedonia Community Development Corporation, Network of Myanmar American Association, Santa Maria Group, OASIS Center International, Templo Calvario CDC, Youth Business USA.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding? ²</p> <p>If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes <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 <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>
<p>C. 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 (PHC) ? Date of PHC: 12/1/2021</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>2. Is the party’s NOI filed at another time (for <i>example</i>, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

² See Rule 17.1(e).

* As indicated in Part 1, Section A.4, NDC members primarily represent individual residential ratepayers. A small proportion of NDC members provide services to small business owners. Because NDC’s advocacy focuses on impacts to individual ratepayers and the minority community, and because NDC has no conflict arising from prior representation before the Commission, we interpret this question as not applying to NDC under the intent of 1802.3.

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, ALJ’s ruling, or other document authorizing the filing of NOI at that other time:	

**PART II: SCOPE OF ANTICIPATED PARTICIPATION
(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>As a non-profit with a mission to empower minority and low-income communities, the National Diversity Coalition (NDC) intends to review the following issues:</p> <ol style="list-style-type: none"> 1) Do budget estimates properly minimize costs and maximize benefits? 2) Does the proposal incorporate lessons learned from the pilot programs to increase efficiency and effectiveness? 3) Do deployment targets appropriately prioritize underserved communities? 4) Are incentives levels and amounts of utility ownership reasonable, so that they will promote the competitive EV market and transition off of ratepayer funding? 5) Are sufficient evaluation metrics and reporting requirements in place that ensure ratepayer and environmental benefits? 6) Other procedural and public interest issues. <p>The party’s explanation of how it plans to avoid duplication of effort with other parties:</p> <p>NDC represents constituencies that are not otherwise adequately represented in these proceedings or at this Commission, and has a grassroots perspective, distinct from other intervenors. NDC will also strive to coordinate with other ratepayer advocacy organizations with regard to submissions to the CPUC, utilizing joint comments when appropriate, and will meet and confer when possible.</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>NDC plans to prepare filings, briefs, and testimony, conduct research and discovery, provide issue identification, case strategy, program design recommendations, and engage in negotiations and settlements as necessary, and participate in all hearings, conferences, workshops, etc. to the extent possible.</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				
Tadashi Gondai	125	\$571	\$71,375	1
Attorney #2	100	\$699	\$69,900	2
Faith Bautista	5	\$442	\$2,210	3
			<i>Subtotal: \$143,485</i>	
OTHER FEES				
			<i>Subtotal: \$0</i>	
COSTS				
			<i>Subtotal: \$0</i>	
			TOTAL ESTIMATE: \$143,485	
Estimated Budget by Issues:				
<p>At this point, NDC is unable to estimate with any certainty what it will cost to participate in this proceeding per issue. However, NDC will make every effort to diligently track and document all hours and expenses. NDC estimated budget by issue consists of the following:</p> <ol style="list-style-type: none"> 1) Do budget estimates properly minimize costs and maximize benefits? – 20% 2) Does the proposal incorporate lessons learned from the pilot programs to increase efficiency and effectiveness? – 20% 3) Do deployment targets appropriately prioritize underserved communities? – 20% 4) Are incentives levels and amounts of utility ownership reasonable, so that they will promote the competitive EV market and transition off of ratepayer funding? – 15% 5) Are sufficient evaluation metrics and reporting requirements in place that ensure ratepayer and environmental benefits? – 15% 6) Other procedural and public interest issues. – 10% 				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(Completed by party intending to claim intervenor compensation)**

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.19-11-018</p> <p>Date of ALJ’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: October 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>The Commission has previously ruled in numerous cases that NDC qualifies for significant financial hardship pursuant to § 1802(g), most recently in A.19-11-018 in the ALJ’s Ruling on National Diversity Coalition’s Showing of Significant Financial Hardship, issued on October 9, 2020 by Judge Stevens.</p> <p>The “comparison test” to establish significant financial hardship found in § 1802(h) requires that “the economic interest of the individual members of the group or organization is small in comparison to the cost of effective participation in the proceeding.” The cost of NDC’s participation in CPUC proceedings is estimated based on the number of hours likely necessary for effective participation, prior participation levels, and historical costs and fees. The estimated cost of participation substantially outweighs the small financial benefits that individual NDC members or community constituents might realize from the overarching reductions to program costs, changes to program design, and policy reforms that NDC advocates for. NDC’s members represent low-income, minority ratepayers and small business owners. Accordingly, these economic interests are small relative to the costs of participation.</p>	

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

(The party intending to claim intervenor compensation identifies and attaches documents)

Attachment No.	Description
1	Certificate of Service

ADMINISTRATIVE LAW JUDGES RULING

1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by National Diversity Coalition has demonstrated the party’s status as a “customer” pursuant to Section 1802(b)(1)(C).	<input checked="" type="checkbox"/>
2. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by National Diversity Coalition has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input checked="" type="checkbox"/>

IT IS RULED that:

1. National Diversity Coalition has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. National Diversity Coalition has shown significant financial hardship.	<input checked="" type="checkbox"/>
3. National Diversity Coalition 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 checked="" type="checkbox"/>

Dated May 26, 2022, at San Francisco, California.

/s/ DEBBIE CHIV

Debbie Chiv
Administrative Law Judge

/s/ BRIAN KORPICS

Brian Korpics
Administrative Law Judge