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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902M) to Submit Its 2021 Risk Assessment and Mitigation Phase Report.

Application 21-05-011

And Related Matter.

Application 21-05-014

**ADMINISTRATIVE LAW JUDGES' RULING REJECTING
UTILITY WORKERS UNION OF AMERICA, LOCAL 132'S
NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

Party intending to claim intervenor compensation: Utility Workers Union of America, Local 132

Assigned Commissioner: Darcie L. Houck

Administrative Law Judges: Rafael Lirag and Manisha Lakhanpal

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

A. Status as "customer" (see 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. (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"/>

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

<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. (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>UWUA 132 is eligible pursuant to Category 3. Specifically, the Preamble to the UWUA Constitution provides:</p> <p>“The Utility Workers Union of America, AFL-CIO is an organization of members united by the belief in the dignity and worth of workers and by an understanding of the necessity and value of the services we provide to the public for their health and wellbeing. We are dedicated to improving the lives of our members and their families and to enhancing the quality of life in our communities. We are an organization of men and women of every race, religion, age, and ethnicity, who are committed to a society where all workers and their families live and work with dignity; where there is an economic and political mandate for a more equitable distribution of the nation’s wealth for all those performing useful service to society; where workers have a collective voice and power at the workplace; where economic well being is achieved for our members and all workers; where work is satisfying and fairly rewarded. To accomplish these goals, we commit to:</p> <p>...</p> <p>Participate in regulatory, legislative, legal and electoral proceedings to protect the interests of consumers and the public (including our members) in reliable, safe and environmentally sound utilities at affordable, just and reasonable costs.”² (emphasis added).</p> <p>Under Category 3, the Commission has for many years adopted an expansive approach to customer status determinations, utilizing various presumptions and assumption in favor of associations and organization that advance the public interest directly but represent narrowly defined “ratepayer” or “residential ratepayer” interests only indirectly. Environmental groups, including groups without voting members, have been found eligible because of an “understanding” that they “represent customers who have concern for the environment.” <i>Commission’s Intervenor Compensation Program</i>, (1998) 79 CPUC 2d 649, 688 fn. 14 (D.98-04-059), (emphasis added); c.f., <i>Natural Resources Defense Council</i> (1988) 28 CPUC 2d 101 (D.88-04-066). UWUA 132 clearly falls into Category 3 given its bylaws and articles of incorporation specifically authorize the organization</p>	

² <https://uwua.net/uwua-constitution/#Preamble>

to protect the interests of consumers and the public, which include residential customers of SoCalGas. UWUA Local 132 might also be eligible under Category 1 (self-appointed representative), given the specific commitment of the Union to protect members' interests.	
Do you have any direct economic interest in outcomes of the proceeding? ³ If "Yes", explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
B. Conflict of Interest (§ 1802.3)	Check
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 checked="" type="checkbox"/> No
C. 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: 8/12/2021	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party's description of the reasons for filing its NOI at this other time: UWUA Local 132 became a party to this proceeding on December 8, 2021, and so did not have an opportunity to submit its NOI by August 12, 2021. It does so now within 30 days of being approved as a party.	
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
(Completed by the party intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)):
UWUA 132 will raise issues concerning the SCG RAMP Report and its consistency with SB 705, particularly PU Code sections 961(d) and 961(e) relating to an active role in safety

³ See Rule 17.1(f) of the Commission's Rules of Practice and Procedure.

and reliability (service adequacy) for the workers in the field. In particular, the Union will focus on the importance of an adequate workforce (PU Code section 961(d)(10)) –sufficient in size and effectively trained to perform covered tasks – both as a means of addressing and reducing risk in and of itself (if not present in utility operations) and as a mitigation for other hazards. The SCG 2021 RAMP Report in its current form does not adequately or concretely address how it aims to reach its goal of employing an adequate workforce.

UWUA 132 will also focus on an active ongoing role for employees and their representatives in the safety culture at Sempra. This discussion may illuminate a way forward for SCG and the Commission to evaluate and quantify the hiring, training, and workforce development targets it must hit to return the SCG workforce to an adequate level for safe operations of the gas utility. A perspective on the central role of the workforce as an active participant in this process is both required by the PU Code and essential to designing effective safety plans for SCG. Given no other parties have focused on the issue of workforce planning in this proceeding, UWUA 132 will avoid duplication of effort with other parties by focusing on Cross Functional Factor 7, Workforce Planning/Qualified Workforce.

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				
Ivy Yan, Attorney	50	\$233.39	\$11,669.50	
Jack Davis, Attorney	20	\$606.31	\$12,126.20	
Eric Hoffman, Expert, 15 years	30	\$219.12	\$6,573.60	
Paul Marino, Expert, 11 years	24	\$191.57	\$4,597.68	
Tony Duran, Expert, 19 years	24	\$278.46	\$6,683.04	
Don Davis, 12 years	24	\$241.71	\$5,801.04	
Monique Barragan, Expert, 10 years	24	\$191.57	\$4,597.68	
Edwin Santos, Expert, 8 years	24	\$204.71	\$4,913.04	
Sean Mitchell, Expert, 30 years	24	\$356.50	\$8,556.00	
McKenzie Wisdon, Expert, 8.5 years	24	\$204.71	\$4,913.04	
Other Professional/Legal Services	50	\$699.03	\$34,951.50	
			Subtotal: \$105,382.32	
OTHER FEES				
			Subtotal: \$0.00	

COSTS				
<i>Subtotal: \$0.00</i>				
TOTAL ESTIMATE: \$105,382.32				
Estimated Budget by Issues:				

**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 checked="" 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)). Commission’s finding of significant financial hardship made in proceeding number: Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	<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:	
UWUA Local 132 is funded primarily by member dues, members who are employed by SoCalGas. The Union cannot afford, without undue hardship, to pay the costs of effective participation, which requires a deep understanding of the workings of the Commission and great attention to detail by its attorneys and experts. Further, the economic interest of individual members of the Union are small in contrast to the cost of effective participation in this proceeding, and should not come out of the pockets of workers who are seeking to	

provide essential information to the Commission and public about safe operations of and effective communications by the gas utility.

**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
2	UWUA Constitution

ADMINISTRATIVE LAW JUDGES RULING

<p>The Notice of Intent to Claim Intervenor Compensation (NOI) filed by Utility Workers Union of America, Local Union 132 has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason:</p> <p>Section 1804(a)(1) mandates, as follows:</p> <p style="padding-left: 40px;">A customer who ... intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim intervenor compensation.</p> <p>This statutory requirement is mandatory and confers no discretion on the Commission to excuse customers who fail to comply.</p> <p>A prehearing conference (PHC) in this proceeding was held on July 13, 2021. In accordance with the statute, the last day to file an NOI was the day of August 12, 2021. Utility Workers Union of America, Local Union 132 filed its NOI more than four months later, on December 29, 2021.</p> <p>The statute allows the Commission to exercise its discretion in setting new deadlines for filing NOIs, limited to the following circumstances:</p> <p style="padding-left: 40px;">In cases where no prehearing conference is scheduled or where the commission anticipates that the proceeding will take less than 30 days, the commission may determine the procedure to be used in filing these requests. In cases where the schedule would not reasonably allow parties to identify issues within the timeframe set forth above, or where new issues emerge subsequent to the time set</p>	<input type="checkbox"/>

<p style="text-align: center;">for filing, the commission may determine an appropriate procedure for accepting new or revised notices of intent.⁴</p> <p>The NOI does not point at any ruling or order that would set an appropriate procedure for accepting new NOIs beyond the statutory deadline of 30 days after the prehearing conference. In fact, Assigned Commissioner’s Amended Scoping Ruling of July 30, 2021, confirms the deadline for filing NOIs. The Ruling states, at 5:</p> <p style="padding-left: 40px;">Pursuant to Pub. Util. Code § 1804(a)(1), an intervenor who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by August 12, 2021, 30 days after the PHC.</p> <p>This ruling does not prevent Utility Workers Union of America, Local Union 132 from participating, at its own cost, in this proceeding. Should new issue emerge and the Commission determine an appropriate procedure for accepting new NOIs, Utility Workers Union of America, Local Union 132 may file an NOI, accordingly.</p>	
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IT IS RULED that:

1. The Notice of Intent to Claim Intervenor Compensation filed by Utility Workers Union of America, Local Union 132 is rejected as late.	<input checked="" type="checkbox"/>
2. Utility Workers Union of America, Local Union 132 has not satisfied the eligibility requirements of Pub. Util. Code § 1804(a)(1).	<input checked="" type="checkbox"/>

Dated September 22, 2022, at San Francisco, California.

/s/ RAFAEL L. LIRAG
Rafael L. Lirag
Administrative Law Judge

/s/ MANISHA LAKHANPAL
Manisha Lakhanpal
Administrative Law Judge

⁴ Section 1804(a)(1).