


**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Mussey Grade Road Alliance for award of intervenor compensation for substantial contributions to Resolutions SPD-1 and SPD-2	A.22-10-XXX October 20, 2022	<b>FILED</b> 10/20/22 04:59 PM
---	---------------------------------	--------------------------------------

A2210023

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [ X ]<sup>1</sup> checked), ADMINISTRATIVE LAW JUDGE'S RULING ON MUSSEY GRADE ROAD ALLIANCE'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 [icompcordinator@cpuc.ca.gov](mailto:icompcordinator@cpuc.ca.gov).**

<b>Customer or Eligible Local Government Entity (party intending to claim intervenor compensation):</b> Mussey Grade Road Alliance		
<b>Assigned Commissioner:</b>		<b>Administrative Law Judge:</b>
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/
Date: 10/20/2022	Printed Name:	Diane J. Conklin

**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</b> 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"/>
<b>2. A Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement	

<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>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 <b>Category 3</b> 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.</b></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 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>The Mussey Grade Road Alliance (MGRA or Alliance) is an unincorporated association organized as a 501(c)(4) non-profit with the federal and California state government that is authorized by our by-laws to advocate on behalf of rural residents of the Mussey Grade Road area to preserve their quality of life and the environment of the Mussey Grade Road area, including advocating on their behalf as residential customers of electrical service. To the best of our knowledge, all (100% of) MGRA members are residential electric customers in the San Diego Gas and Electric Company's service area. MGRA By-Laws were most recently filed in the R.18-12-005 docket, 9/5/2019.</p>	

<p>The Alliance represents homeowners who are rural electrical utility customers and who are concerned with wildfire safety. The Mussey Grade area was overrun by the Cedar fire in 2003, with a loss of over 60% of its homes, and in 2007 was surrounded by the Witch fire, which was started by an SDG&amp;E power line. Residents have a strong interest in protecting this area and their property from further fires. Area residents are in a position to be exposed both to the risk of utility ignited fires and to increased costs of preventative measures. Furthermore, Mussey Grade Road is recognized by the California State Historic Preservation Officer as an “Point of Historical Interest” since 2003. This historic canopy road, once a stagecoach route from the port of San Diego to the gold mines of Julian, is lined by historic and heritage native oaks, some estimated to be 100 years of age or more.</p> <p>Additionally, the Mussey Grade community is economically diverse, and electrical rates can have a significant impact on the quality of life of residents. Our previous interventions at the Commission have always supported careful balancing of safety and costs to best solve for the needs of rural electrical customers.</p> <p>The Mussey Grade Road Alliance was previously determined to be a customer in CPUC proceedings A.06-08-010, A.08-12-021, R.08-11-005, A.09-08-021, R.13-11-006, I.16-10-015, I.15-08-019, and R.21-07-013. The Alliance will require a determination of its current customer status and significant financial hardship as part of the current proceeding.</p> <p>Requests for determination have also been submitted by MGRA in the NOIs of proceedings A.22-05-013, A.22-05-015, A.21-06-021, and A.20-06-012 (closed), but these determinations have not yet been acted upon.</p> <p>A current copy of its by-laws can be found in the docket for R.18-10-005, filed September 5, 2019.</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>This is an application for intervenor compensation. The Alliance has an economic interest in the outcome. The Alliance is therefore not eligible for compensation for participation in the present proceeding.</p>	<p><input checked="" type="checkbox"/> Yes <input 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 <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 checked="" 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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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>	
<b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b>	
<p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference?          Date of Prehearing Conference: <a href="#">Click here to enter a date.</a></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>2a. The party’s description of the reasons for filing its NOI at this other time:          This NOI is filed as part of MGRA’s Intervenor Compensation Claim application, as per the instructions in Section IV of the Intervenor Compensation Program Guide and instructions from the Intervenor Compensation Coordinator.</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:          Intervenor Compensation Program Guide, Section IV states that for a new proceeding: “The relevant NOI information must be provided in the application and comply with the applicable requirements of the Code and this Guide.”</p>	

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

<b>A. Planned Participation (§ 1804(a)(2)(A)):</b>	
<p>The party’s statement of the issues on which it plans to participate:</p> <p style="text-align: center;">Not required as per Section IV of the Intervenor Compensation Program Guide.</p>	

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

Not required as per Section IV of the Intervenor Compensation Program Guide.

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).

Not required as per Section IV of the Intervenor Compensation Program Guide.

**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>				
Not Applicable				
<i>Subtotal: \$</i>				
<b>OTHER FEES</b>				
<i>Subtotal: \$</i>				
<b>COSTS</b>				
<i>Subtotal: \$</i>				
<b>TOTAL ESTIMATE: \$</b>				

**Estimated Budget by Issues:**

*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.*

**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"/>
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>R.20-07-013</p> <p>Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:</p> <p>12/16/2020</p>	
<p><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> <p>MGRA members cannot afford the costs of effective participation in lieu of intervenor compensation. At the same time, MGRA will have gained no economic benefit from participating in the evaluation of the 2022 Wildfire Mitigation Plan updates. MGRA believes that outcomes of this proceeding will affect fire hazard and/or utility costs for Mussey Grade residents.</p> <p>MGRA as a grass roots community group intervening in the evaluation of the Wildfire Mitigation Plans brings a valuable perspective from the view of rural electricity customers in wildfire-prone areas across California. Wildfire is one issue regarding which MGRA brings specific and relevant expertise developed over years of experience by interventions in multiple Commission proceedings. Also, MGRA brings experience in analysis of risks and costs relative to safety issues. Additionally, the area in which Mussey Grade Road is located, and the area of the unincorporated town of Ramona, has been historically subjected to wildland fires ignited by power lines. Furthermore, there is no other party to the proceeding representing this particular area in the 59-square mile jurisdiction of the Ramona Community Planning Group or similar wildfire-prone rural districts.</p> <p>The cost of the MGRA's participation in Commission proceedings substantially outweighs the potential economic benefit to the individual members it represents. The members of the</p>	

Alliance are residential electricity customers whose individual interests in this proceeding are small relative to the costs of participation. It is unlikely that MGRA members will see financial benefits that exceed the costs of the Alliance's intervention. Additionally, any improvement to safety or cost efficiency due to MGRA participation will be shared by all California residents and ratepayers, and it would be unfair to burden one neighborhood group with the cost of obtaining these benefits. Furthermore, the Alliance intervenor and expert also do not have an economic interest exceeding the cost of their participation.

**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)**

<b>Attachment No.</b>	<b>Description</b>
	See INTERVENOR COMPENSATION CLAIM OF MUSSEY GRADE ROAD ALLIANCE AND DECISION ON INTERVENOR COMPENSATION CLAIM OF MUSSEY GRADE ROAD ALLIANCE for a full list of attachments and Certificate of Service.
	MGRA ByLaws were last filed under the docket R.18-12-005, September 5, 2019.

**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"/>
<b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b>	<input type="checkbox"/>

<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).

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:

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