



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

**FILED**

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

06/15/23

11:06 AM

Order Instituting Investigation on the Commission's Own Motion into Natural Gas Prices During Winter 2022-2023 and Resulting Impacts to Energy Markets.	Investigation 23-03-008 (Filed March 16, 2023)
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I2303008

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and ☒ checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON THE UTILITY REFORM NETWORK'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> The Utility Reform Network	
<b>Assigned Commissioner:</b> Karen Douglas	<b>Administrative Law Judge:</b> Brian Stevens
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/ David Cheng
Date: 06/15/2023	Printed Name: David Cheng

**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></b> The party claims "customer" status because the party is (check one):	<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,	

<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>	<input type="checkbox"/>
<p><b>2. A <b>Category 2</b> 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 <b>Category 3</b> 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 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><b>TURN's Customer Status</b></p> <p>TURN is a Category 3 "group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers." TURN</p>	

<p>provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. On October 15, 2015, TURN's Board of Directors adopted amendments to TURN's bylaws and articles of incorporation. TURN provided these revised bylaws and articles of incorporation in an amendment to the NOI submitted in A.15-09-001.</p> <p>TURN has approximately 20,000 dues-paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available. Similarly, TURN believes that the vast majority of our members receive bundled electric service from an electrical corporation. TURN does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU, those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer.</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 <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 <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><b>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</b></p>	
<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> <p>(1) The relevant triggering catastrophic event;</p> <p>(2) The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure; and</p> <p>(3) The entity's reason(s) to participate in this proceeding.</p>	

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

<b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b>	
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <b>5/16/2023</b>	<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: N/A	
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: N/A	

**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><b>The party's statement of the issues on which it plans to participate:</b></p> <p>TURN preliminarily anticipates addressing the following issues in this proceeding:</p> <ol style="list-style-type: none"> <li>1) Did any of the entities under the CPUC's regulatory jurisdiction play a role in causing the increase in California border prices between November 1, 2022 and March 31, 2023?</li> <li>2) What actions can the CPUC or other entities take to avoid the likelihood that similar price spikes will occur in the future?</li> <li>3) What actions can the CPUC take to mitigate the harm to ratepayers if such price spikes do recur?</li> <li>4) Whether actions of the IOUs' affiliates contributed to the gas price spikes, or whether the affiliates benefited from the gas price spikes.</li> </ol> <p><b>The party's explanation of how it plans to avoid duplication of effort with other parties:</b></p> <p>The Commission's Public Advocates Office is also a party to this proceeding as well as a number of other intervenors on behalf of ratepayers in various customer classes, such as Center for Accessible Technology, Utility Consumers' Action Network, and others. TURN plans to actively coordinate with other parties that have similar viewpoints in order to avoid duplication or, where such duplication is unavoidable, seek to ensure that TURN presents material that complements and supplements the showing of other parties.</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).**

TURN has already participated actively in this proceeding, including filing comments on the Order Instituting Investigation and participating in the prehearing conference. TURN intends to continue our active participation by conducting discovery, preparing intervenor testimony, participating in evidentiary hearings, preparing opening and reply briefs, filing any other necessary pleadings, and responding to the proposed decision.

**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>				
David Cheng, TURN Attorney	100	\$480	\$48,000	
Expert Consultant			\$15,000	
<i>Subtotal: \$63,000</i>				
<b>OTHER FEES</b>				
<i>Subtotal: \$</i>				
<b>COSTS</b>				
<i>Subtotal: \$</i>				
<b>TOTAL ESTIMATE: \$63,000</b>				

**Estimated Budget by Issues:**

At this early juncture in the proceeding, TURN can only provide the following very rough estimate of the allocation of our estimated costs by issue area:

Issue	Time	Budget
Issue #1 (See Part II.A above)	30%	\$18,900
Issue #2 (See Part II.A above)	25%	\$15,750
Issue #3 (See Part II.A above)	25%	\$15,750
Issue #4 (See Part II.A above)	20%	\$12,600
<b>Total</b>	<b>100%</b>	<b>\$63,000</b>

TURN's estimates of attorney time and hourly rates are preliminary. TURN will address in our Request for Compensation the reasonableness of the time we ultimately devote to this proceeding and the hourly rates ultimately requested.

*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 1/2 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)).  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>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>	
TURN is making its annual showing on financial hardship and is seeking a finding of significant financial hardship in this proceeding. TURN has attached as Attachment 2 to this NOI an updated version of the narrative that has served to establish significant financial hardship in prior rulings addressing the organization's eligibility for intervenor compensation. TURN also addresses the timing of this request in Attachment 2.	

**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>
1	Certificate of Service
2	Showing of TURN's Significant Financial Hardship

**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"/>
4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).  Commission's findings 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"/>

<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).

**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.

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Administrative Law Judge



**Attachment 1**  
**Certificate of Service**

(Filed electronically as a separate document pursuant to Rule 1.13(b)(iii))  
(Served electronically as a separate document pursuant to Rule 1.10(c))

## **Attachment 2**

### **Showing of TURN's Significant Financial Hardship**

## **Attachment 2**

### **Showing of TURN's Significant Financial Hardship**

TURN is making its annual showing of significant financial hardship at this time. TURN last submitted its annual showing of significant financial hardship on August 19, 2021, with TURN's NOI filed in A.21-06-016. The Commission did not issue a ruling in that proceeding but instead issued a ruling nine months later in A.21-12-007, on May 31, 2022, relying on the showing TURN had presented in A.21-06-016. Because the rebuttable presumption created by TURN's last finding of significant financial hardship in A.21-12-007 has now expired, TURN submits this annual showing now.

The definition of the term "significant financial hardship" is found in Section 1802(g) of the Public Utilities Code:

"Significant financial hardship" means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation, or that, 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.

TURN represents an interest – the residential customer class – that would not otherwise be adequately represented in this proceeding. For decades, this Commission has consistently recognized that adequate representation requires not only the efforts of the Public Advocates Office but also the participation of interested parties. In D.85-06-028, issued in A.85-01-034, the Commission rejected the company's arguments that the Public Advocates Office (then known as the Public Staff Division) could fully occupy the field of residential ratepayer representation:

It is in the public interest that PacBell's application be fully investigated and aired through our hearing process. Given the breadth and complexity of the issues presented and the potential impact on residential customers, we can easily conclude that adequate

representation requires the participation not only of our Public Staff Division but also of other parties such as TURN. Participation by several parties helps to ensure that the record is fully developed and that many and varied proposals are presented on the issues. If we ever reach the point that there are a large number of experienced and highly-effective groups or individuals participating in addition to our Public Staff it could be harder to reach such a conclusion but for now the larger utilities have a much greater depth of resources to commit to the ratemaking arena than do any of the parties representing residential ratepayers, including our Public Staff. We conclude then, that adequate representation of the residential ratepayer under these circumstances requires participation of additional parties, specifically in this case the participation of TURN. (D.85-06-028 at 2-3)

The same considerations continue to apply. TURN continues to represent the overall interests of the residential ratepayer class, as well as the interests of its approximately 20,000 individual members. As this Commission has repeatedly recognized, the economic interests of these individual members are tiny in comparison to the costs of effective participation in CPUC proceedings:

It is obviously impractical for individual residential ratepayers to do much other than to send us letters or make brief statements at our public hearings, and while we appreciate such input it does not develop evidence of record upon which we can make findings of fact as required by law in connection with determining revenue requirement or rate changes. Realistically, then, there must be organized groups which participate on behalf of residential ratepayers on an ongoing basis with a reserve of experience and resources so that they can follow the continuing chain of ratemaking proceedings and participate effectively. We agree with TURN that it would simply not be “cost effective for individual residential ratepayers ... to mount these expenditures [TURN's estimated budget for participation] separately on their own behalf.” (D.85-06-028, p.3)

On a continuous basis since the intervenor compensation rules were adopted, this Commission has found that TURN, as an organization representing individual residential ratepayers, qualifies as a customer suffering significant financial hardship.<sup>5</sup> TURN continues to

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<sup>5</sup> Rather than list all such decisions or rulings that include this finding, TURN cites a few of the earliest (D.86-02-039; D.87-04-032; and D.88-07-035) and the five most recent (the ruling of ALJ Allen dated November 28, 2016 in A.16-08-006; the ruling of ALJ DeAngelis dated November 8, 2017 in I.15-08-019; the ruling of ALJs Fitch and Rizzo dated July 26, 2019 in R.19-01-011; the ruling of ALJ Gubman dated December 11, 2020 in R.20-08-021; and the ruling of ALJ Nojan dated May 31, 2022 in A.21-12-007).

represent the same constituency, and the economic interests of those individual customers continue to be small in comparison to the costs of effective participation in CPUC proceedings.

Past Commission decisions have made it clear that, in the case of an organization such as TURN, the test for significant financial hardship looks to the economic interests of the individual members of the group in comparison with the costs of effective participation. Nonetheless, TURN has traditionally included in these filings a summary of the organization's financial position. While neither the statute nor the Commission's current Rules of Practice and Procedure specifically requires such a showing, TURN is supplying the information here for the Commission's information.

TURN is a tax-exempt non-profit corporation, organized under the laws of the State of California in January 1973. TURN relies primarily upon intervenor compensation awards from this Commission as its source of income, while also relying on membership contributions generated by its direct mail campaign and foundation grants. From time to time, TURN also derives income from contracts, other special fund-raising projects, and cy pres awards. No funds from any of these latter sources or foundation grants have been obtained to directly support TURN's participation in this proceeding.

TURN's total income for the fiscal year that ended June 30, 2022, was approximately \$9.68 million, an increase of approximately 27% from the fiscal year ending June 30, 2020, which formed the basis for TURN's last showing significant financial hardship presented in A.21-06-016. Compensation awards contributed about \$8.01 million toward that total, or approximately 83% of TURN's total income. TURN's expenses for the fiscal year totaled about \$7.66 million, leaving the organization with an operating surplus for the fiscal year of about \$2.03 million and an end-of-fiscal-year fund balance of about \$8.66 million. Thus, the fund

balance was equivalent to slightly more than a twelve-month cash reserve. TURN's financial situation has varied over recent years due to the ebb and flow of intervenor compensation awards, which continues to present budgeting challenges to the organization.

Although other options are being pursued continually, TURN again expects to rely on individual donations, foundation grants, and intervenor compensation awards for the bulk of its operating income in fiscal years 2022-2023 (which just concluded but has not been subject to audit) and 2023-2024. As always, the level of TURN's future income from these sources remains quite speculative. At the same time, operating expenses are likely to remain high because of the continuing heavy workload at the Commission.

As is obvious from the above information, intervenor compensation awards represent a significant and indeed critical portion of TURN's total budget. Absent eligibility for such awards, TURN's resources would be grossly inadequate compared to the costs of effective participation in CPUC proceedings, and TURN's primary mission to advocate before this Commission on behalf of consumers would be substantially impaired. Clearly TURN would suffer significant financial hardship if denied eligibility for compensation in the coming year.

TURN submits that the information provided above more than satisfies the requirements for the annual finding of "significant financial hardship." TURN therefore asks this Commission for a prompt determination of its eligibility for compensation in this proceeding.