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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of Association of Bay Area Governments (CPUC ID 941) for Approval of the Bay Area Regional Energy Network 2028-2031 Portfolio Plan and 2028-2035 Business Plan And Related Matters.	Application 26-03-009 (Filed March 16, 2026) Application 26-03-010 Application 26-03-011 Application 26-03-012 Application 26-03-013 Application 26-03-014 Application 26-03-015 Application 26-03-017 Application 26-03-018 Application 26-03-019 Application 26-03-020 Application 26-03-021 Application 26-03-028 (Consolidated)

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X][1] checked), ADMINISTRATIVE LAW JUDGE'S RULING ON CENTER FOR BIOLOGICAL DIVERSITY'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): Center for Biological Diversity	
Assigned Commissioner: Karen Douglas	**Administrative Law Judge:** Julie Fitch and Valerie Kao
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.	

[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).

	Signature:	/s/ *Roger Lin*
Date: 7/13/26	Printed Name:	Roger Lin

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

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).	☐
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.	☐
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.	☑
4. The party's detailed explanation of the selected customer category. The Center for Biological Diversity ("Center") meets the definition of a Category 3 customer under the Public Utilities Code as a "representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential customers . . ." (Pub. Util. Code § 1802, subd. (b)(1)(C).). The Center is a nonprofit membership organization whose bylaws specifically authorize it to advance conservation of endangered species, and to protect and restore important habitats. This includes protecting species and habitats from the impacts of the climate emergency. As part of its mission, the Center strives to reduce the environmental impacts of energy policy and resultant infrastructure development, such as greenhouse gas emissions, poor air quality, and harm to imperiled plants and wildlife. The Center accomplishes this mission by, among other things, advocating for and educating the public about energy	

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

efficiency and renewable energy, specifically distributed energy resources. Related, a particular focus of the Center's Energy Justice work is to ensure adequate deployment of energy efficiency programs and clean energy resources in disadvantaged communities. The Center's staff working on Energy Justice issues includes attorneys, scientists, and policy professionals with significant expertise regarding energy efficiency, distributed energy resources, and energy justice issues.

The Center represents its members, who seek to protect the environment, and nearly all of whom are residential ratepayers. The Center has almost 200,000 supporters and over 18,000 dues-paying members who live in California and purchase utility services here. This proceeding will potentially affect many of the Center's California members and supporters, since the energy efficiency programs at issue in this proceeding ultimately benefit these members. The interests of the members/customers represented by the Center are unique and not fully represented by other parties involved in this proceeding. Center members place a high priority on the need to reduce centralized power demand through energy efficiency and expanding distributed energy resources, in particular in disadvantaged, low-income and other "environmental and social justice" communities, while also reducing the environmental consequences of bulk energy system development. In addition, the Center advocates for energy efficiency measures and greater deployment of distributed energy resources in order to avoid the need for transmission projects that impact biodiversity, and also pose the greatest risk to escalating electricity bills. At the same time, the Center aims to ensure that the most vulnerable customers have access to the health and economic benefits that energy efficiency and other distributed renewable energy offers. The Center's participation is necessary for these interests to be adequately represented in this proceeding.

The Commission has previously explained that "[w]ith respect to environmental groups, we have concluded they were eligible [for compensation] in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging." D.98-04-059 at 29, footnote 14. The Commission went on to explain that such groups "represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example." *Id.* The Center is such an environmental group because it represents customers who have a concern for the environment that is different from the interests represented by other groups in this proceeding.

A copy of the Center's bylaws is on file with the Commission in Rulemaking 21-06-017, and was most recently submitted to the Commission in our Notice of Intent to Claim Intervenor Compensation for work in Application 22-05-022 and consolidated matters.

The Center has been granted a showing of significant financial hardship in earlier proceedings, and has previously been awarded intervenor compensation. *See, e.g.*, Application 22-05-022 and Other Matters, *Proposed Decision Granting Compensation to Center for Biological Diversity for Substantial Contribution to Decision 24-05-065* (to be heard, at the earliest, at the Commission's July 16, 2026, Business Meeting and finding that the Center has a rebuttable presumption of showing significant financial hardship from R.21-06-017); *Order Instituting a Rulemaking to Modernize the Electric Grid for a High Distributed Energy Resources Future*, Rulemaking 21-06-017 (Ruling on Showing of Significant Financial Hardship, Nov. 8, 2021); *In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the Talega-Escondido/Valley-Serrano 500kV Interconnect Project*, Application 10-07-001 (Orders of Nov. 23, 2010 and Apr. 18, 2013); *In the Matter of the Application of southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the Eldorado-Ivanpah Transmission Project*, Application 09-05-027 (Ruling on Showing of Significant Financial Hardship, Jan. 27, 2010). On May 24, 2023, in *Order Instituting Rulemaking to Consider Distributed Energy Resource Program Cost-Effectiveness Issues, Data Access and Use, and Equipment Performance Standards*, Rulemaking 22-11-013, the Center was granted a preliminary determination of significant financial hardship. The May 24, 2023 preliminary determination of significant financial hardship was conditioned on the Center providing additional information either with an intervenor compensation claim or within 30 days of that ruling. Then, in *Order Instituting Rulemaking to Update and Amend Commission General Order 131-D,* Rulemaking 23-05-018, an April 24, 2024 ALJ ruling requested that the Center may provide this information within 45 days of April 24, 2024 to determine the Center's eligibility as an intervenor for compensation. On May 31, 2024, the Center provided this information in a supplement to the Center's Notice of Intent to Claim Intervenor Compensation in Rulemaking 23-05-018. On January 17, 2025 the Commission required the Center to provide further additional information in a second supplement. The Center filed that second supplement to its Notice of Intent to Claim Intervenor Compensation in Rulemaking 23-05-018 on February 11, 2025, and a Commission determination is pending. By this filing, together with the extensive and confidential documentation submitted on May 31, 2024 under seal in Rulemaking 23-05-018, the Center again verifies that it has met this condition warranting a finding of significant financial hardship. The Center's circumstances have not changed in any relevant respect since the Commission last determined the Center's eligibility for intervenor compensation. *See* Cal. Pub. Util. Code § 1803(b).	

Do you have any direct economic interest in outcomes of the proceeding? [3] If "Yes", explain:	☐Yes ☑ 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?	☐Yes ☑ No
2. If the answer to the above question is "Yes", does the customer have a conflict arising from prior representation before the Commission?	☐Yes ☐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.	☐Yes ☑ 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.	
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: June 19, 2026	☑Yes ☐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)?	☐Yes ☑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:	

[3] See Rule 17.1(e).

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:

Based on information so far in the proceeding, the Center intends to participate in a number of aspects of this proceeding in the following issue categories:

1. Development of program rules and requirements, ensuring that the Commission utilize an adequate framework to review individual program proposals.

2. Program proposals and alignment with program rules and requirements.

3. Decarbonization issues: ensuring that the Commission adequately consider energy efficiency as a means to achieving the state's decarbonization targets and policy goals, including equity considerations.

Overall, the Center anticipates participating in this proceeding to advocate for the greatest reliance on energy efficiency measures, which have enormous benefits and are a key strategy supporting decarbonization across the state.

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

Several of the issues raised by the Center may not be pursued by other parties to this proceeding. However, to the extent other parties do raise overlapping issues, the Center will coordinate its participation with those parties in order to avoid the duplication of effort and conserve the Commission's resources. In other Commission proceedings, the Center has coordinated with other intervenors at various stages, and we will do so here as well where practicable.

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).

The Center anticipates coordinating with other parties, participating in testimony and evidentiary hearings, preparing written briefs, meeting with the Commission, and commenting on Proposed Decisions. This involvement will require in-house legal counsel

The Center has been an active participant in other Commission proceedings (*e.g.*, R.25-01-005, R.23-05-018, R.22-11-013, R.21-06-017, R.18-07-003, R.15-02-020, and R.11-05-005) and intends to remain similarly actively involved in this proceeding in order to ensure that the environmental and energy justice interests of its ratepayer members are protected.

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				
Howard Crystal (Legal Director)	50	$821.74	$41,087	1
Roger Lin (Senior Attorney)	20	$704.51	$14,090	2
Subtotal: $55,177.00				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: $ N/A				
COSTS				
[Item 1]				
[Item 2]				
Subtotal: $ N/A				
TOTAL ESTIMATE: $ 55,177.00				

Estimated Budget by Issues: The Center offers the following estimated budget on the issues listed above:
Issue 1: (Program administration rules) 30%
Issue 2: (Program proposals and alignment) 30%
Issue 3 (Decarbonization): 40%

Comments/Elaboration
The Center expects to be an active participant in this proceeding; however, it is difficult to estimate the magnitude of our expected request at this early stage. The amount of any future claim for compensation will depend on the proposals of other parties and Commission staff, and the content of the Commission's proposed and final decisions.

The rates the Center is requesting for its attorneys are reasonable because the Center's staff have extensive experience advocating for energy efficiency and reliable energy while simultaneously addressing the climate crisis, minimizing environmental impacts, and addressing systemic energy injustice. The rates the Center is requesting are consistent with D.07-01-009 (which established rate ranges for experts based on years of experience), with D.08-04-010 (which provides considerations for establishing rates for new representatives), and with the Commission's Hourly Rate Chart (effective January 1, 2021, and available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/icomp-materials/hourlyratechart-02132025.xlsm.)

Comment 1: Howard Crystal graduated from Georgetown University Law Center in 1993, and with more than 30 years of practice falls within the range of compensation for attorneys in the bracket of 13+ years of experience. His expertise as an environmental and energy attorney is broad and includes: (a) participation before this Commission in No. 16-09-003 (SCE 2016 Rate Design Window Proposal); (b) participation in both rate case and IRP proceedings before the North Carolina Utilities Commission; (c) litigation over Tennessee Valley Authority (TVA) rate changes targeting distributed energy development (Center v. TVA, 491 F. Supp. 3d 1180 (N.D. Ala. 2020); an article concerning net metering and utility rate-setting for solar customers (Fairly Compensating Sun Power: Challenges to Rooftop Solar Development, *available at* https://gelr.org/2016/09/20/fairly-compensating-sun-power/; and (d) extensive federal court

litigation over Department of Energy programs and projects, including, e.g., (i) the National Ignition Facility at Lawrence Livermore National Laboratory (see, e.g., NRDC v. Abraham, 223 F. Supp. 2d 162 (D.D.C. 2002)); (ii) the Bush Administration's "Energy Task Force" (NRDC v. Dep't of Energy, 310 F. Supp. 2d 271 (D.D.C. 2003)); and (iii) the remediation of nuclear energy testing facilities such as the Santa Susana Laboratory in Simi Valley, California (NRDC v. DOE , 2007 WL 1302498(N.D. Cal. 2007)). Mr. Crystal frequently practices in federal courts and before administrative agencies. For example, he is litigating Blackstone's proposed acquisition of TXNM before the Federal Energy Regulatory Commission (FERC) and New Mexico Public Regulation Commission; represented the Center in another FERC proceeding concerning the conditions under which TVA power companies have access to TVA transmission assets; and is also currently litigating a case concerning distributed energy projects in Puerto Rico. Prior to working at the Center, Mr. Crystal was in private practice at Meter Glitzenstein & Crystal, and then the Law Office of Howard Crystal. He litigated numerous other cases before courts and agencies in those offices, many concerning energy-related matters, and began his career as an attorney with Crowell & Moring LLP. He has also taught as an Adjunct Professor at Georgetown University Law Center, and at the George Washington University Law School. Mr. Crystal's requested compensation takes into consideration the market rates paid to persons of comparable training and experience who offer similar services, and is within the established range of rates for his level of experience. In D.18-07-006, the Commission approved a rate for Mr. Crystal of $480 for work in 2018. In Application 22-05-022 and Other Matters, the Commission is considering a 2024 hourly rate of $795.00 for Mr. Crystal. (*Proposed Decision Granting Compensation to Center for Biological Diversity for Substantial Contribution to Decision 24-05-065* (to be heard, at the earliest, at the Commission's July 16, 2026, Business Meeting)). Consistent with the Commission's Hourly Rate Chart, Mr. Crystal requests an hourly rate of $821.74 for anticipated work in 2026. **Comment 2: Roger Lin** graduated from Golden Gate University School of Law in 2006. He has practiced public interest law since 2007, and he has represented several parties in Commission proceedings since 2012. He has also taught as an Adjunct Professor of Law at Berkeley Law for several years and served on the SB 350 Disadvantaged Communities Advisory Group for three terms. In D.16-09-029, the Commission approved a rate for Mr. Lin of $305 for his work in 2016. In D.22-04-019, the Commission approved a rate for Mr. Lin of $311 for his work in 2018. And in D.22-02-031, the Commission approved a rate of $360 for Mr. Lin's work in 2018. That rate reflected the minimum rate for an attorney with his 11 years of experience, plus a 5% step increase as authorized by Resolution ALJ-357. This was the first step increase request for Mr. Lin in his level of experience. In Application 22-05-022 and Other Matters, the Commission is considering a 2024 hourly rate of $605.00 for Mr. Lin. (*Proposed Decision Granting Compensation to Center for Biological Diversity for Substantial Contribution to Decision 24-05-065* (to be heard, at the earliest, at the Commission's July 16, 2026, Business Meeting)). Consistent with the Commission's Hourly Rate Chart, Mr. Lin requests a rate of $704.51 for anticipated work in 2026.
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)

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))	☐
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))	☑
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	☐
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)). Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: See response to Part I.A.4. above (determination pending in *Order Instituting Rulemaking to Update and Amend Commission General Order 131-D,* Rulemaking 23-05-018).	☐

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:
The cost of the Center's involvement in this proceeding will substantially outweigh the financial benefit to the individual members it represents. Typical individual member economic interests are small in comparison to the Center's expected costs of participation. As the Commission has stated in D.85-06-028: "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." The Center respectfully requests that compensation be granted to represent the environmental interests of its members since it would not be cost effective for individual members to incur

such expenses to intervene. As a non-profit organization, the Center does not accept fees from its clients and receives no government funding. The Center relies upon awards of attorneys' fees in litigation where the Center represents the prevailing party, as well as donations from private individuals and private foundations, as its sources of income. Eligibility for intervenor compensation is important for the Center to be able to effectively advocate in this proceeding. The Center has been granted a showing of significant financial hardship in earlier proceedings, and has previously been awarded intervenor compensation. *See, e.g., Order Instituting a Rulemaking to Modernize the Electric Grid for a High Distributed Energy Resources Future*, Rulemaking 21-06-017 (Ruling on Showing of Significant Financial Hardship, Nov. 8, 2021); *In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the Talega-Escondido/Valley-Serrano 500 kV Interconnect Project*, Application 10-07-001 (Orders of Nov. 23, 2010 and Apr. 18, 2013); *In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the Eldorado-Ivanpah Transmission Project*, Application 09-05-027 (Ruling on Showing of Significant Financial Hardship, Jan. 27, 2010). The Center does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to challenge the Center's eligibility, the Center requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing.

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

ADMINISTRATIVE LAW JUDGE RULING[4]
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	☐
a. The NOI has not demonstrated the party's status as a "customer" or an "eligible local government entity" for the following reason(s):	☐

[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).

b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	☐
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	☐
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	☐
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	☐
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	☐

IT IS RULED that:

1. The Notice of Intent is rejected.	☐
2. The customer or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	☐
3. The customer or eligible local government entity has shown significant financial hardship.	☐
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.	☐
5. Additional guidance is provided to the customer or eligible local government entity as set forth above.	☐

Dated _____________, at San Francisco, California.

____

Administrative Law Judge