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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Improve the California Climate
Credit.

Rulemaking 25-07-013
(Filed July 24, 2025)

**ADMINISTRATIVE LAW JUDGE'S RULING ON LEADERSHIP COUNSEL FOR
JUSTICE AND ACCOUNTABILITY'S NOTICE OF INTENT TO CLAIM
INTERVENOR COMPENSATION**

This ruling grants the Leadership Counsel for Justice and Accountability's (Leadership Counsel) Notice of Intent to Claim Intervenor Compensation (NOI).

1. Background

Leadership Counsel filed its NOI on December 19, 2025, claiming Category 3 customer status as a "group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers," and significant financial hardship. Leadership Counsel is a nonprofit organization that partners with, and/or legally represents community-based organizations in disadvantaged communities in pursuit of environmental justice and equitable community development. Its mission is to mobilize community voice, advocate for sound policy, and eradicate injustice to promote equal access to opportunity regardless of wealth, race, income, and place. Leadership Counsel states that it intends to participate in all aspects of this proceeding, and to provide relevant factual and legal information regarding the needs, experiences and perspectives of residents of low-income communities, disadvantaged communities and communities of color in the San Joaquin and Coachella Valleys.

Leadership Counsel will conduct outreach in, and advocate on behalf of, disadvantaged communities to ensure that residents they work with have the opportunity to inform strategies to improve the Climate Credit.

2. Eligibility for Intervenor Compensation

Public Utilities Code (Pub. Util. Code) Sections 1801-1812 govern the Commission's intervenor compensation program. To qualify for compensation, Leadership Counsel must satisfy the following requirements: a) file a timely NOI, b) demonstrate customer status, and c) demonstrate significant financial hardship. Certain environmental groups can also be found eligible with the understanding that they represent environmental concerns of residential customers.¹

a. Timely NOI Filing

Leadership Counsel has filed a timely NOI in this proceeding pursuant to Pub. Util. Code section 1804(a)(1).

b. Customer Status

Pursuant to Pub. Util. Code Section 1802(b)(1)(C), a Category 3 customer is "a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation." Leadership Counsel states that it represents and partners with local community-based organizations and considers these organizations to be its constituents. Its NOI includes a list of the intervenor's constituents.² More specifically, Leadership Counsel states that they will represent low-income and disadvantaged communities located within the San Joaquin Valley and East Coachella Valley.

¹ D.98-04-059, fn. 14 at 30.

² NOI at 3.

Leadership Counsel filed its articles of incorporations which confirms that it is authorized to represent residential utility customers. Specifically, Leadership Counsel is authorized to “mobilize community voice, advocate for sound policy and eradicate injustice to promote equal access to opportunity regardless of race, income, and place.”³ Based on this information, we find that Leadership Counsel has met the eligibility requirements to qualify as a Category 3 customer pursuant to Pub. Util. Code Section 1802(b)(1)(C).

c. Financial Hardship

Leadership Counsel claims that participation in this proceeding without an award of fees or costs imposes a significant financial hardship, on the basis that the economic interest of the individual members of the organization (exclusively residential ratepayers in the low-income communities), is small in comparison to the costs of effective participation in the proceeding. Leadership Counsel further explains that it receives attorney fees but does not derive an income from them.⁴ Leadership Counsel confirms that is a recipient of the Commission’s Equity and Access Grant supporting retention of experts to help the intervenor’s participation at the Commission, and ensures that it does not claim compensation for any expert time or costs that are otherwise funded by this grant program.⁵ Leadership Counsel has not received any other funding supporting its participation. Based on this information, we find that Leadership Counsel has demonstrated significant financial hardship pursuant to Pub. Util. Code section 1802(h).

³ Article II(B) of the articles of incorporation (Attachment 2 to NOI filed on March 25, 2016, in R.15-03-010).

⁴ NOI at 4.

⁵ NOI at 7.

3. Conclusion

This ruling finds that the Leadership Counsel for Justice and Accountability filed a timely NOI in this proceeding, has demonstrated Category 3 customer status and significant financial hardship pursuant to Pub. Util. Code Sections 1804(a)(1), 1802(b)(1)(C), and 1802(h) respectively. Leadership Counsel's NOI is granted, and it is eligible to claim intervenor compensation in this proceeding. Leadership Counsel shall include in the time records and itemize in any claim filed pursuant to Pub. Util. Code Section 1804(c) all hours and costs covered under the Equity and Access Grant, even though they are not a part of the claimed amount.

IT IS SO RULED.

Dated October 2, 2026, at San Francisco, California.

/s/ JONATHAN LAKEY

Jonathan Lakey
Administrative Law Judge

ATTACHMENT 1

LEADERSHIP COUNSEL FOR JUSTICE AND ACCOUNTABILITY'S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

Order Instituting Rulemaking to Improve the California Climate Credit	Rulemaking 25-07-013 (Filed July 24, 2025)
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LEADERSHIP COUNSEL FOR JUSTICE AND ACCOUNTABILITY'S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

Customer (party intending to claim intervenor compensation): Leadership Counsel for Justice and Accountability	
Assigned Commissioner: John Reynolds	Administrative Law Judge: Maria Sotero

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

A. Status as “customer” (see Pub. Util. Code § 1802(b))⁶ 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.	

⁶ All “Section” and “§” references are to California Public Utilities Code unless indicated otherwise.

<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. <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. <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. Leadership Counsel is a Category 3 customer by virtue of its status as a formally organized group authorized by its articles of incorporation or bylaws to represent the interests of residential customers. (Bylaws on file in R.15-03-010.) It is a nonprofit organization that partners with and/or legally represents community-based organizations (CBOs) in disadvantaged communities in pursuit of environmental justice and equitable community development. Its mission is to mobilize community voice, advocate for sound policy, and eradicate injustice to promote equal access to opportunity regardless of wealth, race, income, and place. Leadership Counsel is not a membership organization. However, the members of its partner-CBOs are exclusively residential ratepayers in low-income communities. Approximately 90 percent of its clients and partners reside within the San Joaquin Valley, while the remaining reside within the East Coachella Valley. Leadership Counsel represents customers and potential customers whose interests include the concerns that policies or programs do not disproportionately and negatively impact low-income, disadvantaged communities; that such communities receive just and equitable benefits from new regulations, policies, or programs; and that the program at issue in this proceeding improves environmental quality locally, regionally, and globally. The CBOs that we provide legal representation to include, but are not limited to: Familias Addams por un Mejor Futuro (Fresno County), Concerned Citizens of West Fresno (Fresno County), Matheny Tract Committee (Tulare County), Tooleville Mutual Nonprofit Water Association (Tulare County), Pixley Residents for Environmental Justice (Tulare County), the Committee of Sunbird Residents	
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(Riverside County), Lanare Community Services District (Fresno County), Community United in Lanare (Fresno County), Orange Cove United (Fresno County), Fairmead Community and Friends (Madera County), la Asociación de Gente Unida por el Agua (San Joaquin Valley), Protectores del Agua Subterránea (San Joaquin Valley), Defensores del Valle Central para el Aire y Agua Limpio (San Joaquin Valley), Semillas de la Resistencia (Eastern Coachella Valley), and Juntos por un Mejor Oasis (Eastern Coachella Valley). Leadership Counsel's non-client partners include, but are not limited to, the following CBOs: Lideres Campesinas (Merced County, Madera County, Riverside County), Comite Progreso de Lamont (Kern County), Committee for a Better Arvin (Kern County), and Greenfield Walking Group (Kern County). Leadership Counsel is a category three customer for at least two reasons. First, as held in R.15-03-010, our "legal representation activities align it with a public interest law firm that we found eligible in D.88-05-028. [and as such,] Leadership Counsel has demonstrated it is a §1802(b)(1)(C) customer." (ALJ Ruling, October 18, 2016.) Second, Leadership Counsel is an eligible environmental group as described in D.98- 04-059, p. 30 n.14: "With respect to environmental groups, we have concluded they were eligible 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... They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example." Leadership Counsel does not derive any income from attorneys' fees paid by its clients. Additionally, while it has received attorney's fee awards in civil litigation and intervenor's compensation, that does not disqualify it as an environmental group or a public interest law firm. (See D.88-05-028, 1988 Cal. PUC LEXIS 460, ["Revenue Ruling 75-76 clarifies that the acceptance of fee awards from a court (or administrative agency such as this Commission) is not necessarily inconsistent with the basis of the IRC charitable exemption of public interest law firms."].)	
Do you have any direct economic interest in outcomes of the proceeding? ⁷ 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

⁷ See Rule 17.1(f).

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: 11/21/2025	☒ 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: 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
(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: Leadership Counsel intends to participate in all aspects of this proceeding, and to provide relevant factual and legal information regarding the needs, experiences and perspectives of residents of low-income communities, disadvantaged communities and communities of color in the San Joaquin and Coachella Valleys. In particular, Leadership Counsel will conduct outreach in, and advocate on behalf of, disadvantaged communities to ensure that residents who we work with have the opportunity to inform strategies to improve the Climate Credit. The party's explanation of how it plans to avoid duplication of effort with other parties: Leadership Counsel will coordinate with other parties to avoid duplication and, where appropriate, will utilize joint comments and resolve issues ahead of hearings and submissions. Leadership Counsel is a partner organization of the California Environmental Justice Alliance (CEJA), which is a party to this action. Leadership Counsel also often works closely with Central California Environmental Justice Network (CCEJN), which is a party to this action. Leadership Counsel intends to, and already has, coordinated with CEJA and CCEJN to file joint comments, where appropriate, particularly on issues of statewide concern, and will advocate separately where appropriate on issues that are more acutely felt in the San Joaquin Valley and Eastern Coachella Valley. While the interests of CEJA, CCEJN, and Leadership Counsel are likely to be aligned on many issues in this proceeding, Leadership Counsel works with many communities that are unique and distinct with respect to geography and other characteristics. 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). As noted above, Leadership Counsel intends to participate in all aspects of this proceeding, with an estimated budget and allocation by issue included below.

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				
Michael Claiborne	40	707.20	\$28,288	
Jamie Zweifler-Katz	80	622.90	\$49,832	
Mariela Loera	20	330.43	\$6,608.60	
Mariana Alvarenga	20	330.43	\$6,608.60	
Subtotal: \$91,337.20				
OTHER FEES				
[Person 1]				
Subtotal: \$0				
COSTS				
[Item 1]				
Subtotal: \$0				
TOTAL ESTIMATE: \$91,337.20				
Estimated Budget by Issues: Leadership Counsel preliminarily estimates that its participation will be allocated as follows: • Inform outreach and engagement generally: 10% • Outreach and engagement of disadvantaged communities: 30% • Inform Climate Credit policies related to disadvantaged communities and low-income household in the San Joaquin and East Coachella Valleys: 40% • Inform and evaluate policies with respect to the Climate Credit generally: 20%				

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))	☐
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).)	☐
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:	

Leadership Counsel is a nonprofit organization that works with, and/or legally represents, community-based organizations (CBOs) in disadvantaged communities throughout the San Joaquin and East Coachella Valleys (see Part I(A) above). Although Leadership Counsel is not a member organization, the members of its partner-CBOs are exclusively residential ratepayers in low-income communities. Thus, the cost of Leadership Counsel's effective participation in this proceeding substantially outweighs the anticipated financial benefit to any individual person it represents. (*See* Pub. Util. Code § 1802(g).)

A preliminary finding of significant financial hardship was made in Rulemaking 15-03-010 on October 18, 2016, which required for a final determination that Leadership Counsel include on its compensation claim(s) a statement regarding whether it derives any income from attorney's fees. On Leadership Counsel's October 5, 2017 request for compensation in that proceeding, it noted that it does not in fact receive any income from attorney's fees. In Decision 18-01-019 in that proceeding, issued on January 11, 2018, the Commission granted Leadership Counsel's request for intervenor compensation and noted that it had "complied with item 3 wherein Administrative Law Judge Tsen provided additional guidance to include in a §1804(c) compensation claim a statement on whether the intervenor derives any income from attorney fees."

Then, in Decision 23-11-028, issued November 7, 2023, Administrative Law Judge Watts-Zagha ruled that Leadership Counsel demonstrated significant financial hardship.

Leadership Counsel has not received any funding to support its participation in this proceeding, except that it received an award from the Commission's Equity and Access (E&A) Grant Program to support retention of experts to aid Leadership Counsel's engagement in Commission proceedings. The E&A award is solely for retention of experts and does not fund Leadership Counsel's staff time or costs for engagement in this proceeding. Leadership Counsel will ensure that it does not claim compensation for any expert time or costs that is otherwise funded by the E&A Grant Program.

**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