

# California Public Utilities Commission INTERVENOR COMPENSATION PROGRAM GUIDE

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## Introduction to Intervenor Compensation Program

The Intervenor Compensation Program Guide (Guide) is intended to help you understand the requirements you must meet to be eligible for an award of intervenor compensation. This Guide identifies filings that you must make to establish your eligibility to ultimately claim compensation and seeks to make your work products related to intervenor compensation as effective as possible. [Sample documents](#) are included. We have also developed [Standardized Forms](#) designed to assist you. All these matters are discussed below.

## Overview

[California Public Utilities Code](#) allows certain individuals or groups that participate in proceedings before the California Public Utilities Commission (CPUC) involving electric, gas, water, and telephone utilities to request compensation for the costs associated with that participation.

Compensation is available through a program administered by the CPUC referred to as the Intervenor Compensation Program. The requirements for eligibility to request compensation through this program are described in Public Utilities Code [Sections 1801 through 1812](#). When an individual or group meets the requirements set forth in the Public Utilities Code to request compensation, that individual or group is considered an intervenor for purposes of the Public Utilities Code.

The Intervenor Compensation Program is intended to ensure that individuals and groups that represent residential or small commercial electric utility customers have the financial resources

to bring their concerns and interests to the CPUC during formal proceedings. By hearing from different perspectives, the CPUC is better able to make informed decisions that consider the impact of utility cost and service on all people of the State of California.

The CPUC initiated the Intervenor Compensation Program in 1981. A few years later, the California Legislature adopted laws to govern the program. Those laws became part of the Public Utilities Code in [Sections 1801 – 1812](#), effective January 1, 1985, with subsequent modifications made by the Legislature in 1992, 1993, and 2004.

Notably, the Intervenor Compensation Program only provides compensation for the reasonable costs incurred by intervenors as a result of their participation in CPUC proceedings. Compensation is generally granted after the proceeding or a phase of the proceeding is concluded. Awards of compensation are paid by public utilities from monies collected from utility ratepayers.

Ratepayers pay for these awards of intervenor compensation because the California Legislature requires the CPUC to adjust utility rates so that utilities can collect any amounts paid to intervenors. Typically, only the utility subject to the proceeding is responsible for the payment of intervenor compensation and the utility will increase its rate accordingly to cover any awards paid. If a proceeding applies to a utility category rather than a specific regulated utility, awards of compensation may be paid by the CPUC out of ratepayer fees collected by all utilities.

## **Assistance to Intervenors**

### **1. Public Advisor's Office**

The CPUC's Public Advisor's Office helps the public participate in formal CPUC proceedings. The Public Advisor's Office may be able to assist you with your questions about the Intervenor Compensation Program and provide sample filings and related CPUC decisions. Please note, the Public Advisor's Office does not provide legal advice. Please direct questions to the following offices:

San Francisco: 505 Van Ness Avenue, Room 2103  
San Francisco, CA  
415.703.2074  
415.703.2411 (fax)  
866.849.8390 (toll free)  
[public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

Los Angeles: 320 West 4th Street, Suite 500  
Los Angeles, CA 90013  
213.576.7055  
213.576.7059 (fax)  
866.849.8391 (toll free)  
[public.advisor.la@cpuc.ca.gov](mailto:public.advisor.la@cpuc.ca.gov)

## **2. Administrative Law Judge Division**

Formal documents filed with the CPUC's Docket Office related to the Intervenor Compensation Program are assigned to the Administrative Law Judge (ALJ) Division. The ALJ Division is responsible for preparing draft decisions recommending whether or not to grant compensation to a particular intervenor. Within the ALJ Division, the Intervenor Compensation Program is managed by an Assistant Chief ALJ, an ALJ Program Coordinator, and ALJ Division Legal Analyst. The ALJ Division Legal Analyst is available if you have questions on procedures and practices or concerns related to the Intervenor Compensation Program.

Maria Vengerova  
Legal Analyst  
Intervenor Compensation Program  
505 Van Ness Avenue,  
San Francisco, CA 94102  
415-355-5574  
e-mail: [lcompcoordinator@cpuc.ca.gov](mailto:lcompcoordinator@cpuc.ca.gov)

### **About This Guide and Other Sources of Information Concerning Intervenor Compensation**

The CPUC is responsible for assuring California utility customers have safe, reliable utility service at reasonable rates, protecting utility customers from fraud, and promoting the health of California's economy. As a public agency, the CPUC depends on input, questions, feedback, and interaction with the general public. In furtherance of the CPUC's tasks and goals, this Guide encourages formal intervention and participation in CPUC proceedings with financial support through the Intervenor Compensation Program for certain individuals or groups representing the interests of residential customers or small commercial electric customers.

The following guidelines take you step-by-step through the process for claiming intervenor compensation. The Guide first explains the purpose and format of two formal filings you must make with the CPUC's Docket Office if you plan to request intervenor compensation:

- Notice of Intent to Claim Intervenor Compensation (referred to as NOI)
- Request for Award of Intervenor Compensation (referred to as Request for Intervenor Compensation).

[Sample filings](#) are available. The sample filings are simply "real life" examples of these filings. However, each intervenor's work and role in the proceeding differ from the ones reflected in the samples. Also, as the program develops, some of the requirements addressed in the samples may change.

We have also developed [Standardized Forms](#) that you may use when preparing your NOI and Request for Intervenor Compensation. The use of these forms is optional but highly advisable.

You should not rely exclusively on the sample filings or standardized forms instructions when preparing your documents. This Guide as well as the sample filings and standardized forms instructions are intended to be used in conjunction with the following resources:

- California Public Utilities Code Sections 1801-1812
- CPUC’s Rules of Practice and Procedure (Code of Regs., tit. 20.)
- CPUC decisions concerning intervenor compensation policies and practices (such as, D.98-04-059; D.07-11-009, etc.). Certain decisions can be downloaded from the Intervenor Compensation Program home page.

All Rule references herein are to the CPUC’s Rules of Practice and Procedure (available at <http://www.cpuc.ca.gov/PUC/documents/codelawspolicies.htm>).

All Section (§) references are to the Public Utilities Code (available at <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=puc&codebody=&hits=20>).

Some of your questions can be answered at

The CPUC’s Frequently Asked Questions page at <http://www.cpuc.ca.gov/PUC/Practitioner/faq.htm>

The CPUC’s Public Advisor’s website at <http://www.cpuc.ca.gov/PUC/aboutus/Divisions/CSID/Public+Advisor/>

**HELPFUL TIP:** A document formally filed with the Commission electronically in the formal proceeding can be downloaded from the “Docket Card”. Follow these steps to access a formally filed document in a proceeding of your interest.

- Open the CPUC’s home page at <http://www.cpuc.ca.gov/puc/>;
- Click on the “Online Documents”
- Scroll down to the “Docket Card” link and open the link.
- In the “Index of Currently Open Proceeding” click on the year when the formal proceeding was initiated. To find out when your proceeding was initiated, look at its docket number. It starts with the letter designation [“A” for applications; “C” for complaints; “P” for petitions for rulemaking; “R” for rulemakings; and “I” for investigations], followed by the year (first two digits) and the month (the next two digits after the year) when the proceeding was formally filed, and the numerical order (last two figures). For example, the application proceeding A07-11-011 was filed in the year 2007, in the month of November.
- Scroll down proceeding numbers to find yours or use Ctrl/F.
- Click on your proceeding’s number to open the Docket Card.
- Find in the Docket Card a document you are looking for and download.

A current service list for the proceeding can also be downloaded from the Docket Card.

### **Notice of Intent to Claim Compensation**

The first step you must take to participate in the Intervenor Compensation Program is to prove your eligibility for compensation under the law. You must do this by filing a document, referred to as Notice of Intent to Claim Intervenor Compensation (NOI) in the proceeding you are interested in. For example, if you are interested in the electric rate proceeding referred to as A.07-11-011, you file your NOI in that proceeding. A NOI must be filed within certain

deadlines. Most Notices of Intent can be filed using the Commission-approved [Notice of Intent Standardized Form](#).

## **A. Checklist for a Notice of Intent**

- [Proceeding Information](#)
- [Statements Regarding Timeliness of Notice of Intent](#)
- [Showing of Customer Status](#)
- [Showing of “Significant Financial Hardship”](#)
- [Description of Nature and Extent of Planned Participation](#)
- [Itemized Estimate of Costs of Participation](#)
- [Attachments to NOI](#): (Certificate of Service, Service List, and, if applicable, documents supporting the intervenor’s customer status category and “significant financial hardship”)
- [Filing your NOI](#)
- [Serving your NOI](#)

## **B. Guidelines for Completing a Notice of Intent**

### **1. Proceeding Information**

The first page of your filing must include the official caption of the CPUC proceeding, the docket number (for example, A07-11-011), the date when the proceeding was formally filed, and the title of the pleading. Please, refer to any formal documents issued by the Commission in your proceeding, to copy the proceeding’s caption and docket number from there. The first paragraph of your NOI should summarize the purpose and contents of your filing.

### **2. Statement Regarding Timeliness of Notice of Intent**

Rule 17.1 sets filing deadlines for NOIs. In most cases, it shall be formally filed within 30 days after the prehearing conference.

If the CPUC determines that in your proceeding hearings are not needed, NOI must be filed within 30 days after the last day to file responsive pleadings to the document initiating the proceeding (such responsive pleadings include comments on new orders instituting rulemaking or investigation, responses to new applications or petitions for rulemaking, answers to formal complaints, etc.).

An ALJ can set a different deadline for the filing of a NOI. If you are unsure of the deadline, contact the ALJ Division Legal Analyst or the ALJ assigned to your proceeding.

In your NOI, you must show that it has been timely filed within the statutory time limits and the CPUC’s [Rules of Practice and Procedure](#). Your failure to timely file your NOI can jeopardize your right to claim compensation.

If you submit your NOI after the filing deadline, you must first ask the CPUC for permission to late-file your NOI. Your request must be made in a motion filed separately from your NOI. For more information on motions, please refer to Rule 11.1 (Motions) and Rule 11.6 (Motion for

Extension of Time). Your motion must explain why you are submitting your filing late. If your motion is granted, your NOI becomes a part of the formal record.

### **3. Showing of Customer Status**

In your NOI, you must state how you meet the definition of “customer.” The different types of customers are known as Category 1, Category 2, and Category 3. Section [1802\(b\)\(1\)](#) defines these categories in subsections A, B, and C. . [D.98-04-059](#) discusses the differences between these customer categories. The information that you must provide in your NOI depends on the type of customer you are.

3.1. A Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from its role as a customer of the utility and, in addition, the customer must represent the broader interests of at least some other customers. You must describe your own interest in the proceeding and show that your participation goes beyond just your own self-interest and will benefit other customers generally. See, for example, discussion in D.08-07-019 at 5-10.

3.2. A Category 2 customer is a representative who is authorized to represent an actual utility customer(s). 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. A representative authorized by a customer must identify the residential customer(s) being represented and provide the authorization from at least one customer ([D.98-04-059](#) at page 30).

3.3. 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 to represent small commercial electric customers (see, [Section 1802\(h\)](#) for a definition of “small customer”).

If you are a Category 3 customer, you must describe your organization and quote relevant portions of its bylaws or articles of incorporation authorizing you to represent the interests of residential or small commercial electric customers. You must also submit a copy of the current bylaws or articles as an attachment to your NOI. If you previously provided the CPUC with a copy of your current bylaws or articles, no further copies are required. Instead, provide a docket number of the formal proceeding where the document was filed, and the document’s filing date.

If another party in the proceeding also represents ratepayers, you should explain how the ratepayers you represent are different from the ones represented by another party, and why without your participation the ratepayers represented by you will not be adequately represented.

Certain environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically met in the articles or bylaws as long as these organizations seek to protect the broader interests in the environment held by residential ratepayers, and address the customers’ environmental concerns.

3.4. Direct Economic Interest. As set forth in Rule 17.1(e) you must state whether you have a direct economic interest in the outcome of the proceeding and, if you do, describe that direct economic interest.

3.5 Residential Ratepayer Information. Groups should indicate in the NOI the percentage of their membership that are residential ratepayers. Similarly, a “representative authorized by a customer” should identify in his NOI the residential customer or customers that authorized him to represent that customer.

#### **4. Showing of “Significant Financial Hardship”**

[Section 1804\(a\)\(2\)\(B\)](#) allows the customer to include a showing of “significant financial hardship” in either the NOI or Request for Intervenor Compensation.

However, by demonstrating “significant financial hardship” in the NOI, you will learn early in the proceeding whether you have satisfied one of the critical eligibility requirements for an award of intervenor compensation.

Before you make your showing of “significant financial hardship,” you must understand which test of “significant financial hardship” applies to you. [Section 1802\(g\)](#) of the Public Utilities Code defines the two standards for “significant financial hardship” as follows:

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 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.

As explained below, the relevant test for “significant financial hardship” depends on the type of customer you are, e.g., Category 1, 2 or 3.

##### **4.1. Showing of “Significant Financial Hardship” for Category 1 or 2 Customers - The Undue Hardship Test**

According to [D.98-04-059](#), the standard “cannot afford, without undue hardship,” as set forth in [Section 1802\(g\)](#) of the Public Utilities Code, applies to Category 1 and 2 customers.

If you qualify as either a Category 1 or 2 customer and claim you cannot “without undue hardship” afford to pay the costs of effective participation, you must provide financial information demonstrating the undue hardship. In general, as described in [D.98-04-059](#), Category 1 and 2 intervenors must disclose customer’s gross and net monthly income, monthly expenses, and any other relevant financial information. By filing a motion to file confidential information under seal, you can request the Commission to treat this information as confidential.

Specifically, those who claim a Category 1 customer status, must provide their own financial information: their income and expense statement and balance sheet (statement of the assets and liabilities). Those who claim a Category 2 customer status must provide personal financial information (income and expense statement and balance sheet) of the actual customer(s) who will be represented.

The CPUC may seek additional information if needed to determine undue hardship.

You are also required to explain how the financial information demonstrates undue hardship. For example:

“My monthly gross and net income, monthly expenses, cash, and assets are shown in the attached documents. Based on my estimate of the cost of effective participation as compared to my income, expenses, and assets, I do not have the resources to pay for the costs of effective participation.”

#### **4.2 Showing of “Significant Financial Hardship” for Category 3 Customers – The Comparison Test**

If you are a Category 3 customer, you must meet the "comparison test", to establish “significant financial hardship.” The comparison test requires the economic interest of the individual members of the group or organization be small in comparison to the costs of effective participation in the proceeding.

Category 3 customers cannot rely on the financial status of just some of its members to establish “significant financial hardship.” All members must be included in the “significant financial hardship” showing unless otherwise permitted by the intervenor compensation statute. For example:

“The cost of the organization’s participation in CPUC proceedings, which is estimated to be \$25,000, substantially outweighs the benefit to the individual members it represents. Intervenor’s members are residential customers whose individual interests in this proceeding are approximately \$10 in potential annual rate changes. Accordingly, these economic interests are small relative to the costs of participation. It is unlikely that Intervenor’s members will see financial benefits that exceed Intervenor’s costs of intervention.”

#### **4.3 Option to Defer Showing of “Significant Financial Hardship”**

The intervenor compensation statute permits you to address your showing of “significant financial hardship” in the request for intervenor compensation. If you choose to make your showing of “significant financial hardship” in your request for intervenor compensation, rather than in your NOI, your NOI should clearly state your choice

If you defer your showing of “significant financial hardship,” you must still complete the remainder of your NOI. If you have any concerns about whether you will meet the “significant financial hardship” test, you are strongly encouraged to make your showing in your NOI.

#### **4.4 Rebuttable Presumption of “Significant Financial Hardship”**

The Commission’s finding that an intervenor met the “significant financial hardship” requirements of Section 1802(g) creates a rebuttable presumption of that intervenor’s eligibility for compensation in another proceeding commencing within one year of the date of that finding (Section 1804(b)(1)).

To establish a rebuttable presumption, the following language may be used:



A rebuttable presumption of significant financial hardship exists for Intervenor. On January 1, 2008, ALJ Rose issued a written ruling in A.07-11-011 finding that Intervenor made a showing of significant financial hardship as defined in Section 1802(g), met the requirements of Section 1804(a) and was eligible for compensation in that proceeding. Because this proceeding commenced on December 15, 2008, within one year of that ruling, a rebuttable presumption exists that Intervenor is eligible for compensation in this proceeding.

You must not refer to a finding on “significant financial hardship,” which applies rebuttable presumption. Only substantive findings of financial hardship pursuant to Section 1802(g) can be used for the rebuttable presumption purposes.

## **5. Description of Nature and Extent of Planned Participation**

List the issues you intend to address in the proceeding and what aspects of those issues you intend to focus on. Your explanation will help all parties avoid engaging in duplicative analysis. As an intervenor, you must learn about the positions of the other parties to find out if others are planning to address the same issues that you intend to address.

If you think that your analysis might overlap with another party, you must talk to that other party to determine how you will avoid duplication of effort as required by the [Public Utilities Code Section 1801.3\(f\)](#).

You should also describe the manner in which you intend to participate in the case. For example, state if you plan to serve written testimony; cross-examine witnesses; review the utility’s application, the scoping ruling or testimony served by other parties; attend prehearing conferences; file briefs, comments or other necessary pleadings; participate, if invited, in settlement negotiations, etc.

## **6. Itemized Estimate of Costs of Participation**

Provide an estimate of the costs of your participation in the proceeding. If you plan to hire attorneys, experts, or rely on your own staff, identify how many hours you expect will be required and the hourly rate you will seek to collect for each person participating on your behalf. Please, note that travel time and the time associated with preparing intervenor compensation request is compensated at no more than a half of the professional hourly rate.

As described in Rule 17.1(c) should separately state the expected budget for participating on each of your issues. An expected budget for general expenses may also be included. In addition to a written explanation, a table itemizing estimated direct expenses, if any, should also be included.

Please note that the CPUC generally does not award compensation for time spent by support staff, except paralegals, and on clerical or administrative tasks.

## **7. Attachments to Notice of Intent**

### **7.1. Financial Information**

As described in this Guide, if you are a Category 1 customer, you must provide your own financial documents. As a Category 2 customer, you must provide financial documents of at least one of the customers who authorized you to represent him/her in the proceeding.

You can file a motion requesting the CPUC to file financial information under the seal of confidentiality, as described in Rules 11.4 and 1.13(b)(2).

### **7.2. Authorization to Represent**

If you are a Category 2 customer, you must provide an authorization signed by a customer (or customers) authorizing you to represent that customer, as described above in this Guide. If you are a Category 3 customer, and have not filed a current copy of your formation documents (articles of incorporation or bylaws) you must attach it to your NOI.

### **7.3. Certificate of Service and Service List**

You must submit a signed Certificate of Service (accompanied by a copy of the Service List) as an attachment to your document (Rule 1.13(b)(1)). When you file your document electronically, the certificate of service must be transmitted as a separate attachment to your document.

A sample Certificate of Service is provided in Rule 18.1 (Forms). A Service List is composed of the names, addresses, and the e-mail addresses of the persons and entities that have requested notification of all filings in the proceeding. You must attach the Service List to your Certificate of Service, in accordance with Rule 1.9(e). A signed Certificate of Service provides evidence that you are sending a copy of your NOI to all parties on the Service List. You may usually e-mail to parties an electronic copy of your document.

## **8. Filing Your Notice of Intent**

Your NOI must be submitted to the CPUC's Docket Office so that the document can be formally filed. Please review Rule 1.13 (Tendering and Review of Document for Filing) before filing your document.

You may submit your NOI by using the CPUC's Docket Office's electronic filing system, which we encourage you to use. Please, refer to the Instructions for electronic filing at <http://www.cpuc.ca.gov/PUC/efiling> or by calling the Docket office at (415) 703-2121. Alternatively, you may submit paper copies of your NOI to the Docket Office, at 505 Van Ness Avenue, San Francisco, CA 94102.

## **9. Serving Your Notice of Intent**

You must provide an electronic copy (or paper copy) of your NOI to all the parties named on the [Service List](#) for the proceeding. Rules 1.9 (Service Generally) and 1.10 (Electronic Mail Service) explain this procedure. The CPUC encourages e-mail service of documents whenever possible.

An updated service list for your proceeding should be available by downloading from the proceeding's [Docket Card](#). If you are unable to obtain the Service List on-line, you can request one from the CPUC's Process Office at (415) 703-2021.

## **Request for Intervenor Compensation**

After the CPUC finds you eligible to request compensation based on your NOI or you establish eligibility in another acceptable manner, you may request compensation for the time and expenses you incurred to participate in the proceeding as long as your participation made a "substantial contribution" to the outcome of the proceeding.

To request compensation, you must file a Request for Intervenor Compensation after the CPUC issues a decision in the proceeding. Pursuant to Public Utilities Code [Section 1804\(c\)](#), a Request for Intervenor Compensation must be filed within 60 days after the CPUC issues a final decision. Some proceedings are lengthy and the CPUC may issue more than one decision while the proceeding is pending. In certain circumstances, you must file a Request for Intervenor Compensation after the CPUC issues a single decision even though the proceeding is ongoing.

Please review Rule 17.3 (Request for Award) and Rule 17.4 (Request for Compensation) when preparing your Request for Compensation.

### **A. Checklist for a Request for Intervenor Compensation**

- [Proceeding information](#)
- [Statement of Timely Filing of NOI and Request for Intervenor Compensation](#)
- [Showing of Customer or Customer-Related Status](#)
- [Showing of "Significant Financial Hardship"](#)
- [Description of "Substantial Contribution" to CPUC's Decision](#)
- [Explanation of the Overall Benefit Your Participation](#)
- [Explanation of Efforts to Avoid Duplication](#)
- [Explanation of Reasonableness of Requested Amount of Compensation](#)
- Justification of hours claimed
- Justification of hourly rates claimed
- Justification of direct expenses claimed
- [Attachments:](#)
- Timesheets
- Documentation of Expenses
- Certificate of Service and Service List
- [Filing and Serving your Request for Intervenor Compensation](#)

### **B. Guidelines for Completing a Request for Intervenor Compensation**

#### **1. Proceeding Information**

The first page of your filing must include the caption of the proceeding, the docket number, and the title of the pleading (“Request of/Intervenor/ for Intervenor Compensation for Substantial Contributions to Decision(s) /Decision number/”). Introductory paragraph(s) should identify and briefly describe the proceeding and the relevant CPUC decision or decisions issued in the proceeding that you worked on.

## **2. Statement of Timely Filing of NOI and Request for Intervenor Compensation**

State the date the prehearing conference was held or other specified date for calculating the deadline for filing your NOI. Indicate the date when your NOI was formally filed.

You must also include the date the CPUC issued (mailed) the decision to which you claim contributions. Normally, that date is indicated on the left side of the decision’s title page, above the proceeding’s caption. Your Request for Intervenor Compensation must be filed within 60 days of the decision issuance’s date. Please review Rule 17.3 to learn more about this 60-day deadline. If the 60th day falls on a day that CPUC is closed, your filing is due on the next CPUC business day (Rule 1.15, Computation of Time).

## **3. Showing of Customer or Customer-Related Status**

If the ALJ issued a ruling in response to your NOI and you have been found a “customer” as defined by [Section 1802\(b\)\(1\)](#), state the date of the ruling. Otherwise, explain how you qualify as a customer under [Section 1802\(b\)\(1\)](#). For further details on establishing your status as a customer for purposes of obtaining intervenor compensation, please review the NOI-related part of this Guide discussing this matter.

## **4. Showing of “Significant Financial Hardship”**

If the ALJ issued a ruling finding “significant financial hardship” based on your NOI filed in the proceeding, refer to the date of the ALJ ruling.

If you did not include this showing in your NOI, you must now demonstrate how you meet the “significant financial hardship” provisions of [Section 1802\(g\)](#). Please, refer to the NOI-related part of this Guide discussing this topic.

## **5. Description of Substantial Contribution to the CPUC Decision**

Public Utilities Code [Section 1802\(i\)](#) requires an intervenor to make a “substantial contribution” to the CPUC decision in order to receive intervenor compensation. Section 1802(i) defines this term as follows:

“Substantial contribution means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.”

The CPUC has elaborated on this statutory standard as follows in D.02-03-033:

“A party may make a substantial contribution to a decision in various ways. It may offer a factual or legal contention upon which the CPUC relied in making a decision. Or it may advance a specific policy or procedural recommendation that the ALJ or CPUC adopted. A substantial contribution includes evidence or argument that supports part of the decision, even if the CPUC does not adopt a party’s position in total.”

To demonstrate “substantial contribution,” explain how the CPUC adopted your recommendations, and provide citations, if applicable, to both:

- (1) Specific portions of your documents filed with the Commission, including testimony and
- (2) Specific portions of CPUC decision or other relevant document issued by the Commission that adopts, in whole or in part, your recommendation. Rule 17.4 (Request for Compensation) provides further guidance on how to demonstrate “substantial contribution.”

The citations have to include the referenced document’s date, name, and page numbers.

## **6. Explanation of Overall Benefit of Your Participation**

In [D.98-04-059](#) at pp. 31-33, the CPUC adopted a requirement that a customer must demonstrate that its participation was “productive,” as that term is used in [Section 1801.3\(f\)](#) of the Public Utilities Code. The CPUC directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers.

Explain how your participation was productive in conformance with [Section 1801.3](#) of the Public Utilities Code and [D.98-04-059](#) by weighing the actual costs of your participation in the proceeding against the benefits achieved for ratepayers as a result of your participation. If possible, place a dollar value on the benefits to ratepayers.

If your recommendations were directed primarily at policy or environmental matters, rather than the establishment of specific rates, funding levels, or disputes over particular dollar amounts, it may be impossible to identify a monetary benefit to ratepayers. In this case, you should explain why you can’t assign a dollar value to your participation; and you need to describe its non-monetary benefits.

## **7. Explanation of Efforts to Avoid Duplication**

You must take steps to avoid duplication of your efforts in the proceeding with the efforts of other parties. This requirement is found in [Sections 1801.3\(f\)](#) and [1802.5](#) of the Public Utilities Code. [Section 1802.5](#) permits, however, to compensate participation that “materially supplements, complements, or contributes to the presentation of another party.”

You must discuss what steps you took to avoid duplication of efforts with other parties whose positions were similar to yours. If some duplication did occur, you need to discuss how you reduced the amount of compensation requested to reflect this duplication or explain why your participation did not duplicate but materially supplemented, complemented, or contributed to the recommendations of another party.

For example, you may have taken the same position as another party, i.e., a particular utility cost should not be incorporated into rates, but you performed a very different analysis to support your position. In this example, the parties' positions overlap but their participation supplements the work of others.

## **8. Explanation of Reasonableness of Requested Amount of Compensation**

You must discuss the efficiency of the work you accomplished. This means you must explain why the number of hours you seek compensation for in this proceeding is appropriate. You must also explain why the attorneys or experts you relied on were of the appropriate skill/experience level for specific tasks and, therefore, merit the hourly rate requested.

### **8.1. Justification of Hours Claimed**

You must provide an explanation of the reasonableness of the number of hours of work you claim. This explanation should include your timekeeping methods, how you delegated work to attorneys, experts or paralegals to ensure their level of experience was appropriate for the specific task performed. You must also explain how the intervenor's hours were apportioned among the issues of the proceeding you worked on, e.g., 40% of hours – issue A and 60% - issue B.

Provide a table summarizing the total amount of hours claimed for each person who worked for the intervenor. This table must include each individual's name, title, and the total hours requested per calendar year. The CPUC compensates the time spent traveling and obtaining intervenor compensation at a reasonable hourly rate as determined by the CPUC but not more than one half of the intervenor's approved hourly rate. In the request, a summary of these hours must appear separately from each other and from hours spent on the proceeding's issues and charged at full hourly rate.

Please, note that the Commission compensates only reasonable travel hours. Normally, the Commission does not compensate time and cost of a routine commuting to and from San Francisco and travels within 120 miles one way (see, for example, D.10-10-014, at 8-9, or D.07-04-010 at 12).

You must also attach times records that itemize all the hours claimed. The time records for each individual must contain (1) date when a specific task was performed; (2) the specific task performed; (3) the issue that the task addresses, as identified by the intervenor; (4) the issue that the task addresses, as identified by the scoping memo; and (5) the length of time spent on each specific task.

Samples of the allocation of time by issues summary and of the timesheet are attached.

### **8.2. Justification of Hourly Rates Claimed**

**Hourly Rates.** Before the CPUC can award intervenor compensation, it must adopt an hourly rate for each attorney, expert or paralegal that seeks compensation. If an individual's hourly

rates were previously approved by the CPUC, you must cite the decision or decisions adopting these rates. You may seek assistance of the Public Advisor to help you provide the citation.

If the CPUC has never adopted an hourly rate for an individual or you seek to establish a new hourly rate for an individual because you believe the CPUC should approve an hourly rate increase, you must justify the request in accordance with [Section 1806](#) of the Public Utilities Code by taking into consideration

The range of rates approved by the CPUC in D08-04-010, Resolution ALJ-247, and other relevant CPUC decisions or resolutions

Market rates of people performing the same or similar types of work

The individual's experience relevant to participation before the CPUC

His or her educational background

His or her field of specialization and number of years working in this field

Any past work before the CPUC

Reasons why the actual work performed merits the requested hourly rate

In addition, you are advised to take into account rates of other intervenors who have backgrounds comparable to the individuals for whom you are establishing an hourly rate.

It may also be appropriate to attach supporting documents, e.g., a resume or biography of an attorney or expert.

### **8.3. Justification of Direct Expenses Claimed**

In accordance with [Section 1802\(d\)](#) of the Public Utilities Code, the CPUC will generally reimburse you for reasonable out-of-pocket expenses directly related to making your recommendations as long as the CPUC finds that your recommendations made a "substantial contribution" to the proceeding.

Your Request for Intervenor Compensation needs to include a table summarizing the general category of expenses, e.g., photocopying, mailing, telephone, facsimile transmission or LexisNexis® research charges, and the total amount claimed for each category of expense (see, Sample of the Request).

More detailed information regarding these costs must be included as an attachment to your Request. The attachment must provide a detailed itemization of each expense for which you seek reimbursement and the purpose of that expenses. When appropriate, copies of invoices and receipts should be attached to the request. The Commission can require additional information regarding direct expenses.

## **9. Attachments**

### **9.1. Time Records**

Separate timesheets for each attorney, advocate, expert or paralegal must be attached to your compensation request. Each time sheet entry needs to provide the following:

- Date when a specific task or activity was performed
- Issue of the proceeding to which each task or activity related
- Description of each specific task or activity
- Amount of time spent on each task or activity

There are several practices you should avoid when recording your work.

1. Combining in one timesheet entry several different tasks or activities (for example, “Telephone conference with the client; drafting comments; compiling data for Smith: 1.5 hours”).
2. Combining in one timesheet entry multiple issues without allocating your time by issues.

We require to, instead of

| Date     | Task                                   | Issue                      | Hours |
|----------|--|----------------------------|-------|
| 11/10/11 | Drafting comments on proposed decision | Multiple (or “A, B, C, D”) | 1.75  |

break your time by issues within that task:

| Date     | Task                                   | Rebate Programs | Metering & Billing | Reporting |
|----------|--|-----------------|--------------------|-----------|
| 11/10/11 | Drafting Comments on Proposed Decision | 1.0 hr          | 0.50 hr            | 0.25 hr   |

3. Excessive or prevailing use of the “General Work on the Proceeding” issue type. Many of the activities, if not most of them, performed by advocates, attorneys or experts are inherently issue-specific. Although the activities may combine two or more issues, it would have been more accurate to allocate the hours spent on these activities among the issues that they covered, rather than claim all the hours as “General.”

## 9.2. Documentation of Expenses

To substantiate your claim for compensation of direct expenses (copying, mailing, etc.) you need to provide an itemized list detailing these expenses. For larger expenses (airfare, lodging, etc.), attach copies of the receipts supporting your claim. The Commission may require you to document other direct costs.

## 9.3. Certificate of Service and Service List

A Certificate of Service and [Service List](#) must be attached to your Request for Intervenor Compensation. Follow our [guidelines for the NOI](#) for further information regarding certificate of service. Note that when you file your document electronically, the certificate of service and a service list must be transmitted with the document as a separate attachment.

## 10. Filing and Serving Your Request for Intervenor Compensation

For information on filing and serving documents, please refer to our [guidelines for the NOI](#).



Generally, when you file your Request for Intervenor Compensation with the CPUC's Docket Office, you must also provide all parties on the CPUC's Service List with a copy of the entire document. In addition, you must include a signed Certificate of Service stating that you provide all parties with a copy.

The CPUC encourages you to provide parties with electronic copies via e-mail. Please, refer to the NOI-related portion of this Guide discussing these matters, and Rules 1.9 (Service Generally) and 1.10 (Electronic Mail Service).

You may also contact the CPUC's Docket Office at (415) 703-2121 with any questions on formal filing requirements.

#### **IV. Standardized Forms**

Standardized Forms have been designed to prepare NOI and the Claim for Intervenor Compensation.

The use of these Standardized Forms is voluntary. However, using the forms reduces the time spent preparing the intervenor compensation documents and we highly recommend you to use these forms. They are adjustable, to provide an extra space for additional information or comments and can accommodate most NOIs and intervenor compensation requests.

Once completed, the forms must be filed in either paper format or by using the CPUC's [electronic filing](#) system. In addition to normal service requirements set forth in [Rule 1.9\(e\) \(Service Generally\)](#), electronic versions of the forms in MS Word must be sent by e-mail to the Intervenor Compensation Coordinator at [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov).

Detailed Instructions on Preparing and Submitting Standardized Forms can be found at <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/standardized.htm>.

The following Standardized Forms also may be downloaded:

[Notice of Intent to Claim Intervenor Compensation](#)

[Claim and Order on Intervenor Compensation](#)