

# California Public Utilities Commission INTERVENOR COMPENSATION PROGRAM GUIDE

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## I. 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 Form](#) documents designed to assist you. All these matters are discussed below.

### A. 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. However, if the proceeding applies to an entire industry, awards of compensation are paid by the CPUC out of ratepayer fees collected by all utilities.

## **B. 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 and feedback 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)  
<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 Assistant. The ALJ Division Legal Assistant is available if you have questions on procedures and practices related to the Intervenor Compensation Program.

Maria Vengerova  
Legal Assistant  
Intervenor Compensation Program  
505 Van Ness Avenue, 5-B  
San Francisco, CA 94102  
415-355-5574  
email: <mailto:icompcordinator@cpuc.ca.gov>

### **C. 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:

Notice of Intent to Claim Compensation (referred to as Notice of Intent) and, Request for Award of Intervenor Compensation (referred to as Request for Intervenor Compensation).

[Sample filings](#) are available. The sample filings provide a framework for the basic structure of these filings. However, each intervenor's work and role in a proceeding are different and information in the sample documents is not a substitute for information that describes your own circumstances.

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

You should not rely exclusively on the samples filings or Standardized Forms when preparing your own documents. This Guide, the sample filings, and Standardized Forms 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 certain intervenor compensation issues (such as, D.98-04-059; D.07-01-009)
- Standardized Forms for documents required for your claim of intervenor compensation Forms

Guide to Public Participation

Information on the CPUC's Public Advisor's website.

## **II. 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* 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 Notice of Intent with the CPUC's Docket Office in that proceeding. Usually, a

Notice of Intent must be filed no later than 30 days after the prehearing conference. If the CPUC preliminary determines in a CPUC Resolution that no hearings are needed, a Notice of Intent must be filed no later than 30 days after the time for filing responsive pleadings, e.g., protests, responses, answers, or comments to the initial pleading in a proceeding. Most Notices of Intent can be filed using the Commission-approved [Notice of Intent Standardized Form](#).

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

1. [Proceeding Information](#)
2. [Statements Regarding Timeliness of Notice of Intent](#)
3. [Showing of Customer Status](#)
4. [Showing of “Significant Financial Hardship”](#)
5. [Description of Nature and Extent of Planned Participation](#)
6. [Itemized Estimate of Costs of Participation](#)
7. [Attachments to Notice of Intent](#): (Certificate of Service, Service List, and, if applicable, articles of incorporation or bylaws, customer financial information, authorization to represent customer)
8. [Filing your Notice of Intent](#)
9. [Serving your Notice of Intent](#)

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

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

The first page of your filing must include the caption of the CPUC proceeding, the docket number, and the title of the pleading. In the first paragraph of your Notice of Intent, you should briefly describe the issues the CPUC intends to address in the proceeding for which you seek a determination of eligibility and your anticipated role in the proceeding.

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

Rule 17.1 (Notice of Intent to Claim Compensation) of the CPUC’s [Rules of Practice and Procedure](#) contains certain firm deadlines that apply to when you must file your Notice of Intent with the CPUC’s Docket Office. Normally, a Notice of Intent is filed within 30 days of the date of a prehearing conference.

The CPUC may, however, determine that no hearings are needed. Such a determination will be set forth in CPUC Resolution ALJ-176. The CPUC issues a Resolution ALJ-176 in the majority of the formal proceedings before the Commission. The Resolution determines, among other things, a need for hearing

in each of these proceedings. You can read the Resolution ALJ-176 issued in your proceeding by downloading it from the [Docket Card](#) of your proceeding, on-line. You can access the docket card from the “Proceeding Information” link on the [CPUC’s Home Page](#), by finding your proceeding on the [List of Open Proceedings](#) based on the year and month when the proceeding was initiated. The year is designated by the first two digits of the proceeding number and the month by the middle two digits. For example, A.07-01-011 was filed in January 2007. Click on the highlighted proceeding number to see the contents of the proceeding’s docket card. Click on “Documents” and find Resolution ALJ-176 for your proceeding.

If the CPUC determines in a Resolution ALJ-176 that no hearings are needed in your proceeding, your Notice of Intent must be filed within 30 days after the time for filing responsive pleadings to the document initiating the proceeding. Documents that initiate a proceeding include applications, petitions for rulemaking, complaints, orders instituting rulemaking or orders instituting investigation. Responsive pleadings include protests, responses, answers, or comments. The exact type of the responsive pleading filed in your proceeding depends on the type of the proceeding.

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

In your Notice of Intent, you must specifically explain why your Notice of Intent has been timely filed under the intervenor compensation statute and the CPUC’s [Rules of Practice and Procedure](#). Please note, your failure to file a Notice of Intent on or before the filing deadline will jeopardize and, perhaps, eliminate your eligibility to claim compensation in the proceeding.

If you submit your Notice of Intent after the filing deadline, you must first ask the CPUC for permission to late-file your Notice of Intent. Your request must be made in a motion. For more information on motions, please refer to Rule 11.1. (Motions) and Rule 11.6. (Motion for Extension of Time) of the [Commission’s Rules of Practice and Procedure](#) filed separately from your Notice of Intent. Your motion must explain why you are submitting your filing late. In certain circumstances, the CPUC has granted such requests.

### 3. Showing of Customer Status

In your Notice of Intent, you must state how you meet the definition of “customer.” These definitions are set forth in the intervenor compensation statute, Public Utilities Code [Sections 1801-1812](#). The different types of customers are known as Category 1, Category 2, and Category 3. Section 1802(b) defines these categories. In [D.98-04-059](#), the CPUC discusses the differences between these customer categories. The information that you must provide in your Notice of Intent differs depending 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 how your participation goes beyond just your own self-interest and will benefit other customers generally.
- 3.2. A Category 2 customer is a representative who has been authorized to represent an actual customer or customers. 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. [D.98-04-059](#) at page 30 requires a “representative authorized by a customer” to identify the residential customer or customers being represented. For Category 2, the representative must provide evidence of authorization in the Notice of Intent from at least one customer.
- 3.3. A Category 3 customer is a formally organized group authorized, pursuant to its articles of incorporation or bylaws, to represent the interests of residential customers or to represent small commercial electric customers. The definition of “small” is set forth in [Section 1802\(h\)](#).

If you are a Category 3 customer, you must describe the organization you represent and quote relevant portions of its bylaws or articles of incorporation that authorize your representation of the interests of residential or small commercial electric customers. You must also submit a

copy of the bylaws or articles as an attachment to your Notice of Intent. If you previously provided the CPUC with a copy of your current bylaws or articles, no further copies are required. Instead, cite to the formal proceeding in which the document was filed.

If another party in the proceeding represents a similar group of ratepayers, you should explain how the two groups differ and why those you represent will not otherwise be adequately represented in the proceeding.

Certain other environmental organizations may also qualify as Category 3 customers even if the above requirements are not specifically stated in the articles or bylaws as long as the Category 3 customer seeks to protect the broader interests in the environment held by residential ratepayers, most of the membership consists of residential or small commercial electric customers and the financial hardship requirements, set forth below, are met.

If you have further questions regarding this matter, please contact the ALJ Division's Intervenor Compensation Legal Assistant at (415) 355-5574 or [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov).

#### **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 Notice of Intent or Request for Intervenor Compensation.

However, by demonstrating "significant financial hardship" in the Notice of Intent, 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 this undue hardship. Based on the information you provide, the CPUC will determine if you qualify for intervenor compensation under the “significant financial hardship” showing.

For a Category 1 customer, you must provide your own financial information. For a Category 2 customer, you must provide the financial information of the customer who will be represented. As described in [D.98-04-059](#), Category 1 and 2 customers must disclose their gross and net monthly income, monthly expenses, and any other relevant financial information.

You must also 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.”

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

#### **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" standard to establish “significant financial hardship.” The comparison test requires that 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.

Furthermore, if the customer is a group or organization, it 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” analysis 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 defer your showing of “significant financial hardship.” If you choose to defer your showing of “significant financial hardship,” you must include this showing in your Request for Intervenor Compensation.

In your Notice of Intent, you should advise the CPUC of your decision to defer by providing proof of this requirement until you file your Request for Intervenor Compensation. For example, in your Notice of Intent, state as follows:

“Section 1804(a)(2)(B) allows an intervenor to include a showing of significant financial hardship in the Notice of Intent. Alternatively, an intervenor may make the required showing of significant financial hardship in the Request for Intervenor Compensation. I opt to defer my showing of significant financial hardship at this time.”

If you defer your showing of “significant financial hardship,” you must still complete the remainder of your Notice of Intent. 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 Notice of Intent.

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

If the CPUC ruled that an intervenor was eligible for compensation in another proceeding based on a substantive analysis less than one year before the current proceeding began, the intervenor may rely on that prior finding in the current proceeding.

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.07-01-011 finding that Intervenor made a showing of significant financial hardship, 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.”

## **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\(f\)](#).

In addition, as set forth in Rule 17.1(e) of the CPUC’s [Rules of Practice and Procedure](#), you must state your economic interest in the proceeding.

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. As described in Rule 17.1(c) of the CPUC’s [Rules of Practice and Procedure](#), you should separately state the expected budget for participating on each of your issues. An expected budget for general expenses may also be included.

Examples of these estimates are included here in the [sample Notice of Intent](#) and Notice of Intent [Standardized Form](#).

Please note that the CPUC generally does not award compensation for time spent by support staff, except paralegals. In addition to a written explanation, a table

itemizing estimated costs should be included. Travel time and time associated with preparing intervenor compensation related materials must be charged at no more than half the relevant hourly rate. The CPUC will compensate for time spent on travel and on preparing documents related to your Request for Intervenor Compensation only if the CPUC finds the time spent reasonable. Please review [D.07-10-014](#) for further guidance.

## **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 statement disclosing your gross and net monthly income and monthly expenses. This requirement is set forth in [D.98-04-059](#). As a Category 2 customer, you must provide a financial statement disclosing gross and net monthly income of the customers who authorized you to represent them in the proceeding. If you would like to keep this financial information confidential, you need to file a motion requesting permission from the CPUC to file these documents under the seal of confidentiality, as described in Rule 11.4. (Motion to File Under Seal) of the CPUC's [Rules of Practice and Procedure](#).

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

If you are a Category 2 customer, you must provide evidence of your authority to represent at least one other customer, as described above in this Guide. If you are a Category 3 customer, you must attach a copy of your articles of incorporation or bylaws to your Notice of Intent.

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

You must submit a signed Certificate of Service and a copy of the [Service List](#). A sample Certificate of Service is provided in the CPUC's [Rules of Practice and Procedure](#) at Rule 18.1 (Forms). A Service List is composed of the names, addresses, and the email 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(d) (Service Generally) of the CPUC's [Rules of Practice and Procedure](#). A signed Certificate of Service provides evidence that you sent a copy of your Notice of Intent to all parties on the Service List. As discussed in this Guide, you may usually provide parties with an electronic copy of your document via email.

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

Your Notice of Intent must be submitted to the CPUC's Docket Office so that the filing can be formally filed with the CPUC. You may file your Notice of Intent by providing the Docket Office with paper copies of your Notice of Intent or by submitting your Notice of Intent via the CPUC's Docket Office's [electronic filing](#) system. Please review Rule 1.13 (Tendering and Review of Document for Filing) of the CPUC's [Rules of Practice and Procedure](#) before filing your document.

### **8.1. Paper Copy Filing**

To formally file paper copies, you must send the original (with the attached Certificate of Service and a copy of the Service List) and three identical copies to the Docket Office at the address noted below.

Docket Office  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (415) 703-2121

### **8.2. Electronic Filing**

Instead of filing a paper document with the CPUC's Docket Office, you may electronically file your document with the Docket Office. Instructions for electronic filing can be obtained at <http://www.cpuc.ca.gov/PUC/efiling> or by calling the Docket office at (415) 703-2121. When you file your Notice of Intent electronically, do not file a paper copy.

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

You must also provide an electronic copy (or paper copy) of your Notice of Intent to all the parties named on the [Service List](#) for the proceeding. Rules 1.9 (Service Generally) and 1.10 (Electronic Mail Service) of the CPUC's [Rules of Practice and Procedure](#) explain this procedure. The CPUC encourages email service of documents whenever possible.

You can access the up-to-date Service List for your proceeding on the CPUC's website by clicking on [Docket Card](#) on the [Proceeding Information](#) on the home page. Find your proceeding based on the year and month when the proceeding was initiated. The year is designated by the first two digits of the proceeding number and the month by the middle two digits. For example, A.07-01-011 was

filed in January 2007. Click on the highlighted proceeding number to download the proceeding's docket card. Look for the words "service list" inside the blue cloud-icon in the top part of the page and click on "service list".

If you are unable to obtain the Service List from our website, you can request one from the CPUC's Process Office at (415) 703-2021.

### **III. Request for Intervenor Compensation**

After the CPUC finds you eligible to request compensation based on your Notice of Intent 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; Reply to Responses) of the CPUC's [Rules of Practice and Procedure](#) when preparing your Request for Compensation.

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

1. [Proceeding information](#)
2. [Statement of Timely Filing of Notice of Intent and Request for Intervenor Compensation](#)
3. [Showing of Customer or Customer-Related Status](#)
4. [Showing of "Significant Financial Hardship"](#)
5. [Description of "Substantial Contribution" to CPUC's Decision](#)
6. [Explanation of the Overall Benefit Your Participation](#)
7. [Explanation of Efforts to Avoid Duplication](#)
8. [Explanation of Reasonableness of Requested Amount of Compensation](#)
  - Justification of hours claimed
  - Justification of hourly rates claimed

- Justification of direct expenses claimed
- 9. [Attachments](#):
  - Timesheets
  - Documentation of Expenses
  - Certificate of Service and Service List
- 10. [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. You must 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 Notice of Intent and Request for Intervenor Compensation**

State the date the prehearing conference was held or other specified date for calculating the deadline for filing your Notice of Intent. Identify the date when your Notice of Intent was filed with the CPUC's Docket Office. You can verify these dates by going to our website and reviewing the "Docket Card" for your proceeding.

You must also include the date the CPUC issued or mailed the decision which resolved your issues so the CPUC can determine whether you filed your Request for Intervenor Compensation with the CPUC's Docket Office within 60 days of the issuance of that decision. Please review Rule 17.3 (Request for Award) of the [Rules of Practice and Procedure](#) 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. Please review Rule 1.14 (Computation of Time) of the [Rules of Practice and Procedure](#) to learn more about determining your filing deadline.

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

If the ALJ issued a ruling in response to your Notice of Intent and you have been found a "customer" as defined by [Section 1802\(b\)\(1\)](#) of the Public Utilities Code, 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 above explanation of customer status under the discussion of the Notice of Intent.

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

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

If you deferred the showing of “significant financial hardship” and did not include this showing in your Notice of Intent as permitted by [Section 1804\(a\)\(2\)\(B\)](#), you must now demonstrate how you meet the relevant provisions of [Section 1802\(g\)](#) of the Public Utilities Code regarding “significant financial hardship.”

For further information on this topic, please refer to the above discussion of “significant financial hardship” under Notice of Intent.

#### **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. You should provide citations to the specific portion of CPUC decision or other relevant document that adopts, in whole or in part, your recommendation. Rule 17.4 (Request for Compensation; Reply to Responses) of the CPUC’s [Rules of Practice and Procedure](#) provides further guidance on how to demonstrate “substantial contribution.”

## 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.

In certain circumstances, it may be difficult to identify a monetary benefit to ratepayers. This problem may arise if your recommendations were directed primarily at policy matters, rather than the establishment of specific rates, funding levels, or disputes over particular dollar amounts. In this case, explain why assigning a dollar value to your participation is impossible.

## 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. On the other hand, [Section 1802.5](#) permits the CPUC to provide compensation to 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 overlapped but their participation supplemented the work of others in the case.

## **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, and how each individual apportioned time among the issues you worked on during the proceeding, e.g., 40% on issue A and 60% on issue B.

Provide a simple table or chart indicating the total amount of hours claimed for each person who worked for you. This table must include each individual's name and the total hours requested per calendar year. The hours of work on issues relevant to the proceeding must be presented separately from hours spent on preparing your filings related to intervenor compensation matters and/or on travel. Examples of the required information are set forth here at the [sample Request for Intervenor Compensation](#) and [Standardized Form Request for Intervenor Compensation](#).

You must also attach timesheets that itemize all the hours claimed and all the expenditures included in your Request for Intervenor Compensation.

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

Before the CPUC can issue a decision awarding 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 a higher hourly rate should be awarded, the intervenor must justify the request in accordance

with [Section 1806](#) of the Public Utilities Code by taking into consideration the following:

- The range of rates approved by the CPUC in [D.07-01-009](#) or other relevant CPUC decisions
- Market rates of people performing the same or similar types of work
- Your experience relevant to participation before the CPUC
- Your educational background
- Your field of specialization and number of years working in this field
- Any past work before the CPUC
- Explain why the actual work performed merits the requested hourly rate

In addition, you are advised to take into account the rates of other intervenors who have comparable backgrounds to the attorneys or experts 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.

The CPUC typically compensates intervenors for time spent traveling or working on your efforts to obtain 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. For more guidance on this matter, please review [D.07-10-014](#). Your request should separately present the time spent on travel and preparing filings related to your claim for intervenor compensation so that the CPUC can verify that you billed this time at a reduced hourly rate.

### **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.

The CPUC requires certain information to evaluate the reasonableness of your claimed expenses. Your Request for Intervenor Compensation should include a simple table or chart setting forth the general category of expenses, e.g., photocopying, postage costs, delivery costs, phone costs, facsimile transmission

or LexisNexis® research charges, and the total amount claimed for each category of expense.

In addition, more detailed information regarding these costs must be included as an attachment to your Request for Intervenor Compensation. The attachment must provide a detailed itemization of each expense for which you seek reimbursement and the purpose of that expenses. When appropriate, invoices should be attached to the request. If specific costs are large, such as plane tickets, you must provide additional documentation to justify these costs.

## **9. Attachments**

### **9.1. Timesheets**

Attorney, expert or paralegal timesheets must be included with your Request for Intervenor Compensation and have all the following information:

- Dates when you performed each specific task or activity for which you seek compensation
- Name of an individual who completed the work
- Issue of the proceeding to which each kind of work is related
- Description of each kind of work
- Amount of time an individual spent doing each kind of work

### **9.2. Documentation of Expenses**

To substantiate your claim for compensation of direct expenses, such as copying, postage, LexisNexis® research, facsimile transmission, etc., you need to provide an itemized list of these expenses. In addition, for larger expenses, such as airfare or lodging, attach copies of the receipts or other documents supporting your claim.

### **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 the guidelines under the [Notice of Intent](#) for further information regarding these two attachments.

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

For more specific information on filing and servicing documents, please refer to the portion of this Guide that discusses this topic related to [Notices of Intent](#).

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 email. These requirements are discussed in more detail under the filing instructions for Notice of Intent. Rules 1.9 (Service Generally) and 1.10 (Electronic Mail Service) of the [Rules of Practice and Procedure](#) set forth the specific requirements for service of documents filed with the CPUC.

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

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

You may use the Standardized Forms to prepare the two basic filings for the Intervenor Compensation Program: The Notice of Intent to Claim Intervenor Compensation and the Claim for Intervenor Compensation.

The use of these Standardized Forms is voluntary. The forms are appropriate for simpler, shorter proceedings. The forms are also appropriate when there are no unique issues about the intervenor's eligibility or contribution to the proceeding.

Once completed, the forms must be filed in either paper format or by using the CPUC's [electronic filing](#) system. Detailed information on this topic can be found here at [Filing Your Notice of Intent](#). Instructions for electronic filing can be obtained at <http://www.cpuc.ca.gov/PUC/efiling> or by calling the Docket office at (415) 703-2121. In addition to normal service requirements set forth in [Rule 1.9\(e\) \(Service Generally\)](#), electronic versions of the forms must be sent by email to the Intervenor Compensation Coordinator at <mailto:icompcordinator@cpuc.ca.gov>.

The following document may be downloaded for detailed instructions on using the Standardized Forms:

- [Instructions on Preparing and Submitting Standardized Forms: Notices of Intent to Claim Intervenor Compensation & Claims for Intervenor Compensation](#)

The following Standardized Forms also may be downloaded:

- [Notice of Intent to Claim Intervenor Compensation](#)
- [Claim and Order on Intervenor Compensation](#)
- [Samples of completed Standardized Forms](#)

For more information about using these Standardized Forms, please contact the Intervenor Compensation Legal Assistant at (415) 355-5574.