

PVA/ eg3 5/29/2019



FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the
Commission's Own Motion to Determine
Whether Pacific Gas and Electric Company and
PG&E Corporation's Organizational Culture and
Governance Prioritize Safety.

Investigation 15-08-019

**ADMINISTRATIVE LAW JUDGE'S RULING ON EMF SAFETY NETWORK'S
SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

Customer (party intending to claim intervenor compensation): EMF Safety Network	
Assigned Commissioner: Michael Picker	Administrative Law Judge: Peter V. Allen

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

A. Status as “customer” (see Pub. Util. Code § 1802(b).)¹ 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).	<input type="checkbox"/>
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.	<input type="checkbox"/>
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.	X
<p style="text-align: center;">The party’s detailed explanation of the selected customer category.</p> <p>The party’s explanation of its status as a Category 1 customer. A party seeking status as a Category 1 customer must describe the party’s own interest in the proceeding and show how the customer’s participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility’s bill.</p> <p>The party’s explanation of its status as a Category 2 customer. A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p>The party’s explanation of its status as a Category 3 customer. 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.</p>	

¹ All “§” and “Section” references are to California Public Utilities Code unless indicated otherwise.

Network is a sponsored project of Ecological Options Network, a 501(c)(3) not for profit organization. Network is a group authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California. Network's articles of organization and bylaws are filed in A.11-03-014. Link to documents: http://docs.cpuc.ca.gov/EFILE/NOTICE/136653.htm	
Do you have any direct economic interest in outcomes of the proceeding? If "Yes", explain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is "Yes", does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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: Click here to enter a date.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Is the party's NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party's description of the reasons for filing its NOI at this other time: EMF Safety Network is filing this Notice of Intent one day after filling a Motion for Party Status in this proceeding. Our Motion is in response to a second scoping memo issued on December 21, 2018 by Commissioner Michael Picker. The scoping memo outlines new issues that EMF Safety Network intends to actively participate in and comment on.	
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:	

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: Network has great concerns with the safety and reliability of PGE's utility infrastructure and overall management. Network intends that it will participate actively in this matter, by submitting comments on the issues outlined in the scoping memo, including: an overview of problems with PGE's safety culture; suggested solutions for the future of safe and reliable utility service; filing reply comments in response to other parties positions; and any other filings necessary to fully participate in this proceeding.

The party's explanation of how it plans to avoid duplication of effort with other parties: We will communicate with other parties who have similar positions via email and phone contact.

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).
We intend to actively participate in this proceeding by filing comments, reply comments and offering expert testimony as needed.

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				
Attorney 1	20	350	7,000	
Expert 1	25	350	8,750	
Sandi Maurer	100	143.5	14,350	
Advocate 2	25	75	1,875	
				Subtotal: \$31,975
OTHER FEES				
[Person 1]				
				Subtotal: \$
COSTS				
Postage	50			
Copies	150			
				Subtotal: \$ 200
				TOTAL ESTIMATE: \$ 32,175
Estimated Budget by Issues:				
Safe and reliable utility service 100%				

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))	X
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))	X
3. The eligible local government entities' participation or intervention without an award of fees or costs imposes a significant financial hardship. (§ 1803.1(b).)	<input type="checkbox"/>
<p>4. A § 1802(h) or § 1803.1(b) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).</p> <p>Commission's finding of significant financial hardship made in proceeding number:</p> <p>Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:</p> <p>Previous ALJ Ruling: A.11-03-014 Date of ALJ ruling: October 26, 2011 http://docs.cpuc.ca.gov/EFILE/RULINGS/146245.htm</p>	<input type="checkbox"/>
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:	
<p>The economic interests of Network's individual members are small compared to the costs of effective participation in this proceeding. Most of Network's current members, including members that live in PG&E's service territory, are residential utility customers. None is a large commercial or industrial customer.</p> <p>This year Network expected budget is between \$30-40K. EMF Safety Network Director Sandi Maurer receives a monthly stipend for projects management, policy change appeals, website administration, communication, email and phone support. Remaining donated funds are used for public education, and other professional costs.</p>	

**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

ADMINISTRATIVE LAW JUDGE RULING²

<p>1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by EMF Safety Network has demonstrated status as a “customer,” subject to providing additional information, as set forth, below.</p> <p>The NOI refers to EMF Safety Network’s members. The intervenor must explain who it considers to be its constituents, how they join EMF Safety Network, and what, if any, their rights and obligations are.</p>	X
<p>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III(B) of the NOI (above), subject to providing additional information, as set forth, below.</p> <p>To further verify EMF Safety Network’s statement of significant financial hardship, EMF Safety Network must indicate if, during the last two years, it has received any grant or contribution from an entity operating in the Commission-regulated industry or markets in telecommunications, water or energy (or from an entity affiliated with the entities participating in such industry or markets). If so, EMF Safety Network must provide names of the grantors and contributors, purposes of the grants and contributions, and the amounts.</p>	X
<p>3. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</p> <p>Information requested in Sections 1-2 of the Ruling, above, must be provided in Part I(C) of an intervenor compensation claim filed in this proceeding pursuant to Section 1804(c), or in the attachment to the claim. Information the filer considers confidential can be filed under seal.</p>	X

² A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer or eligible local government entity’s Intervenor Compensation Claim); or (c) the NOI has included a claim of “significant financial hardship” that requires a finding under § 1802(h).

The guidelines on filing motions to file under seal and confidential information are provided in Rules 11.1 and 11.4 of the Commission Rules of Practice and Procedure and on the CPUC's website at www.cpuc.ca.gov > Proceedings > Filing a Document > FAQs (right margin) at 11-13. GO-66D is published at www.cpuc.ca.gov > Proceedings > Codes, Laws, Rules > General Orders. A motion to file under seal must explain why information should be treated as confidential.

I note that the NOI does not demonstrate that EMF Safety Network's participation and position on the specific issues of the proceeding will be in any way unique or from other parties' participation. This Ruling serves as a reminder to all intervenors that merely appearing, stating a position, and cross-examining will not assure compensation; rather, intervenors must demonstrate that their participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the Administrative Law Judge or Commission in resolving this proceeding.

IT IS RULED that:

1. EMF Safety Network has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	X
2. EMF Safety Network has shown significant financial hardship.	X
3. EMF Safety Network is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	X
4. Additional guidance is provided to EMF Safety Network as set forth above.	X

Dated May 29, 2019, at San Francisco, California.

/s/ PETER V. ALLEN

Peter V. Allen
Administrative Law Judge