



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

5-20-16
10:15 AM

Order Instituting Investigation and Ordering Pacific Gas and Electric Company to Appear and Show Cause Why It Should not be Sanctioned for Violations of Article 8 and Rule 1.1 of the Rules of Practice and Procedure and Public Utilities Code Sections 1701.2 and 1701.3.

Investigation 15-11-015
(Filed November 19, 2015)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE UTILITY REFORM NETWORK'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP**

NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Customer (party intending to claim intervenor compensation): The Utility Reform Network (TURN)		
Assigned Commissioner: Michael Picker		Administrative Law Judge: Maribeth A. Bushey
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief.		
Signature:		/S/
Date: 5/20/16	Printed Name:	Hayley Goodson

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

A. Status as "customer" (see Pub. Util. Code § 1802(b)): 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.	<input type="checkbox"/>

¹ DO NOT CHECK THIS BOX if a finding of significant financial hardship is not needed (in cases where there is a valid rebuttable presumption of eligibility (Part III(A)(3)) or significant financial hardship showing has been deferred to the intervenor compensation claim).

<p>In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.</p>	
<p>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.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. <i>See</i> D.98-04-059 at 30.</p>	<p><input type="checkbox"/></p>
<p>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.² 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. <i>See</i> D.98-04-059, footnote at 3.</p>	<p><u>X</u></p>
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>TURN is a Category 3 "group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers." TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. On October 15, 2015, TURN's Board of Directors adopted amendments to TURN's bylaws and articles of incorporation. TURN provided these revised bylaws and articles of incorporation in an amendment to the NOI submitted in A.15-09-001.</p> <p>TURN has approximately 20,000 dues-paying members, of whom we believe the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise breakdown between residential and small business members, so a precise percentage is not available. Similarly, TURN believes that the vast majority of our members receive bundled electric service from an electrical corporation. TURN does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU,</p>	

² Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer.	
Identify all attached documents in Part IV.	
Do you have any direct economic interest in outcomes of the proceeding? ³ Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> If “Yes”, explain:	

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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No

C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>4/20/2016</u>	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time: N/A	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time: N/A	

³ See Rule 17.1(e).

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):

The party’s statement of the issues on which it plans to participate:

While the Commission has yet to issue a Scoping Memo in this proceeding, TURN anticipates that the scope will encompass the following issues:

1. Whether PG&E violated Article 8 of the Commission’s Rules of Practice of Procedure and California Public Utilities Code §§ 1701.2(c) and/or 1701.3(c) through its communications with the Commission, specifically through its communications encompassed by, or related to, the e-mails identified by the Commission as within the scope of this proceeding;
2. Whether PG&E’s conduct at issue in this proceeding violated Rule 1.1 of the Commission’s Rules of Practice and Procedure;
3. Whether PG&E’s conduct at issue in this proceeding violated Rule 12.6 of the Commission’s Rules of Practice and Procedure; and
4. What sanctions should be imposed on PG&E for its violations of Article 8, Rule 1.1, and Rule 12.6 of the Commission’s Rules of Practice and Procedure, and Cal. Pub. Util. Code §§ 1701.2(c) and 1701.3(c), if any such violations are found.

TURN expects to address all of these issues.

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

The Commission's Office of Ratepayer Advocates (ORA) is also a party to this proceeding and, like TURN, generally represents ratepayer interests. TURN’s interests also generally align with those of the Commission’s Safety and Enforcement Division (SED), the City of San Bruno, and the City of San Carlos. Given our overlapping interests, TURN began coordinating with the City of San Bruno as soon as this proceeding commenced. Since the issuance of the *Assigned Commissioner and Administrative Law Judge’s Ruling Directing Parties to Engage in Meet and Confer Process and Setting Prehearing Conference* on Jan. 8, 2016, TURN has coordinated closely with ORA, SED, the City of San Bruno, and the City of San Carlos. TURN intends to continue this close coordination throughout this proceeding, to the extent possible, in order to minimize potential overlap in issues and to ensure that where such overlap occurs, each party is presenting a unique analysis.

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):

To date, TURN has filed a motion for party status in I.15-11-015, filed comments on the Order

Instituting Rulemaking, participated actively in the meet and confer process required by the Assigned Commissioner and ALJ, attended the PHC, and conferred with SED and other non-PG&E parties regarding the joint brief that SED is filing today on behalf of TURN and other parties, addressing the contested issues of scope. Going forward, TURN expects to actively participate in all aspects of the proceeding, including the preparation of stipulations on the “category 1” communications, the review of the results of the diligence PG&E will conduct on the “category 2” communications (and the “category 3” communications if included within the proceeding’s scope), participation in the subsequent PHC and evidentiary hearings, and the filing of opening and reply briefs on the extent of violations and appropriate remedies. TURN will additionally review and comment on the proposed decision, as necessary.

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)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Hayley Goodson, TURN Attorney	120	\$355	\$	#1
Thomas Long, TURN Legal Director	5	\$570	\$	#1
Subtotal: \$45,450				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$				
COSTS				
Postage and Photocopying			\$50	
Subtotal: \$100				
TOTAL ESTIMATE: \$45,500				

Estimated Budget by Issues:

Issue	Time	Budget
Article 8, Cal. Pub. Util. Code violations	32.0%	\$14,544
Rule 1.1 violations	6.0%	\$2,727
Rule 12.6 violations	2.0%	\$909
Remedies	60.0%	\$27,270
Total (excluding Direct Costs)	100.0%	\$45,450

Comment #1: TURN’s estimates of attorney time and hourly rates are preliminary. TURN will

address in our Request for Compensation the reasonableness of the time we ultimately devote to this proceeding and the hourly rates ultimately requested.

When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated Claim preparation time. Claim preparation time is typically compensated at ½ professional hourly rate.

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(To be completed by party (“customer”) intending to claim intervenor compensation; see Instructions for options for providing this information)

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[T]he 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(g)); or	<input type="checkbox"/>
2. “[I]n 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(g)).	<input type="checkbox"/>
3. A § 1802(g) 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)). Commission’s finding of significant financial hardship made in proceeding number: <u>A.15-03-005</u> Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: <u>8/6/15</u>	<input checked="" type="checkbox"/>

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:

PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE
(The party (“customer”) intending to claim intervenor compensation identifies and attaches documents; add rows as necessary)

Attachment No.	Description
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1	Certificate of Service

ADMINISTRATIVE LAW JUDGE RULING⁴
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

⁴ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

Revised September 2014

Dated _____, at San Francisco, California.

Administrative Law Judge