



FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

FILED

03/13/19

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2010. (U 39 M)	Application No. 18-12-009 (Filed Dec. 13, 2018)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☒ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON [SMALL BUSINESS UTILITY ADVOCATES]'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP**

NOTE: AFTER ELECTRONICALLY FILING A PDF COPY OF THIS NOTICE OF INTENT, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT Icompcoordinator@cpuc.ca.gov.

Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): Small Business Utility Advocates (SBUA)		
Assigned Commissioner: Michael Picker		Administrative Law Judge: Elaine Lau and Rafael L. Lirag
I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent is true to my best knowledge, information and belief.		
Signature:		/s/ Ivan R. Jimenez
Date: March 13, 2019	Printed Name:	Ivan R. Jimenez

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

A. Status as "customer" (see Pub. Util. Code § 1802(b))² 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,	

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).

² All statutory references are to California Public Utilities Code unless indicated otherwise.

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.	<input checked="" type="checkbox"/>
<p>4. The party's detailed explanation of the selected customer category.</p> <p><u>The party's explanation of its status as a Category 1 customer.</u> A party seeking status as a Category 1 customer must describe the party's own interest in the proceeding and show how the customer's participation goes beyond just his/her own self-interest and will benefit other customers. Supporting documents must include a copy of the utility's bill.</p> <p><u>The party's explanation of its status as a Category 2 customer.</u> A party seeking status as a Category 2 customer must identify the residential customer(s) being represented and provide authorization from at least one customer.</p> <p><u>The party's explanation of its status as a Category 3 customer.</u> If the party represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the Notice of Intent either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation. Supporting documentation for this customer category must include current copies of the articles of incorporation or bylaws. If current copies of the articles and bylaws have already been filed with the Commission, only a specific reference (the proceeding's docket number and the date of filing) to such filings needs to be made.</p> <p>Small Business Utility Advocates ("SBUA") is a California 501(c)(3) corporation that represents the interests of small businesses in California (and nationwide). SBUA's mission and purpose are set forth in its Articles of Incorporation. <i>"The specific purpose of this corporation"</i> includes to <i>"represent, protect, and promote the interests of small businesses"</i> in their capacity <i>"as public utility</i></p>	

<p><i>customers of bundled electric, natural gas, water, and telecommunications services.</i>” SBUA Articles of Incorporation, Art. II (b). Current SBUA Articles of Incorporation and Bylaws are on file with the Commission. <i>See</i> SBUA Notice of Intent to Claim Intervenor Compensation in Application 16-09-003, filed January 6, 2017, amended with bylaws, filed January 23, 2017. These articles and bylaws remain current, and pursuant to Commission Rule 17.1(d), SBUA has not attached another copy of SBUA’s Articles with the Notice in this proceeding.</p> <p>Consistent with its governing mission, SBUA seeks members in California that are small commercial customers receiving bundled utility services and represents them as a community to protect their utility and energy-related concerns. SBUA has a few members that are themselves nonprofit organizations that represent small businesses but estimates that 97% or more of its California members are small commercial customers. SBUA’s high priorities include promoting and maintaining equitable and fair revenue requirements with appropriately approved expenditures to facilitate the success of small businesses.</p> <p>SBUA is the only party in this proceeding focusing <i>exclusively</i> on the small business community as a whole, whose interests diverge from residential ratepayers and large businesses on issues of how best to implement transportation electrification programs and EV rate design, including on matters related to customer participation, education, and outreach, potential cost shifting, and otherwise.</p> <p>SBUA has been granted Category 3 customer status and intervenor compensation for contributions in numerous cases before the California Public Utilities Commission, including in A.17-01-020, A.17-01-013, A.15-09-001, A.13-11-003, A.13-04-011, and A.12-11-009.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding? ³</p> <p>If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>B. Conflict of Interest (§ 1802.3)</p>	<p>Check</p>
<p>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?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</p>	
<p>The party claims “eligible local government entity” status because the party is a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

³ See Rule 17.1(e).

safety of the residents within the entity's jurisdiction following a catastrophic material loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure.	
<p>The party's explanation of its status as an eligible local government entity must include a description of</p> <p>(1) The relevant triggering catastrophic event;</p> <p>(2) The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure; and</p> <p>(3) The entity's reason(s) to participate in this proceeding.</p>	
D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):	
<p>1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 2/11/2019</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>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)?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2a. The party's description of the reasons for filing its NOI at this other time:	
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
(To be completed by the party intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)):
<p>The party's statement of the issues on which it plans to participate:</p> <p>SBUA seeks to intervene in this proceeding to submit testimony and otherwise support the interests of small businesses. As indicated in our Motion for Party Status, SBUA has already proactively engaged in discussions and negotiations with PG&E. As an outgrowth of these discussions, SBUA and PG&E reached agreement on a Memorandum of Understanding (MOU), as discussed in Chapter 6 of PG&E's Application. The MOU will provide needed services to small business customers and advance numerous issues of importance to SBUA's constituency, such as spending, customer service and outreach, adopting new energy technologies, economic development incentives, and promoting contracting opportunities for small businesses. SBUA's participation in this proceeding will focus in large part on supporting the MOU entered into between PG&E and SBUA as a reasonable and justified approach that is in the public interest and will assist the small business ratepayers.</p>

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

SBUA intends to coordinate with the other parties to this proceeding, including the Commission's Public Advocates Office (Cal Advocates) and The Ratepayer Reform Network (TURN), to the extent they seek similar objectives. SBUA represents small business customers with distinct interests from the interests represented by other consumer advocates who are intervening actively in this proceeding; however, where there is overlap, SBUA will cooperate with other groups with common concerns.

The MOU referenced above was the result of a collaborative effort between PG&E and SBUA staff. This MOU builds upon the lessons learned from a prior MOU between PG&E and SBUA that the Commission adopted in 2017. PG&E and SBUA identified areas for improvement and discussed how to best meet outstanding needs of small business customers, resulting in the MOU proposed for adoption in this proceeding. These efforts promote efficient resolution as well as avoid duplication of effort with other parties.

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 the appropriate extent, SBUA plans to participate in all aspects of this proceeding and expects to: submit written filings (comments, briefs, and testimony) at each opportunity provided by the Commission, pursue the incorporation of the above-referenced MOU in any global settlement (if applicable), and participate in future workshops and hearings.

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 Ivan R. Jimenez	100	\$225	\$22,500	
Attorney James M. Birkelund	50	\$470	\$23,500	
Expert Michael Brown	100	\$220	\$22,000	
Subtotal: \$68,000				
OTHER FEES				
Subtotal: \$				
COSTS				
Estimated Miscellaneous Expenses (e.g. mailing, copying, flights, etc.)			\$2,500	
Subtotal: \$2,500				
TOTAL ESTIMATE: \$70,500				

Estimated Budget by Issues:

The exact allocation of time per issue and total hours required will be dependent on numerous factors, including the extent of controversy surrounding the MOU jointly proposed by SBUA

and PG&E and whether additional small-business issues are identified as the proceeding progresses. An estimate of budget by issue is as follows:

- Customer service and outreach (60%)
- Program expenditures related to adopting new energy technologies (10%)
- Economic development incentives (10%)
- Promoting contracting opportunities for small businesses (20%).

SBUA has already begun the process of attempting to resolve issues as early in the proceeding as possible.

Comment #1-3. The reasonableness of the hourly rates for SBUA's representatives will be addressed in our Request for Compensation. SBUA is basing rates on the intervenor compensation rates by years of experience for 2019 (Resolution ALJ-357) and based on Commission awards of intervenor compensation in recent decisions.

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 intending to claim intervenor compensation;
see Instructions for options for providing this information)

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))	<input type="checkbox"/>
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))	<input checked="" type="checkbox"/>
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"/>
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)).	<input type="checkbox"/>
Commission's finding of significant financial hardship made in proceeding number:	

Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:	
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 Commission last granted SBUA a showing of significant financial hardship in A.18-07-024. SBUA submitted and is currently waiting for a ruling in A.18-07-024 determining SBUA’s showing of financial hardship. SBUA submitted its annual showing of significant financial hardship with its Notice of Intent to Claim Intervenor Compensation (“NOI”) filed on November 15, 2018 in A.18-07-024. Pending a favorable ruling by the Commission in that proceeding, the Commission should find that the rebuttable presumption of SBUA’s eligibility under Public Utilities Code section 1804(b)(1) will apply here. Therefore, SBUA requests that the rebuttable presumption of SBUA’s eligibility under section 1804(b)(1) be found in the instant proceeding.</p> <p>Past Commission decisions have made it clear that, in the case of an organization, the test for significant financial hardship looks to the economic interests of the individual members of the group in comparison with the costs of effective participation. (Cal. Pub. Util. Code § 1802(h).) SBUA can establish significant financial hardship under the “Comparison Test” for Category 3 customers because the economic interests of individual small businesses are small when compared to the costs of effective participation in this proceeding. The Commission has continuously found SBUA to be an organization that satisfies the eligibility requirements under Public Utilities Code section 1802, and, considering SBUA’s mission to represent small commercial customers, to have shown the requisite significant financial hardship to be eligible for intervenor compensation. SBUA continues to represent the same constituency and the economic interests of individual small businesses remain small in comparison to the costs of effective participation in CPUC proceedings.</p> <p>If SBUA’s positions prevail, the potential benefits to SBUA’s individual members will include both quantitative and qualitative elements, although precise dollar values are difficult to attribute. If the Commission adopts the MOU entered into by PG&E and SBUA, small businesses will benefit from the approved outreach activities, customer support initiatives, and other programs administered by PG&E. These benefits, if quantified, would be collectively substantial for this important ratepayer class. Even though the benefits are difficult to ascertain and relatively modest for individual SBUA members (not reaching into the thousands of dollars), the significant collective benefit would greatly outweigh the costs of effectively intervening in this proceeding.</p> <p>SBUA has not obtained funds from any donors directly to support its participation in this proceeding.</p>	

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

**(The party intending to claim intervenor compensation identifies and attaches documents;
add rows as necessary)**

Attachment No.	Description
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" or an "eligible local government entity" 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 or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<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 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).

3. The customer or eligible local government entity has shown significant financial hardship.	<input type="checkbox"/>
4. The customer or eligible local government entity 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 or eligible local government entity as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

Administrative Law Judge