



FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

FILED

03/13/19

04:59 PM

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, 2020. (U 39 M)	Application 18-12-009 (Filed December 13, 2018)
--	--

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☒ 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, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT lcompcoordinator@cpuc.ca.gov.

Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): The Utility Reform Network (TURN)		
Assigned Commissioner: Michael Picker		Administrative Law Judges: Elaine Lau, 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/
Date: 3-13-19	Printed Name:	Hayley Goodson

**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 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.

<p>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).</p>	<input type="checkbox"/>
<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>	<input type="checkbox"/>
<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 (§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.</p>	<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>TURN's Customer Status</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, 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.</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 type="checkbox"/> Yes</p> <p><input checked="" 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 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 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>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>The party's explanation of its status as an eligible local government entity must include a description of</p>	

³ See Rule 17.1(e).

(1) The relevant triggering catastrophic event; (2) The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure; and (3) The entity's reason(s) to participate in this proceeding.	
D. 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: 2/11/2019	<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 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)):
The party's statement of the issues on which it plans to participate:
<p>As in recent GRCs, TURN expects to address all the major components of the revenue requirement (expense, taxes, depreciation), including evaluating numerous capital expenditures and expenses included in PG&E's application related to the various functions of PG&E's gas and electric service (gas and electric distribution, generation, customer service costs, administrative and general expenses, human resources, etc.). As part of TURN's review of PG&E's GRC request, TURN intends to analyze PG&E's showing related to deferred maintenance and reprioritized spending. TURN also expects to address some of the issues expressly identified in the <i>Scoping Memo</i>, including PG&E's proposals related to balancing and memorandum accounts, PG&E's proposal to close 17 customer service offices, the impact of PG&E's proposed rate increases on disconnections, how PG&E's prior safety performance and lessons learned are incorporated in requests impacting safety, among other issues within the scope of this proceeding.</p>
The party's explanation of how it plans to avoid duplication of effort with other parties:
<p>The Commission's Public Advocates Office (Cal Advocates) is also a party to this proceeding and, like TURN, generally represents ratepayer interests by addressing a broad range of revenue requirement and other issues. A number of other intervenors appear likely to play an active role in this proceeding on behalf of ratepayers in various customer classes, including but not limited to the Center for Accessible Technology, the National Diversity Coalition, the Alliance for Nuclear</p>

Responsibility, L. Jan Reid, Small Business Utility Advocates, Indicated Shippers, Energy Producers and Users Coalition, and Federal Executive Agencies, at least some of whom tend to focus on more specific subsets of issues with particular relevance to their constituencies. As in past GRCs, TURN expects to coordinate closely with Cal Advocates and other intervenors with interests similar to ours 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).

TURN has already participated actively in this proceeding, including conducting discovery, filing a protest and prehearing conference statement, and participating in the prehearing conference. TURN intends to continue our active participation by conducting further discovery, preparing intervenor testimony, participating in evidentiary hearings, preparing opening and reply briefs, filing any other necessary pleadings, and responding to the proposed decision.

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				
Hayley Goodson, TURN Attorney	500	\$445	\$222,500	#1
Marcel Hawiger, TURN Attorney	300	\$445	\$133,500	#1
Elise Torres, TURN Attorney	75	\$340	\$25,500	#1
David Cheng, TURN Attorney	200	\$350	\$70,000	#1
Matthew Freedman, TURN Attorney	40	\$445	\$17,800	#1
Thomas Long, TURN Legal Director	250	\$615	\$153,750	#1
Robert Finkelstein, TURN General Counsel	300	\$540	\$162,000	#1
Eric Borden, TURN Energy Analyst	300	\$215	\$64,500	#1
Jennifer Dowdell, TURN Energy Analyst	150	\$300	\$45,000	#1
Expert Consultants			\$600,000	#1
Subtotal: \$1,494,550				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$				
COSTS				
Postage, Photocopying, Phone, Legal Research			\$1,500	
Consultant Travel			\$4,000	
Subtotal: \$5,500				
TOTAL ESTIMATE: \$1,500,050				

Estimated Budget by Issues:

At this early juncture in the proceeding, TURN can only provide a very rough estimate of the allocation of our estimated costs by issue area. The following allocation excludes the \$5,500 in Direct Costs that TURN has included in our total budget.

Issue	Time	Budget
Gas Distribution	10.0%	\$149,455
Electric Distribution	30.0%	\$448,365
Energy Supply	5.0%	\$74,728
Customer Service	10.0%	\$149,455
Shared Services & IT	5.0%	\$74,728
Human Resources	7.5%	\$112,091
Administrative & General	7.5%	\$112,091
Depreciation	5.0%	\$74,728
Tax, Working Cash	5.0%	\$74,728
Other Issues	15.0%	\$224,183
Total	100.0%	\$1,494,550

Comment #1: TURN's estimates of attorney and expert witness 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 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"/>
<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>	<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:

Please see TURN's annual showing of significant financial hardship, included within the NOI that TURN filed in A.18-12-008 on Feb. 12, 2019. TURN has requested an ALJ Ruling in that proceeding on TURN's showing of significant financial hardship.

TURN also requests an ALJ Ruling in this proceeding. Because this proceeding commenced on December 13, 2018, *before* the future date on which the Commission will presumably issue an ALJ Ruling in A.18-12-008 finding that TURN has demonstrated significant financial hardship, that ALJ Ruling in A.18-12-008 will not create a rebuttable presumption in this proceeding. Nor can TURN apply the previous ALJ Ruling finding significant hardship, issued in I.15-08-019 on November 8, 2017, to create a rebuttable presumption in this proceeding, as this proceeding commenced *more than a year after* that finding. As such, TURN requires an ALJ Ruling in this proceeding that we can reference in a request for intervenor compensation (should we eventually seek compensation), without needing to present our showing on significant financial hardship in full at that time.

If the Commission would prefer that TURN repeat the showing we recently presented in A.18-12-008 here in order to receive an ALJ Ruling on our significant financial hardship showing, TURN requests an opportunity to supplement this NOI to include that showing here.

TURN intends to apply the rebuttable presumption created by the earliest ALJ Ruling we receive on our showing of significant financial hardship to proceedings commencing *within one year after* the date of such ruling, as the Commission's rules permit. (See instructions in Section III.A.4 above.)

To avoid any additional confusion, TURN notes that we previously submitted a request for an ALJ Ruling on our significant financial hardship showing presented in the NOI we filed in R.18-07-005 on September 14, 2018. This earlier request was submitted consistent with

TURN's longstanding practice of including our demonstration of significant financial hardship for an upcoming 12-month period in an NOI filed before the expiration of the then-current 12-month period. However, TURN was informed by the ALJ Division's Intervenor Compensation team that this practice was no longer acceptable, and instructed to instead seek an ALJ Ruling in an NOI filed after the expiration of the rebuttable presumption created by the ALJ Ruling in I.15-08-019. TURN is attempting to comply with that directive, but it creates an awkward transition period, as there is now a gap in coverage for proceedings commencing after November 8, 2018 (when our last rebuttable presumption expired) and before the next ALJ Ruling we receive in response to our requests in A.18-12-008 and other proceedings, including this one. TURN expects to file NOIs in numerous proceedings commencing in this window and intends to request ALJ Rulings in all of them for the same reason we are requesting that ruling in this proceeding, unless directed otherwise by the Commission.

**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"/>

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).

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"/>
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