



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED
03/13/19
04:59 PM

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 No. 18-12-009 (Filed December 13, 2018)
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON [National Diversity Coalition]'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): National Diversity Coalition		
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/ Tadashi Gondai
Date: 3/13/2019	Printed Name:	Tadashi Gondai

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, 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"/>

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>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. <i>See</i> 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>Cal Public Utilities Code §1802(b)(1)(C) requires that organizations claiming Category 3 customer status be authorized in their bylaws to represent the interests of residential customers. In its bylaws, NDC is authorized to actively participate and intervene before the California Public Utilities Commission on all matters that can affect directly or indirectly the interests of minority consumers, ratepayers, and small businesses. NDC's bylaws (filed February 5, 2018 in A.17-</p>	

<p>10-007 et. al) reflect its “customer” status, as found most recently in a ruling by Administrative Law Judge Lirag in A.17-10-007 et. al dated November 13, 2018.</p> <p>NDC is a 501(c)(3) non-profit, made up of numerous separate and independent non-profits, community-based and faith-based organizations that each serve ratepayers in minority communities in different ways. NDC member organizations are united by their desire, expertise, and experience in bringing about greater social and financial equality and empowerment for underserved groups. NDC as a group and through its members has participated in numerous cases before the California Public Utilities Commission, including A.12-11-009, A.13-11-003, A.14-11-003, A.15-09-001, A.16-09-001, and A.17-01-020 among others. (NDC members have formerly organized under the name “Joint Minority Parties” in prior CPUC proceedings).</p> <p>It is difficult to assign a percentage to the members of NDC who are or represent residential ratepayers and otherwise, for NDC does not have a traditional membership structure. NDC members provide direct services in their communities, primarily to residential ratepayers directly, but to some extent also supporting minority small business owners as well. NDC members and affiliate organizations include the National Asian American Coalition, Advancing the Seed, Inc., African American Chamber of Commerce, African American Fire Fighter Museum, Asian Business Association, Asian Journal, Boys of Color of Santa Ana, Community Connections LLC, COR Community Development Corporation, El Mundo, Impact Southern California, Instituto de Avance Latino, Island Pacific Supermarkets, The Jesse Miranda Center for Hispanic Leadership, Korean American Coalition LA, Latino Coalition for Community Leadership, Los Angeles Latino Chamber of Commerce, Macedonia Community Development Corporation, Network of Myanmar American Association, Santa Maria Group, OASIS Center International, Templo Calvario CDC, Youth Business USA.</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 checked="" type="checkbox"/> No</p>

³ See Rule 17.1(e).

*As indicated in Part I, Section A.4, NDC members primarily represent individual residential ratepayers. A small proportion of NDC members provide services to small business owners. Because NDC’s advocacy focuses on impacts to individual ratepayers and the minority community, and because NDC has no conflict arising from prior representation before the Commission, we interpret this question as not applying to NDC under the intent of 1802.3.

C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)	
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.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The party’s explanation of its status as an eligible local government entity must include a description of (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: As a non-profit with a mission to empower minority and low-income communities, the National Diversity Coalition (NDC) intends to address the following issues: (1) supplier diversity program design, objectives, and costs; (2) employment diversity program design, objectives, and costs; (3) safety related program designs, objectives, and costs; (4) Community Wildfire Safety Program design, objectives, and costs; (5) reasonableness of liability insurance coverage, costs, and options; (6) effective marketing, education, and outreach to minority communities; (7) reasonableness and affordability of overall proposed rate increase; (8) other procedural and public interest issues.

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

NDC represents constituencies that are not otherwise adequately represented in these proceedings or at this Commission, and has a grassroots perspective, distinct from other intervenors. NDC will also strive to coordinate with other ratepayer advocacy organizations with regard to submissions to the CPUC, utilizing joint comments when appropriate, and will meet and confer when possible.

In the past, NDC and NAAC have participated in numerous CPUC proceedings together, with NAAC providing legal services, and NDC providing expert opinion and testimony, positions and strategies on issues, recommendations on program designs, and negotiating with the utilities. In this proceeding, NDC will also take on responsibility for legal services, with NAAC providing some support. The extent and nature of NAAC's and NDC's combined participation and collaboration in CPUC proceedings will not change, and will not result in duplication of effort or compensation, but the division of the workload between the two entities will be adjusted. Given this reorganization, NAAC intends to separately file for intervenor compensation only for their support services. NDC's participation would be enabled and supported, not duplicated, by NAAC's efforts.

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).

NDC plans to prepare filings, briefs, and testimony, conduct research and discovery, provide issue identification, case strategy, program design recommendations, and engage in negotiations and settlements as necessary, and participate in all hearings, conferences, workshops, etc. to the extent possible.

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				
Tadashi Gondai	300	\$330	\$99,000	1
Attorney #2	300	\$250	\$75,000	2
Faith Bautista	100	\$170	\$17,000	3
Subtotal: \$191,000				
OTHER FEES				
Subtotal: \$				
COSTS				
Office Expenses	NA	NA	\$500	4
Subtotal: \$500				
TOTAL ESTIMATE: \$191,500				

Estimated Budget by Issues:

At this point, NDC is unable to estimate with any certainty what it will cost to participate in this proceeding per issue. However, NDC will make every effort to diligently track and document all hours and expenses. NDC estimated budget consists of the following:

- (1) supplier diversity program design, objectives, and costs – 15%;
- (2) employment diversity program design, objectives, and costs – 15%;
- (3) safety related program designs, objectives, and costs – 15%;
- (4) Community Wildfire Safety Program design, objectives, and costs – 15%;
- (5) reasonableness of liability insurance coverage, costs, and options – 10%;
- (6) effective marketing, education, and outreach to minority communities – 10%;
- (7) reasonableness and affordability of overall proposed rate increase – 10%;
- (8) other procedural and public interest issues – 10%.

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 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 checked="" type="checkbox"/>
Commission's finding of significant financial hardship made in proceeding number: A.17-10-007 et. al	
Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: November 13, 2018	

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:

The Commission has previously ruled that NDC qualifies for significant financial hardship pursuant to §1802(g), most recently in A.17-10-007 et. al in the ALJ's Ruling on National Diversity Coalition's Showing of Significant Financial Hardship, issued on November 13, 2018 by Judge Lirag.

The "comparison test" to establish significant financial hardship found in §1802(h) requires that "the economic interest of the individual members of the group or organization is small in comparison to the cost of effective participation in the proceeding." The cost of NDC's participation in CPUC proceedings is estimated based on the amount of hours likely necessary for effective participation, prior participation levels, and historical costs and fees. The estimated cost of participation substantially outweighs the small financial benefits that individual NDC members might realize from the overarching reductions to program costs, changes to program design, and policy reforms that NDC advocates for in utility proposals. NDC's members represent low-income, minority ratepayers and small business owners. Accordingly, these economic interests are small relative to the costs of participation.

**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"/>

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).

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"/>
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