

**FILED****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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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, 2017

Application: No. 15-09-001
(Filed September 1, 2015)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON [Intervenor's Name]'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):

Small Business Utility Advocates

Assigned Commissioner: Michael Picker

Administrative Law Judge: Stephen C. Roscow

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/ James Birkelund

Date: November 30, 2015

Printed Name: James M. Birkelund

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"/>
In addition to describing your own interest in the proceeding you must show how	

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>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><input checked="" type="checkbox"/></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>Small Business Utility Advocates (SBUA) is a California nonprofit public benefit 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 customers of bundled electric, natural gas, water, and telecommunications services.</i>" SBUA Articles of Incorporation, Art. II (b). Consistent with its governing mission, SBUA seeks members in California that are customers receiving bundled electric service 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 who receive bundled electric service from an electrical corporation.</p> <p>SBUA's high priorities include promoting and maintaining equitable and fair revenue</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.

requirements for utilities with appropriately approved expenditures to facilitate the success of small commercial customers of bundled electricity. 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 mid- to large-businesses on issues of revenue requirements, utility expenditures, revenue allocation, rate structure, marginal costs, and on other energy matters.	
<p>Identify all attached documents in Part IV.</p> <p>Current SBUA Articles of Incorporation are on file with the Commission. <i>See</i> SBUA Notice of Intent to Claim Intervenor Compensation in Application 12-11-009, filed February 11, 2013. Accordingly, 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>Do you have any direct economic interest in outcomes of the proceeding?³</p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If "Yes", explain:</p>	

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 (NOI) (§ 1804(a)(1)):	Check
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: <u>10/29/2015</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 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:	

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:

SBUA seeks to intervene in this proceeding to submit testimony and otherwise support the interests of small commercial customers. 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. This MOU advances a number of important issues that SBUA will be supporting, including: (Issue 1) maintaining adequate spending and customer service and outreach for small commercial customers; (Issue 2) creating incentives for small businesses to obtain contracting work with PG&E; and (Issue 3) advocating for other revenue expenditures that will support small commercial customers. Issue 3 includes, for example, advocating in support of a new PG&E small business internal organization, increasing incentives for small business economic development, enhancing website support for small businesses, and providing certain high-bill notifications to assist small commercial customers with managing energy expenditures. SBUA plans to support the above MOU as a reasonable and justified approach that is in the public interest and will assist the small commercial customer class.

In addition, SBUA reserves the right to address other issues that arise as the proceeding progresses that may impact small businesses.

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

SBUA’s participation is distinct from other parties and focused exclusively on small commercial customers as a class. SBUA has begun and will coordinate its participation with other parties (including the CPUC Office of Ratepayer Advocates (ORA) and The Utility Reform Network (TURN)) to the extent they seek similar objectives and to discuss the above-referenced MOU with PG&E.

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):

SBUA has already engaged in extensive negotiations with PG&E. SBUA’s attorney and expert plan to undertake all other additional activities reasonably necessary to effectively participate in support of the above-referenced MOU and small commercial customers’ interests. SBUA will participate in all meetings and negotiations related to small commercial customers, submit expert testimony in support of the MOU, and participate (if necessary) in evidentiary hearings regarding the same. SBUA plans to submit briefing on any matters directly impacting small commercial customers, submit comments on the proposed decision, and engage in additional work, if required, to respond appropriately to any challenges to the MOU by any other party.

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				
Attorney James M. Birkelund	115	\$415	\$47,725	
Expert Michael Brown	75	\$205	\$15,375	
Advocate [to be determined]	TBD	TBD		
			Subtotal: \$63,100	
OTHER FEES				
Paralegal	12	\$120	\$1,440	
[Person 2]				
			Subtotal: \$1,440	
COSTS				
Travel			\$750	
Estimated Miscellaneous Expenses (e.g., mailing, copying, etc.)			\$250	
			Subtotal: \$1,000	
			TOTAL ESTIMATE: \$65,540	
Estimated Budget by Issues:				
<p>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: <u>Issue 1</u> (35%); <u>Issue 2</u> (30%); <u>Issue 3</u> (35%). See issue list above. SBUA has already begun the process of attempting to resolve issues as early in the proceeding as possible.</p>				
<p><i>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.</i></p>				

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)
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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.14-11-001</u> Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: <u>November 6, 2014</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:
<p>On November 6, 2014 in the matter A.14-11-001, and previously on July 25, 2013 in the matter of A.13.04.012, SBUA was found to have satisfied the eligibility requirements under Public Utilities Code section 1804 and to have shown the requisite significant financial hardship to be eligible for intervenor compensation.</p> <p>Small commercial customers face significant financial hardship in participating in Commission proceedings. Because small commercial customers usually cannot afford their own representation, there is a danger that small businesses may not be adequately represented as a customer class of bundled electricity. Small commercial customers have a need to be represented before the Commission, especially in General Rate Cases. The economic interests of individual small commercial customers are small when compared to the costs of effective participation in this proceeding. The Commission has recognized that adequate representation requires not only the broad efforts of the CPUC Office of Ratepayers Advocates, but also the participation of parties with special interests.</p>

**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
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"/>

Dated _____, at San Francisco, California.

Administrative Law Judge

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).