



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIF

FILED

11-24-15
Application 15-09-001
04:59 PM
(Filed September 1, 2015)

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. (U39M)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and []¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON CFC'S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

| | | | |
|---|----------|---------------------------------|----------------|
| Customer (party intending to claim intervenor compensation): Consumer Federation of California (CFC) | | | |
| Assigned Commissioner: Michael Picker | | Assigned ALJ: 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. I further certify that, in conformance with the Rules of Practice and Procedure, this NOI and has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1 and filed separately). | | | |
| Signature: | | /s/ | |
| Date: | 11/24/15 | Printed Name: | Nicole Johnson |

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 (check one): | Applies (check) |
|--|------------------------|
| 1. Category 1: Represents consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the Commission (§ 1802(b)(1)(A)). | |
| 2. Category 2: Is a representative who has been authorized by a "customer" (§ 1802(b)(1)(B)). | |
| 3. Category 3: Represents a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, to represent "small commercial customers" (§ 1802(h)) who receive bundled electric service from an electrical corporation (§ 1802(b)(1)(C)), or to represent another eligible group. | X |
| 4. The party's explanation of its customer status, with any documentation (such as | |

¹ DO NOT CHECK THIS BOX if no finding of significant financial hardship is 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).

articles of incorporation or bylaws) that supports the party's "customer" status. Any attached documents should be identified in Part IV.

In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer "categories" they fall within. CFC is a "group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers." Groups such as CFC are also required to include in their NOIs a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing. (D.98-04-059, p. 30)

CFC provided the relevant portion of its articles of incorporation in its filings resulting in Ruling R.14-08-020. The articles of incorporation have not changed since the time of these earlier submissions.

Finally, intervenors must indicate the percentage of their members that are residential ratepayers. CFC has approximately 20,000 dues paying members, of whom we believe the vast majority are residential ratepayers. CFC 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.

CFC does not have any direct economic interest in the outcomes the Commission may adopt in this proceeding.

| B. 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>October 29, 2015</u> | Yes <u>X</u> No <u> </u> |
| 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)? | Yes <u> </u> No <u>X</u> |
| 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, ALJ 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 ("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.

At this time, CFC intends to participate actively on the full range of issues in this proceeding, including: (1) Project Cost Estimates-Accuracy/Credibility, (2) IT Expenditures, (3) Insurance & Finance Expenses, (4) Escalation Estimates, (5) Routine vs. Special Gas Distribution Maintenance Expenses, (6) Risk Register - Probabilities, Costs Estimates, (7) Customer Service-Qualitative Factors, (8) Efficiency/Productivity Gains as Cost Reductions, (9) Compensation and Performance Metrics.

In order to make these recommendations, CFC will perform any necessary supporting legal, social science, economic and policy analyses. CFC may address additional issues going forward as they arise.

- The party's description of the nature and extent of the party's planned participation in this proceeding (as far as it is possible to describe on the date this NOI is filed).

CFC intends to participate actively in this proceeding by participating in evidentiary hearings, filing any required briefs and legal pleadings, and conducting other activities as necessary for litigating and advocating on behalf of residential and small commercial ratepayers.

- The party's explanation as to how it plans to avoid duplication of effort with other parties and intervenors.

CFC will coordinate with the ORA and with other intervenors to minimize duplication of overlapping positions, and to ensure that our showing covers different issues, or adds to the analyses and showings provided by the other parties.

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 | | | | |
| Nicole Johnson | 250 | \$305 | 76,250 | |
| Tony Roberts | 315 | \$285 | 89,775 | |
| [Expert 2] | | | | |
| [Advocate 1] | | | | |
| [Advocate 2] | | | | |
| | Subtotal: | | 166,025 | |
| OTHER FEES | | | | |
| [Person 1] | | | | |
| [Person 2] | | | | |
| | Subtotal: | | | |

| COSTS | | | | |
|---|------------------|-----|---------|--|
| Postage, photocopies, deliveries, and supplies... | | 100 | 100 | |
| [Item 2] | | | | |
| | Subtotal: | | 100 | |
| TOTAL ESTIMATE \$: | | | 166,125 | |

Estimated Budget by Issues:

- (1) Project Cost Estimates-Accuracy/Credibility: 15%
- (2) IT Expenditures: 15%
- (3) Insurance & Finance Expenses: 5%
- (4) Escalation Estimates: 15%
- (5) Routine vs. Special Gas Dist. Mtce Expenses: 20%
- (6) Risk Register - Probabilities, Costs Estimates: 10%
- (7) Customer Service-Qualitative Factors: 10%
- (8) Efficiency/Productivity Gains as Cost Reductions: 5%
- (9) Compensation and Performance Metrics: 5%

Note: It is difficult to estimate potential compensation with certainty and CFC plans to work judiciously and efficiently, tracking and reporting actual hours worked. CFC is basing rates on the intervenor compensation rates by years of experience for 2015 (Resolution ALJ-308), the most recent rates currently available; as well, rates in Commission awards of intervenor compensation in recent decisions. The CFC estimated budget is comprised of the following components:

#1: Nicole Johnson is a staff attorney on CFC's regulatory team. Ms. Johnson has 10 years of experience.

#2: Tony Roberts has over 12 years of experience working as a technical expert for regulatory proceedings.

Comments/Elaboration (use reference # from above):

The reasonableness of the hourly rates requested for CFC's representatives will be addressed in our Request for Compensation. The amount of any future request for compensation will depend upon the Commission's ultimate decision in this case, as well as the resources CFC has to devote to the case going forward.

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 (as well as travel time) is typically compensated at ½ of preparer's normal 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 | |
| 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 | X |

| | |
|---|---|
| to the costs of effective participation in the proceeding” (§ 1802(g)). | |
| 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 of eligibility for compensation in this proceeding (§ 1804(b)(1)). | X |
| ALJ ruling (or CPUC decision) issued in proceeding number: ADMINISTRATIVE LAW JUDGE’S RULING ON CONSUMER FEDERATION OF CALIFORNIA’S SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP (R.14-08-020) Date of ALJ ruling (or CPUC decision): 2/18/15 | |

| |
|---|
| 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 |
|----------------|-------------|
| 1 | |
| 2 | |
| 3 | |

ADMINISTRATIVE LAW JUDGE RULING²
(ALJ completes)

| | Check all that apply |
|--|-------------------------|
| 1. The Notice of Intent (NOI) is rejected for the following reasons: | |
| a. The NOI has not demonstrated the party’s status as a “customer” for the following reason(s): | |
| b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s): | |

² An ALJ Ruling needs not be issued unless: (a) the NOI is deficient; (b) the ALJ 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).

| | |
|--|--|
| | |
| c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s): | |
| 2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above). | |
| 3. The NOI has not demonstrated significant financial hardship for the following reason(s): | |
| 4. The ALJ provides the following additional guidance (see § 1804(b)(2)): | |

IT IS RULED that:

| | Check all that apply |
|---|----------------------|
| 1. The Notice of Intent is rejected. | |
| 2. Additional guidance is provided to the customer as set forth above. | |
| 3. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a). | |
| 4. The customer has shown significant financial hardship. | |
| 5. 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. | |

Dated _____, at San Francisco, California.

ADMINISTRATIVE LAW JUDGE