

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

11-30-15

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 15-09-001 (Filed September 1, 2015)

NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION AND, IF REQUESTED (and [X] checked), ADMINISTRATIVE LAW JUDGE'S RULING ON COLLECTIVE APPROACHES TO UTILITY SAFETY ENFORCEMENT'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): Collaborative Approaches to Utility Safety Enforcement (CAUSE), a California unincorporated association.	
Assigned Commissioner: Michael Picker Administrative Law Judge: Steven 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/ Scott J. Rafferty
amended 2/23/16 Date: 11/30/2015	Printed Name: Scott J. Rafferty

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. In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.	<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	<input type="checkbox"/>

<p>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>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.¹ 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>	<input checked="" type="checkbox"/>
<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>As demonstrated in its bylaws, CAUSE has been organized for the exclusive purpose of researching the potential for industrial accidents at California utilities and advocating for management systems and measures to mitigate risk. 100% of its members are residential ratepayers of PG&E.</p> <p>If, for any reason, the Commission declines to grant Category 3 status to CAUSE, CAUSE requests that you find</p>	
<p>Identify all attached documents in Part IV.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?²</p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If "Yes", explain:</p>	

¹ 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.

² See Rule 17.1(e).

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 type="checkbox"/> Yes <input checked="" 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 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: 10/29/2015	<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 type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time: (CAUSE has deferred filing until the last day to determine if any other entity sought to be a safety intervenor.)	
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 (“customer”) intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):
<p>The party’s statement of the issues on which it plans to participate:</p> <ol style="list-style-type: none"> 1. CAUSE intends to advocate for PG&E to implement cost-effective management systems to provide continuous improvement in driving toward zero incidence of industrial accidents caused by PG&E or its contractors. 2. CAUSE will assess the proposed prescription of design standards or other measures designed to improve safety, with regard to their cost-effectiveness and financial impact on rates. 3. CAUSE will examine the cost and incidence of industrial accidents at PG&E, including settlements, judgments, and adverse environmental impacts. 4. CAUSE will examine the extent to which the revenue requirement includes these costs, and how they are allocated within PG&E and among services and classes of ratepayers. <p>The party’s explanation of how it plans to avoid duplication of effort with other parties: CAUSE will consult with any party that intends to provide evidence or argument with regard to safety measures in order to avoid duplication.</p> <p>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).</p>

- A. CAUSE plans to take discovery as to the incidence and cost of industrial accidents at PG&E and as to measures that are in place to mitigate these risks. These accidents include any adverse incidents or conditions affecting (1) the safety of individual ratepayers in their homes, including the consequences of outages, (2) worker health and safety, (3) public safety, including physical injuries, property damage, and disruption of transportation infrastructure resulting from explosions, leaks, contaminations, or downed power lines, (4) the effectiveness of responses to external disasters and threats, including the ability to coordinate with law enforcement, first responders, and other government agencies, utilities and transit carriers, and other critical parties, (5) environmental degradation, including foreseeable impacts and unanticipated events, (6) the extent to which PG&E employees and ratepayers actually identify (and PG&E effectively responds to) actions that mitigate risk, and (7) the readiness of PG&E to provide and to receive mutual aid from other utilities to address large-scale incidents.
- B. CAUSE plans to confer regularly with parties willing to consider consolidating proposals and witnesses, in order to avoid duplication and to strengthen the support for the proposals.
- C. CAUSE intends to work with PG&E to narrow the scope of disagreements and to explore possible areas of common ground.
- D. CAUSE intends to retain experts from each discipline necessary to evaluate PG&E's risks and actions to mitigate and to propose additional cost-effective measures.
- E. CAUSE expects to present these experts as witnesses, to pre-file written testimony, and to defend any live examination.
- F. CAUSE expects to examine witnesses, particularly those who testify regarding safety.
- G. CAUSE expects to evaluate the rate impact of its own proposals, and of the proposals related to safety made by any party, as well as the tangible benefits of each proposal.
- H. CAUSE expects to file briefs and reply briefs in support of its positions, and such other motions as may be appropriate.
- I. CAUSE intends to identify the extent to which other Commission proceedings affect the consideration of safety measures in this rate case, and to consider the possible need to propose proceedings.

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				
Scott J. Rafferty (as attorney)	250	\$570	\$142,500	
Scott J. Rafferty (claim preparation)	10	\$285	\$ 2,850	
Scott J. Rafferty (as witness)	100	\$500	\$ 50,000	
Risk management expert (TBD)	50	\$500	\$ 25,000	
Organizational expert (TBD)	50	\$500	\$ 25,000	
Additional experts	120	\$500	\$ 60,000	

Subtotal: \$305,350.00				
OTHER FEES				
Secretarial assistance	200	\$25	\$ 5,000	
Subtotal: \$5,000				
COSTS				
postage, supplies			\$ 500	
Travel	12 days, 4 witnesses		\$ 4000	
Subtotal: \$4,500				
TOTAL ESTIMATE: \$314,850				
Estimated Budget by Issues:				
Allocated among issues identified in II.A above				
1. 60%, 2. 10%, 3. 20%, 4. 10%				
<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>				

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	<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 checked="" 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)).	<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(g)) (necessary documentation, if warranted, is attached to the NOI:

The members of the association are all residential ratepayers. The association does not expect to seek rate reductions that would result in a monetary benefit to these ratepayers. The only economic interests are indirect – (1) reducing the remote possibility that a member could be personally affected by an industrial accident, (2) a share of the public benefit of avoiding environmental impacts associated with accidents, and (3) avoiding the possible future rate effects from settlements and judgments resulting from accidents. These benefits may be offset by expenses and investments that PG&E would need to undertake to implement the safety measures that the association will propose.

To the extent that these interests are tangible and can be quantified, they are insignificant compared to the costs of participation detailed above.

**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
2	Bylaws of CAUSE, a California unincorporated association
3	Redacted PG&E bill of Scott J. Rafferty

ADMINISTRATIVE LAW JUDGE RULING³

(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"/>

³ 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).

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

BYLAWS OF COLLECTIVE APPROACHES TO UTILITY SAFETY ENFORCEMENT

A CALIFORNIA UNINCORPORATED ASSOCIATION

Section 1.

The name of the organization shall be Coll. Approaches to Utility Safety Enforcement, but it may also be known as CAUSE, Collective Approaches to Utility Safety Enforcement, or Collaborative Approaches to Utility Safety Enforcement.

Section 2.

The principal office of the association for the transaction of its business is located in Contra Costa County, California. Within Contra Costa County, the directors may change the address of the principal office by noting it below, which shall not require an amendment to these bylaws.

Section 3.

The objectives and purposes of this association shall be:

To study utility safety; to advocate for effective systems to achieve and maintain utility safety; to provide expert testimony and advice to utilities and to governmental decision-makers; and to take any additional actions reasonably believed to promote utility safety.

Section 4.

The association shall have up to five directors, collectively known as the board of directors. They shall serve without compensation, except in consideration for research, testimony, and other services rendered outside the activities of organizational governance.

Section 5.

The directors by majority vote, or the members by majority vote, by grant membership to any residential ratepayer of a California utility. Any nonprofit corporation, the organization of which has been authorized by the directors and which has similar purposes, shall also be a member, provided that the directors and shareholders of such corporation shall be residential ratepayers of a California utility.

Section 6.

The annual meeting of the board of directors shall be held on November 24 at 1 p.m. Directors shall be elected by any members present. Candidates receiving the highest number of votes up to the number to be elected shall be elected. Subject to Section 4, the number to be elected and the rules for voting may be determined by the incumbent directors. The directors shall elect a chair, who shall serve as president of the association. The president will act as secretary if no secretary is elected. The president may vote on all matters. Meetings shall be governed by Roberts Rules of Order, Newly Revised, the most current edition, except to the extent that this authority is inconsistent with these bylaws or local law. In lieu of a meeting, the directors may act by unanimous written consent, provided that any

director may orally instruct another director to make such written consent on his behalf. A majority of directors may call a meeting at any other time by notifying the other directors, provided that any director may require 72 hours' notice. A meeting may be conducted telephonically or through other electronic means, including serial communications that do not permit the directors to deliberate contemporaneously or to see or hear each other. Any series of recorded or memorialized communications that permits all directors to vote on a motion, including the ability to propose amendments thereto, shall constitute a meeting for purposes of adopting the motion, which may include a motion to amend to these bylaws. Directors may vote on a motion that is pending or has been noticed by means of a written instruction, but there shall be no other form of proxy voting or delegation.

Section 7.

As a matter of construction, in these bylaws, the singular shall include the plural and the plural the singular.

Section 8.

The fiscal year of the association shall be the calendar year, unless the directors alter this period by noting the new fiscal year below, which shall not require an amendment to these bylaws.

Section 9.

The association expects to receive compensation for intervening in regulatory proceedings or other payments made in connection with legal and expert witness services. The association is authorized to open a bank account, which may use the tax identification number of the president, provided he agrees to accept the obligation to report the resulting income, to avoid comingling this account with any personal assets, and to remit such funds as are necessary to satisfy the obligation of the association. If this is not possible, or if it is expedient for tax or reporting purposes, the association may assign or transfer, or request that the payor remit directly, to a nonprofit corporation or to an individual which has committed to distribute such funds to lawyers and experts employed by the association. No profits not associated with payment for services shall inure to the benefit of any individual. On dissolution, any funds in excess of the association's obligations shall be dedicated to a nonprofit or spent for purposes that qualify for tax exemption, as authorized by the directors.

Section 10.


The association will shield members and directors from individual liability for any obligations of the association to the full extent authorized by California law.

Section 11.

These bylaws may be amended by a majority of the directors at any meeting without prior notice.

Section 11.

The undersigned are all the persons acting as the original directors of CAUSE, a California unincorporated association, and by unanimous consent, adopt these bylaws as the bylaws of the association.


 SCOTT RAPPERT

CERTIFICATE

This is to certify that this is a true and correct copy of the unincorporated association names in the title thereto and that these bylaws were duly adopted by the board of directors on November 29, 2015.

Dated: November 29, 2015

Notations:

 SCOTT RAPPERT

Amendments:



ENERGY STATEMENT

www.pge.com/MyEnergy

Account No: 8852135306-5
Statement Date: 11/15/2015
Due Date: 12/07/2015

Service For:

Your Account Summary

Amount Due on Previous Statement	\$129.92
Payment(s) Received Since Last Statement	-129.92
Previous Unpaid Balance	\$0.00
Current Electric Monthly Charges	\$9.85
Current Gas Charges	42.12

Questions about your bill?

Solar Hotline: 1-877-743-4112 M-F 8-5
General: 1-800-743-5000
24 hours per day, 7 days per week
www.pge.com/MyEnergy

Total Amount Due by 12/07/2015 **\$51.97**

Local Office Address

1030 DETROIT AVE
CONCORD, CA 94518

Your Enrolled Programs

Net Energy Metering (NEM)

Your Net Energy Metering (NEM) Account Summary

Year-to-date (YTD) NEM charges are based on your YTD usage. Your NEM balance will be reconciled on your annual True-Up statement (09/2016). No credits will be carried over to your next True-Up period. Please see the "Summary of Your NEM YTD Charges" for more details.

Total NEM Charges Before Taxes	\$164.73
Total Electric Minimum Charges	-19.38
Estimated Taxes	0.29
YTD Estimated NEM Charges At True-Up	\$145.64

Important Messages

Winter electric baseline season The winter Tier 1 (baseline) season began on November 1. Your total Tier 1 quantities were calculated using your daily winter baseline allowance starting November 1 and your daily summer baseline allowance for any days in your billing period before November 1.

Continued on page 9

Please return this portion with your payment. No staples or paper clips. Do not fold. Thank you.

99908852135306500000051970000005197



Account Number:	Due Date:	Total Amount Due:	Amount Enclosed:
8852135306-5	12/07/2015	\$51.97	\$.

PG&E
BOX 997300
SACRAMENTO, CA 95899-7300