



ALJ/NIL/mef 3/18/2022

FILED

03/18/22

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

02:11 PM
A2107017

Application of San Diego Gas & Electric Company (U902M) for Establishment of an Interim Rate Relief Mechanism for its Wildfire Mitigation Plan Costs.

Application 21-07-017

**ADMINISTRATIVE LAW JUDGE'S RULING ON
THE CALIFORNIA FARM BUREAU FEDERATION'S
SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

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| Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): California Farm Bureau Federation | |
| Assigned Commissioner: Darcie L. Houck | Administrative Law Judge: Nilgun Atamturk |

PART I: PROCEDURAL ISSUES
(Completed by the party intending to claim intervenor compensation)

| A. Status as "customer" (see Pub. Util. Code § 1802(b))¹ 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. <i>See, for example, D.08-07-019 at 5-10).</i> | <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 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. | <input type="checkbox"/> |
| 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 | <input checked="" type="checkbox"/> |

¹ All "Section" and "§" references are to California Public Utilities Code unless indicated otherwise.

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| <p>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> | |
| <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>CAFB's Member Status</p> <p>The California Farm Bureau Federation ("Farm Bureau") is a non-profit, voluntary membership organization organized under section 501(c)(5) and applicable California nonprofit laws. It is comprised of 53 county Farm Bureaus in 56 counties and provides the voice on state issues for specialized representation in various matters, such as engagement at the CPUC. The purposes and actions of Farm Bureau are developed through a representation process through the individual farmers and ranchers and the county Farm Bureaus. As reflected in the Articles of Incorporation, provided in Farm Bureau's Notice of Intent to Claim Compensation filed in A1803003 dated July 19, 2018, Farm Bureau purposes include, among other, to represent, protect, and advance the social, economic, and educational interests of the farmers of California and to correlate the activities of and to encourage and strengthen the various county Farm Bureaus in California, and to assist in the accomplishment of their aims and desires. Farm Bureau strives through that representative effort to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. San Diego County Farm Bureau, whose agricultural members considered here all receive bundled electric service from SDG&E, is one of the county Farm Bureaus represented.</p> | |

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| <p>The San Diego County Farm Bureau is a non-profit organization supported solely by its dues-paying members, including approximately 1400 agricultural members. Dues are established on an annual basis for all the various benefits derived from membership in this multi-issued organization. The membership year concludes October 31 each year. Established in 1914, the San Diego County Farm Bureau serves the needs of the agricultural community relying on CFBF to address myriad issues, including electric service and related energy issues. The Articles of Incorporation for Farm Bureau include a section addressing the representation in such proceeding as follows:</p> <p style="padding-left: 40px;">To represent the interests of the county Farm Bureaus and their members, including those who receive bundled service from investor-owned electrical or natural gas companies, in regulatory proceedings regarding all facets of the provision of energy services before the California Public Utilities Commission and in any other appropriate venue.</p> | |
| <p>Do you have any direct economic interest in outcomes of the proceeding?²</p> <p>If “Yes”, explain:</p> | <p><input type="checkbox"/> Yes <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 checked="" type="checkbox"/> Yes <input 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 <input checked="" type="checkbox"/> No</p> |
| <p>C. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</p> | |
| <p>1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 10/13/2021</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>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)?</p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>2a. The party’s description of the reasons for filing its NOI at this other time:</p> | |
| <p>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:</p> | |

² See Rule 17.1(e).

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 reflected in the Assigned Commissioner's Scoping Memo and Ruling dated 10/28/2021, the issues determined to be in scope for the proceeding relate to SDG&E's request to establish an interim rate relief mechanism for wildfire mitigation expenditures which will be the focus of Farm Bureau's participation.

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

To date, there is a limited number of parties in the proceeding, however, we anticipate that Cal Advocates, TURN, and UCAN will have concerns similar to Farm Bureau and every effort will be made to coordinate activities to minimize any unnecessary duplication by Farm Bureau with those interests.

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).

Farm Bureau has commenced its participation in the proceeding, including submission of a protest, attending the pre-hearing conference, and participation in preliminary discussions. Farm Bureau will be focused on advocacy that can be advanced by attorneys and will not utilize experts in the case. It will expect to participate in any further hearings and submit briefs if necessary.

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 | | | | |
| Karen Norene Mills | 8 | \$420 | \$3360 | |
| Kevin Johnston | 45 | \$233.39 | \$10,502.55 | |
| [Expert 1] | | | | |
| [Expert 2] | | | | |
| [Advocate 1] | | | | |
| [Advocate 2] | | | | |
| Subtotal: \$13,862.55 | | | | |
| OTHER FEES | | | | |
| [Person 1] | | | | |
| [Person 2] | | | | |
| Subtotal: \$ | | | | |

| COSTS | | | | |
|---|--|--|--|--|
| [Item 1] | | | | |
| [Item 2] | | | | |
| <i>Subtotal: \$</i> | | | | |
| <i>TOTAL ESTIMATE: \$13,862.55</i> | | | | |
| Estimated Budget by Issues: Because the proceeding is focused largely on the interim rate relief mechanism, the budget above will all be dedicated to that issue. Karen Norene Mills has worked for Farm Bureau as an attorney since 1988, practicing extensively before the CPUC during that time. Kevin Johnston is recently admitted to practice law in California and has been participating in CPUC proceedings for the past year. Previously he practiced law in Oregon. | | | | |

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(Completed by party intending to claim intervenor compensation)

| 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) |
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| 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)). Commission's finding of significant financial hardship made in proceeding number: A.18-03-003 Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: September 23, 2021 (date of issuance: September 28, 2021) | <input checked="" 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:

**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 |
| 2 | Kevin Johnston Resume |

ADMINISTRATIVE LAW JUDGE RULING

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| 1. The Notice of Intent to Claim Intervenor Compensation (NOI) filed by California Farm Bureau Federation has demonstrated the party’s status as a “customer,” pursuant to Section 1802(b)(1)(C). | <input checked="" type="checkbox"/> |
| <p>2. The NOI has not demonstrated significant financial hardship for the following reason(s):</p> <p>Section 1802(h) explains that for organizations, significant financial hardship is demonstrated by showing that</p> <p align="center">...the economic interest of the individual members of the ... organization is small in comparison to the costs of effective participation.</p> <p>The latest finding that California Farm Bureau Federation (CFBF) has demonstrated significant financial hardship pursuant to these provisions was made in the proceeding A.15-04-012, in Decision (D.)18-01-015.³</p> <p>Section 1804(b)(1) allows to expand a finding of financial hardship under § 1802(h), as follows:</p> <p align="center">A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.</p> <p>D.18-01-015 issued on January 16, 2018. This proceeding, A.21-07-017, commenced on July 30, 2021. More than three years passed between the date of the issuance of D.18-01-015 and the date of the filing of this proceeding, while, according to the statute, it should be no more than a year. Accordingly, the</p> | <input type="checkbox"/> |

³ See D.18-01-015 at 3-4.

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| <p>rebuttable presumption of eligibility created in D.18-01-015 can no longer apply to CFBF's eligibility in this proceeding.</p> <p>In Part III(4), CFBF refers to the finding of financial hardship made on September 23, 2021, when a decision granting compensation to this intervenor in another proceeding, D.21-09-036 in A.18-03-003, issued.</p> <p>However, D.21-09-036 did not make an independent finding of hardship pursuant to § 1802(h). Instead, the decision relied on the finding of hardship made in D.18-01-015, which, as we have explained, does no longer apply to California Farm Bureau Federation's eligibility in this proceeding. Accordingly, we are unable to accept the showing of rebuttable presumption included in this NOI.</p> | |
| <p>2. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</p> <p>Section 1804(a)(2)(B) provides, as follows:</p> <p style="padding-left: 40px;">The notice of intent may also include a showing by the customer... that participation in the ... proceeding would pose a significant financial hardship. Alternatively, such a showing shall be included in the request submitted pursuant to subdivision (c).</p> <p>As we have determined in subsection 1, above, the subject NOI has not demonstrated that CFBF's participation in this proceeding would pose a significant financial hardship. Accordingly, the intervenor must include such showing in the intervenor compensation request filed pursuant to § 1804(c).</p> | <div style="text-align: center;"> <input type="checkbox"/> </div> |

IT IS RULED that:

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| 1. California Farm Bureau Federation has satisfied the eligibility requirements of Pub. Util. Code § 1804(a). | <input checked="" type="checkbox"/> |
| 2. California Farm Bureau Federation has not demonstrated significant financial hardship pursuant to § 1802(h). | <input checked="" type="checkbox"/> |
| 3. Additional guidance is provided to California Farm Bureau Federation as set forth above. | <input checked="" type="checkbox"/> |

Dated March 18, 2022, at San Francisco, California.

/s/ NILGUN ATAMTURK

Nilgun Atamturk
Administrative Law Judge