



EC2/RL8/ilz 12/5/2019

FILED

12/05/19
01:20 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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. (U39M.)

Application 18-12-009

ADMINISTRATIVE LAW JUDGES' RULING ON KERN COUNTY TAXPAYERS ASSOCIATION'S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

Party intending to claim intervenor compensation: Kern County Taxpayers Association	
Assigned Commissioner: Liane M. Randolph	Administrative Law Judges: Elaine C. Lau and Rafael L. Lirag

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 checked="" 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	<input type="checkbox"/>

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>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>	
<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 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>KernTax is a member-supported, 501(c) 4 non-profit corporation, with the mission to bring about more accountable, effective, efficient, reliable government. Basing its actions on common sense, innovation, and the long-term view, KernTax crafts positions based on adopted values. Founded in 1939, KernTax is the guard dog protecting the interests of Kern County taxpayers.</p> <p>KernTax views any government collection of funds through any financial conduit to be taxation, be it identified as a tax, a fee for government service or a regulated rate structure. If it is excessive or not appropriate, KernTax must, by charter, act to educate and facilitate resolution and ensure fair representation and treatment. We do not seek subsidies; we pursue a reasonable return to our local citizens from all regulatory bodies and their agent for levied taxes, fees, or regulated services.</p> <p>Our members and non-member residents of the southern portion of the Central Valley are again seeking our support in helping them present their concerns and issues as they relate to the CPUC rate-making proceeding. KernTax is deeply interested in the proceeding as a representative of both the small business owners and the residents of Kern County (both wage earners and the underserved). Kern County is a major producer of energy, including renewable energy. We believe that our participation on behalf of our base will aid the CPUC in understanding our issues in Kern County as well as the southern portion of the Central Valley to better guide the utility resource selection and the subsequent rate-making. Our interest is in helping the CPUC ensure that much-needed utility service is provided to Kern County in a manner reflecting the CPUC's objectives, good economic principles and conformity with legislative intent.</p> <p>Our motion for Party Status was granted on March 6, 2019.</p> <p>In our role to represent the interests of Kern County ratepayers in this proceeding, we will be focusing our efforts on issues that affect E-1 residential ratepayers. To date, KernTax is the only party in this proceeding focusing exclusively on Kern County residents, and for that matter the interests of residents in the Southern San Joaquin Valley, on how to best implement transportation of electrification programs and EV rate design, including issues related to customer participation, education, outreach, potential cost shifting and other pertinent subjects.</p>	

<p>In 2010, in General Rate Case A091202, KernTax filed a Motion for Status, which was granted. After meaningful input and participation in the proceedings, KernTax requested and received Intervenor Compensation.</p> <p>Attached are authorizations of PG&E customers that reside in Kern County and wish KernTax to represent them in this proceeding.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?²</p> <p>If “Yes”, explain:</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</p>	
<p>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.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p><u>The party’s explanation of its status as an eligible local government entity must include a description of</u></p> <p>(1) The relevant triggering catastrophic event;</p> <p>(2) The impacts of the triggering catastrophic event on the residents within the entity’s jurisdiction as a result of public utility infrastructure; and</p> <p>(3) The entity’s reason(s) to participate in this proceeding.</p>	<p>N/A</p>
<p>D. 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: Click here to enter a date.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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
(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:				
The party's explanation of how it plans to avoid duplication of effort with other parties:				
KernTax solely represents the interests of an underrepresented class of residential ratepayers, those that live in the Southern San Joaquin Valley, in particular, those in Kern County.				
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).				
KernTax proposes to file motions, protests, and responses, make appearances as needed, participate in negotiations, raise issues and proposals, and provide information to the decision makers.				
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				
Jess Frederick Expert	300	\$250	\$75,000.00	
MaryJane Wilson Expert	40	\$300	\$12,000.00	
Michael Turnipseed Advocate	50	\$200	\$10,000.00	
Subtotal: \$97,000.00				
OTHER FEES				
Michael Turnipseed	100	\$150	\$15,000.00	
Staff	40	\$90	\$3,600.00	
Jess Frederick Travel	40	\$250	\$10,000.00	
Michael Turnipseed Travel	40	\$100	\$4,000.00	
Subtotal: \$33,600.00				
COSTS				
Travel			\$4,000.00	
Misc. Office			\$250.00	
Subtotal: \$4,250.00				
TOTAL ESTIMATE: \$123,850.00				
Estimated Budget by Issues:				

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)
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 checked="" 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 checked="" 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: None Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made: n/a	<input 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:	
<p>Party has no financial resources currently in hand or readily available to pay for the services of counsel, experts, or persons. Initial counsel, experts, and persons are billing the party with payment contingent upon approval of this NOI and appropriate findings which in turn make any further participation and contribution contingent upon approval of any subsequent claim by the party.</p> <p>Party advocates on behalf of taxpayers in Kern County, who individually, could not make an appearance, claim, or participation due to the high cost and low reward inherent in rate-payer challenges.</p> <p>Party asserts that without compensation, it would be unable to sustain anything other than token participation when the opposition is in the person of a financial/legal parties such as PG&E, TURN, and other regular intervenors.</p> <p>The speed with which issues are raised and concluded demonstrates that without paid, readily available, compensated advocates, experts, and persons, the CPUC will not benefit from a more diverse, impartial, and locally raised and advocated issues, information, facts, and proposals for solution.</p>	

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**

(The party intending to claim intervenor compensation identifies and attaches documents)

Attachment No.	Description
1	Certificate of Service 190724
2	Authorizations to Represent 190724

ADMINISTRATIVE LAW JUDGE RULING

1. The Notice of Intent to claim intervenor compensation (NOI) filed by Kern County Taxpayers Association is rejected for the following reasons:	<input checked="" type="checkbox"/>
<p>The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):</p> <p>Public Utilities Code § 1804(a)(1) mandates that a customer who intends to seek an award shall file and serve a notice of intent to claim compensation within 30 days after the prehearing conference (PHC) is held. This statutory requirement is mandatory and confers no discretion on the Commission to excuse customers who fail to comply.</p> <p>In this proceeding, a PHC was held on February 11, 2019. In accordance with the statute, the last day to file an NOI was March 13, 2019. Kern County Taxpayers Association filed its NOI on July 24, 2019.</p> <p>Section 1804(a) gives the Commission discretion to allow late-filed NOIs only in certain circumstances:</p> <p style="padding-left: 40px;">In cases where no prehearing conference is scheduled or where the commission anticipates that the proceeding will take less than 30 days, the commission may determine the procedure to be used in filing these requests. In cases where the schedule would not reasonably allow parties to identify issues within the timeframe set forth above, or where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new or revised notices of intent.</p> <p>The NOI does not point at any circumstance that would allow the Commission to exercise that discretion. In fact, Assigned Commissioner's Amended Scoping Ruling of March 8, 2019, confirms the deadline for filing NOIs, by stating, at page 9:</p> <p style="padding-left: 40px;">Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by March 13, 2019, 30 days after the PHC.</p>	<input checked="" type="checkbox"/>

2. Because the NOI is rejected as untimely, this Ruling does not consider the customer status and significant financial hardship elements of eligibility (Sections 1804(b)(1) and (h)), nor other matters that are part of the NOI.	<input checked="" type="checkbox"/>
---	-------------------------------------

IT IS RULED that:

1. Kern County Taxpayers Association has not satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. The Notice of Intent to Claim Intervenor Compensation filed by Kern County Taxpayers Association is rejected.	<input checked="" type="checkbox"/>

Dated December 5, 2019, at San Francisco, California.

 /s/ ELAINE C. LAU
Elaine C. Lau
Administrative Law Judge

 /s/ RAFAEL L. LIRAG
Rafael L. Lirag
Administrative Law Judge