



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

02/08/21
04:59 PM

Application of Southern California Edison Company (U 338-E) for Authority to Increase Rates for its Class C Catalina Water Utility and Recover Costs from Water and Electric Customers.

Application 20-10-018
(Filed October 30, 2020)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and ☐ ¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE UTILITY REFORM NETWORK'S SHOWING OF
SIGNIFICANT FINANCIAL HARDSHIP**

NOTE: AFTER ELECTRONICALLY FILING A PDF COPY OF THIS NOTICE OF INTENT, PLEASE EMAIL THE DOCUMENT IN AN MS WORD FORMAT TO THE INTERVENOR COMPENSATION PROGRAM COORDINATOR AT Icompcoordinator@cpuc.ca.gov.

Customer or Eligible Local Government Entity (party intending to claim intervenor compensation): The Utility Reform Network

Assigned Commissioner: Martha Guzman Aceves

Administrative Law Judge: Garrett Toy

I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent is true to my best knowledge, information and belief.

Signature: /S/ Robert Finkelstein

Date: February 8, 2021

Printed Name: Robert Finkelstein

**PART I: PROCEDURAL ISSUES
(To be completed by the party intending to claim intervenor compensation)**

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).

A. Status as “customer” (see Pub. Util. Code § 1802(b))² 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. See, for example, D.08-07-019 at 5-10).	<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 qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. See D.98-04-059, footnote at 30.	<input checked="" type="checkbox"/>
4. The party’s detailed explanation of the selected customer category. <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. <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. <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.	

² All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>TURN's Customer Status</p> <p>TURN is a Category 3 “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. On October 15, 2015, TURN's Board of Directors adopted amendments to TURN's bylaws and articles of incorporation. TURN provided these revised bylaws and articles of incorporation in an amendment to the NOI submitted in A.15-09-001.</p> <p>TURN has approximately 20,000 dues-paying members, of whom we believe the vast majority are residential ratepayers. TURN 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. Similarly, TURN believes that the vast majority of our members receive bundled electric service from an electrical corporation. TURN does not poll our members in a manner that would allow a precise breakdown between those who receive bundled electric service from an IOU, those who receive electric service from a municipal utility and gas service from an IOU, and those who might be a CCA customer or Direct Access customer.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?³</p> <p>If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes</p> <p><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 type="checkbox"/> Yes</p> <p><input checked="" 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</p> <p><input type="checkbox"/> No</p>
<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>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>The party's explanation of its status as an eligible local government entity must include a description of</p>	

³ See Rule 17.1(e).

(1) The relevant triggering catastrophic event; (2) The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure; and (3) The entity's reason(s) to participate in this proceeding.	
D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):	
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 1/7/2021	<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:	

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:
<p>This application proceeding encompasses a wide range of issues typical of a general rate case, such as the reasonableness of SCE's cost forecasts. At this juncture, TURN intends to focus our efforts on SCE's proposal to recover costs of providing water utility service to Catalina Island customers from its electric utility customers, as well as on other alternatives for recovering such costs from the Catalina Island water customers and other non-electric utility sources.</p>
The party's explanation of how it plans to avoid duplication of effort with other parties:
<p>The Commission's Public Advocates Office (Cal Advocates) is also a party to this proceeding and, like TURN, generally represents ratepayer interests by addressing a broad range of revenue requirement and other issues. TURN anticipates Cal Advocates will address a broader range of the cost reasonableness issues raised by SCE's application, but that the parties may both address aspects of SCE's cost recovery proposals and alternatives thereto. TURN expects to coordinate closely with Cal Advocates to minimize potential overlap in issue coverage and to ensure, where such overlap occurs, each party is presenting a unique analysis. In addition, a number of Catalina-based customer interests are participating as the Joint Catalina Parties. TURN anticipates that on the issues regarding SCE's efforts to collect its water utility costs from electric utility customers, there may be less than full agreement between TURN's position and the Joint Catalina Parties'</p>

position. To the extent feasible and practicable under the circumstances, TURN expects to work with the Catalina Parties to reduce or eliminate any duplication of effort where the groups have common interests, and has already engaged in such coordination efforts in the lead-up to the prehearing conference, including development of the various positions set forth in the joint prehearing conference statement.

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).

TURN intends to participate actively on the various cost recovery issues presented in this proceeding. TURN has already engaged in discovery, and intends to submit initial briefing on the subset of issues identified in the Scoping Memo. TURN may also participate in the evidentiary hearings, as well as post-hearing briefing and other activities as warranted.

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 FEES⁴				
Robert Finkelstein, General Counsel	100	\$785	\$78,500	
Subtotal: \$ 78,500				
OTHER FEES				
[Person 1]				
[Person 2]				
Subtotal: \$				
COSTS				
Postage, Photocopying, Phone, Legal Research Database Fees			\$500	
Subtotal: \$500				
TOTAL ESTIMATE: \$79,000				
Estimated Budget by Issues:				
At this early juncture in the proceeding, TURN can only provide a very rough estimate of the allocation of our estimated costs by issue area. The following allocation presumes TURN's focus remains on a subset of the issue categories identified in the Scoping Memo, as described above. It also excludes the \$500 in Direct Costs that TURN has included in our total budget estimate.				
Issue	Time	Budget		

⁴ TURN anticipates that the bulk of the work in this proceeding will occur after the end of 2020. The Commission issued Resolution ALJ-393 Adopting Intervenor Compensation Market Rate Study and Addressing Related Matters on December 22, 2020, and hourly rates in 2021 and going forward may rely on the adopted market rate study. The hourly rates listed here reflect TURN's estimate of each individual's hourly rate based on the new study.

SCE proposal to recover \$29 million of water utility costs from electric utility customers	50%	\$39,250.00	
Cost recovery approaches that should be considered and adopted	30%	\$23,550.00	
Reasonableness of requested revenue requirement and other issues	20%	\$15,700.00	
Total	100.0%	\$79,500.00	

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.

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(To be completed by party intending to claim intervenor compensation;
see Instructions for options for providing this information)

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 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)).	<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(h) or § 1803.1(b)) (necessary documentation, if warranted, is attached to the NOI:	

This proceeding commenced in the window of time between the expiration of TURN's last finding of significant financial hardship on July 26, 2020, and the finding of significant financial hardship made by ALJ Ruling in R.20-08-021 on December 11, 2020. TURN accordingly refers the Commission to TURN's annual showing of financial hardship presented in the NOI filed by TURN on July 9, 2020 in A.20-03-004, where no ruling has issued. This is the same showing that formed the basis for the financial hardship finding recently made in R.20-08-021. (See *Administrative Law Judge's Ruling on The Utility Reform Network's Showing of Significant Financial Hardship*, issued 12/11/20 in R.20-08-021, pp. 6-7).

**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

ADMINISTRATIVE LAW JUDGE RULING⁵
(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" or an "eligible local government entity" 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"/>

⁵ 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 or eligible local government entity's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(h).

4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>
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IT IS RULED that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer or eligible local government entity has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer or eligible local government entity has shown significant financial hardship.	<input type="checkbox"/>
4. The customer or eligible local government entity 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 or eligible local government entity as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

Administrative Law Judge