



## FORM A: BLANK NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

FILED

11/12/21

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U 902 M) for Establishment of an Interim Rate Relief Mechanism for its Wildfire Mitigation Plan Costs.	A.21-07-017 (Filed July 30, 2021)
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**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION  
AND, IF REQUESTED (and ☒ checked), ADMINISTRATIVE LAW JUDGE'S  
RULING ON UTILITY CONSUMERS' ACTION 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](mailto:Icompcoordinator@cpuc.ca.gov).**

<b>Customer or Eligible Local Government Entity (party intending to claim intervenor compensation):</b> Utility Consumers' Action Network		
<b>Assigned Commissioner:</b> Darcie L. Houck		<b>Administrative Law Judge:</b> Nilgun Atamturk
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/ Edward Lopez
Date: November 12, 2021	Printed Name:	Edward Lopez

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

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b))<sup>2</sup></b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
<b>1. A Category 1 customer</b> is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and,	

<sup>1</sup> 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).

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

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"/>
<b>2. A <b>Category 2</b> 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.</b>	<input type="checkbox"/>
<b>3. A <b>Category 3</b> 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.</b>	<input checked="" type="checkbox"/>
<p><b>4. The party's detailed explanation of the selected customer category.</b></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><b><u>Explanation for UCAN's status as a Category 3 customer:</u></b> UCAN is a 501(c) (3) non-profit public benefit corporation dedicated to protecting and representing the interests of residential and small business customers in the San Diego Gas &amp; Electric service territory. UCAN has a 36-year history of intervening in CPUC proceedings on behalf of SDG&amp;E customers. UCAN's work also includes</p>	

<p>helping individuals resolve consumer disputes with utility service providers of electricity, gas, water and telecommunications. UCAN has approximately 20,000 members listed in our membership database, of which approximately 98% are residential customers. In addition, at the end of 2019 UCAN mailed 5,800 individuals annual membership information, and as of March 31, 2020 has received contributions from approximately 400 individuals.</p> <p>In D.98-04-059, the Commission directed intervenors to state in their NOIs which of the three customer “categories” they fall within. UCAN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.” The decision also requires a group such as UCAN to include in their NOI a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing (see D.98-04-059, p. 30.) UCAN has previously provided to the Commission the relevant portion of our articles of incorporation. An ALJ Ruling filed on June 28, 2005 in A.05-02-019 noted that UCAN is a customer as that term is defined in §1802(b) and is a group or organization authorized by its bylaws or articles of incorporation to represent the interests of residential and small commercial customers (<i>See</i> Ruling, pp. 1-2). UCAN most recently included a copy of our articles of incorporation in a NOI filed in A.17-01-019 on April 3, 2017, (<i>see</i> Attachment 2 of that NOI filing) later consolidated under A.17-01-012. The articles of incorporation have not changed since the time of those earlier submissions.</p>	
<p><b>Do you have any direct economic interest in outcomes of the proceeding?</b> <sup>3</sup></p> <p>If “Yes”, explain:</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p><b>B. Conflict of Interest (§ 1802.3)</b></p>	<p><b>Check</b></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><b>C. Status as an Eligible Local Government Entity (§§1802(d), 1802.4, 1803.1)</b></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>	

<sup>3</sup> 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.	
<b>D. Timely Filing of Notice of Intent to Claim Intervenor Compensation (NOI) (§ 1804(a)(1)):</b>	
1. Is the party's NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 10/13/2021	<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)**

<b>A. Planned Participation (§ 1804(a)(2)(A)):</b>
<p><i>The party's statement of the issues on which it plans to participate:</i></p> <p>UCAN may address, but not limited to, issues and considerations related to the following:</p> <ol style="list-style-type: none"> <li>Whether the interim rate recovery SDG&amp;E requests in the Application is reasonable;</li> <li>Whether SDG&amp;E's calculation of the proposed ratemaking, to realize recovery of 50% of the revenue requirement associated with its wildfire mitigation expenditures, is justified and reasonable.</li> </ol> <p>UCAN may further address other issues as discovery, and proceeding developments, evolve and possibly raise new matters.</p> <p><i>The party's explanation of how it plans to avoid duplication of effort with other parties:</i></p> <p>UCAN intends to work with other intervenors to coordinate efforts and avoid duplication where possible. UCAN traditionally and regularly communicates and engages with Public Advocates Office of the CPUC, and TURN, who are also Parties to this proceeding, to discuss where each party aligns or diverges on pertinent issues. And in proceedings, we traditionally engage with other Intervenor, like California Farm Bureau, to similarly understand and complement issues presented. UCAN intends to present material that is either unique or that compliments and supports the showings of other parties.</p>

UCAN has already participated actively in this proceeding by submitting a (Joint) Protest, attended the PreHearing Conference and participated in other, procedural matters. UCAN may prepare and offer Testimony, and draft and provided Opening and Reply briefs, Comments on a Proposed Decision, and any other appropriate pleadings. The nature and extent of UCAN's participation may change with the filing of an Amended Scoping Memo.

**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 \$	#
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Edward Lopez	75	\$442.37*	\$33,178	
Courtney Cook-Sloan	25	\$186*	\$4,650	
		* UCAN requested new rates for Mr. Lopez and Mr. Cook-Sloan in 2021. The rates have yet to be approved.		
<b>Subtotal: \$37,828</b>				
<b>OTHER FEES</b>				
<b>Subtotal: \$0</b>				
<b>COSTS</b>				
Travel				
Copying Charges, Lexis Research and misc.				
<b>Subtotal: \$</b>				
<b>TOTAL ESTIMATE: \$37,828</b>				
<b>Estimated Budget by Issues: (Please see Issues as identified in Part II, A.)</b>				
The exact allocation of time per issue and total hours required is difficult to predict in advance. Below is a preliminary estimate of budget by issue. This estimate is also subject to change based on changes that may be included in any Amended Scoping Memo.				
The reasonableness of the hourly rates for UCAN's experts will be addressed in our Request for Compensation. The Commission has set the rates of UCAN staff in prior proceedings, subject to cost of living and other adjustments.				
<b>Issue:</b>	<b>Time:</b>		<b>Budget:</b>	
Whether the interim rate recovery SDG&E requests in the Application is reasonable.	33.33%		\$12,609.33	
Whether SDG&E's calculation of the proposed ratemaking, to realize recovery of	33.33%		\$12,609.33	

50% of the revenue requirement associated with its wildfire mitigation expenditures, is justified and reasonable.		
Other and Additional Issues	33.33%	\$12,609.33
<b>Total (excluding costs):</b>	<b>100%</b>	<b>\$37,828</b>

*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)**

<b>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:</b>	<b>Applies (check)</b>
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)).	<input checked="" type="checkbox"/>
Commission's finding of significant financial hardship made in proceeding number: R.20-07-013	
Date of Administrative Law Judge's Ruling (or CPUC Decision) in which the finding of significant financial hardship was made December 15, 2021.	
<b>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:</b>	
UCAN is a nonprofit 501(c)(3) consumer advocacy organization with a 38-year history dedicated to representing the interests of residential customers of SDG&E in Commission proceedings. UCAN has a long history of intervening in CPUC proceedings, and has regularly been found to satisfy the § 1802(g) "significant financial hardship" requirement. The last such finding was made by in a ruling, R.18-07-006, on May 30, 2019. On April 13, 2020, in R.20-01-007, July 17, 2020 in A.20-04-014, October 14, 2020 in A.20-07-016, and May 26, 2021 in	

R.21-03-011, UCAN filed a NOI and requested the “significant financial hardship” finding. To date, there has been no ruling on those requests.

UCAN has approximately 20,000 members listed in our membership database, of which approximately 98% are residential customers, and in the last year UCAN has mailed almost 5,000 individuals annual membership information and received contributions from over 265 individuals. The comparison test requires that the economic interest of the individual members of the group or organization be small in comparison to the costs of UCAN’s effective participation in this proceeding. UCAN notes that the cost of UCAN’s participation in Commission proceedings substantially outweighs the potential economic benefit to the individual members we represent. UCAN members are residential customers of SDG&E whose individual interests in this proceeding are very small relative to the costs of our effective participation, and therefore, UCAN members will not see financial benefits that exceed the costs of our participation.

As noted in UCAN’s Articles of Incorporation (see section IV) all net income that UCAN receives will be irrevocably dedicated for a charitable purpose:

*“The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any private persons”.*

UCAN also notes how valuable intervenor compensation is and how without it our ability to represent SDG&E residential ratepayers in Commission proceedings would be significantly impaired. UCAN expects to rely on intervenor compensation awards for the bulk of its operating income in the next year. Without being eligible for intervenor compensation UCAN would not have the ability to effectively participate in CPUC proceedings.

In FY18/19, UCAN’s income was \$638,654, with \$614,565 derived from Intervenor Compensation, and expenses of \$566,758 for a positive net income of \$71,896. UCAN’s fiscal-year balance was \$188,464.

For FY19/20, UCAN’s income was \$800,287 with \$777,096 from Intervenor Compensation, and expenses of \$634,080 for a positive net income of \$166,208. UCAN’s fiscal-year balance was \$286,044.

For FY20/21, UCAN’s income was \$748,493 with \$730,560 from Intervenor Compensation, and expenses of \$834,348 for a negative net income of (\$85,855). UCAN’s fiscal-year balance was \$280,348.

For FY21/22, UCAN is projecting income of \$550,000 and expenses of \$645,070 for a forecasted negative net income of (\$95,070). As of October 31, 2021, UCAN’s current Assets are \$187,489 with Liabilities totaling \$86,165 and a total Equity of \$101,323.



The Commission, for the past 37 years, has found that UCAN qualified for a finding of significant financial hardship given that the economic interest of UCAN’s individual members is small in comparison to the costs of our effective participation. What was true for the last 38 years remains true today. Given the showing in this NOI, UCAN believes that we have satisfied the requirements found in Public Utilities Code section 1802 (g) and we therefore ask for a finding of “significant financial hardship.”

**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)**

<b>Attachment No.</b>	<b>Description</b>
1	Certificate of Service

**ADMINISTRATIVE LAW JUDGE RULING<sup>4</sup>**  
**(Administrative Law Judge completes)**

	<b>Check all that apply</b>
<b>1. The Notice of Intent (NOI) is rejected for the following reasons:</b>	<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"/>
<b>4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):</b>	<input type="checkbox"/>

<sup>4</sup> 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).



**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.

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Administrative Law Judge