BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Resource Planning.	Rulemaking 04-04-003

ADMINISTRATIVE LAW JUDGE'S RULING ON AGLET NOTICE OF INTENT TO CLAIM COMPENSATION

On May 26, 2005, Aglet Consumer Alliance (Aglet) filed a Notice of Intent to Claim Intervenor Compensation (NOI) in this proceeding. No responses have been received.

Aglet has a long history of being recognized and awarded compensation as a customer in many Commission proceedings. No facts are presented here, or otherwise known, that would lead to a different conclusion in this proceeding. This Ruling, after consultation with the Assigned Commissioner, is the "preliminary ruling addressing whether the customer will be eligible for an award of compensation." (Pub. Util. Code § 1804(b)(1).)[1] Aglet is found eligible.

1. Timely Filing

A prehearing conference (PHC) was held on April 26, 2005. The NOI was filed on May 26, 2005. The NOI was filed within 30 days of the PHC. (§1804(a)(1).) The filing is timely.

[1] All code references are to the Public Utilities Code unless otherwise noted.

2. Customer

The Public Utilities Code defines customer in three ways, which the Commission has in turn categorized as:

Category 1: a participant representing consumers.

Category 2: a representative authorized by a customer.

Category 3: a representative of a group or organization that is authorized by its articles or bylaws to represent the interests of residential customers.

(Section 1802(b); Decision (D.) 98-04-059, 79 CPUC2d 628.)

Aglet asserts that it meets the definition of a Category 3 customer. In support, Aglet states the following. Aglet is an unincorporated nonprofit association registered with State of California Secretary of State. Aglet is a group authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California. Copies of Aglet's articles and bylaws are attached to an NOI filed on June 11, 1999 in Application (A.) 99-03-014. Aglet is not established or formed by a local government entity for the purpose of participating in a Commission proceeding. Aglet's present members are residential utility customers, including customers of applicant Pacific Gas and Electric Company (PG&E). Approximately 30% of Aglet’s members also operate small businesses with separate energy or telephone utility service.

Aglet is a Category 3 customer.

3. Adequacy of Representation

Aglet asserts that it is the only intervenor that will act specifically on behalf of residential and small commercial customers. The Commission's Office

of Ratepayer Advocates (ORA) is a party, but ORA does not represent the specific interests of small customers, according to Aglet. Rather, Aglet asserts that ORA acts on behalf of all customers and must balance its positions when large and small customers might not agree.

The Commission has found that participation in Commission proceedings by parties representing the full range of affected interests is important. Such participation assists the Commission in ensuring that the record is fully developed and that each customer group receives adequate representation. (See, for example, Ruling issued July 7, 1999, page 3, in A.98-09-003, et al.) Based on Aglet's long history of successful participation before this Commission, it is reasonable to assume that Aglet has knowledge and experience that may support and complement the work of ORA or others.

4. Significant Financial Hardship

A finding of significant financial hardship creates a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding. (§ 1804(b)(1).) Aglet obtained a finding of significant financial hardship on April 16, 2003, by Ruling on that date in A. 02-12-027. This proceeding commenced on April 1, 2004, or within one year of April 16, 2003. Aglet has demonstrated significant financial hardship by rebuttable presumption.

5. Nature and Extent of Planned Participation

The NOI must include a statement of the nature and extent of the customer's planned participation as far as it is possible to set out when the NOI is filed. (§1804(a)(2)(A)(i).) Aglet states that it intends to participate actively in procurement review groups for Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE) and San Diego Gas & Electric

Company (SDG&E). Such participation will require ongoing review of utility procurement showings, and attendance at quarterly and other meetings.

Aglet states that it recognizes the Legislative intent expressed in Pub. Util. Code § 1801.3(f) that the Commission administer its intervenor compensation program in a manner that avoids unproductive or unnecessary participation. Aglet points out that it agrees to cooperate with ORA, The Utility Reform Network (TURN) and other stakeholders, in order to minimize duplication of effort regarding issues of concern to residential and small commercial customers.

6. Itemized Estimate of Costs of Participation

The NOI must include an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed. (§ 1804(a)(2)(A)(ii).) Aglet states that it expects to request compensation in the amount of $139, 600:

$ 120,000	600 hours of professional time by James Weil, at $200 per hour
8,000	80 hours of travel time, at $100 per hour
8,400	60 hours of compensation time, at $140 per hour
136,400	Subtotal, compensable time
600	Copies
200	Postage, overnight delivery
2,400	Travel costs (vehicle mileage, bridge tolls, parking)
$ 3,200	Subtotal, compensable other costs
$ 139, 600	Total Estimated Cost of Participation

Aglet states that it will provide time records, expense records and justification for hourly rates in a request for an award of compensation, if it eventually files one.

Aglet has included an itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time the NOI is filed.

IT IS RULED that:

1. Aglet Consumer Alliance (Aglet) timely filed a Notice of Intent to Claim Intervenor Compensation.

2. Aglet is a customer for the purposes of intervenor compensation (Category 3).

3. Aglet reasonably states the adequacy of its representation.

4. Aglet has established by unrebutted presumption that its participation without an award of intervenor compensation would pose a significant financial hardship.

5. Aglet reasonably states the nature and extent of its planned participation, as far as it is possible to know as of the filing of the Notice of Intent. Aglet makes a reasonable showing that its participation will minimize unproductive or unnecessary duplication of work effort.

6. Aglet presents a satisfactory itemization of an estimate of compensation it expects to request. The reasonableness of the hourly rates shall be addressed in the later request for compensation, if any, by Aglet.

7. Aglet is eligible for an award of intervenor compensation. The exact amount of the award, if any, shall be determined based on the reasonableness of its request for award, and this ruling "in no way ensures compensation." (§ 1804(b)(2).) The Commission may audit the records and books of Aglet to the extent necessary to verify the basis of the award. (§ 1804(d).)

Dated July 12, 2005, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Aglet Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated July 12, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO
Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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