

Intervenor Compensation (IComp) Post Workshop Questions

The information in this document should not be relied upon as legal advice. Parties should refer to the Commission's decisions, Rules of Practice and Procedure and the Public Utilities Code.

I. Notice Of Intent (NOI)/Eligibility

1. Does the Commission consider whether an intervenor is aware of donor affiliations when assessing eligibility for compensation?
 - *The Commission has a responsibility to ensure the efficient use of ratepayer funds, including awards issued through the Intervenor Compensation (IComp) Program. Regardless of whether an intervenor is aware of its funding sources, the Commission must assess and avoid potential conflicts of interest when determining an intervenor's eligibility and financial hardship.*
2. What process does the Commission follow when it receives a large list of an intervenor's donors?
 - *The Commission reviews donor lists to identify potential affiliations with regulated entities. This review helps ensure transparency and prevent conflicts of interest, consistent with IComp program requirements. If clarification is needed, additional information may be requested from the intervenor.*
3. If a non-profit organization has no donors but holds contracts with government agencies (e.g., CPUC, CEC), what financial documentation is required?
 - *The Commission may request financial documentation relevant to these contracts to evaluate financial hardship, conflicts of interest, and eligibility. If donor information is unavailable, other financial disclosures may be required to ensure compliance and transparency.*
4. What financial documentation must intervenors include in their NOI to substantiate a claim of financial hardship?
 - *Sample documentation could include, but is not limited to, Statements of Activities, Statements of Financial Position, Statements of Cash Flow, Statements of Functional Expenses.*
5. Can a nonprofit that administers a CPUC incentive program still qualify for IComp if it participates independently of that role?
 - *The Commission will assess whether the participation and work were conducted independently of any program administration role. Additional documentation may be requested to clarify any potential conflicts.*
6. Is the Commission applying a new standard that requires nonprofits to have donors or members for a financial hardship determination?

- *No new eligibility standards have been introduced. However, when an intervenor has donors or board members, the Commission will evaluate these affiliations for potential conflicts of interest as part of its assessment of the intervenor's eligibility and financial hardship.*
7. Is an intervenor required to provide a mailing list to qualify for financial hardship?
- *We assume this question was meant to ask whether an intervenor claiming Customer Category 3 status must have actual members it represents when claiming financial hardship. Pursuant to Public Utilities Code Section 1802(h), a group or organization authorized to represent residential ratepayers must demonstrate significant financial hardship by showing that the economic interests of its individual members are small compared to the costs of effective participation.*
8. Will donor disclosures be required from all nonprofit intervenors? If only from some, what determines that subset?
- *The Commission may request donor information based on the circumstances of the intervenor's participation and the specific issues presented in a claim. The goal is to identify potential financial interests or affiliations that could affect eligibility.*
9. Has the Commission evaluated First Amendment concerns related to donor disclosure?
- *While intervenors may submit donor lists confidentially, the Commission is mindful of constitutional concerns. It seeks to balance transparency and accountability with privacy and associational rights, within the bounds of applicable law.*
10. Why doesn't the Commission accept anonymized donor/member lists to verify financial hardship?
- *The Commission must ensure transparency with ratepayer funding while protecting sensitive data as appropriate. The review of donor/member lists is needed to assess and avoid potential conflicts of interest in determining an intervenor's eligibility and financial hardship.*
11. Does the Commission request donor or financial information from attorneys or counsel, or only from intervenors?
- *For the purposes of issuing IComp awards, the Commission requests donor and funding information from the intervening organizations or individuals seeking intervenor compensation.*

12. Has the Commission considered alternatives to full disclosure, such as sworn attestations or limiting disclosure to energy-related funders?

- *The Commission continually evaluates ways to minimize disclosure burdens while ensuring compliance. Suggestions like attestations or narrower disclosures may be considered and will be evaluated on a case-by-case basis.*

II. Consultant and Attorney Rate Documentation

13. How can intervenors streamline consultants or attorney contract submissions?

- *Intervenors should always submit contracts in the initial claim to avoid the request for supplemental information, which will usually delay the processing of the claim.*

14. Can previously approved hourly rates be reused in future proceedings?

- *The Commission often refers to previous decisions to verify approved rates for representatives. However, for consultants, the Commission will need to review the contract terms for the consultant's work in that specific proceeding (as they often vary from proceeding to proceeding), and establish rates based on those specific contract terms.*

15. Has the Commission evaluated narrower alternatives for requesting attorney-client agreements?

- *The Commission may consider limiting reviews to specific sections of a contract (e.g., fee arrangements). Redactions may be allowed for privileged information not relevant to compensation review. The full contracts may also be filed under seal (Rule 11.4).*

16. What specific information is needed from outside counsel retainers? Can other provisions be redacted?

- *The Commission primarily reviews information on billing rates, scope of services, and coordination efforts. Other provisions may be redacted, provided the essential terms are disclosed. The Commission, however, reserves the right to request the full contracts. The full contracts may also be filed under seal (Rule 11.4).*

III. Disallowances and Eligible Activities

17. Are coordination calls eligible for compensation?

- *If the coordination efforts are deemed reasonable, justified and directly contribute to meaningful participation, they may be eligible. However, the*

burden of proof is on the intervenors to show that the time spent is reasonable and necessary to the proceeding.

18. Why is time spent reviewing reply briefs often disallowed?

- *While some review may be necessary, compensation is typically limited to efforts that result in a substantial contribution. Passive or excessive time spent reviewing briefs without further engagement may not qualify. We remind intervenors that the burden of proof is on the intervenors to show that the time spent is reasonable and necessary to the proceeding.*

IV. Working Group Participation

19. How should intervenors document contributions in working groups not tied to specific decisions?

- *All contributions can be and should be tied to a specific Commission decision. In some instances, a Commission decision may direct the formation of a working group with specific tasks. In such cases, intervenors seeking compensation for their participation must provide clear descriptions of the activity, demonstrating how it aligns with the directive in the decision, fulfills its intended purpose, and supports the Commission's decision-making or program implementation. Generally, the intent of establishing such working groups is to produce a final product or deliverable that informs a forthcoming Commission decision.*

20. What citation method should be used for compensation claims tied to working group activities?

- *Per Rule 17.4 (a), compensation claims must identify each issue resolved by the Commission for which the intervenor seeks compensation, and must cite the relevant pages, findings, conclusions, and/or ordering paragraphs of the applicable Commission decision. For claims related to working group activities, the intervenor should cite the decision that established the working group and provide detailed records of their participation and any deliverables. Additionally, intervenors should clearly describe the activity, its purpose, and how it supports the Commission's decision-making or program implementation.*

21. How can intervenors ensure ongoing compensation for working group participation under new guidelines?

- *There are no new guidelines. For any contribution for which an intervenor seeks compensation, they should reference Commission-authorized participation, maintain clear documentation of their efforts, track time accurately, and demonstrate how those efforts support the Commission's decision-making or program implementation.*

V. Procedural and Rulemaking Questions

22. What process exists for reconsideration of a ruling that denied compensation or eligibility?

- *While Commission rules do not provide a formal reconsideration process for interlocutory rulings, parties may file procedural motions under Rule 11. The assigned Administrative Law Judge has discretion to accept or reject such motions.*

23. Why are some intervenors allowed to comment on Proposed Decisions (PDs) related to IComp while others are not?

- *When a proposed decision is mailed for public comment, parties have 20 days from the date of service to file comments, in accordance with Rule 14.3. However, under Rule 14.6(c)(6), the Commission may reduce or waive the comment period for IComp proposed decisions, depending on the specific circumstances. This determination is at the discretion of the Commission and is not automatic. Typically, proposed decisions that have not been protested and/or involve only minimal reductions may have a reduced or waived comment period. If the comment period is waived and a party still wishes to comment, a motion must be filed.*

VII. Other

24. What mechanisms exist to appeal or challenge IComp decisions besides litigation?

- *Beyond judicial review, procedural motions may be submitted, but there is no formal appeals process for IComp rulings outside of standard Commission procedures.*

25. Is there concern about a chilling effect on public participation in Commission proceedings?

- *The Commission seeks to encourage meaningful public participation while maintaining transparency and proper use of ratepayer funds. Concerns raised are taken seriously and may inform future guidance.*

26. Has the Commission considered aligning intervenor and utility compensation standards?

- *The Commission's market rate study analyzed the relationship between experience and compensation for advocates and expert witnesses working in the administrative law and regulatory sector. The study was used to determine reasonable fees for those who practice before the Commission, including*

intervenors, to ensure compensation levels are fair and reflective of market conditions.

VIII. Resolved and Informational

27. Will questions and materials from the March 26, 2025, workshop be posted online?

- *Yes. The Commission has posted the slides onto the IComp webpage [here](#).*

28. How can parties who were not present at the workshop get answers to their questions?

- *The questions submitted following the workshop have been reviewed, grouped, and consolidated into this document. For any additional inquiries, intervenors are encouraged to contact IComp program staff directly at icompcoordinator@cpuc.ca.gov.*