



Intervenor Compensation Program Guide and Instructions

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California Public Utilities Commission

Intervenor Compensation Program Guide and Instructions on Completing Intervenor Compensation Standardized Forms

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I. Introduction to the Intervenor Compensation Program Guide

The California Public Utilities Commission (“CPUC” or “Commission”) is responsible for assuring that California utility customers have safe, reliable utility service at reasonable rates, for protecting utility customers from fraud, and for promoting the health of California’s economy. As a public agency, the CPUC depends on input, questions, and feedback from the general public. By hearing from different perspectives, the CPUC is better able to make informed decisions that consider the impact of utility costs and services on all Californians. The California Public Utilities Code (“Code,” “Section,” or “§”) allows certain parties in proceedings before the Commission to request compensation for their participation (allowable fees and costs). The Intervenor Compensation Program is intended to ensure that individuals and groups that represent residential or small commercial electric utility customers have the financial resources to bring their concerns and interests to the CPUC during formal proceedings. This Guide explains how to request the intervenor compensation.

A. Overview of the Intervenor Compensation Program

The CPUC initiated the Intervenor Compensation Program in 1981 and, subsequently, the California Legislature adopted laws to govern the program. Those laws became part of the Public Utilities Code in Sections 1801–1812, effective January 1, 1985, with modifications made by the Legislature in 1992, 1993, and 2004. The Program is administered by the CPUC.

The Code allows certain individuals or groups that participate in Commission proceedings involving electric, gas, water, and telephone utilities to request compensation for the costs associated with their participation.

The requirements for eligibility to request compensation through this program are set forth in California Public Utilities Code Sections 1801–1812. When an individual or group meets the eligibility requirements, that individual or group is considered an intervenor for the purposes of the Program. Notably, the Intervenor Compensation Program only provides compensation for reasonable costs incurred by intervenors as a result of their substantial contribution to CPUC proceedings in which they participated. Compensation is usually granted after the proceeding or a phase of the proceeding has concluded.

Intervenor compensation awards are paid by public utilities from monies collected from utility ratepayers. The CPUC exercises discretion in awarding compensation as amounts paid to intervenors can cause a utility to increase its rates to cover the award. Typically, only the specific utility subject to the proceeding is responsible for the payment of intervenor compensation. If a proceeding applies to a utility category (for example, “all Commission-jurisdictional load-serving entities” or “non-dominant interexchange carriers”) rather than a specific utility, awards of compensation may be paid by the CPUC out of ratepayer fees collected by all electric, gas, water, and telephone utilities. Intervenor compensation is NOT available in transportation proceedings.

B. General Provisions; Standardized Forms

To request intervenor compensation in a proceeding you are required to file:

- (1) A **Notice of Intent to Claim Intervenor Compensation** (NOI), usually early in the proceeding; and
- (2) An **Intervenor Compensation Claim** (Claim), usually at the end of a proceeding or at the end of a phase in a proceeding.

The first step you must take to participate in the Intervenor Compensation Program is to prove eligibility for compensation and to inform other parties to the proceeding of your intent to claim intervenor compensation. You must do this by formally filing a NOI. An Administrative Law Judge (ALJ) assigned to the proceeding will issue a ruling in response to the NOI if you request an early determination of “significant financial hardship”, and may issue a ruling to provide additional guidance. However, the ALJ will not issue a ruling if you present a valid rebuttable presumption. (*See infra*, p. 5).

The second step you must take to claim intervenor compensation is to formally file a properly completed request for an award of compensation (“request” or “Claim”). After the Claim is filed, the CPUC will issue a decision granting or denying the Claim or awarding a different amount.

Before 2008, these filings were prepared as traditional pleadings. In 2008, standardized forms were introduced to assist intervenors and expedite the preparation and processing of the NOI and Claim documents. These forms combine the intervenor’s information and the CPUC’s findings and directives into a single document (NOI and Ruling on the NOI; Claim and Decision on the Claim). These forms can be adjusted to provide space for additional information or comments, and to accommodate more complex NOIs and Claims.

Because of the specialized nature of intervenor compensation, these forms deviate from some of the requirements of the Commission’s Rules of Practice and Procedure (“Rules”) (California Code of Regulations, tit. 20). The variations from the Rules are allowed since “[i]n special cases and for good cause shown . . . the Commission may permit deviations from the rules.” *See* Rules of Practice and Procedure, Rule 1.2.

This Guide is intended to be used in conjunction with the California Public Utilities Code, the CPUC’s Rules, and Commission decisions and resolutions concerning intervenor compensation. (*See e.g.* Decision (“D.”) 98-04-059 and D.07-11-009). In addition, professional hourly rates and other program information and tools are published on the Intervenor Compensation Program webpage.¹

C. Sources of Information for Intervenors

- [California Public Utilities Code](#)
- [The Commission’s Rules of Practice and Procedure](#)
- [Intervenor Compensation Program webpage](#)
- [Intervenor Compensation Program Guide](#)
- [Electronic Filing Information](#)
- [CPUC Frequently Asked Questions](#)

D. Downloading Documents Electronically Filed in Formal Proceedings

You may need access to various documents on file with the Commission in order to complete an NOI or claim. These documents can be downloaded from the proceeding’s Docket Card on the Commission’s web site. To access a document:

- (1) Open the CPUC’s home page at <http://www.cpuc.ca.gov/puc/>;
- (2) Click “Online Documents” found in the “Scroll Through Our Highlights” or the “Proceeding Information” headings;
- (3) Scroll down to “Docket Card” and click;
- (4) Search the index by date, filer, description, assignment, or proceeding number. Proceeding information, including the year, is coded in the proceeding’s docket number, as follows:
 1. The first character in a proceeding number is a letter designating the proceeding’s type (“A” for applications; “C” for complaints; “P” for petitions for rulemaking; “R” for rulemakings; and “I” for investigations)
 2. First two digits following the proceeding type identify the year when the proceeding was formally initiated (for example, “07” for the year 2007).
 3. The next two digits identify the month when the proceeding was formally initiated (for example, “11” for the month of November)

¹ <http://www.cpuc.ca.gov/NR/rdonlyres/986A583A-CCC3-43B5-A1F4-E0DB792B23CC/0/IntervenorHourlyRatesUpdated91613.pdf> (visited on April 18, 2014).

4. The last three digits are a sequence number for the filing (i.e., “003” means the proceeding was the third initiated in the month and year identified by the proceeding number).

For example, A.07-11-003 is the third initiating document filed as an **A**pplication that was formally filed in 20**07**, in November (**11**th month).

(5) If multiple results are displayed, scroll down through the proceeding numbers (or use the “Ctrl/F”) to find a specific proceeding.

(6) Click on the proceeding’s number to open its Docket Card.

(7) Find the specific document in the Docket Card and click to open or download.

A proceeding’s description (caption), categorization, and service list are listed in the Docket Card.

E. Assistance to Intervenors

Administrative Law Judge Division

Formal documents submitted to request intervenor compensation are assigned to the CPUC’s Administrative Law Judges Division. This Division is responsible for preparing draft decisions recommending whether or not to grant compensation to a particular intervenor. Within the ALJ Division, the Intervenor Compensation Program is managed by the Assistant Chief Administrative Law Judge. An intervenor compensation program analyst is available to answer questions related to the Program:

Intervenor Compensation Program

Icomp Program Analyst
505 Van Ness Avenue
San Francisco, CA 94102
415-703-2403
icompcoordinator@cpuc.ca.gov

Public Advisor’s Office

The CPUC’s Public Advisor’s Office provides general information and assistance to those wishing to participate in formal CPUC proceedings. The Public Advisor’s Office may be able to assist you with your questions about the Intervenor Compensation Program, but the Office does not provide legal advice. Please direct questions to the following office:

Public Advisor’s Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102
(415) 703-2074
(415) 703-2411 (fax)
(866) 849-8390 (toll free)
public.advisor@cpuc.ca.gov

II. Notice of Intent to Claim Intervenor Compensation

A. General Provisions

The first step you must take in order to request compensation is to obtain party status prior to filing a NOI to claim Intervenor Compensation. *See* Rule 1.4 of the Commission’s Rules of Practice and Procedure (Rules) for guidance on how to become a party.

Second, after filing a NOI, you must be granted eligibility (status) as an intervenor by the ALJ. Normally, NOIs must be formally filed with the CPUC no later than 30 days after the Prehearing Conference (PHC), which is typically held near the beginning of a proceeding.

If you are not granted eligibility, you cannot file a claim for compensation, even if party status was granted.

An ALJ ruling may be issued on the NOI, particularly if you request a finding of “significant financial hardship” pursuant to § 1802(g) or are new to the proceeding. 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. *See* Public Utilities Code § 1804(b)(1). **If you have a valid rebuttable presumption of eligibility, the ALJ does not need to issue a ruling on the NOI.** A ruling is only required if you need a finding of significant financial hardship but may be issued to provide guidance or other information.

You should use the standardized NOI form and complete most of the information in Parts I, II, and III. After the form is filed with the CPUC, the Assigned ALJ verifies the provided information and, if necessary, completes the remainder of the form as an ALJ ruling. An electronic version of the Notice of Intent to Claim Intervenor Compensation form (MS Word) may be downloaded from the CPUC’s Intervenor Compensation Program webpage.

When you have completed the NOI form you must:

- (1) formally file with the CPUC’s Docket Office an electronic (PDF compliant) or paper version of the NOI; and
- (2) On the same day that the NOI is filed, send by e-mail an electronic version of the NOI, in MS Word format (the same format in which the NOI was originally prepared) to the Intervenor Compensation Coordinator at icompcordinator@cpuc.ca.gov.

The Docket Office will only accept an NOI for filing if (1) it meets all filing requirements and (2) a MS Word copy of the NOI is on file with the Intervenor Compensation Coordinator.

The portions of the standardized NOI form you should fill out are shaded. Bracketed text in these green areas (for example, “[Proceeding Name]”) is text you may select and type over. Instructions for serving and filing the NOI are also included with the NOI form.

B. Instructions for Completing a Notice of Intent to Claim Intervenor Compensation Standardized Form

Title Page and Part I: Procedural Issues

Caption and Proceeding Number. Provide the official caption of the proceeding, the docket number (for example, A.07-11-011), and the date the proceeding was formally filed. This information can be copied from a formal document issued by the Commission in the proceeding in which you are filing. Check the proceeding’s “Description” in the on-line Docket Card or the latest Commission document issued in the proceeding to make sure the caption has not changed.

Document Title. You, as the customer or the party intending to claim intervenor compensation, must indicate the party's name in the title of the document.

Customer Information and Verification. In the designated spaces, provide the full legal name of the customer and the names of the commissioner and ALJ currently assigned to the proceeding. An authorized representative of the customer must verify the truth of the information in the NOI by signing the document. (*See* Rule 1.1 and 1.8).

A. Status as “customer.” State how the party meets the definition of “customer.” The different types of customers are known as Category 1, Category 2, and Category 3. Public Utilities Code § 1802(b)(1) defines these categories in subsections A, B, and C. D.98-04-059 discusses the differences between these customer categories. Information required in the NOI differs depending on the selected customer category. Select only one of the following:

- 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. In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers. (*See e.g.*, D.08-07-019 at 5-10).

Please note that customers participating in complaint proceedings are generally not eligible for Intervenor Compensation.

- 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 representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. (*See* D.98-04-059 at 30).
- A **Category 3** customer is a representative of an organization 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.² 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.³

Explanation of the Selected Customer Category. Provide a detailed explanation of why the customer falls within the selected category. You must attach documents such as authorization from the customer, current articles of incorporation, or bylaws to support your claimed status. These documents must be listed in Part IV of the NOI. If a copy of the current bylaws or articles is already on file with the CPUC, you only need to provide a reference to the docket number of the proceeding in which they were filed and the document's filing date.

Residential Ratepayer and Small Commercial Customer Information. If you represent either residential ratepayers or small commercial customers receiving bundled electric service from an electrical corporation, you may qualify as a customers under § 1802(b)(C)(2). If you represent customers in either of these categories you must include in the NOI the percentage of group members that are either residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation.

Please note that the NOI may be rejected if this information is omitted.

² See Public Utilities Code § 1802(h) for definition of “small commercial customer”.

³ D.98-04-059, footnote at 30.

Economic Interest. In this section you must state whether you have a direct economic interest in the proceeding's outcome and, if so, an explanation of the interest. (*See* Rule 17.1(e)).

B. Conflict of Interest.

You must indicate (check “Yes” or “No”) whether you have a conflict of interest as defined in § 1802.3. Intervenor with a conflict of interest are not eligible for compensation. Section 1802.3 states that a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation shall not be eligible for compensation if the representative has a conflict arising from prior representation before the Commission. This conflict may not be waived.

The purpose of § 1802.3 is to prohibit compensation to an intervenor representing small business customers in a proceeding where the interests of various ratepayer classes (residential, commercial, industrial, etc.) diverge, if the intervenor has previously represented another (different) ratepayer class before the Commission. For example, an intervenor that represented business (i.e., small, medium, or large businesses) customers in a revenue requirement proceeding is not eligible for compensation in a subsequent rate design proceeding for representing only small business customers against the interests of residential or large business customers. An intervenor cannot receive intervenor compensation if it previously represented ratepayer interests that would not qualify the intervenor for compensation (i.e., large business consumers), or if the intervenor has previously represented interests that qualified it for intervenor compensation but which conflict with the narrower interests which it now represents.

If you claim Category 3 customer status, CPUC staff will review your organization's bylaws and articles of incorporation to ensure that you are authorized to represent more than one ratepayer class. Staff will additionally require you to provide a list of all Commission proceedings in which the intervenor participated (regardless of whether or not the intervenor obtained compensation). Past appearances will be utilized to determine if there is a conflict of interest arising from prior representation.

C. Timely Filing of NOI

You must show that the NOI has been timely filed. The filing deadline is a statutory requirement and may not be waived by the CPUC. Failure to timely file your NOI will forfeit your right to claim compensation. Rule 17.1 sets the filing deadlines for NOIs.

1. If Hearings Are Needed. The NOI must be filed within 30 days after the prehearing conference (PHC), unless the Commission anticipates the proceeding will take less than 30 days or no PHC is scheduled. (Public Utilities Code § 1804(a)(1)). In such situations, the filing deadline will be established by the ALJ. In addition, in cases where the schedule will not reasonably allow parties to identify issues within the 30 day timeframe, 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.

If the NOI is being filed within 30 days of the PHC, the PHC date should be entered in Box C.1 and “yes” checked. Proceed to Part II.

2. If No Hearings Are Needed. If the CPUC preliminary determines that hearings are not needed, a NOI must be filed within 30 days following the last day to file responsive pleadings to a document initiating the subject proceeding (usually an Order Instituting Investigation (OII) or Order Instituting Rulemaking (OIR)).⁴ Responsive pleadings include, for example, comments on the orders instituting rulemaking or investigation, a response (or protest) to the new application, a response to the petition for rulemaking, or an answer to the formal complaint. (*See* Rule 17.1(a)(2)). An amended NOI may be filed

⁴ In Application proceedings (A.), this information is reflected in Resolution ALJ-176 (downloadable from the Docket Card). In Rulemaking or Investigation proceedings, this issue is, normally, addressed in the Order Instituting that proceeding.

within 15 days after the issuance of a scoping memo changing the scope or planned course of the proceeding. (*See* Rule 7.3(a) and 17.1(b)).

If you are unsure of the deadline, contact the assigned ALJ or the Intervenor Compensation Coordinator.

If your NOI is being filed at a different time, check “yes” in Box C.2 and provide in Box C.2a the reasons for filing at this other time. In Box C.2b, identify the CPUC rules, decision, ruling, or other document authorizing your filing. Proceed to Part II.

Part II: Scope of Anticipated Participation

A. Planned Participation. In the space provided at Part II(A) provide the following information using bullet points:

(1) List, to the best of your knowledge at the time the NOI is filed, the issues you intend to focus on in the proceeding; indicate what aspects of these issues you intend to address; and briefly state your position on these issues. Your explanation will help all parties avoid engaging in duplicative analysis.

(3) If your participation might overlap with another party’s or parties’, state how you intend to avoid duplication of effort with that party (or parties).

Please note that the Commission regularly reduces intervenor compensation awards for duplicative participation.

(4) Describe, briefly, how you plan to participate, for example: whether you will attend prehearing conferences, file comments and other pleadings, provide testimony, or participate in settlement negotiations.

B. Estimate of Compensation. Complete the table in Part II(B) to provide an itemized estimate of the compensation (fees and related costs). If the intervenor is going to participate through attorneys or experts, the hourly rates and estimated number of the hours must be provided. An itemized list of the direct expenses, if any, must also be provided. You may type over any bracketed text to identify attorneys or experts by name, as well as specific types of anticipated costs. You must also disclose in this section if you received grants for your participation in the proceeding. Please add up and total your estimates. If you are providing comments on any entry, number it in the # column and provide the information in the “Comments/Elaboration” space.

Please note the CPUC does not compensate for the time spent on clerical and administrative tasks as these fees are subsumed in the fees paid to attorneys.⁵

Reasonable travel time and hours spent preparing intervenor compensation documents are compensated at one-half the preparer’s normal hourly rate.

Allocation of the planned budget by issue. Include in this section an estimated budget for each substantive issue that you intend to address. For example, “Issue A – 15% of the prospective budget; Issue B – 25%.”

Please note the CPUC is not legally required to reimburse you for all of your estimated or claimed expenses. The CPUC undertakes a detailed review of the reasonableness of the actual claimed costs when it reviews an Intervenor Compensation Claim.

⁵ See D.11-07-024 and D.11-05-044.

Part III: Showing of Significant Financial Hardship

Public Utilities Code § 1804(a)(2)(B) requires a customer to include a showing of “significant financial hardship” in either its NOI or Claim. However, by demonstrating significant financial hardship in the NOI, the customer can learn early in the proceeding if this critical eligibility requirement for compensation has been satisfied. After the NOI is filed, the Assigned ALJ may issue a ruling on the significant financial hardship. If you choose to defer the significant financial hardship showing to the Intervenor Compensation Claim, Part III should be left blank.

A. Basis for “Significant Financial Hardship.”

Public Utilities Code § 1802(g) defines two standards for significant financial hardship:

“Significant financial hardship” means either that the customer cannot afford, without undue hardship, to pay the costs of effective participation, . . . or that , 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.

If you choose to make the financial hardship showing in the NOI, Part III(A) must indicate which standard of significant financial hardship applies, depending on the customer status selected in Part I(A). Of the three options, below, you may select only one.

1. For Category 1 or 2 customers, the “Undue Hardship Test” standard applies. (*See* D.98-04-059). Under this standard you must certify the customer cannot, without undue hardship, afford to pay the costs of effective participation in the proceeding, and submit supporting financial documentation.
2. For Category 3 customers, the “Comparison Test” standard applies. Under this standard you must certify 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 and provide supporting analysis.
3. Lastly, if the customer has been previously found to have a significant financial hardship in a different proceeding within one year of commencement of the proceeding in which you are seeking eligibility, the customer may identify the proceeding ruling or decision as a “rebuttable presumption” of hardship in the current proceeding.

If the CPUC has already found that the customer has significant financial hardship in another proceeding, you do not need to again make a showing of significant financial hardship in the current proceeding. Two conditions, however, must be met, to allow the customer to rely on the earlier finding:

- No more than one year has elapsed between that finding in another proceeding and the date of the commencement of the current proceeding. (*See* § 1804(b)(1)).
- The significant financial hardship finding the other proceeding was based on § 1802(g), subsections 1 or 2, above, and not on a previous rebuttable presumption.

You must provide the date and docket number of the prior finding of significant financial hardship.

Please note that if you refer to a valid rebuttable presumption of eligibility, the ALJ does not need to issue a ruling on the NOI. In this case, you should not

check the request for a ruling box in the title of the NOI form submitted to the CPUC.

B. Support for “Significant Financial Hardship” Showing Under § 1802(g). In Part III(B) you must provide, if required, an explanation of the factual basis for the claim and identify documents used in support of your showing of significant financial hardship. Supporting documents must also be listed in Part IV of the form and attached to the NOI.

Category 1 or 2 Customers - The Undue Hardship Test. If you qualify as a Category 1 or 2 customer and claim you cannot, without undue hardship, afford to pay the costs of effective participation, you must provide financial information demonstrating the undue hardship. In general, you must disclose the customer’s gross and net monthly income, monthly expenses, and any other relevant financial information. *See* D.98-04-059.

Those who claim a Category 1 customer status must provide their own financial information: their income and expense statement and balance sheet (statement of assets and liabilities).

Those who claim Category 2 customer status must provide personal financial information (income and expense statement and balance sheet) of the actual customer(s) who will be represented.

Please note that you can request that the CPUC treat this information as confidential by filing a motion to file confidential information under seal. (See Rule 11.4 and 1.13(b)(2)).

The CPUC may request additional information to determine undue hardship.

You must explain how the financial information provided demonstrates undue hardship. For example:

“My monthly gross and net income, monthly expenses, cash, and assets are shown in the attached documents. Based on my estimate of the cost of effective participation as compared to my income, expenses, and assets, I do not have the resources to pay for the costs of effective participation.”

Category 3 Customers – The Comparison Test. If you are a Category 3 customer (a group or organization authorized by its bylaws or articles to represent customers) you must meet the comparison test standard. This requires that the economic interests of the individual members of the organization be small in comparison to the costs of effective participation in the proceeding. You must make this comparison to demonstrate significant financial hardship.

Category 3 customers cannot rely on the financial status of just some of its members to establish significant financial hardship. All members must be included in the significant financial hardship showing. For example:

“The cost of the organization’s participation in CPUC proceedings, which is estimated to be \$25,000, substantially outweighs the benefit to the individual members it represents. Intervenor's members are residential customers whose individual interests in this proceeding are approximately \$10 in potential annual rate changes. Accordingly, these economic interests are small relative to the costs of participation. It is unlikely that Intervenor's members will see financial benefits that exceed the Intervenor's costs of participation.”

Rebuttable Presumption. If within one year prior to the commencement of the proceeding in which you seek compensation the Commission made a finding of significant financial hardship for you in another proceeding, you can rely on that finding and do not need to make another showing. In Part III(A)(3),

indicate the docket number of the proceeding in which the finding was made and the date of the ruling or decision that made the finding. In such cases, Part III(B) may be left blank.

Part IV: Attachments Documenting Specific Assertions Made in the NOI

List of Attachments. List the documents attached to the NOI in Part IV.

Attachment 1: Certificate of Service. A signed Certificate of Service (accompanied by a copy of the Service List) must be attached to your document. *See* Rule 1.13(b)(1).

Category 1 and 2 Customers: Financial Information. If you are a Category 1 customer, you must provide your own financial documents. If you are a Category 2 customer, you must provide financial documents of at least one customer who has authorized you to represent him or her in the proceeding. You may file a motion requesting to file financial information under the seal of confidentiality. (*See* Rule 11.4 and 1.13(b)(2)).

Category 2 Customer: Authorization to Represent. If you are a Category 2 customer, you must provide an authorization signed by at least one of the represented customers as described in Section 3, above.

Category 3 Customer: Formation Documents. If you are a Category 3 customer that does not have a current copy of its formation documents (articles of incorporation or bylaws) on file with the CPUC, true and correct copies of these documents must be attached to the NOI.

Administrative Law Judge Ruling

Do not complete the Administrative Law Judge Ruling portion of the NOI form. This part of the form may or may not be completed by the Assigned ALJ. Normally, an ALJ Ruling will not be issued, unless:

- (a) the NOI has requested a finding of “significant financial hardship”;
- (b) the NOI is deficient; or
- (c) the ALJ desires to provide guidance on specific issues in the NOI.

Attachments

You must attach the documents listed in Part IV.

Attachment 1: A Signed Certificate of Service and, if a Notice of Availability was served in lieu of the entire document, a copy of the Notice of Availability. (*See* Serving the NOI, below).

A sample Certificate of Service is provided in Rule 18.1. A signed Certificate of Service provides evidence that you sent a copy of your NOI to all parties on the Service List. A copy of the Service List must accompany the Certificate of Service. (*See* Rule 1.9(e)). A Service List is composed of the names and postal or e-mail addresses of the persons and entities that have requested notification of filings in the proceeding.

Please note that the Certificate of Service is not a part of the standardized form but is a separate document. For electronic filings, a Certificate of Service must be transmitted as a separate attachment. *See* Rule 1.13(b)(iii).

Other Attachments: Any other documents listed in Part IV of the NOI must be attached.

Filing the NOI

In order for your NOI and the attached materials to be part of the formal record of the proceeding, they must be filed with the CPUC's Docket Office. Please review Rule 1.13 on tendering a document for filing. We encourage you to use the CPUC's electronic filing system. For instructions on electronic filing refer to <http://www.cpuc.ca.gov/PUC/efiling>. If you file paper copies, they must be submitted to the Docket Office at 505 Van Ness Avenue, San Francisco, CA 94102. Filing questions should be addressed to the Docket Office at (415) 703-2121.

Filing the NOI Under Seal

If your NOI contains confidential information and you need to file your NOI under seal, please follow the instructions of the CPUC's docket office. Confidential documents may not be filed electronically. For more information, please consult the [Docket Office's Frequently Asked Questions](#) handbook

Serving the NOI

You must serve a copy of your NOI on each person indicated on the official Service List for the proceeding and on the assigned ALJ. To protect confidential information, do not serve confidential documents unless you have non-disclosure agreements from the recipients. If the entire document, including attachments, exceeds 50 pages, or other conditions described in Rule 1.9 are present that preclude a normal service of your document, you can serve a Notice of Availability in lieu of all or part of the document. An updated service list is available on the proceeding's Docket Card or from the CPUC's Process Office at (415) 703-2021. The CPUC encourages service by electronic mail. An electronic service protocol is established in most proceedings. Please review the service requirements of Rules 1.9 (Service Generally) and 1.10 (Electronic Mail Service).

III. Intervenor Compensation Claim

A. General Provisions

Once you prove eligibility to claim intervenor compensation, you may request compensation for the costs of participation for your substantial contribution to a decision in the proceeding. After filing an NOI (and if you are found eligible), and participating in the proceeding, the next step in the process of claiming compensation is to formally file, in a timely manner, the Intervenor Compensation Claim (Claim). The CPUC will issue a decision granting or denying the Claim or awarding a different amount. The Public Utilities Code requires an intervenor to make a “substantial contribution” to the CPUC decision in order to receive compensation. Substantial contribution is defined as follows:

“Substantial contribution” means that, in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer.⁶

The Commission has explained that:

A party may make a substantial contribution to a decision in various ways. It may offer a factual or legal contention upon which the CPUC relied in making a decision. It may advance a specific policy or procedural recommendation that the Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision, even if the CPUC does not adopt a party’s position in total.⁷

The Claim must be filed within 60 days after the CPUC issues a final decision for which you claim a substantial contribution. In some proceedings, the CPUC may issue more than one decision. A Claim in this case must be filed after the issuance of a decision that resolves the issue to which you believe you made a substantial contribution, but not later than 60 days after the issuance of the decision closing the proceeding. If an application for rehearing challenged a decision on an issue on which you believe you made a substantial contribution, the Claim may be filed within 60 days of the issuance of the decision denying rehearing on that issue, the order or decision that resolves that issue after rehearing, or the decision closing the proceeding. (*See* Public Utilities Code § 1804(c), Rule 17.3, and Rule 17.4). If the 60th day falls on a day that the CPUC is closed, the filing is due on the next business day. (*See* Rule 1.15).

The standardized form for the Intervenor Compensation Claim and Decision on Intervenor Compensation Claim is a combined form. You complete most of the information in Parts I, II, and III (Claim). After the form is filed with the CPUC, the CPUC verifies and may comment on the information provided in Parts I, II, and III and makes necessary Findings, Conclusions, and Orders in the remaining parts of the request (Decision).

You must complete and attach an Excel spreadsheet to demonstrate the numerical calculations.

An electronic version of the Claim *and* Decision form (MS Word) and an Excel spreadsheet template may be downloaded at: <http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/>.

When submitting a Claim to the CPUC you must:

- (1) formally file an electronic or a paper version of the Claim with the Docket Office;
- (2) on the same day, serve copies of the Claim on the official Service List; and

⁶ Public Utilities Code § 1802(i).

⁷ D.02-03-033 at 3.

- (3) on the same day, send to the Intervenor Compensation Coordinator at icompcoordinator@cpuc.ca.gov both the (i) electronic version of the Claim, in MS Word format (the format in which the form is created) and the (ii) electronic version of the completed Excel spreadsheet with numerical calculations of the claim.

Please note that the spreadsheet should not be formally filed.

A blank form may be separately downloaded from the CPUC website. Portions of the blank form are shaded in green to indicate information that you must provide. Bracketed text in these green areas (for example, [Proceeding Name]) is text you may select and type over.

B. Instructions for Completing an Intervenor Compensation Claim Standardized Form

Title Page and Part I: Procedural Issues

Caption, Proceeding Number, and Document Title. Provide a caption and docket number for the formal proceeding in which compensation is claimed. Complete the document title by indicating the intervenor's name in the title of the document.

Customer Information & Verification. In the appropriate spaces, provide the intervenor's full legal name, the docket number of the decision to which the Intervenor claims to have contributed, the names of the Assigned Commissioner and the Assigned ALJ, and the total amount claimed. **Any compensation awarded will be made payable to the intervenor(s) named in this section.** A duly authorized representative of the Claimant must verify the truth of information in the Claim by signing. (*See* Rule 1.1 and 1.8).

A. Brief description of Decision. Provide a brief description of the decision to which the Claimant asserts substantial contributions. Normally, a summary in the beginning of a decision contains a brief description of the proceeding's issues and how they were resolved in the decision.

B. Intervenor Compensation Requirements.

Timely filing of notice of intent to claim intervenor compensation. In Part I(B) you must provide information addressing certain procedural requirements, including timeliness. Normally, an NOI must be filed within 30 days of the PHC, so the date of the PHC must be provided. In other instances (such as when no PHC is held), another date specified for filing the NOI should be entered on Line #2. The actual date the NOI is filed must be entered on Line #3. Line #4 is completed by the CPUC.

Customer status. If you were found to be an eligible customer in an earlier ruling or decision, provide the date of the ruling or decision and a docket number of the proceeding in which the ruling or decision was issued. If customer status has not previously been determined, you should indicate and provide support for your customer status as comments in Part I, Section C. For additional assistance, please follow our instructions for an NOI, above.

Significant financial hardship. These lines ask for information establishing that you have demonstrated significant financial hardship. Under certain conditions, if the CPUC has already recognized your significant financial hardship in an earlier ruling or decision, you do not need to make a showing of hardship in the current proceeding. Please, review our Instructions for an NOI in Part III(B) above.

Basis for significant financial hardship. If there is no applicable previous finding of significant financial hardship, you must now demonstrate how you meet the significant financial hardship provisions of Public Utilities Code § 1802(g). Our instructions pertaining to the significant financial hardship issue for an NOI in Part III, above, explain these requirements.

Timely request for compensation. The Claim must be filed in a timely fashion, usually within 60 days of the mailing date of the CPUC's final order or decision to which you claim you made a significant contribution. (*See* Public Utilities Code § 1804(c) and Rule 17.3). These lines ask for a citation to the final order or decision, the date the CPUC mailed the order or decision, and the filing date of the claim.⁸ The CPUC completes Line #16.

C. Additional Comments. Part I(C) provides space for additional comments to add to or to clarify the information in Part I. If the comment relates to an item in Part I(B), please provide the specific line number (e.g., Line #3).

Part II: Substantial Contribution

A. Substantial Contribution. Part II(A) is the most important part of the Claim. Here you must specifically identify your substantial contribution to a CPUC order or decision. (*See* Public Utilities Code § 1802(i) and Rule 17).

In the first column, you must list, on separate rows, the specific contributions to the proceeding, such as: specific factual contention, legal contention, specific policy recommendation, or procedural recommendation.

In the second column, you must support all of your claimed contributions with both:

1. a citation to the specific portions of documents filed in the proceeding or reporter's transcript reflecting the intervenor's testimony; and
2. a citation to the specific portion of the Commission's order or decision indicating that the CPUC has adopted in whole or in part your contentions or recommendations.

Citations must include the referenced document's name, date, and page/portion(s).

B. Duplication of Effort. The requirement to avoid duplication of work performed by other parties is found in Public Utilities Code § 1801.3(f) and 1802.5. You must describe the steps that you took to avoid duplication of efforts with other parties whose positions on the proceeding's issues were similar to yours. This is especially important when the Office of Ratepayers (ORA) participates.⁹

In Part II(B) section (1), indicate whether ORA was a party. In section (2), write "Yes" if other parties had similar positions to you, and in section (3), identify all other parties with positions similar to yours, if any. In section (4), describe in detail how you affirmatively sought to avoid duplication with other parties. This can be demonstrated by working agreements among the parties, lead counsel arrangements on certain issues, sharing of expert witnesses, filing joint documents, or other arrangements.

If some duplication occurred, describe it and discuss how you reduced the amount of your compensation claim to reflect this duplication. If you assert that there was no duplication, explain why your participation did not duplicate but instead materially supplemented, complemented, or contributed to the recommendations of another party. Public Utilities Code § 1802.5 allows compensation for such supplementary contributions.

For example, you may have taken the same position as another party, i.e., a particular utility cost should not be incorporated into rates, but you performed a conceptually different analysis to support your position. In this example, the parties' positions overlapped but the intervenor's participation supplemented the work of other parties.

⁸ Normally, that date is indicated on the upper portion of the decision's title page.

⁹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

C. Additional Comments. The table in Part II(C) provides space for additional comments. Use this section to add to or to clarify information set forth in Parts II(A) or (B). If a comment relates to the specific item in Parts II(A) or (B), please provide the specific line number (e.g., Line #3).

Part III: Reasonableness of Requested Compensation; Remainder of the Form; Attachments; Filing and Serving the Claim

A. General Claim of Reasonableness. You must demonstrate that your participation was “productive, necessary, and needed for a fair determination of the proceeding”. (See Public Utilities Code § 1801.3(f) and D.98-04-059 at 31-33).

1. Intervenor’s claim of cost reasonableness. Customers must demonstrate productivity by assigning a dollar value to the benefits of their participation to ratepayers. In this section, you must explain how your participation was productive in conformance with Public Utilities Code § 1801.3 and D.98-04-059, by weighing the actual costs of participation against the benefits achieved for ratepayers as a result of the participation. Whenever possible, you must provide an actual or estimated dollar value of the ratepayer benefits realized as a result of your participation, and references to the decision or record relevant to these benefits. To the extent the recommendations were directed at policy or environmental matters, it may not be possible to identify monetary benefits to ratepayers. In this case, you must explain why the dollar value cannot be provided and describe the non-monetary benefits to ratepayers achieved through the participation.

2. Reasonableness of hours claimed. You must explain the reasonableness of hours for the work performed (the efficiency aspect). For example, you may explain how you delegated work internally to ensure the intervenor’s representatives’ level of experience was appropriate for the assigned tasks and no unnecessary internal duplication of each other’s work took place.

3. Allocation of hours by issue. You must indicate in this section how the requested hours were apportioned among the issues of the proceeding, e.g., 30% of hours – issue A; 25% - B; etc. (See D.98-04-059 and D.85-08-012).

B. Specific Claim. The table set forth in Part III(B) allows the itemization of all the costs of participating in the proceeding. You should enter all information on the left side of the bold line. The CPUC will set forth its award in the fields on the right side of the bold line. In some fields, bracketed text suggests the type of information you may want to enter.

Attorney, Expert, and Advocate Fees. The following information for each individual should be entered:

Item	Enter the first and last name and in what capacity he or she participated in the proceeding (for example, “Peter Howard, attorney”).
Year	Each row corresponds to one calendar year. Enter the year in which work was performed. If your representative worked during more than one calendar year, use a separate row for each year. Do NOT combine several years’ worth of work in one row.
Hours	Enter the hours incurred during the identified calendar year.
Rate \$	Enter the requested hourly rate, and the basis for the request. The CPUC has approved hourly rates for many individuals who appeared in past CPUC proceedings. Our

	periodically updated list of the approved rates can be downloaded from the Intervenor Compensation webpage. ¹⁰ Indicate for each year the decision number(s) supporting the claimed rate.
Basis for Rate	Enter the requested hourly rate and the basis for the request. The CPUC has adopted hourly rates for many individuals who appeared in past CPUC proceedings. A periodically updated list of the adopted rates can be downloaded at http://www.cpuc.ca.gov/NR/rdonlyres/986A583A-CCC3-43B5-A1F4-E0DB792B23CC/0/IntervenorHourlyRatesUpdated91613.pdf (last visited on April 21, 2014). Indicate for each year the decision number(s) supporting the c requested rate. If no individual rates have been set, refer to CPUC decisions providing general guidance in setting rates. These decisions are listed on the Intervenor Compensation Program homepage at: http://www.cpuc.ca.gov/PUC/IntervenorCompGuide/ . For a representative without a recently adopted rate, provide information justifying his/her requested rate in Part III(C) or as an attachment to the Claim.
Total \$	Enter the total the requested dollar amount for work on the proceeding.

Other Fees. Enter in this section any fees claimed for other persons that help with your participation (e.g., paralegals). Also enter in this section any travel hours claimed. Only reasonable travel hours are compensated (at no more than 50% of the representative’s adopted hourly rate). Time spent traveling one-way distances of 120 miles or less is not compensated. (*See* D.10-11-032). Costs for clerical or administrative tasks are not compensated. (*See e.g.*, D.98-11-049 and D.08-09-034).

Claim Preparation. The time spent preparing the Claim, including the NOI, must be separately stated here. Claim preparation time is compensated at 50% of the person’s adopted hourly rate.

Costs. Enter in this section your out-of-pocket expenses. Reasonable out-of-pocket expenses directly related to an intervenor’s participation are compensated if the CPUC finds the intervenor made a substantial contribution. (*See* Public Utilities Code § 1802(d)). Expenses may include photocopying, mailing, telephone, facsimile transmission, on-line legal research (such as LexisNexis®) charges, certain travel expenses, and other litigation-related expenses. Include a table summarizing the expenses by type of cost and the total amount claimed for each expense category. Further documentation may be attached to the claim.

Please note that costs for one-way travel of 120 miles or less are not compensated.

Please note that the CPUC does not compensate for the costs of meals.

Total Request. Add up each individual subtotal and enter the total amount requested.

Attorney Information. If any attorneys participated in the proceeding, enter their name(s), the date they were admitted to the State Bar of California (California Bar), their California Bar member number, and indicate if any actions have affected their eligibility to practice law.

To find the requested information on the California Bar status of attorneys, use the California Bar website at <http://www.calbar.ca.gov/>.

1. On the left side of the site enter the attorney’s first and last name into the “ATTORNEY SEARCH” box and click “Search.”
2. A new screen will pop-up; click on the attorney’s name. If there are multiple attorneys with the same name, look to the location of the attorney to narrow your search.
3. The attorney’s six digit member number will be at the top of the screen.

¹⁰ <http://www.cpuc.ca.gov/NR/rdonlyres/986A583A-CCC3-43B5-A1F4-E0DB792B23CC/0/IntervenorHourlyRatesUpdated91613.pdf> (last visited on April 21, 2014).

4. The date the attorney was admitted to practice in California will be listed under the “Status History” portion of the page. If the attorney took inactive status with the California Bar, please indicate the applicable dates on the Claim under “Actions Affecting Eligibility”.
5. Disciplinary, administrative, and other actions taken against the attorney will be listed under the “Actions Affecting Eligibility to Practice Law” section. Please check this section to ensure the attorney is eligible to practice law in California. Indicate “Yes” on the Claim under “Actions Affecting Eligibility” if any actions have been taken against the attorney and attach an explanation/description of the action.

Please note that the attorney information in the Claim/Decision form must be completed. If any attorney information is missing or incomplete, or if the response to actions affecting the attorney’s eligibility is “Yes” and no satisfactory additional information is provided, the claim will be considered incomplete. The CPUC will suspend the claim and contact the claimant for the required information.

C. List of Attachments; Comments. Use the table in Part III(C) to identify any documents attached to the Claim. Each item included to support the claim must be listed here. Examples of typical attachments are:

- Certificate of Service (Attachment 1). This document is required.
- Information justifying a new or increased hourly rate.
- Time records for each individual requesting compensation.
- Copies of documents for direct costs claimed.

Below are the instructions and requirements for the actual attachments.

All awards may be audited. The records pertaining to an award of compensation must be retained for at least three years from the date of the decision granting the award.

D. CPUC Disallowances and Adjustments. Do NOT complete Part III(D). The CPUC will complete this section to identify and explain any adjustments or disallowances to the specific monetary claims and to make other comments on the award.

Part IV: Oppositions and Comments, Findings of Fact, Conclusion of Law, and Order. Do NOT complete Part IV. The CPUC completes the remainder of the document.

Attachments

Attachment 1: Certificate of Service by Customer. You must attach a Certificate of Service to your Claim (showing service on the official service list for the proceeding).

Please note that the certificate of service is not a part of the form. A sample form is shown in Rule 18.1.

When electronically filing, the certificate of service must be transmitted as a separate electronic attachment to the Claim. *See* Rule 1.13(b)(iii). For additional guidance regarding service and certificate of service, see the instructions provided in the NOI portion of this guide.

Other Attachments. You must attach documents supporting the specific claims made in Part III(B) and any other documents necessary to support your Claim.

Justification of New or Increased Hourly Rate. You must justify a request for a new hourly rate. (*See* Public Utilities Code § 1806). Provide a resume or a chronologically organized document describing

educational and work experience in support of the requested rate. The following information should be included for each individual:

- If a fee increase is requested, previous CPUC-approved rates and the corresponding decision numbers.
- The applicable rate range approved by the CPUC. *See* D.08-04-010, ALJ-247, and other pertinent CPUC orders listed on the Intervenor Compensation website.
- The individual’s experience relevant to his/her participation before the CPUC.
- His/her educational background.
- His/her field of expertise and number of years working in the field.
- Any past work before the CPUC.
- Reasons why the work performed merits the requested hourly rate.

Time Records. Time records for each individual included in the Claim must chronologically list the following information about each task included in the records:

- Date when the specific task was performed.
- Issue of the proceeding that the task addressed (preferably, as identified in the Scoping Memo or by the ALJ).
- Description of the specific task.
- Amount of the time spent on the task (in hours or hour fraction).

Things to Avoid When Preparing Time Records

Time records must not combine hours for several specific tasks in one timesheet entry. *See* Rule 17.4(b)(2).

Example 1A (Incorrect):

Date	Task	Issue	Hours
08/10/09	Discussing the working group meeting with Mr. Snyder of SEEP; drafting comments on Phase 2; compiling data for workshop presentation	D	2.00
08/15/09	Preparing for and attending, the working group meeting	B	5.00

Instead, these tasks must be separately recorded:

Example 1B (Correct):

Date	Task	Issue	Hours
08/10/09	Discussing the working group meeting with Mr. Snyder of SEEP	D	0.50
08/10/09	Drafting comments on Phase 2	D	1.50
08/10/09	Compiling data for workshop presentation	D	0.50
08/15/09	Preparing for the working group meeting	B	1.00
08/15/09	Attending the working group meeting	B	4.00

Time records must not combine several issues in one timesheet entry.

Example 2A (Incorrect):

Date	Task	Issue	Hours
11/10/11	Drafting comments on Proposed Decision	“Multiple” (Rebate Program, Metering, Reporting)	1.75

Instead, the time must be allocated by issues within each task:

Example 2B (Correct):

Date	Task	Rebate Programs	Metering	Reporting	Total
11/10/11	Drafting Comments on Proposed Decision	1.0 hr	0.50 hr	0.25 hr	1.75

If a timesheet does not have enough width to fit all issues, letters or digital codes may be used, as in examples 1B, above. The codes must be explained in a separate table or paragraph.

Time records must not excessively label work as of a “General” issue type (general work on the proceeding). Most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues. See D.10-04-023 at 13-14.

Justification of Claimed Direct Expenses. You must provide a detailed list of the expenses to substantiate your claim for direct expenses (copying, mailing, etc.). Indicate the date the expense occurred, the dollar amount and the purpose of each expense, if it is not self-explanatory. A single charge in excess of \$20.00 must be supported with a copy of the invoice or receipt. The CPUC may request additional information and/or documents regarding direct expense reimbursement.

Filing and Serving the Claim

See the instructions above for Filing the NOI and Serving the NOI.

IV. Application for Intervenor Compensation: New Proceeding

On a rare occasion, you may seek an award of compensation when there is no docket associated with the underlying formal proceeding. This may arise in connection with Commission resolutions issued in response to a utility advice letter. In these situations, you may request compensation by initiating a new proceeding through filing an application for intervenor compensation. Such an application must be filed no later than 60 days after the issuance of the resolution to which a contribution is claimed. (*See* Public Utilities Code § 1804(c)).

In these limited circumstances where a new “application” for an award of intervenor compensation is required, the new application must comply with formal document requirements of Rules 1.5 through 1.10. Due to the specific nature of these applications, scoping memo information (such as the proposed category for the proceeding, etc. . . , in compliance with Rule 2.1(c)) does not need to be provided.

A new application’s caption should read “Application of [Intervenor’s Name] for award of intervenor compensation for substantial contributions to Resolution [Resolution Number].” The relevant NOI information must be incorporated in the request. Due to the specific nature of these applications, information on planned participation and expected budget is not required.

Attachments to such an application must include a copy of the draft resolution and copies of the documents you submitted in the resolution proceeding.

In all other respects, the application must adhere to the requirements applicable to requests for compensation described in these guidelines.