

<b>DOCKET</b> <b>04-IEP-1</b>
<b>DATE</b> APR 13 2005
<b>RECD.</b> APR 13 2005

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Promote Policy and  
Program Coordination and Integration in Electric Utility  
Resource Planning.

Rulemaking 04-04-003  
(Filed April 1, 2004)

**WOMEN'S ENERGY MATTERS  
NOTICE OF INTENT TO CLAIM COMPENSATION  
IN CEC'S 2005 INTEGRATED ENERGY POLICY REPORT PROCESS  
AND CPUC'S 2006 PROCUREMENT PROCEEDING(S)**

April 13, 2005

Barbara George, Executive Director  
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**WOMEN'S ENERGY MATTERS  
NOTICE OF INTENT TO CLAIM COMPENSATION  
IN CEC'S 2005 INTEGRATED ENERGY POLICY REPORT PROCESS  
AND CPUC'S 2006 PROCUREMENT PROCEEDING(S)**

Pursuant to Section 1804(a) of the Public Utilities Code, Women's Energy Matters (WEM) hereby gives notice of our intent to claim compensation in this proceeding.

Section 1804(a) sets forth the timing of such notices.

Section 1804. (a) (1) A customer who intends to seek an award under this article shall, within 30 days after the prehearing conference is held, file and serve on all parties to the proceeding a notice of intent to claim compensation. In cases where no prehearing conference is scheduled... the commission may determine the procedure to be used in filing these requests...

In this instance, the Assigned Commissioner's March 14, 2005 Ruling Detailing How the CEC 2005 Integrated Energy Policy Report Process Will Be Used in the CPUC's 2006 Procurement Proceedings ("Ruling") set forth the procedure for claiming compensation for participating in both the CEC's Integrated Energy Policy Report (IEPR) Process and CPUC Procurement proceedings. It ruled that an intervenor who wishes to participate should file a Notice of Intent within 30 days of that Ruling. Therefore this notice is timely filed on April 13, 2005.

The purpose of these proceedings is laid out in the Ruling as follows:

While the CPUC has not yet opened the new docket that will be the forum for its 2006 procurement process or provided specific details about how it will undertake its 2006 review, the CPUC has clearly stated that it views the CEC's 2005 IEPR process as the appropriate venue for considering issues of load forecasting, resource assessment, and scenario analysis to determine the appropriate level and ranges of resource needs for load serving entities (LSEs) in California and that, consistent with Section 25302(f) of the Public Resources Code, it intends to rely upon the CEC's range of need determinations made in the IEPR process, and to avoid re-examination of those need determinations (specifically, the level and nature of the residual net short for each utility) in its 2006 procurement proceedings or long-term plan review.

Women's Energy Matters is a non-profit organization working for a rapid transition to a clean, efficient renewable energy system that is responsive to local communities and sensitive to environmental and economic justice. In our appearances before the CPUC, we have stressed the need to actualize and ramp up the use of large-scale energy efficiency and renewable energy supplies as resources pursuant to the State's preferred "loading order." We cite a combination of problems including economic pressures, environmental and health damage, international insecurity and climate change caused by our current over-reliance on fossil resources. We see the current IEPR process and CPUC procurement proceedings as important venues to identify and hopefully resolve barriers to a cleaner energy system. We appreciate the Commission making this opportunity available to access intervenor funding for participating in the CEC process which would otherwise be prohibitively expensive for us.

WEM has been representing utility customers before the CPUC for four years, intervening in multiple Annual Earnings Assessment Proceedings, the Future Energy Efficiency Rulemaking, and the Jefferson Martin transmission case. We have also submitted testimony in CEC proceedings in Applications for Certification for Russell City, Mirant Unit 7 and the San Francisco peakers, as well as an earlier edition of the Integrated Energy Policy Report.

In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer "categories" they fall within. In other proceedings up to this time, WEM has worked as a representative authorized by low-income customers. In part because our status has caused complications in processing our compensation claims, and in part to facilitate our wider participation, several ALJs have urged us to change our

bylaws in order to intervene directly as an organization,

WEM recently initiated the process of changing our bylaws to authorize our representation of the interests of residential and small commercial customers, and expect to receive approval from our Board and complete the change within the month. Therefore, very shortly, and during almost all of the two-year period of these proceedings, WEM will be a “customer” as that term is used in Section 1802(b): a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers.”

D.98-04-059 also requires groups to include in their NOIs a copy of the authorization in their articles or bylaws to represent customers. WEM’s new Bylaws, Article 2, Section 2, Specific Objectives and Purposes, contain the phrase: “The specific objectives and purposes of this corporation shall include but not be limited to ...representing the interests of residential and small business ratepayers in regulatory proceedings...” We will be glad to provide the Commission with any additional information it may require, including notification when our bylaws changes are finalized.

Pursuant to D.98-04-059, Finding of Fact 13, an intervenor must show that it will represent customer interests that would otherwise be underrepresented. WEM is likely to be one of a very few parties representing the interests of residential and small commercial customers, who by number represent the vast majority of utility customers. In addition, WEM will be one of even fewer parties representing the interests of residential and small commercial customers located in the territories of future “Community Choice Aggregators” throughout California. WEM will, of course, tailor our participation to ensure that our work serves to support and complement the work of other parties that

share our positions, and avoid any undue duplication wherever practicable.

Section 1804(a)(2) of the Code sets forth three potential topics that may (in one case) or must (in the other two cases) be addressed in a notice of intent filing. Each of these subjects will be addressed below.

- (1) Section 1804(a)(2)(A)(i) -- A statement of the nature and extent of the customer's planned participation in the proceeding as far as it is possible to set it out when the notice of intent is filed.

WEM anticipates that it will file comments and take part in workshops and hearings at the CEC in various phases of the Integrated Energy Policy Report process as time permits, from now through its publication in November, 2005. As many as twenty workshops from now through the end of the process relate to issues that impact our concerns. We will also participate in certain portions of procurement proceedings in 2006 focusing on energy efficiency, renewable energy and Community Choice. Our participation ultimately depends upon the course that the CEC and CPUC set for these proceedings.

- (2) Section 1804(a)(2)(A)(ii) -- 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.

While the ultimate scope and duration of these proceedings are still uncertain, WEM currently estimates that over the two years of the CEC and CPUC proceedings we may devote roughly 500 hours of Executive Director Barbara George's time (at a proposed hourly rate of \$175), 200 hours of Attorney Dan Meek's time (at a proposed hourly rate of \$300), 150 hours of a second attorney's time (at a proposed hourly rate of \$215), 300 hours of time by consultants from Local Power (at a proposed rate of \$175), and 150 hours of other expert witnesses' time (at a proposed rate of \$175). Adding in

estimated attorney and witness expenses of about \$4,000 and the expense of various staff and consultants' travel to workshops in Sacramento (at half-rate) of around \$7,875 produces a total projected budget of \$270,375 for this case.

The amount of any future request for compensation is obviously dependent upon the Commission's final decision in this case. The reasonableness of the hourly rates requested for WEM's representatives and expert witnesses will be addressed in our Request for Compensation, if one is ultimately filed.

(3) Section 1804 (a)(2)(B) The notice of intent may also include a showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship. Alternatively, such a showing shall be included in the request submitted pursuant to subdivision (c).

WEM will include our showing of significant financial hardship in our compensation request.

### **CONCLUSION**

WEM does not anticipate any challenge to our eligibility for compensation in this proceeding. If any party does seek to contest our eligibility, however, WEM requests that we be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing.

Dated: April 13, 2005

Respectfully Submitted,

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**VERIFICATION**

I, Barbara George, am the Executive Director of Women's Energy Matters, and am authorized to make this verification on the organization's behalf. The statements in the foregoing document are true of my own knowledge, except for those matters which are stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct. Executed on April 13, 2005, at San Francisco, California.

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Barbara George  
Executive Director

**CERTIFICATION OF SERVICE**

**R.0404003**

I, Barbara George, certify that on this day April 13, 2005 I caused copies of the attached **WOMEN'S ENERGY MATTERS NOTICE OF INTENT TO CLAIM COMPENSATION IN CEC'S 2005 INTEGRATED ENERGY POLICY REPORT PROCESS AND CPUC'S 2006 PROCUREMENT PROCEEDING(S)** to be served on all parties by emailing a copy to all parties identified on the electronic service list provided by the California Public Utilities Commission for this proceeding, as well as the California Energy Commission Docket Office, and also by mailing a paper copy to the California Energy Commission Docket Office and hand-delivering an original and six paper copies to the CPUC Docket office, with a copy to Administrative Law Judge Meg Gottstein and Presiding Commissioner Michael Peevey.

Dated: April 13, 2005 at San Francisco, California.

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DECLARANT

(Electronic service List attached to original only)

Service List R0404003

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