

# **CALIFORNIA PUBLIC UTILITIES COMMISSION**

## **INTERVENOR COMPENSATION PROGRAM GUIDE**

**April 2017**

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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 representing residential or small business customers 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 entities 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 participate in the Intervenor Compensation Program.

### **A. Overview of the Intervenor Compensation Program**

The CPUC initiated the Intervenor Compensation Program in 1981, and the California Legislature codified the Program, effective January 1, 1985.<sup>1</sup> Subsequent modifications were made by the Legislature in 1992, 1993, 2004, and 2016. The Program is administered by the CPUC in accordance with the statutes and the Commission’s Rules of Practice and Procedure (Rules).<sup>2</sup>

The Code allows eligible individuals/entities that participate in Commission proceedings involving electric, gas, water, and telephone utilities to request compensation for the costs associated with their participation.<sup>3</sup> Intervenor compensation is NOT available in transportation and oil pipeline proceedings.

The requirements for eligibility to request compensation through this program are set forth in California Public Utilities Code Sections 1801–1812. When an individual, group, or eligible local government entity meets the eligibility requirements, that party may qualify for compensation under the Program. Notably, the Program only provides compensation for reasonable costs incurred by intervenors as a result of their substantial contribution to CPUC proceedings in which they participated. A request for an award of compensation may be filed after the issuance of a decision that resolves an issue on which the intervenor believes it made a substantial contribution, but in no event later than 60 days after the issuance of the decision closing the proceeding.<sup>4</sup>

Awards are paid by public utilities from monies collected from utility ratepayers. Typically, only the specific utility that is the subject of the proceeding is responsible for the payment of compensation. If a quasi-legislative rulemaking proceeding affects an industry or multiple industries (for example, “all Commission-jurisdictional load-serving entities” or “non-dominant interexchange carriers”), awards are paid from the Intervenor Compensation Fund.<sup>5</sup>

### **B. General Provisions and Standardized Forms**

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<sup>1</sup> Public Utilities Code Sections 1801-1812 available at:

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PUC&division=1.&title=&part=1.&chapter=9.&article=5](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PUC&division=1.&title=&part=1.&chapter=9.&article=5).

<sup>2</sup> The Rules are available at: <http://cpuc.ca.gov/General.aspx?id=1620>.

<sup>3</sup> Section 1801.3(a).

<sup>4</sup> Rule 17.3.

<sup>5</sup> Decision (D.) 00-01-020.

### 1. Steps to File for Intervenor Compensation

To request intervenor compensation in a proceeding you must file:

- A Notice of Intent to Claim Intervenor Compensation (NOI), usually early in the proceeding;<sup>6</sup> and
- An Intervenor Compensation Claim (Claim), usually at the end of a proceeding or at the end of a phase in a proceeding.<sup>7</sup>

**NOTE: NOIs and CLAIMS MUST BE FILED by STATUTORY DEADLINES. These DEADLINES MAY NOT BE WAIVED by the Commission.**

### 2. Participating in the Intervenor Compensation Program

STEP ONE: The first step parties 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 an 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.<sup>8</sup> However, the ALJ may not issue a ruling if you present a valid rebuttable presumption.<sup>9</sup>

STEP TWO: The second step you must take to claim intervenor compensation is to formally file, within 60 days after a decision was issued in the proceeding, 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.

### 3. Standardized Forms

Before 2008, NOIs and Claims 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 by the user to provide space for additional information or comments.

Because of the specialized nature of intervenor compensation, these forms deviate from some of the requirements of the Commission’s Rules. The deviations from the Rules are allowed “[i]n special cases and for good cause shown.”<sup>10</sup>

### 4. Purpose of Program Guide

This Guide provides instructions and sample forms to aid intervenors participating in the Program. This Guide is intended to be used in conjunction with the California Public Utilities Code, the CPUC Rules, and Commission decisions and resolutions concerning intervenor compensation. (See e.g. Decision (D.) 98-04-059 and D.06-12-041). In addition,

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<sup>6</sup> Section 1804(a); Rule 17.1(a).

<sup>7</sup> Section 1804(c); Rule 17.3.

<sup>8</sup> Section 1804(b).

<sup>9</sup> Section 1804(b)(1).

<sup>10</sup> Rule 1.2.

information is published on the Commission's Intervenor Compensation Program webpage, including professional hourly rates and other useful program information and tools.<sup>11</sup>

## 5. Downloading Documents 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. A proceeding's description (caption), categorization, and service list are listed in the Docket Card. To access a document:

- a. Open the CPUC's home page at <http://www.cpuc.ca.gov/puc/>;
- b. Click "Proceeding" on the top menu bar, click on "Find a Document" from the drop-down menu;
- c. Scroll down to "Docket Card" and click;
- d. 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:

The first character in a proceeding number is a letter designating the proceeding's type ("A" for applications; "C" – complaints; "P" – petitions for rulemaking; "R" – rulemakings; and "I" – investigations)

The first two digits following the proceeding type identify the year when the proceeding was formally initiated (for example, "07" for the year 2007).

The next two digits identify the month when the proceeding was formally initiated (for example, "11" for the month of November).

The last three digits are a sequence number (i.e., "003" means the proceeding was the third initiated in the month and year). For example, A.07-11-003 is the third proceeding filed in November of 2007.

- e. If multiple results are displayed, scroll down through the proceeding numbers (or use the "Ctrl/F") to find a specific proceeding.
- f. Click on the proceeding's number to open its Docket Card.
- g. Find the specific document in the Docket Card and click to open or download.

## 6. Helpful Information for Intervenors Important Information

The Commission's Rules of Practice and Procedure: <http://www.cpuc.ca.gov/General.aspx?id=1620>

CPUC Voting Meetings: <http://www.cpuc.ca.gov/Events/>

Intervenor Compensation Program Webpage: <http://www.cpuc.ca.gov/icomp/>

Electronic Filing Information: <http://www.cpuc.ca.gov/efile/>

### 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 an Assistant

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<sup>11</sup><http://cpuc.ca.gov/icomp/>.

Chief Administrative Law Judge. Intervenor compensation program analysts are available to answer questions related to the Program. Questions should be directed to:

Intervenor Compensation Program  
ATTN: Icomp Program Manager  
505 Van Ness Avenue  
San Francisco, CA 94102  
Email: [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov)  
Telephone: (415) 703-1321

### **Public Advisor's Office**

The CPUC's Public Advisor's Office (PAO) 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. However, the PAO does not provide legal advice. Please direct questions to:

Public Advisor's Office  
505 Van Ness Avenue, Room 2103  
San Francisco, CA 94102  
Telephone: (415) 703-2074  
Toll-Free: (866) 849-8390  
TTY: (866) 836-7825  
Facsimile: (415) 703-2411  
Email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

## **II. NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION**

### **A. General Provisions**

You must be a "party" to a Commission proceeding (among other requirements) to be eligible for intervenor compensation. See Rule 1.4<sup>12</sup> of the Commission's Rules of Practice and Procedure (Rules) for guidance on how to become a party.

You must file an NOI. 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. THIS STATUTORY DEADLINE CANNOT BE WAIVED OR EXTENDED. If no PHC is scheduled or if the CPUC anticipates that the proceeding will take less than 30 days, the CPUC may determine the procedure to be used in filing NOIs. See § 1804(a)(1).

The NOI must demonstrate that you are a "Customer", as defined in § 1802(b), or an "Eligible Local Government Entity," as defined in § 1802(d), describe your planned participation in the proceeding and provide an itemized estimate of the compensation you expect to request. You may also request a finding of significant financial hardship and provide a showing of significant financial hardship to support the request. Alternatively, the showing of significant financial hardship may be made in a Claim when it is filed.

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<sup>12</sup> <http://cpuc.ca.gov/General.aspx?id=1620>.

You must be eligible for compensation in a proceeding in order to file a Claim. Only a Customer or Eligible Local Government Entity who demonstrates that its participation in a proceeding imposes a significant financial hardship may be eligible for an award of compensation. However, a Customer who has a conflict, as defined in § 1802.3, is not eligible for compensation. Eligibility for compensation in no way ensures compensation. To be compensated, eligible Customers and Eligible Local Government Entities must also make a substantial contribution to a Commission decision.

An ALJ ruling may be issued on the NOI, particularly if you request a finding of significant financial hardship, if you are determined to be ineligible, or if you are new to the proceeding. A finding of significant financial hardship in a CPUC proceeding creates a “rebuttable presumption” of eligibility for compensation in other CPUC proceedings commencing within one year of the date of the finding. See § 1804(b)(1). A ruling will be issued if you request a finding of significant financial hardship. If you are a Customer or Eligible Local Government Entity that does not request a finding of significant hardship or if you have a valid rebuttable presumption of eligibility, the ALJ may not issue a ruling on the NOI. However, a ruling may be issued to provide guidance or other information.

You must use the standardized NOI form and complete the information in Parts I, II, and III as instructed in the following sections of this Guide. After the NOI is filed with the CPUC, the Assigned ALJ verifies the provided information and, if necessary, completes the remainder of the form and issues it as an ALJ ruling. An electronic version of the NOI form (in MS Word) may be downloaded from the CPUC’s Intervenor Compensation Program webpage.

When you have completed the NOI form you must:

- Formally file with the CPUC’s Docket Office a PDF-compliant electronic or paper version of the NOI; AND
- On the same day that the NOI is filed, send via 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: [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov)

The Docket Office will only accept an NOI for filing if it meets all applicable filing requirements set forth in Article I of the Rules.

## **B. Instructions for Completing a Notice of Intent**

The portions of the standardized NOI form you should fill out are shaded with green color. Bracketed text in these green shaded areas (for example, “[Proceeding Name]”) is text you may select and type over to insert your information.

Instructions for serving and filing the NOI are also included with the NOI form.

### **NOI Form Title Page**

- **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 party intending to claim intervenor compensation, must indicate the party’s name in the title of the document. If you are requesting a finding of significant financial hardship, you must indicate this in the designated space. If you are filing an amended NOI, include the word “Amended” in the document’s title (“AMENDED NOTICE OF INTENT,” etc.).



**1. NOI Form Part I: Procedural Issues**

**a. Customer or Eligible Local Government Entity Information and Verification.**

In the designated spaces, provide the full legal name of the Customer or Eligible Local Government Entity and the names of the commissioner and ALJ currently assigned to the proceeding. Awards of compensation, if any, will be paid to the named Customer or Eligible Local Government Entity. An authorized representative of the Customer or Eligible Local Government Entity must verify the truth of the information in the NOI by signing the document. (See Rules 1.1 and 1.8).

**b. 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. Decision (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:

- i. **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.

NOTE: Complainants in complaint proceedings are generally not eligible for intervenor compensation.

- ii. **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).
- iii. **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 to represent small commercial customers receiving bundled electric service from an electrical corporation.<sup>13</sup> Organizations 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.<sup>14</sup>
- iv. **Explanation of the Selected Customer Category.** Provide a detailed explanation of why the party falls within the selected Customer category.

**A party seeking status as a Category 1 Customer** must describe his/her your own interest in the proceeding and show how his/her participation goes beyond just his/her own self-interest and will benefit other customers. (See e.g., D.08-07-019 at 5-10.) Supporting documents must include a copy of the utility bill. (See, D.00-04-059.)

**A party seeking status as a Category 2 Customer** must identify the residential customer(s) being represented, and provide an authorization from the customer(s) the party represents.

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<sup>13</sup> See Public Utilities Code § 1802(i) for definition of “small commercial customer”.

<sup>14</sup> See Decision (D.) 98-04-059, footnote at 30.

**A party seeking status as a Category 3 Customer** must provide current copies of the articles of incorporation and bylaws to support the claimed status. If a copy of the current bylaws or articles is already on file with the CPUC, the party only needs to provide a reference to the docket number of the proceeding in which they were filed and the document's filing date.

If a party seeking status as a Category 3 customer represents residential and small commercial customers receiving bundled electric service from an electrical corporation, it must include in the NOI either the percentage of group members that are residential ratepayers or the percentage of the members who are receiving bundled electric service from an electrical corporation.

- v. **Economic Interest.** 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)).

NOTE: Your NOI may be rejected if any of the above information is omitted.

- vi. **Conflict of Interest.** You must indicate (check "Yes" or "No") whether you have a conflict of interest as defined in § 1802.3. Intervenors with a conflict of interest are not eligible for compensation. No exceptions are permitted.

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 is ineligible for 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.

You must provide a list of all CPUC proceedings in which the intervenor participated (regardless of whether the intervenor obtained compensation).

- c. **Status as an "Eligible Local Government Entity"**

The party may claim "eligible local government entity" status because the party is a city, county, or city and county that is not a publicly owned public utility that intervenes or participates in a Commission proceeding for the purpose of protecting the health and safety of the residents within the entity's jurisdiction following a catastrophic material loss suffered by its residents either in significant damage to infrastructure or loss of life and property, or both, as a direct result of public utility infrastructure (§§ 1802(d), 1802.4, and 1803.1).

The party's explanation of its status as an eligible local government entity must include a description of

- i. The relevant triggering event,

- ii. The impacts of the triggering catastrophic event on the residents within the entity's jurisdiction as a result of public utility infrastructure, and
- iii. The entity's reason(s) to participate in this proceeding.

**d. Timely Filing of NOI.**

Your NOI must be timely filed. The filing deadline is a statutory requirement that cannot be waived by the CPUC. Failure to timely file your NOI will forfeit your right to claim compensation. Rule 17.1 identifies the timeframes for filing NOIs. The specific deadline for your NOI will depend on the date the prehearing conference was held or as determined for the particular proceeding. If you are unsure of the deadline, contact the assigned ALJ or the Intervenor Compensation Coordinator.

**i. If Hearings Are Needed.**

The NOI must be filed within 30 days after the Prehearing Conference (PHC), unless the CPUC 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 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 CPUC 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 date of the PHC must be entered in Part I, Box D.1 and "yes" checked. Proceed to NOI Form Part II.

**ii. 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)).<sup>15</sup> 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 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)).

**2. NOI Form Part II: Scope of Anticipated Participation**

**a. Planned Participation.**

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

- i. 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 provide the Commission with the means to evaluate

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<sup>15</sup> In Application proceedings, preliminary determinations are addressed in Resolution ALJ-176 (downloadable from the Docket Card). In Rulemaking or Investigation proceedings, preliminary determinations are normally addressed in the Order instituting the proceeding.

whether the party will be representing interests that would otherwise be underrepresented in the proceeding (see § 1804(a)(2)(i)), and will help all parties avoid engaging in duplicative participation.

- ii. If your participation might overlap with one or more parties, state how you intend to avoid duplication of effort with other parties.

NOTE: The CPUC will **reduce** intervenor compensation awards for duplicative participation.

- iii. Describe, briefly, how you plan to participate. For example, state whether you intend to attend PHCs or hearings, file comments and other pleadings, provide testimony, or participate in settlement negotiations or proceeding-related activities such as Procurement Review or Project Coordination Groups.

**b. Estimate of Compensation Customer or Eligible Local Government Entity Expects to Request.**

Complete the table in Part II (B) to provide an itemized estimate of the compensation (fees and related costs). For attorneys, experts, advocates and other representatives, 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 or other support from others for your participation in the proceeding. Total your estimates. If you are providing comments on any entry, place a sequence number (starting with "1") in the # column and provide the information in the "Comments/Elaboration" space.

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.

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

**c. 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%.

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.

**3. NOI Form Part III: Showing of Significant Financial Hardship**

Compensation is available only to eligible Customers or Eligible Local Government Entities whose participation in a proceeding would impose a significant financial hardship. "Significant financial hardship" means either that the party 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.

Public Utilities Code § 1804(a)(2)(B) requires a Customer or Eligible Local Government Entity to include a showing of “significant financial hardship” in either its NOI or Claim. By demonstrating significant financial hardship in the NOI, the Customer or Eligible Local Government Entity can find out early in the proceeding if this requirement has been satisfied. If the NOI requests a finding of significant financial hardship, the Assigned ALJ will issue a ruling finding that the intervenor does or does not face a 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(h) defines two standards for significant financial hardship that depend on customer category: the “Undue Hardship Test” and the “Comparison Test.” If you choose to demonstrate significant financial hardship in the NOI, Part III (A) must indicate which standard applies, depending on the customer status selected in Part I (A). You must select only one of the options below.

- i. The Undue Hardship Test applies to Category 1 or Category 2 Customers. (See D.98-04-059). Under this standard you must certify that the Customer cannot afford to pay the costs of effective participation in the proceeding without undue hardship, and submit supporting financial documentation (described below).
- ii. The Comparison Test applies to Category 3 Customers. Under this standard you must certify that 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.
- iii. The Eligible Local Government Entity must make a showing, supported by facts, demonstrating why the costs of Eligible Local Government Entity’s effective participation would impose a significant financial hardship.

If the Customer or Eligible Local Government Entity has been 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 or Eligible Local Government Entity may identify the proceeding ruling or decision as creating a “rebuttable presumption” of hardship in the current proceeding. Two conditions, however, must be met in order for the Customer or Eligible Local Government Entity to rely on the earlier finding:

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

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

NOTE: If you demonstrate 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.**

In Part III (B) you must provide, if required, an explanation of the factual basis for the significant financial hardship claim and identify the documents used to show significant financial hardship. Supporting documents must also be listed in Part IV of the form and attached to the NOI. The CPUC may request additional information to determine significant financial hardship.

**i. Category 1 or Category 2 Customers - the Undue Hardship Test.**

If you claim Category 1 or 2 customer status, you must provide financial information demonstrating the undue hardship. In general, you must disclose the Customer's gross and net monthly income, monthly expenses, cash and assets, including equity in real estate, and any other relevant financial information. See D.98-04-059.

Those claiming Category 1 Customer status must provide their own financial information. Those claiming Category 2 Customer status must provide the personal financial information of the actual customer(s) who will be represented.

NOTE: You can request 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)).<sup>16</sup>

You must explain how the provided financial information 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."

**ii. Category 3 Customers – the Comparison Test.**

If you claim Category 3 Customer status (i.e., 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.

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<sup>16</sup> See also filing FAQs at <http://cpuc.ca.gov/efile/>.

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.”

**iii. Eligible Local Government Entities – Showing of Significant Financial Hardship**

Eligible Local Government Entities must demonstrate that participation in this proceeding imposes significant financial hardship. Eligible Local Government Entities must be prepared to provide information about funding for their participation in the proceeding.

**iv. Rebuttable Presumption**

If within one year prior to the commencement of the proceeding in which you seek compensation the CPUC made a finding of significant financial hardship under § 1802(h) 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.

**4. NOI Form Part IV: Attachments Documenting Specific Assertions Made in the NOI**

List of Attachments.

Provide a list of 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 NOI as a separate document. See Rule 1.13(b)(1)(iii).

- 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 Rules 1.13(b)(2) and 11.4 and filing FAQs provided on the CPUC e-filing webpage at <http://cpuc.ca.gov/efile/>).

- 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 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 and bylaws) on file with the CPUC, true and correct copies of these documents must be attached to the NOI.

- Eligible Local Government Entity: Financial Information

Eligible Local Government Entities should be prepared to disclose information about funding for their participation in this proceeding.

### **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;
- c. The ALJ provides guidance on specific issues in the NOI, or
- d. The NOI is rejected.

### **Attachments to the NOI**

You must attach the documents listed in Part IV.

- a. 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. The certificate of service must state (1) the caption for the proceeding, (2) the docket number, (3) the exact title of the document served, (4) the place, date, and manner of service, and (5) the name of the person making the service. 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.

NOTE: 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).

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

## **C. Filing and Serving the NOI<sup>17</sup>**

### **1. Filing the NOI**

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<sup>17</sup> See “Filing CHECKLIST” in this Guide.



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. The correct e-filed document type for the NOI (including amended NOIs, and amendments and supplements to the NOIs) is "Notice." A use of different document types may delay the processing of your documents. For instructions on electronic filing refer to <http://www.cpuc.ca.gov/efile/>. If you file paper copies, they must be tendered to:

California Public Utilities Commission  
Docket Office  
505 Van Ness Avenue  
San Francisco, CA 94102.

Additional information is available on the CPUC's "Filing a Document" webpage at <http://cpuc.ca.gov/efile/>, FAQs. Technical filing questions should be addressed to the Docket Office at (415) 703-2121 or [efile-help@cpuc.ca.gov](mailto:efile-help@cpuc.ca.gov).

## **2. Filing Under Seal**

If your NOI contains confidential information and you wish to file it under seal, please follow the instructions of the CPUC's Docket Office. Confidential documents may not be filed electronically. For more information, please go to the CPUC's "Filing a Document" webpage at <http://cpuc.ca.gov/efile/>, FAQs.

## **3. Serving the NOI**

You must serve a copy of your NOI on each person on the current official Service List for the proceeding and on the assigned ALJ. The CPUC encourages service by electronic mail. An electronic service protocol is established in most proceedings. Please review the service requirements of Rule(s) 1.9 (Service Generally) and 1.10 (Electronic Mail Service).

Current service lists are available on the Docket Card for the proceeding or from the CPUC's Process Office at (415) 703-2021. See Section I (B)(e), above, for instructions on how to access Docket Cards on the Commission's web site. 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 has other conditions described in Rule 1.9 (d) that prevent normal service of this document, you may serve a Notice of Availability in lieu of all or part of the document. See Rule 1.9 instructions regarding Notices of Availability.

## **III. INTERVENOR COMPENSATION CLAIM**

After filing an NOI and participating in the proceeding, the next step is to formally file a timely Intervenor Compensation request or claim (Claim) after issuance of a final order or decision by the CPUC. The CPUC will then 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" means that, in the judgment of the CPUC, the Customer's or the Eligible Local Government Entity's presentation substantially assisted the CPUC in the making of its order or decision because the order or decision adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural

recommendations presented by the Customer or Eligible Local Government Entity.<sup>18</sup> 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.<sup>19</sup>

## **A. General Provisions**

### **1. When to file a Claim**

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(s) on 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 is filed on a decision to which you believe you made a substantial contribution, the Claim may be filed **within 60 days** of the issuance of the decision resolving the application for rehearing. If a writ for review of a reheard decision is subsequently filed with the Courts, the Claim may be filed **within 60 days** of the issuance of the Courts' decision or the CPUC's decision closing the proceeding. (See § 1804(c) and Rules 17.3, and 17.4).

Holiday Rule: 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).

### **2. Where to Access Forms**

An electronic version of the standardized Intervenor Compensation Claim form (MS Word) and an Excel spreadsheet template may be downloaded from the CPUC website at: <http://www.cpuc.ca.gov/icomp/>.

You must also complete and attach an Excel spreadsheet to demonstrate the numerical calculations. This form is also available at: <http://www.cpuc.ca.gov/icomp/>.

## **B. Instructions for Completing an Intervenor Compensation Claim**

The Intervenor Compensation Claim form is a combined form used for Claims and decisions on Claims. You must 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).

### **Claim Form Title Page**

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<sup>18</sup> See Public Utilities Code § 1802(j).

<sup>19</sup> See Decision (D.) 02-03-033 at 3 and 5.

- Caption, Proceeding Number, and Document Title. 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. Complete the document title by entering the intervenor's name where indicated in the title of the document (i.e., replace "[INTERVENOR'S NAME]" with intervenor's name).
- Customer or the Eligible Local Government Entity Information and Verification. In the designated spaces, provide the intervenor's full legal name, the decision number for 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 sign to verify the truth of information in the Claim. (See Rules 1.1 and 1.8).

### 1. Claim Form Part I: Procedural Issues

- 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. You must complete Part I (B) by providing information addressing compliance with statutory and procedural requirements, including documenting timeliness of filings, showing of Customer or Eligible Local Government Entity status, and showing of significant financial hardship.
  - i. Timely filing of notice of intent to claim intervenor compensation (NOI). The statutory deadline for filing an NOI is based on the date of a prehearing conference (PHC). If no PHC was held or if the CPUC anticipates that the proceeding will take less than 30 days, the CPUC may determine the NOI filing procedure and deadlines. See § 1804(a)(1). Enter the date of the PHC on Line 1. If no PHC was held and another date was established for filing the NOI, leave Line 1 blank and enter this date on Line 2. The actual date the NOI is filed must be entered on Line 3. Do not complete Line 4 (Line 4 is completed by the CPUC).
  - ii. Customer or Eligible Local Government Entity Status. If you were found to be an eligible Customer or Eligible Local Government Entity in an earlier ruling or decision, you must enter the docket number of the proceeding in which the ruling or decision was issued on Line 5 and the date of the ruling on Line 6. If no ruling was issued on eligibility, enter the date the NOI was filed on Line 7 and (in Part I.C – Additional Comments on Part I) state that no ruling was issued on eligibility. Line 8 is completed by the CPUC. For additional assistance, please see the instructions for completing an NOI.
  - iii. Significant Financial Hardship. You must demonstrate significant financial hardship either in your NOI or in your Claim. You must complete Lines 9 through 11 to establish that you have demonstrated significant financial hardship (Line 12 is completed by the CPUC). A §1802(h) finding of significant financial hardship in a CPUC proceeding creates a "rebuttable presumption" of

eligibility for compensation in other CPUC proceedings commencing within one year of the date of the finding.

If a ruling on your NOI in the current proceeding (or a ruling in another CPUC proceeding that was issued within one year of the date of the start of the proceeding in which you are filing a Claim) found that your participation would impose a significant financial hardship, you must enter the proceeding number on Line 5 and date of the ruling on Line 6. If a CPUC ruling or decision has not found that your participation would impose a significant financial hardship, you must make a showing of significant financial hardship in your claim. See Instructions for an NOI in Part III (B) above for additional information.

- iv. Timely request for compensation. The Claim must be filed in a timely fashion, but in no case later than **60 days** after the mailing date of the CPUC’s final order or decision in the proceeding. (See Public Utilities Code § 1804(c) and Rule 17.3). THIS STATUTORY DEADLINE CANNOT BE EXTENDED OR WAIVED BY THE CPUC. You must enter the final order or decision number on Line 13, the date the CPUC mailed the order or decision<sup>20</sup> on Line 14, and the date the Claim was filed on Line 15. The CPUC completes Line 16.
- c. Additional Comments. Part I (C) provides space for additional comments to clarify the information in Part I. If the comment relates to an item in Part I (B), you must enter the specific line number(s) related to the comment(s) in the “#” column.

**2. Claim Form Part II: Substantial Contribution**

- a. In Section A, you must describe with specificity your claimed substantial contribution(s) to the CPUC decision for which you are requesting an award. (See § 1802(j), §1803, §1803.1, and Rule 17).
  - i. Intervenor’s Claimed Contribution(s). In the first column, you must list, on separate rows, the specific contribution(s) to the proceeding, including the specific factual contention, legal contention, specific policy recommendation or procedural recommendation.
  - ii. Specific References to Intervenor’s Claimed Contribution(s). In the second column, you must support each of your claimed contributions with both a citation to the specific portions of documents filed in the proceeding or reporter’s transcript reflecting the intervenor’s testimony/arguments, and a citation to the specific portion of the CPUC’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 duplication of work performed by other parties must be avoided. See § 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. All or part of claimed costs may be disallowed for duplicative work.
  - i. Was ORA a party to the proceeding? You must write “Yes” In Section 1, if ORA was a party to the proceeding or “No” if it was not.

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<sup>20</sup> Normally, this date is shown on the upper portion of the decision’s title page.

- ii. Were there other parties to the proceeding with positions similar to yours? You must write “Yes” In Section 2 if other parties had similar positions to yours. In Section 3, you must list the names of all other parties with positions similar to yours, if any. In Section 4, you must 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, you must describe it and explain how you reduced the amount of your compensation Claim to reflect this duplication. If you assert that there was no duplication, you must explain why your participation did not duplicate but instead materially supplemented, complemented, or contributed to the recommendations of another party. See Public Utilities Code § 1802.5. 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.

- c. Additional Comments. Part II(C) provides space for additional comments. Use this section to add to or to clarify information set forth in Part II (A) or Part II (B). If a comment relates to the specific item in Parts II (A) or (B), you must enter the specific line number(s) related to the comment(s) in the “#” column.

### **3. Claim Form Part III: Reasonableness of Requested Compensation**

- a. General Claim of Reasonableness. You must demonstrate that your participation was “productive, necessary, and needed for a fair determination of the proceeding”. (See § 1801.3(f) and D.98-04-059 at 31-33).
  - i. Section 1: Intervenor’s claim of cost reasonableness. You must demonstrate that your participation was necessary, productive, effective and efficient by assigning a dollar value to the benefits of your participation to ratepayers. You must explain how your participation was productive, pursuant to § 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. It may not always be possible to identify monetary benefits to ratepayers. In such cases, you must explain why a dollar value cannot be provided and describe the non-monetary benefits to ratepayers achieved through your participation.
  - ii. Section 2: Reasonableness of hours claimed. You must explain why the claimed hours for the work performed are reasonable (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 why no unnecessary internal duplication of each other’s work occurred.
  - iii. Section 3: Allocation of hours by issue. You must show how the requested hours were apportioned among the issues on which you claim a substantial contribution (e.g., 30% of hours – issue A; 25% - B; etc.) See D.98-04-059 and D.85-08-012.

b. Specific Claim. In Section B, you must itemize the costs of participating in the proceeding. You must enter all information on the left side of the bold vertical line. The CPUC will set forth its award in the fields on the right side of the bold vertical line. In some fields, bracketed text suggests the type of information you may want to enter.

i. Attorney, Expert, and Advocate Fees. You must enter the following information for each individual:

Item	You must enter the first name, last name, and in what capacity the representative participated in the proceeding (for example, "Peter Howard, attorney").
Year	Each row corresponds to one calendar year. You must enter the year in which work was performed. If your representative worked during more than one calendar year, you must use a separate row for each year. Do NOT combine several years' worth of work in one row.
Hours	You must enter the hours incurred during the identified calendar year.
Rate \$	You must enter the requested hourly rate.
Basis for Rate	<p>You must enter the basis for the requested hourly rate. If no hourly rate for the representative has been set by the CPUC, you must provide a reference to the document(s) attached to the Claim in support of the requested hourly rate; and a reference to the decision or resolution providing guidance on setting rates and rate ranges.</p> <p>If the representative seeks a rate increase, you must enter the decision number of the decision approving the hourly rate on which the increase is sought and a reference to the resolution or decision providing standards for setting the new rate. If the requested rate has previously been adopted for the representative, you must enter the decision number adopting this rate.</p> <p>Additional comments or information justifying the requested hourly rate may be provided in Part III (C) or as an attachment to the Claim. See Section "d" below.</p> <p>Pertinent decisions and resolutions are available on the Intervenor Compensation Program webpage at <a href="http://www.cpuc.ca.gov/icompl/">http://www.cpuc.ca.gov/icompl/</a>.</p>
Total \$	You must enter the total the requested dollar amount for work on the proceeding.

ii. Other Fees. You must enter in this section any fees claimed for other persons that help with your participation (e.g., paralegals), following the guidance in the table above. 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).

iii. Claim Preparation. You must enter in this section the time spent preparing the Claim, including the NOI, following the guidance in the table above. Reasonable claim preparation time is compensated at 50% of the person's adopted hourly rate.

- iv. Costs. You must list your out-of-pocket expenses in this section. You may insert additional lines, if needed. Reasonable out-of-pocket expenses directly related to an intervenor's participation are awarded if the CPUC finds the intervenor made a substantial contribution. (See § 1802(e)). Expenses may include photocopying, mailing, telephone, facsimile transmission, on-line legal research (such as LexisNexis®) charges, certain travel expenses, and other litigation-related expenses. Further documentation may be attached to the Claim. **YOU MUST PROVIDE COPIES OF THE RECEIPTS OR INVOICES FOR ANY ITEM COSTING MORE THAN \$20.**

DISALLOWED COSTS:

- Routine Travel: The Commission does not compensate intervenors for routine travel costs. Routine travel costs are defined as travel of less than 120 miles.<sup>21</sup>
- Basic Operational Services: (i.e. costs for Adobe Software).<sup>22</sup>
- Meals: The Commission does not compensate intervenors for meals.<sup>23</sup>

- v. Total Request. You must enter the sum of (1) attorney, expert, and advocate fees, (2) other fees, (3) Claim preparation costs and (4) out-of-pocket expenses.

- c. Attorney Information. If the Claim requests an award for the cost of any attorneys, you must enter their name(s), the date they were admitted to the State Bar of California (California Bar), their California Bar member number, and whether any actions have affected their eligibility to practice law. To find the information on the California Bar status of attorneys:
- i. Go to the California Bar website at <http://www.calbar.ca.gov/>.
  - ii. On the left side of the site enter the attorney's first and last name into the "ATTORNEY SEARCH" box and click "Search."
  - iii. 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.
  - iv. The attorney's six digit member number will be at the top of the screen.
  - v. 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".
  - vi. 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.

NOTE: 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

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<sup>21</sup> See D.10-11-032 at 19.

<sup>22</sup> See D.14-02-039 at 14.

<sup>23</sup> See D.07-12-040 at 21.

incomplete. The CPUC will suspend the Claim and contact the intervenor for the required information.

- d. Attachments Documenting Specific Claim and Comments on Part III. Use the table in Part III (C) to identify any documents attached to the Claim. You must list here each item included to support the Claim. Examples of typical attachments are:
- i. Certificate of Service (Attachment 1). This document is required.
  - ii. Information justifying a new or increased hourly rate.
  - iii. Time records for each individual requesting compensation.
  - iv. Copies of documents for direct costs claimed.

NOTE: The Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

- e. 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.

**4. Claim Form Part IV: Do NOT complete this section.**

The CPUC completes the remainder of the document.

**5. Claim Form Attachment(s)**

- a. Attachment 1: Certificate of Service by Customer or Eligible Local Government Entity. You must attach a Certificate of Service to your Claim (showing service on the official service list for the proceeding). When electronically filing your Claim, 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.

NOTE: The Certificate of Service is not a part of the Claim form. A sample Certificate of Service form is shown in Rule 18.1.

- b. Other Attachments. You must attach documents supporting the specific claims made in Part III (B) and any other documents necessary to support your Claim.
- c. Justification of New Hourly Rates



You must justify requests for new hourly rates. (See § 1806). To document the qualifications of intervenors' representatives and to help the CPUC establish new hourly rates, you must provide current résumés describing the representatives' work experience and education relevant to proceedings before the CPUC. The current résumés must include:

- i. Employer(s) and location(s) of employment;
- ii. Position(s) held;
- iii. Date(s) of employment;
- iv. Name(s) of school(s), degree(s) earned, and year(s) of graduation.

NOTE: A spreadsheet of adopted hourly rates for intervenors, with the decision numbers adopting the rates, is available on the Intervenor Compensation Program website.<sup>24</sup>

d. Time Records

- i. Time records for each individual included in the Claim must be provided and must chronologically list the following information about each task included in the records:
- ii. Date when the specific task was performed.
- iii. The issue in the proceeding that the task addressed (as identified in the Scoping Memo or by the ALJ).
- iv. Description of the specific task.
- v. 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 1.A (**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 1.B (**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.

<sup>24</sup> See the Hourly Rate table at <http://cpuc.ca.gov/icompl/>.

Example 2.A (**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 2.B (**CORRECT**):

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

If a timesheet does not have enough space to describe all issues, letters or other coding may be used, as in Example 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.

- e. Justification of Claimed Direct Expenses. You must provide a detailed list of the expenses to substantiate your claim for direct expenses (copying, mailing, etc.). You must 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.

**C. Filing and Serving the Claim**<sup>25</sup>

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. The correct document type for the Claim (including amended Claims and amendments and supplements to the claim) is “Request.” A use of different document types may delay the processing of your documents. For instructions on electronic filing refer to <http://www.cpuc.ca.gov/efile/>.
2. On the same day the Claim is filed, serve copies of the Claim on the official Service List; and
3. On the same day the Claim is filed, send to the Intervenor Compensation Coordinator (at [icompcordinator@cpuc.ca.gov](mailto:icompcordinator@cpuc.ca.gov)) the electronic version of the Claim, in MS Word format (the format in which the form is created) and the electronic version of the completed Excel spreadsheet with numerical calculations of the Claim.

**D. Things That Will Delay the Processing of the Filed Claim**

1. Failure to complete required portions of the Claim form;

<sup>25</sup> See “Filing CHECKLIST” Part V(A) of the Guide.

2. Failure to submit WORD and EXCEL documents to [icompcoordinator@cpuc.ca.gov](mailto:icompcoordinator@cpuc.ca.gov);
3. Failure to provide current résumés reflecting new representatives' experience(s);
4. Failure to respond to inquiries from the Intervenor Compensation Program staff.

The processing of Claims that are incomplete will be suspended. Claims that are incomplete must be amended. The date used to determine the interest to be applied to an award, if any, is 75 days after a complete Claim is filed.

#### **IV. APPLICATION FOR INTERVENOR COMPENSATION: NEW PROCEEDING**

There are circumstances where you may request an award of compensation when there is no formal docket associated with the underlying proceeding. For example, the CPUC may issue a resolution in response to the utility advice letter filing. If you substantially contributed to that informal resolution proceeding (i.e., filed a protest or comments to the advice letter), you may request compensation by filing a formal application for intervenor compensation and thus initiating a new formal proceeding. This application may be filed no later than **60 days** after the issuance of the resolution to which a substantial contribution is claimed. (See § 1804(c).) You are encouraged to use the same standardized form that you would use for the regular intervenor compensation claim, replacing, where needed, information about the final decision and formal proceeding with information about resolution and resolution proceeding.

In these circumstances (where a party files a new application for an award of intervenor compensation), the application must comply with the applicable requirements of Rules 1.5 through 1.10, Rule 1.15 and Rule 2.1 (however, the requirements of Rule 2.1(c)) do not apply).

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 provided in the application and comply with the applicable requirements of the Code and this Guide. However, due to the specific nature of these applications, information on planned participation and expected budget is not required.

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

In all other respects, the application must comply with the requirements applicable to the compensation claims filed pursuant to § 1804(c) addressed in this Guide.

#### **V. FILING AND SERVING COUNTING RULES**

##### **A. Filing CHECKLIST**

To ensure your documents are accepted for filing, you must ensure that:

1. The Document is PDF/A-compliant.
2. The proceeding caption is correct.
3. The document has been signed and dated.
4. The document has a signed Certificate of Service.

5. The Filer is a party to the proceeding.
6. The filing is timely. We strongly recommend that you file at least one day before the filing deadline to ensure you have time to correct any filing problems before the deadline.

**B. Commission Filing Rules**

The Public Utilities Code establishes deadlines for filing notices of intent to claim compensation (NOIs) and award requests (Claims), and deadlines for issuing rulings and decisions responding to NOIs and Claims. Section 1804(a)(1) requires a Customer or Eligible Local Government Entity that intends to seek an award to file and serve a notice of intent to claim compensation (NOI) within 30 days after the prehearing conference is held. If the Customer or Eligible Local Government Entity’s showing of significant financial hardship was included in the notice, §1804(b)(1) requires the administrative law judge, in consultation with the assigned commissioner, to issue within 30 days after the filing of an NOI a preliminary ruling addressing whether the Customer will be eligible for an award of compensation. Section 1804(c) provides that a Customer or Eligible Local Government Entity that has been found eligible for an award of compensation may file a request for an award within 60 days after issuance of a final order or decision by the Commission. Finally, §1804(e) requires the Commission to issue a decision on a request for compensation within 75 days after the filing of the request.

The following table displays how time will be counted for purposes of determining intervenor compliance with the deadlines for filing NOIs/Claims and for purposes of determining Commission compliance with deadlines for issuing rulings/decisions:

Filing Status	Starts <u>intervenor’s</u> clock for purposes of determining compliance with the deadlines for filing NOIs/Claims pursuant to §1804(a)(1) and §1804(c)	Starts <u>Commission’s</u> clock for purposes of determining compliance with deadlines for issuing rulings/decisions pursuant to §1804(b)(1) and §1804(e)
No defects and complete	Date of filing	Date of filing
Contains filing defects that prevent acceptance	Date of filing	Date of acceptance
No defects but mislabeled (e.g., “Type” incorrectly listed as “Misc”, etc.)	Date of filing	Date of acceptance
No defects but delayed acceptance for PUC reasons (e.g., workload/backlog)	Date of filing	Date of filing
Contains filing defects <u>AND</u> delayed acceptance for PUC reasons	Date of filing	Date of acceptance, adjusted for days delayed by CPUC
No filing defects but incomplete/requires amendment	Date of filing	Date amendments/corrections submitted