

ORIGINALDecision 84 03 007

MAR 7 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SAN DIEGO GAS & ELECTRIC COMPANY)
 for authority to increase its rates)
 and charges for Electric, Gas and)
 Steam Service.)

Application 82-12-57
 (Filed December 24, 1982)

ORDER ON REQUEST FOR AWARD OF PURPA COMPENSATION

By its petition filed January 19, 1984, Welfare Rights Organization (WRO) requests an award of Public Utility Regulatory Policies Act of 1978 (PURPA) compensation and fees in the amount of \$20,539.41 for its participation in this proceeding. The award would cover the following:

Attorney fees	\$19,300.00
Witness fees	750.00
Other expenses	<u>489.41</u>

TOTAL \$20,539.41

WRO makes its request under Rule 76.06 of the Commission's Rules of Practice and Procedure (Rules).

In support of this request, WRO relies on Decision (D.) 83-12-065 dated December 20, 1983, which was an interim opinion in this matter.

By D.83-05-044 dated May 18, 1983, WRO was found eligible for PURPA compensation in this proceeding. Under Rules 76.06 and 76.08, there are two issues to be addressed in this decision; first, whether WRO made substantial contributions in support of a position on a PURPA standard that was adopted in whole or in part by the Commission in D.83-12-065 and, second, if so, the amount of compensation to be awarded.

The Question of Substantial Contribution

Rule 76.06 sets forth the following requirements for a showing of substantial contribution:

" . . .Such request shall include a detailed description of hourly services and expenditures or invoices for which compensation is sought. To the extent possible, this breakdown of services and expenses should be related to specific PURPA issues. The request shall also describe how the consumer has substantially contributed to the adoption, in whole or in part, in a Commission order or decision, of a PURPA position advocated by the consumer related to a PURPA standard. 'Substantial contribution' shall be that contribution which, in the judgment of the Commission, substantially assists the Commission to promote a PURPA purpose in a manner relating to a PURPA standard by the adoption, at least in part, of the consumer's position. A showing of substantial contribution shall include, but not be limited to, a demonstration that the Commission's order or decision has adopted factual contention(s), legal contention(s), and/or specific recommendation(s) presented by the consumer."^{1/}

1/ PURPA purposes:

Conservation of energy
Efficient use of facilities
Equitable rates

PURPA standards:

Cost of service
Declining block rates
Time-of-day rates
Seasonal rates
Interruptible rates

Load management techniques
Master metering
Automatic adjustment clauses
Information to consumers
Procedures for termination of service
Advertising

In this proceeding, WRO claims it made substantial contributions to the adoption of PURPA standards covering conservation, time-of-day rates, customer information, and service termination procedures. It claims these contributions promoted conservation, efficiency, and equity, all three of the PURPA purposes.

It recommended (a) adoption of tariff proposals it claims are designed to provide equitable treatment to San Diego Gas & Electric Company (SDG&E) customers, (b) rejection of what it considers to be an unfair and unworkable residential time-of-day rate design proposal, and (c) retention of only those conservation programs which benefit all SDG&E customers or are specifically designed to benefit low-income customers who would otherwise be precluded from obtaining conservation services. WRO claims it made substantial contributions to the Commission's D.83-12-065 in each of these areas.

WRO proposed several tariff and business practice changes which would provide increased information to customers of SDG&E regarding their rights and remedies. WRO claims its efforts substantially contributed to the promotion of the PURPA customer information and service termination standards. Findings 114, 117, 118, 119, 121, 122, and 123 and Ordering Paragraphs 23 and 24 of D.83-12-065 support WRO's contention.

WRO claims it substantially contributed to adoption of the time-of-day rates PURPA standard by convincing the Commission to reject the SDG&E and staff proposed residential time-of-use rate design. It claims WRO's cross-examination of SDG&E and staff witnesses demonstrated that the proposal was inappropriate and would result in increased energy usage while providing no demonstrable benefits. It points out, and we agree, that Finding 79 and the discussion at mimeo pages 151 and 152 in Section 23.3 of D.83-12-065 shows that the Commission adopted WRO's position and, therefore, WRO substantially contributed to the advancement of the time-of-day rates standard by convincing the Commission to reject the SDG&E and staff time-of-use proposals.

WRO presented its position on conservation issues through hearing participation and its brief; it specifically urged adoption of programs addressed to the needs of low-income customers of SDG&E and rejection of expensive rebate programs proposed by the staff. It claims these positions substantially contributed to the Commission's order regarding SDG&E's conservation program. WRO believes its participation in this area significantly contributed to the implementation of the PURPA purpose of conservation of energy.

For the above reasons, WRO believes it is entitled to reasonable compensation for its participation.

It is clear from the presentation made by WRO in its January 19, 1984 filing for award of PURPA compensation, the record in this proceeding, and D.83-12-065 that WRO has made substantial contributions in support of positions on PURPA purposes and standards that were adopted in whole or in part by the Commission in D.83-12-065.

Compensation to be Awarded

Attached as Appendices B and D to WRO's January 19, 1984 request are the detailed weekly time summaries of Attorney Jacqueline Valenzuela for work done in this proceeding. WRO separates the time spent on PURPA issues and non-PURPA issues. Based on WRO's pleading and the opinion of the Administrative Law Judge (ALJ) assigned to this proceeding, and who conducted all of the hearings at which Valenzuela appeared, we find the time spent on PURPA activities of 193 hours by Valenzuela to be reasonable.

WRO requests \$100 per hour for attorney fees which, based on the background and experience of Valenzuela shown in Appendix C of WRO's pleading and Commission D.83-08-049 in Application 60153 of Pacific Gas & Electric Company where we awarded Toward Utility Rate Normalization attorneys \$100 per hour, the \$100 per hour requested is reasonable and will be allowed.

WRO requests witness fees of \$75 per hour for ten hours, which, also based on the ALJ's observations at the hearings, is reasonable.

The other expenses of \$489, which represent 2.4 percent of the total request, are reasonable and will be adopted.

Findings of Fact

1. Under Article 18.5 of the Commission's Rules, WRO requests an award of \$20,539.41 for its participation in this proceeding.

2. In Appendices B and D attached to its January 19, 1984 request for PURPA compensation, WRO separates the time spent on PURPA issues and non-PURPA issues by its attorney.

3. D.83-05-044 found WRO eligible for PURPA compensation in this proceeding.

4. WRO has made a substantial contribution to the implementation of PURPA in this proceeding which is reflected in D.83-12-065 that covered the PURPA purpose of conservation and PURPA standards for information to customers, procedures for termination of service, and time-of-day rates.

5. An award of compensation to WRO in the amount of \$20,539.41 is reasonable.

6. Because WRO has already expended the fees requested and provided the services covered by the award, this decision should be effective on the date signed.

Conclusion of Law

WRO has complied with the requirements of Article 18.5 of this Commission's Rules and should be awarded compensation in the amount noted in the following order.

IT IS ORDERED that:

1. Within 30 days from the effective date of this order, San Diego Gas & Electric Company (SDG&E) shall pay to Welfare Rights Organization \$20,539.41.
2. In its first general rate case following this decision, SDG&E shall include in its revenue requirement an additional amount of \$20,539.41.

This order is effective today.

Dated MAR 7 1984, at San Francisco, California.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director