

ALJ/bg

Decision 84 04 048 APR 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation to establish a standard  
limited volume of gas and electricity  
for those medical conditions and  
uses specified by the Legislature  
(Public Utilities Code Sec. 739 as  
amended: 1982 Stats. Chapter 1541).

**ORIGINAL**

OII 83-01-01  
(Filed January 19, 1983)

OPINION DENYING COMPENSATION  
TO INTERVENOR

On July 22, 1983, the Disability Rights Education and Defense Fund (DREDF) filed a notice of intent (NOI) to claim compensation in this proceeding. In its NOI, DREDF estimated its total cost of participation in this proceeding at \$7,992.

On January 19, 1984, we issued Decision (D.) 84-01-064, our opinion and order which decided and concluded this investigation. In D.84-01-064, we found that DREDF had met its burden of demonstrating significant financial hardship as required under Rules 76.23 and 76.25 of the Rules of Practice and Procedure. DREDF was advised that, if upon its review of D.84-01-064 it concluded that it had substantially contributed to the adoption, in whole or in part, of an issue, it should file within 30 days its request for compensation pursuant to Rule 76.26.

On February 21, 1984, DREDF made its filing requesting compensation in the amount of \$8,568.60. It relied on that portion of the decision in which we provided for customers with life-support equipment having higher than average energy requirements.

In the hearings in this investigation, DREDF took the position that the life-support allowance should be constituted of multiples of the tier-one rate block of energy according to the disabled person's individual needs, with no current disabled

customer receiving less than his present allowance. DREDF further urged that allowances be provided for each disabled member of a household rather than one allowance per household.

The adopted structuring of the life-support allowance was not based upon and did not follow DREDF's recommendations. Our decision did, however, adopt a hardship provision for customers having unusually large life-support energy requirements. While this hardship provision undoubtedly satisfies some of DREDF's objectives, our adoption of it did not result from DREDF's participation in this investigation.

#### Findings of Fact

1. DREDF did not make a substantial contribution, as required by Rule 76.26, to the adoption, in whole or in part, of an issue.

2. There is no single substantive element of D.84-01-064 which would have been different had DREDF not participated in this investigation.

#### Conclusion of Law

DREDF's request for compensation should be denied.

#### O R D E R

IT IS ORDERED that the request by Disability Rights Education and Defense Fund for compensation for its participation in OII 83-01-01 is denied.

This order becomes effective 30 days from today.

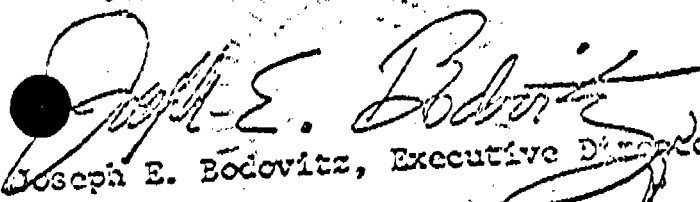
Dated April 18, 1984, at San Francisco,

California.

LEONARD M. GRIMES, JR.  
President

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

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

  
Joseph E. Bodovitz, Executive Director

customer receiving less than his present allowance. DREDF further urged that allowances be provided for each disabled member of a household rather than one allowance per household.

The adopted structuring of the life-support allowance was not based upon and did not follow DREDF's recommendations. Our decision did, however, adopt a hardship provision for customers having unusually large life-support energy requirements. While this hardship provision undoubtedly satisfies some of DREDF's objectives, our adoption of it did not result from DREDF's participation in this investigation.

Findings of Fact

1. DREDF did not make a substantial contribution, as required by Rule 76.26, to the adoption, in whole or in part, of an issue.
2. There is no single substantive element of D.84-01-064 which would have been different had DREDF not participated in this investigation.
3. DREDF did not file its request for compensation within 30 days as required by Rule 76.26.

Conclusion of Law

DREDF's request for compensation should be denied.

O R D E R

IT IS ORDERED that Disability Rights Education and Defense Fund for compensation for its participation in OII 83-01-01 is denied. This order becomes effective 30 days from today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
FRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners