



Substantial Contribution

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

"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."

TURN submits that in this proceeding it substantially contributed to the adoption, in whole or in part, of PURPA positions related to two of the PURPA standards--cost of service (Section III(d)(1)), and time-of-day rates (Section III(d)(3)). These contributions are discussed in detail in the following subsections.

Cost of Service

A major focus of TURN's participation in this case was the PURPA cost of service standard for electric rate design. On this issue TURN presented the testimony of Dr. Frederick Wells (Exhibits 80 and 81). Also, TURN cross-examined numerous other witnesses, and prepared lengthy and detailed briefs. TURN addressed all three aspects of the rate design issue--marginal cost development, class revenue allocation, and rate structure.

TURN submits that with respect to the area of marginal costing methodology, TURN proposed that "shortage costs" be measured directly through the development of market clearing prices. Both the theoretical basis and specific calculations were presented by its witness.

TURN notes that the Commission addressed its proposal in two places in the Decision:

"TURN takes a different approach to evaluating marginal costs. Rather than calculating each individual component, TURN advocates that the value of marginal utility generation be measured by means of the Market Clearing Price (MCP). While TURN's methodology has some conceptual advantages, problems regarding its implementation remain which prevent our adopting it at this time. We would like PG&E and the staff to perform an in-depth analysis of the TURN methodology and to use it in the next general rate case along with whatever methodology they consider to be the most appropriate." (Decision, p. 333.)

\* \* \*

"Because we want the marginal costs adopted in this proceeding to be used for payments to QFs and for cost-effectiveness testing as well as for allocation of the revenue requirement and rate design, we reject for the time being TURN's recommended MCP. This does not mean that we have totally rejected the MCP concept. In D.93887 we requested that PG&E attempt to calculate shortage cost directly rather than use a proxy. To date the TURN proposal comes closest to fulfilling this request. We direct both PG&E and the staff to do a more complete analysis of the MCP method of calculating marginal costs. In PG&E's next general rate case we expect to see a calculation of marginal cost using the MCP method. This will not preclude PG&E or staff from providing direct calculations of marginal costs if either believes that methodology is more accurate." (Decision, p. 357.)

TURN, while agreeing that the above resolution of the matter is less than it had sought, notes that the Commission expressed considerable interest in the MCP theory and directed PG&E and staff to apply it in the company's next case. TURN argues that absent its participation, no such directive would have been issued. Accordingly, TURN contends that if the Commission did not perceive merit in its proposal, no studies would have been requested. Under the circumstances, TURN submits that it did prevail in part on this aspect of the cost of service issue.

Further, TURN observes in this context that if it had made exactly the same showing on marginal costs in this case but requested only that the Commission direct PG&E and staff to study its proposal, TURN then could claim total victory from the Decision. TURN submits that while parties do not normally "under-plead" their cases in this fashion, such could become the incentive for parties that hope to receive reimbursement of their costs of participation.

Moving on to the area of the Expected Unserved Energy (EUE) reliability standard related to marginal costs, TURN submits that it made substantial contributions to the Decision. For example, TURN notes that it pointed out the discrepancy created by PG&E's use of an unserved energy measure in combination with a loss-of-load probability (LOLP) reliability criterion for developing its ERI adjustment factor, and suggested that an unserved energy reliability standard would need to be established (TURN Brief, p. 19-20). TURN notes that the Commission addressed this issue:

" . . . Since the EUE corresponding to the utility-standard LOLP of one-outage-in-ten years changes every time a computer run is made, anomalous results sometimes occur in comparisons of ERI factors calculated from different computer runs.

"This problem arises because PG&E has not adopted an EUE reliability criterion comparable to the utility-standard LOLP one-outage-in-ten years.

If such an EUE criterion were used, then there would be no need to choose a future base year and ERI factors would be consistent regardless of future resource assumptions.

"Since this imperfect match between the LOLP and EUE measures does not create a systematic bias in the ERI factors, we do not believe rejection of the ERI concept is warranted at this time. However, we instruct PG&E, preferably in cooperation with other electric utilities and the staff, to develop an EUE reliability criterion comparable to the LOLP criterion if it presents ERI factors for use in subsequent proceedings to calculate annual shortage costs before this Commission." (Decision, p. 344.)

Likewise, TURN submits that it took the position that "marginal customer cost" is a conceptually invalid construct that should play no part in the determination of marginal costs for ratesetting (TURN Brief, p. 37-38). According to TURN, PG&E and staff did not utilize such numbers for any purpose, but nonetheless presented them in their exhibits, thereby stimulating certain other parties to reargue the often-rejected idea of including such data in the revenue allocation. TURN contends that the Commission basically adopted TURN's view on the matter:

"While we will not preclude parties from calculating whatever costs they deem appropriate, we reiterate that the use of marginal customer costs is conceptually inconsistent with current applications of marginal costs." (Decision, p. 353.)

Regarding the revenue allocation element of the cost of service standard, TURN notes that it proposed that a "Modified EPMC" approach be adopted. In support of that position, TURN argues that extensive testimony and argument were presented, detailing the alarming customer impacts that would result from implementation of baseline and adoption of a "total effective rate" (as opposed to base rate only) revenue allocation in the same rate case. In addition,

TURN pointed out that a "full EPMC" allocation would be inconsistent with rate history subsequent to the enactment of the Miller-Warren Energy Lifeline Act (TURN Brief, p. 54-60).

TURN submits that as is often the case, the Commission did not adopt any one party's proposal in toto. Rather, the structure of staff's Weighted Average (WA) was selected, with weighting factors that gave recognition to the customer impact arguments raised by TURN:

"We believe that staff's proposed Weighted Average approach represents a clear improvement over the EPD allocation method and is consistent with the policies established in Decision 83-12-113. At the same time, we are concerned that the combination of an overall rate case revenue increase and implementation of the changeover from lifeline to baseline will produce significant, and disproportionate increases in electric bills for certain residential users. Accordingly, we are reluctant to move significantly in the direction of EPMC at this time. Furthermore, our goal is not necessarily to achieve full EPMC for the residential class. With each rate adjustment we must continue to be sensitive to the effect of these changes on the bills of individual residential customers. In each subsequent rate proceeding, it is our intention to examine closely and carefully the impact of moving towards EPMC on individual residential customers. Upon our examination we will then determine to what extent we find it reasonable to continue towards full EPMC for the residential class.

"We will adopt a 95% SAPC - 5% EPMC allocation method in order to mitigate these impacts, as shown in Table VI-7. Further, as discussed in Section VII, Electric Rate Design, we will adopt baseline quantities and tier structures designed to mitigate the bill impacts on specific residential users resulting from a transition to baseline." (Decision, p. 366.)

TURN submits that its participation made a substantial contribution to the revenue allocation ultimately adopted. The arguments presented by TURN were relied upon by the Commission in adopting a 95%-5%, rather than 50%-50%, weighting system. Further, the Decision notes in the discussion of residential rate design that the adopted cost allocation "will mitigate any harsh impacts caused by implementation of the Sher Bill as proposed by the staff." (Decision p. 377). According to TURN, its showing was significant enough to produce an allocation with lesser residential impacts than the staff proposal.

Time-of-Use Rates

TURN points out that it also addressed through cross-examination and briefing the equity and cost-effectiveness of PG&E's proposed expansion of the residential time-of-use (TOU) rate schedule D-7. Noting the program's extreme lack of cost-effectiveness from the non-participants' perspective, TURN argued that D-7 was creating a massive cross-subsidy to the wealthier-than-average residential customers who took advantage of TOU rates (TURN Brief, pp. 74-91.)

TURN submits that while the Decision allowed the residential TOU option to continue on an experimental basis, the Commission accepted many of TURN's arguments regarding the program:

"As we noted in Section V.A. on conservation cost-effectiveness, the nonparticipant test, while not binding, provides valuable insight into the impact on customers who for whatever reason do not participate in utility programs. We conclude that the nonparticipant test is even more important for those load management programs for which it is the only one, as currently constructed, that includes the cost of incentive payments." (Decision, p. 301.)

\* \* \*

"The incremental metering costs associated with TOU meters should also be recognized in the

tariff design. This should increase the cost-effectiveness of the program. TURN's point that incentives should not be necessary and are not appropriate to induce customers to participate in rate options is well taken." (Decision, p. 308.)

\* \* \*

"The issue of rate design was raised primarily by TURN, which characterizes the program, as presently structured, as a program for the well-to-do. TURN places great emphasis on the issue of revenue transfer between residential customers caused by the current rate structure of this program. This can be restated as a cross-subsidization issue.

"TURN correctly points out that the current rate structure does provide revenue transfer to the participating customers. PG&E favors continuing this structure in order to attract customers to the TOU program. The revenue transfer or revenue neutrality issue refers to whether TOU customers should generate the same revenue as they would on the basic residential schedule unless they shift some load. PG&E acknowledges that its proposal retains the revenue transfer of which TURN so strongly complains; however, it argues that the program is still cost-effective from the all-ratepayer (utility) perspective and will provide a major incentive to participate in the program." (Decision, p. 381.)

\* \* \*

"...we agree with TURN and LGC that rate neutrality should be achieved as soon as possible. We instruct PG&E to develop, in consultation with staff, new TOU rate structures with this result and to file them by advice letter so that they can be implemented by May 16, 1984 when the switch is made to baseline rates.

"We are not prepared at this time to dictate the structure of the revenue neutral rates. Since we view the next two years as a period of experimentation, several different rate structures should be tested. However, all existing TOU customers should be transferred to a revenue-neutral rate structure at the time of



baseline implementation." (Decision, p. 384,  
emphasis added.)

TURN submits that its participation on the residential TOU rate issue provided a substantial contribution to the Decision to limit expansion of that program and to require that future TOU rates be revenue neutral with respect to their impacts on nonparticipants.

Summary of Costs

In accordance with Rule 76.06, TURN provided a detailed itemization of time and costs in its filing. These are summarized by issue as follows:

Cost of Service

M. Florio - Attorney Fees:		
331 hours x \$100	=	\$33,100.00
F. Wells - Witness Fees:		
328.67 hours x \$100	=	\$32,867.00

Out-of-Pocket Expenses:

Witness Travel and Expenses	614.58
Attorney Expenses	47.75
Long Distance Telephone	424.42
Copying Costs	996.47
Postage Expenses	486.03
Outside Typing Services	<u>260.00</u>

2,829.25

Total	=	\$68,796.25
-------	---	-------------

Time-of-Use Rates

M. Florio - Attorney Fees:		
33 hours x \$100	=	\$ 3,300.00

Out-of-Pocket Expenses:

Copying Costs	=	98.13
Postage Expense	=	<u>50.05</u>

Total	=	<u>\$ 3,448.18</u>
-------	---	--------------------

GRAND TOTAL	=	\$72,244.43
-------------	---	-------------

TURN respectfully requests that at least 40% of the entire cost of participation detailed above should be reimbursed. According to TURN this figure represents its assessment of the minimum fraction of TURN's total PURPA effort which was successful. TURN submits that if consideration is given to the fact that rate design issues are overlapping and build upon each other, both in theory and in practice, then the percentage should reasonably be much higher.

PG&E's Position

PG&E was the only party to file comments on TURN's request for compensation.

PG&E does not deny that TURN was an active participant on the PURPA issues of cost of service and time-of-use rates, but points out correctly that the standard in Rule 76.06 is substantial contribution, not active participation. Applying this proper standard, PG&E contends that TURN clearly exaggerates its efforts. PG&E notes that TURN concedes that the Commission did not fully adopt any of its major positions. (TURN Petition, p. 9) Therefore, PG&E believes that TURN's request is overstated, if indeed TURN deserves compensation at all.

PG&E argues that despite the fact that TURN devoted most of its efforts to promoting the market clearing price (MCP) concept, the best it could get from the Commission was an order that PG&E study that concept.

First, PG&E submits that a Commission request that a matter be further analyzed falls far short of Commission acceptance. In fact, PG&E observes that acceptance may never occur, especially since the Commission noted that implementation problems need to be resolved before the Commission could adopt MCP (Decision, p. 333). Thus PG&E points out, the issue will now carry over to the 1986 General Rate Case (GRC) just as it entered the 1984 GRC from the 1982 GRC.

Second, PG&E contends that TURN is requesting too much since TURN has already been compensated for sponsoring MCP testimony. Following the 1982 GRC, TURN requested compensation for this same issue and the Commission awarded the full amount of its request. (D.82-08-085, dated August 18, 1982, p. 5). PG&E points out that TURN now claims it should receive additional compensation for this still unresolved and unadopted matter. PG&E believes that TURN is carrying the argument for compensation for "less-than-complete-adoption" too far.

PG&E does recognize that determining a "substantial contribution" is not always clearcut. However, PG&E submits that if the Commission believes that its continuing interest in MCP methodology stems solely from TURN's efforts, then the Commission should award TURN a portion of its request.

PG&E notes that the requested witness fees for Dr. Wells alone are \$32,867 and Dr. Wells' hourly rate of \$100/hour represents an increase of 43 percent over the 1982 GRC. Thus, PG&E argues, any request must be reduced by a factor reflecting the fact that MCP was not adopted, that Dr. Wells' fee is inflated, and this same issue was already the subject of an award in the 1982 GRC. While TURN requests \$66,796.25, PG&E believes 25%, or \$17,199.06, for the cost of service and marginal cost portion would be more than reasonable.

Regarding the need for the development of an EUE reliability standard, PG&E argues that TURN's work was not unique and compensation should be denied. According to PG&E, TURN was neither alone nor the first party to address the problems associated with the use of an unserved energy measure in tandem with a LOLP reliability criterion. PG&E submits that others who preceded TURN in raising and discussing the concept include the staff (Exhibit 152, p.6-DAT), Ultrasystems Incorporated (Ultrasystems) and Occidental Geothermal Incorporated (Ultrasystems Brief, p. 31-35; Reply Brief, p. 4-7), and

PG&E (Fiske, Tr. 2046-2050, 2089-2100). Given the substantial participation and testimony by PG&E and these other parties, PG&E contends, it is hard to believe that TURN's few statements in its Opening Brief (p. 20) played a major role in the Commission's instruction to PG&E "to develop an EUE reliability criterion comparable to the LOLP criterion" (Decision, p.334).

Next, PG&E argues that TURN joined PG&E and staff in recognizing that the marginal customer cost concept does not belong in determining marginal costs for rates and therefore TURN deserves no compensation. PG&E submits that as in the case of the MCP methodology and the EUE reliability standard, TURN claims too much credit for its efforts. On this matter, PG&E and the Commission staff both reached this conclusion long before TURN filed its testimony. According to PG&E the Decision confirms this point in stating:

"Both the Staff and PGandE have calculated marginal customer costs for informational purposes only and have not included them in the total marginal costs. . . . We agree with PGandE, staff, and TURN, and will not include marginal customer costs in the computation of marginal costs." (Emphasis added.) (Decision, p. 353.)

Therefore, PG&E submits that on this point TURN's claim of a substantial contribution should be completely denied.

On the issue of revenue allocation, PG&E argues that TURN should receive no compensation for its work on revenue allocation because the Commission completely rejected TURN's proposals.

PG&E argues that TURN wrongly requests compensation for the revenue allocation adopted in the Decision. This issue has two elements: 1) the choice of an allocation mechanism and 2) the application of this mechanism. According to PG&E, in neither part can TURN legitimately claim to have made a "substantial contribution."

PG&E notes that with respect to the mechanism, the Commission adopted the staff's WA method which combines the EPMC and the SAPC methods (Decision, p. 359-368). In contrast, TURN initially favored the Class Marginal Rate - Class Marginal Cost method but later settled for a "Modified EPMC" mechanism. (Exhibit 80, p. 73-76.) Since this "Modified EPMC" approach is similar to PG&E's own modified EPMC proposal (Exhibit 20A, p. 10-11, 14), PG&E contends that TURN's participation made little, if any difference on this matter. Further, PG&E argues that TURN specifically labelled the WA method as "not reasonable". (TURN's Brief, p. 61.) Therefore, PG&E submits that TURN stretches all credibility by now attempting to take credit for adoption of WA.

PG&E contends that with respect to the application of WA, the Commission applied weights of 95 percent SAPC-5 percent EPMC and used PG&E's marginal costs instead of TURN's in the EPMC computation (Decision, p. 354-355). Referring to TURN's claim that its participation was the main reason the Commission chose weights that differed from the staff's proposal of 50 percent SAPC-50 percent EPMC, PG&E points out that staff witness Klapow's Exhibit 62 included calculations illustrating the revenue and rate impacts of alternative weights (specifically ranging from 0 percent SAPC-100 percent EPMC to 100 percent SAPC-0 percent EPMC). According to PG&E, the Commission's choice of weights reflects its own independent appraisal of the consequences that alternate schedules would have on residential rates and was based on calculations performed by its own staff. By contrast, PG&E notes, TURN proposed no weighting formula at all. Accordingly, PG&E concludes that in sum, TURN's participation was not material to the Decision.

Referring to the issue of TOU rates, PG&E contends that TURN's efforts on TOU rates lagged way behind the work of other parties and therefore its request for compensation on TOU rates is not justified by its showing. According to PG&E, once again TURN claims too much credit for its efforts. PG&E recognizes that the Commission adopted many of the findings and conclusions advocated by TURN concerning D-7; however, according to PG&E TURN was not the only voice on these matters.

PG&E contends that staff witness W. Ahern, Director of the Utilities Division, provided the most significant impetus for the Commission's Decision to limit program expansion. According to PG&E, staff's testimony created the controversy which ultimately led to the Commission's drastic cutback of PG&E's request to expand the program. In fact, the Decision mentions staff witness Ahern's testimony in the same breath as it announces that it is "prudent not to allow widespread expansion of this program" (p. 309). PG&E points out that TURN initially favored eliminating the program; a limited program was TURN's fallback position.

According to PG&E, the Local Government Commission (LGC) offered the most comprehensive input underlying the Commission's Decision to eliminate cross subsidies in the rates. LGC introduced several alternative rate designs which addressed the cross-subsidy problem. According to PG&E, this showing sharply contrasts with TURN's.

Finally, PG&E points out that TURN was not alone in addressing meter charges in rate design. PG&E's own rate proposal (Exhibit 20, Table 2-9; p. 12 to 2-13) included this matter.

In sum, PG&E concludes that TURN exaggerates its contributions to the Decision. Based on its analysis of TURN's showing, PG&E believes that TURN's work on MCP merits at the maximum

an award of 25% of \$68,796.25, the amount requested for the Cost of service issue or \$17,199.06. According to PG&E, in no other instance for which TURN seeks compensation was its showing unique and hence deserving of ratepayer funds.

Discussion

Determination of compensation in this instance is difficult. However, there is no question that TURN actively and competently represented the consumer's position.

We note that TURN, while conceding that its "success on PURPA issues was partial and not complete", points out that: "the entirety of TURN's participation on PURPA issues was required to produce the ultimate end result. This is not a case where TURN made a contribution on some PURPA issues and not on others. Rather the situation is one in which partial adoption of our position was achieved on each issue".

On the other hand, PG&E reminds us that "the standard in Rule 76.06 (set forth at page 2 of this opinion) is substantial contribution not active participation".

We are faced with the difficult task of determining the proper level of intervenor compensation in areas where the Commission did not completely adopt any of TURN's primary positions. The question becomes to what extent TURN's participation resulted in a "substantial contribution" to the Decision, as defined in Rule 76.06.

Regarding TURN's shortage cost concept, we note that we requested that PG&E calculate shortage costs directly in D.93887 issued in December 1981 in its prior general rate case, based on our agreement with TURN at that time that such a direct approach should be taken. PG&E, for unexplained reasons, has not done so.

In this proceeding, TURN again presented a witness on its shortage cost methodology. Dr. Wells refined his earlier concept of basing shortage costs on a market clearing price, and for the first time calculated shortage costs using a range of price elasticities. TURN recommended that the Commission select the calculation "whose assumptions most closely match those determined to be appropriate"

(TURN Opening Brief, p. 21), and elsewhere that:

"TURN readily agrees that the data should be refined through further study. Being in possession of the relevant information, PG&E is in a far better position than TURN to perform such analysis. We therefore suggest the following ordering paragraph:

'PG&E shall perform a price elasticity study to refine the market clearing price methodology adopted in this decision. A progress report should be submitted in the company's next ECAC reasonableness review proceeding.'

(TURN Opening Brief, p. 19.)

While we did not adopt TURN's market clearing price methodology, we did adopt TURN's secondary recommendation that PG&E be required to perform other studies to refine TURN's calculations. Because of this, and because of TURN's persistence after PG&E's nonresponsiveness to prior Commission requests, we conclude that TURN made a substantial contribution in this area and should receive fees.



PG&E is correct that TURN was not the only party that criticized PG&E's Energy Reliability Index (ERI) methodology because its results are dependent on future events. However, the record reveals that TURN was the only party which went so far as to suggest a solution, that is, that an Expected Unserved Energy reliability criterion be adopted. This contribution led the Commission to order PG&E to adopt such a reliability criterion if it presents ERI factors for use in subsequent proceedings.

TURN, PG&E, and staff all took the position that marginal customer costs should not be included in marginal costs used for rate setting. We agree with PG&E that TURN made no substantial contribution in this area.

PG&E is also correct that we rejected TURN's Modified EPMC method of revenue allocation, and that PG&E itself had presented a Modified EPMC concept quite similar to TURN's proposal. However, PG&E omits several important points in its argument. PG&E did not support the Modified EPMC methodology it presented, but continued to request a revenue allocation using full EPMC. Further, staff recommended that, in its Weighted Average approach, at least a 50% weight should be given to EPMC in this proceeding (Exhibit 62, p. 5-5), and the staff brief continued to recommend a weighting of 50% EPMC - 50% System Average Percent Change with its explicit goal being movement to full EPMC by 1986 (Staff Opening Brief, p. 279).

Thus, both staff's and PG&E's recommended allocations of the adopted revenue requirements would have resulted in a residential rate increase substantially higher than that adopted. While the Commission did not adopt TURN's Modified EPMC method, we chose a position between TURN, on the one hand, and PG&E and staff. Further we agreed with many of TURN's criticisms of PG&E's and staff's positions. While, as PG&E argues, we might have reached the same conclusions absent TURN's participation, we conclude that TURN made a significant contribution to our decision to reject the other parties' positions.

PG&E "recognizes that the Commission adopted many of the findings and conclusions advocated by TURN" concerning time-of-use rates,

but argues that other parties joined TURN in its opposition to the program as proposed by PG&E. We agree that other parties separately addressed individual aspects of the TOU proposal, e.g., LGC recommended that the rates be made revenue neutral (but supported rapid program expansion), and staff witness Ahern advised in general against large scale implementation of load management programs until such capacity is needed. Nevertheless, the adopted TOU program is most closely aligned with TURN's overall position. Therefore, we conclude that TURN's contribution in this area was substantial enough to warrant an award of fees.

Conclusion

TURN's showing, participation, and recommendations in this proceeding have convinced us not to adopt the positions recommended by either PG&E or our staff. This constitutes a substantial contribution to our decision in this matter. We turn now to an assessment of the worth of TURN's participation.

We consider two-thirds of the hours billed for attorney fees and witness fees together with 100% of the Out-of-Pocket expense, reasonably reflects our reliance on TURN's presentation for our limited adoption of TURN'S position on the Cost of Service issue. In addition, 80% of the hours billed for attorney fees and 100% of Out-of-Pocket expense reflect the greater degree of reliance we placed on TURN's participation regarding time-of-use rates. The Commission has previously concluded that a rate of \$100 per hour is reasonable for attorney fees. We see no reason why the same rate should not be allowed for competent expert witnesses as well. On this basis the adopted total compensation amounts to:

$$\begin{aligned} & (.67 \times 331 \times 100) + (.67 \times 328.67 \times 100) + 2829.25 + \\ & (.8 \times 33 \times 100) + 148.18 \\ = & 22,177 + 22,020.89 + 2,829.25 + 2,640.00 + 148.18 \\ = & \$49,815.32 \end{aligned}$$

Findings of Fact

1. TURN requests an award in the range of \$28,897.77 to \$72,244.43 for work on identified PURPA issues of Cost of Service and Time-of-Use rates.
2. TURN was previously found eligible for compensation by D.83-05-048 in this proceeding.
3. TURN has made a substantial contribution to the implementation of PURPA in this proceeding. The contribution was on the Cost of Service and Time-of-Use rates issues.
4. A rate of \$100 per hour for attorney fees and expert witness fees is reasonable.
5. An award of compensation to TURN in the amount of \$49,815.32 is reasonable.

Conclusions of Law

1. TURN's showing, participation, and recommendations in this proceeding have convinced us not to adopt the positions recommended by either PG&E or our staff. This constitutes a substantial contribution to our decision in this matter.

2. TURN has complied with the requirements of Article 18.5, Rules for Implementation of PURPA Section 122(a)(2) and should be awarded compensation in the amount noted in the following order.

O R D E R

IT IS ORDERED that:

1. Within 30 days from the effective date of this order Pacific Gas and Electric Company (PG&E) shall pay Toward Utility Rate Normalization \$49,815.32.

2. In its first attrition request following this Decision, PG&E shall include in its intrastate revenue requirement an amount of \$49,815.32 to reimburse it for this award of compensation.

This order is effective today.

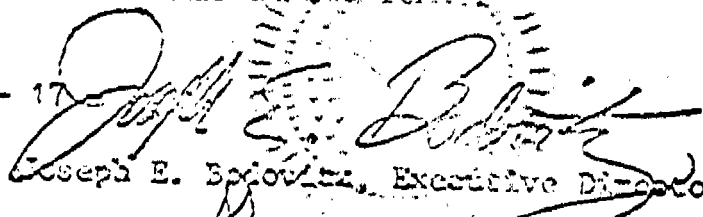
Dated August 1, 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
DONALD VIAL  
Commissioners

Commissioner Priscilla C. Grew,  
being necessarily absent, did not  
participate.

Commissioner William T. Bagley,  
being necessarily absent, did not  
participate.

I CERTIFY THAT THIS DECISION  
WAS MADE BY THE ABOVE  
COMMISSIONERS.

- 17 -  
  
Joseph E. Spivack, Executive Director

but argues that other parties joined TURN in its opposition to the program as proposed by PG&E. We agree that other parties separately addressed individual aspects of the TOU proposal, e.g., LGC recommended that the rates be made revenue neutral (but supported rapid program expansion), and staff witness Ahern advised in general against large scale implementation of load management programs until such capacity is needed. Nevertheless, the adopted TOU program is most closely aligned with TURN's overall position. Therefore, we conclude that TURN's contribution in this area was substantial enough to warrant an award of fees.

Conclusion

In most of the issues for which TURN requests PURPA compensation, we have found that, while contributing to some extent to our Decision, TURN did not receive full support for its primary positions. Accordingly, we must make a judgmental assessment of the worth of TURN's participation.

Conclusion of Law

TURN has complied with the requirements of Article 18.5, Rules for Implementation of PURPA Section 122(a)(2) and should be awarded compensation in the amount noted in the following order.

O R D E R

. IT IS ORDERED that:

1. Within 30 days from the effective date of this order Pacific Gas and Electric Company (PG&E) shall pay Toward Utility Rate Normalization \$49,815.32.

2. In its first attrition request following this Decision, PG&E shall include in its intrastate revenue requirement an amount of \$49,815.32 to reimburse it for this award of compensation.

This order is effective today.

Dated August 1, 1984, at San Francisco, California.

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

Commissioner William T. Bagley  
being necessarily absent, did  
not participate.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
DONALD VIAL  
Commissioners