

Decision 90 01 010 JAN 9 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFIC GAS AND
ELECTRIC COMPANY for authority,
among other things, to increase its
rates and charges for electric and
gas service.

Order Instituting Investigation into
the rates, charges, and practices
of the Pacific Gas and Electric
Company.

ORIGINAL

Application 88-12-005
(Filed December 5, 1988)

I.89-03-033
(Filed March 22, 1989)

OPINION ON ELIGIBILITY

On October 24, 1989, Toward Utility Rate Normalization (TURN) filed a "Request for Finding of Eligibility for Compensation" for its participation in this proceeding, the general rate case of Pacific Gas and Electric Company (PG&E). The request is made under Rule 76.54 of the Commission's Rules of Practice and Procedure.

Rule 76.54 requires filing of a request for eligibility within 30 days of the first prehearing conference or within 45 days after the close of the evidentiary record. TURN filed its request more than 30 days after the first prehearing conference in this case. However, since the close of the evidentiary record occurred on September 20, 1989, TURN's filing is timely.

Rule 76.54(a) sets out four requirements for a request for finding of eligibility:

- "(1) A showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship. A summary of the finances of the customer shall distinguish between grant funds committed to specific projects and discretionary funds...;

- "(2) A statement of issues that the customer intends to raise in the hearing or proceeding;
- "(3) An estimate of the compensation that will be sought;
- "(4) A budget for the customer's presentation."

Significant Financial Hardship

Rule 76.54(a)(1) eliminates the need for redundant showings that participation in the proceeding will pose a significant financial hardship for the customer:

"If the customer has met its burden of showing financial hardship in the same calendar year, ...the customer shall make reference to that decision by number to satisfy this requirement."

TURN states that the Commission found in Decision (D.) 89-04-021 that it met its burden of showing significant financial hardship for 1989. Thus, TURN has met the requirement of Rule 76.54(a)(1).

Statement of Issues

Rule 76.54(a)(2) requires the party to submit a statement of issues that the party intends to raise. TURN had already completed its expected participation in this proceeding at the time of the filing of its request. TURN's testimony and briefs concentrated on issues related to marginal costs, revenue allocation, rate design, the Diablo Canyon allocation, PG&E Enterprises, and other issues. TURN therefore meets this requirement by referring to the issues that it actually raised in this proceeding.

Estimate of the Compensation

Rule 76.54(a)(3) requires an estimate of the compensation to be sought. Again, TURN refers to the actual time it spent participating in this case, multiplied by the hourly compensation that TURN will seek for its attorney in the request for

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compensation that TURN expects to file in this case. In addition, TURN's estimate includes expert witness fees and other reasonable costs, primarily postage, and copying costs. The total estimate is \$115,000.

Budget

Rule 76.54(a)(4) requires a budget for the party's presentation. Since TURN is viewing its participation retrospectively, it refers to its estimate of the compensation it will seek as its budget. The resulting budget is \$115,000.

Common Legal Representative

Rule 76.54(b) allows other parties to comment on the request, including a discussion of whether a common legal representative is appropriate. Under Rule 76.55, our decision on the request for eligibility may designate a common legal representative. No party commented on the appropriateness of a common legal representative, and we find no need to designate such a representative in this proceeding.

Conclusion

We have determined that TURN has met the four requirements of Rule 76.54(a). In addition, no party has responded to TURN's request or raised the issue of the appropriateness of a common legal representative. Therefore, TURN is eligible for compensation for its participation in this case.

Findings of Fact

1. TURN's request for eligibility was timely filed and addresses all four elements required by Rule 54(a) of the Commission's Rules of Practice and Procedure.

2. In D.89-04-021, the Commission found that TURN had demonstrated that its participation would pose a significant financial hardship as defined in Rule 76.52(f).

3. It is not necessary at this time to designate a common legal representative for the interests TURN represents in this proceeding.

Conclusion of Law

TURN should be ruled eligible to claim compensation for its participation in this proceeding.

O R D E R

IT IS ORDERED that Toward Utility Rate Normalization is eligible to claim compensation for its participation in this proceeding.

This order is effective today.

Dated JAN 9 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
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