

Decision 90 06 060 JUN 20 1990

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

San Diego Gas & Electric Co. )  
 increase electric rates under the )  
 Energy Cost Adjustment Clause (ECAC) )  
 by approximately \$3.6 million; )  
 increase electric rates under the )  
 Electric Revenue Adjustment Mechanism )  
 (ERAM) by approximately \$29.3 million )  
 and decrease base rates by approxi- )  
 mately \$58.0 million effective )  
 May 1, 1990 etc. )

Application 89-09-031  
(Filed September 29, 1989)

OPINION ON ELIGIBILITY

On April 11, 1990, Utility Consumers Action Network (UCAN) filed a Request for Finding of Eligibility for compensation for its participation in this proceeding. 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 of the close of the evidentiary record. Since the close of the evidentiary record in this case occurred on April 2, 1990, UCAN'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;  
and

"(4) A budget for the customer's presentation."

Significant Financial Hardship

Rule 76.54(a)(1) requires a showing of significant financial hardship. Rule 76.52(f) defines significant financial hardship as follows:

"(f) 'Significant financial hardship' means both of the following:

- "(1) That, in the judgment of the Commission, the customer has or represents an interest not otherwise adequately represented, representation of which is necessary for a fair determination of the proceeding; and
- "(2) Either that the customer cannot afford to pay the costs of effective participation, including advocate's fees, expert witness fees, and other reasonable costs of participation and the cost of obtaining judicial review, 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."

In its request UCAN alleges that:

"UCAN satisfies both prongs of this standard. Its representation of 55,000 residential and small business ratepayers in this proceeding covers a specific interest not otherwise adequately represented in this proceeding. In fact, UCAN was the only consumer advocacy group actively represented in the hearings.

"And the economic interest of the members of UCAN is small in comparison to the costs of effective participation in the proceeding. The

economic interest to UCAN's individual members is indirect and nominal in comparison to the costs of effective participation.

"It would be uneconomical and unwise for individual ratepayers to separately incur the expected costs of participation, as cited above. While UCAN's participation did generate savings for ALL ratepayers, those savings, when scaled down on an individual basis will not approach the overall costs of participation."

Statement of Issues

Rule 76.54(a)(2) requires the party to submit a statement of issues that the party intends to raise. UCAN had already completed its participation in this proceeding at the time of the filing of its request. Specifically, UCAN's role in the resolution of revenue requirement and allocation issues and its advocacy in a residential rate design matter is a matter of record.

Estimate of the Compensation and Budget

Rule 76.54(a)(3) and (a)(4) require an estimate of the compensation to be sought and a budget for the presentation respectively. UCAN is requesting \$13,703.40 as set forth in its March 8 filing for compensation which was rejected in the proposed decision because it was deficient. UCAN's budget, for the purposes of this filing, is identical to the estimate of compensation.

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.

Findings of Fact

1. UCAN'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. UCAN has 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 UCAN represents in this proceeding.

Conclusion of Law

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

ORDER

IT IS ORDERED that Utility Consumers Action Network is eligible to claim compensation for its participation in this proceeding.

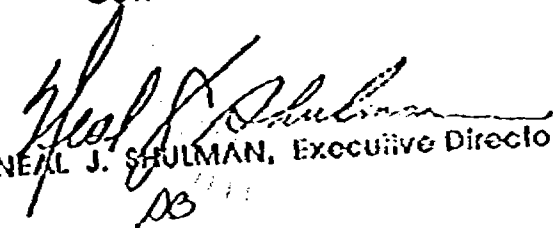
This order is effective today.

Dated JUN 20 1990, at San Francisco, California.

FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

President G. Mitchell Wilk,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director