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Decision 91-03-035 March 22, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of AT&T Communications)
of California Inc. (U 5002 C) for)
Authority to Increase the Rate for)
Intrastate InterLATA Directory)
Assistance Service.)

ORIGINAL
Application 90-02-060
(Filed February 26, 1990)

OPINION ON REQUEST FOR FINDING OF ELIGIBILITY

On December 20, 1990, Toward Utility Rate Normalization (TURN) 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 or Rules).

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. TURN's request was filed within 45 days of the close of the record on November 16, 1990. No protest to the request for a finding of eligibility has been received by the Commission.

Discussion

Rule 76.54(a) sets forth four requirements that should be addressed in an eligibility filing:

- "(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."

1. 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 notes that the Commission found in Decision (D.) 90-09-024, dated September 12, 1990, that TURN has met its burden of showing financial hardship for calendar year 1990. TURN therefore has met the requirement of Rule 76.54(a)(1).

2. 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 participation in the hearings in this proceeding at the time it filed its request. TURN actively participated in the hearings by addressing the issues of whether AT&T had met its burden of justifying its proposed rate increase and whether a policy of consistency in directory assistance pricing and free call allowance was relevant to the proceeding. Thus, TURN has met the second requirement of Rule 76.54(a) by citing the issues that it raised in this proceeding.

3. Estimate of the Compensation

Rule 76.54(a)(3) requires an estimate of the compensation to be sought. Subject to any additional time required by the Commission's final decision in this proceeding, TURN estimates a request for approximately 60 hours of attorney time and 50 hours of expert witness time, along with "other reasonable costs" of postage, telecommunications and copying. The estimated total is

\$15,500. TURN states that it will address the precise amount of compensation and the reasonableness of the compensation sought in its compensation filing following the Commission's final decision in this proceeding.

4. Budget for Presentation

Rule 76.54(a)(4) requires a budget for the party's presentation. Since TURN addresses the presentation it already has made, it proposes as its budget the \$15,500 estimated as its compensation request.

5. Common Legal Representative

Rule 76.54(b) permits other parties to file a response to the request for eligibility, including any discussion of whether a common legal representative was appropriate. Under Rule 76.55, our decision on the request for eligibility may designate a common legal representative. As noted, no comments have been received in response to TURN's request, and we find no need to designate a common legal 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 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 76.56(a).
2. In D.90-09-024, the Commission found that TURN had demonstrated that its participation in proceedings before the Commission during 1990 would pose a significant financial hardship as described in Rule 76.52(f).
3. It is not necessary to designate a common legal representative for the interests TURN represents in this proceeding.

Conclusions of Law

1. TURN should be ruled eligible to claim compensation for its participation in this proceeding.
2. The public interest is served by making this order effective immediately.

ORDER

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 March 22, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

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

Neal J. Sulmasy
NEAL J. SULMASY, Executive Director