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Decision 91-06-033 June 19, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on)
the Commission's own motion to)
implement the Biennial Resource)
Plan Update following the California)
Energy Commission's Seventh)
Electricity Report.)

ORIGINAL

I.89-07-004
(Filed July 6, 1989)

ORDER MODIFYING DECISION 91-04-009

Toward Utility Rate Normalization (TURN) has filed a petition to modify Decision (D.) 91-04-009, in which we granted TURN's request for a finding of eligibility for this proceeding but limited that finding to Phase 1B. TURN asks that this limitation be deleted. TURN asserts that our consistent prior practice in multi-phase proceedings has been to make the finding apply to all phases of a given proceeding.

TURN is correct. For example, in D.88-11-057, we said:

"We also note that our compensation rules and the statutory framework for them did not contemplate proceedings with multiple phases extending over a lengthy period. As a result of this reality, however, we frequently find ourselves with compensation requests filed more than a year after the work in earlier phases was completed. . . . TURN's request to be found eligible for the entire proceeding has merit, notwithstanding the fact that we have neither issues nor a budget for its future participation. If TURN is willing to bear the risk that its issues in further phases of this proceeding might be duplicative or that its budget might be found unreasonable, we see no benefit to requiring further filings which will unnecessarily tax both TURN's resources in making them and ours in processing them." *Id.*, mimeo. pp. 2-3.

We see no reason to change our prior policy. Therefore, we will modify D.91-04-009 consistent with that policy and in accordance with TURN's petition.

Finding of Fact

D.91-04-009 found TURN eligible for compensation in this proceeding but inadvertently limited that finding in a manner inconsistent with prior eligibility decisions, without explaining the inconsistency.

Conclusion of Law

D.91-04-009 should be modified as requested by TURN to be consistent with other Commission decisions on eligibility for compensation in multi-phase proceedings.

O R D E R

IT IS ORDERED that Decision 91-04-009 be modified as follows:

1. Change the first two sentences on page 4 (mimeo.) to read: "For purposes of this proceeding, TURN has met the other three requirements of Rule 76.54(a). Therefore, TURN is eligible for an award of compensation for its participation in this investigation."

2. Change the last two lines of the ordering paragraph on page 5 (mimeo.) to read that Toward Utility Rate Normalization is "eligible to claim compensation for its participation in this proceeding."

This order is effective today.

Dated June 19, 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. [Signature]
NEAL J.

Director

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