

SEP 25 1991

Decision 91-09-056 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SAN DIEGO GAS &)
 ELECTRIC COMPANY: (1) for Authority)
 to Increase its Electric Rates)
 Effective May 1, 1991; and (2) for)
 a Commission Order Finding the)
 Company's Gas and Electric)
 Operations and Expenses Reasonable)
 for the Applicable Record Periods.)
 (U 902-E))

ORIGINAL

Application 90-10-003
(Filed October 1, 1990)

OPINION ON REQUEST FOR
SUPPLEMENTAL AWARD OF INTERVENOR COMPENSATION

By Decision (D.) 91-06-010 the Commission awarded Utility Consumers' Action Network (UCAN) compensation of \$20,527.77 for its contributions in this proceeding. UCAN had requested compensation of \$21,167.77, but the Commission determined that a small portion of the request was not adequately supported by UCAN. D.91-06-010 authorized UCAN to submit a supplemental filing to support the full amount requested. This decision is issued in response to UCAN's supplemental request, which was filed on July 8, 1991. No party has responded to the supplemental request.

Expert witness fees were incurred by UCAN for the work of William Marcus, Jeffrey Nahigian, and Kevin Hanson of JBS Energy, Inc. (JBS). The Commission awarded fees for Marcus and Nahigian, but determined that UCAN's original request failed to meet the requirements of our compensation rules with respect to Hanson:

"We are unable to make any findings regarding the hourly rate requested for Hanson. UCAN's request neither identifies the qualifications of this witness nor identifies a previous decision where we awarded compensation on the basis of time charged for him. We cannot award compensation solely on the basis of a witness' association with a firm whose other principals or associates have been the subject of awards. Under Rule 76.60 we must also have a basis for

determining the training and experience of the person and whether the amount requested exceeds the market value paid by the Commission or by the utility." (D.91-06-010.)

UCAN has now provided the necessary information to enable the Commission to consider whether UCAN should be compensated for expenses related to Hanson's work. Hanson has graduate and postgraduate degrees in economics and is employed as an energy analyst with JBS. We find that Hanson's education and extensive work experience with JBS, documented in the supplemental request, justify the requested rate of \$40 an hour.

As permitted by D.91-06-010, UCAN also requests correction of a minor computational error. The correction is reasonable and will be allowed. The amount of the supplemental award, which reflects both this correction and fees for Hanson, is shown below:

<u>Expert Witness Fees-Hanson</u>	
16.0 hours @ \$40 per hour	\$640.00
<u>Attorney Fees-Correction</u>	
107.3 hours @ \$135-\$14,485.50, less	
\$14,458.50 previously awarded	<u>27.00</u>
Total Supplemental Award	\$667.00

All outstanding matters in this proceeding have now been resolved. This proceeding will be closed.

Findings of Fact

1. UCAN has filed a supplemental request for compensation as authorized by D.91-06-010.
2. Hanson's education and extensive work experience with JBS justify the requested rate of \$40 an hour.
3. UCAN requests additional compensation of \$27 to correct an error in the computation of attorney fees.
4. All pending matters in A.90-10-003 have been resolved.

Conclusions of Law

1. San Diego Gas & Electric Company should be ordered to pay UCAN additional compensation of \$667.00 in accordance with Rule 76.61 of the Commission's Rules of Practice and Procedure.
2. This order should be made effective on the date it is signed to provide reimbursement to UCAN for expenses it has already incurred.
3. A.90-10-003 should be closed.

O R D E R

IT IS ORDERED that:

1. Utility Consumers' Action Network (UCAN) is awarded additional compensation of \$667.00 for its substantial contribution to Decision (D.) 91-04-063. This award is supplemental to the award of \$20,527.77 granted by D.91-06-010.
2. San Diego Gas & Electric Company shall pay \$667.00 to UCAN in accordance with Rule 76.61 of the Rules of Practice and Procedure.
3. Application 90-10-003 is closed.
This order is effective today.
Dated September 25, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

I abstain.

/s/ G. MITCHELL WILK
Commissioner

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


NEAL J. SHULMAN, Executive Director
PB