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Decision 92-01-012 January 10, 1992

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.

(Electric and Gas) (U 39 M)

And Related Matter.

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

I.89-03-033

OPINION ON REHEARING

Toward Utility Rate Normalization (TURN) has filed an application for rehearing of Decision (D.) 91-07-037. In D.91-07-037, we found that TURN had made a substantial contribution to Pacific Gas and Electric Company's 1991 Rate Design Window proceeding and awarded TURN compensation in the amount of \$13,502.81. However, we did reduce TURN's request for compensation by \$1,120 for seven hours of attorney time spent preparing its request for compensation pursuant to D.91-01-007. TURN alleges that we erred in making this reduction.

In D.91-11-028, we granted a limited rehearing of D.91-07-037 for the purpose of determining whether TURN's claim for seven hours of attorney time for preparation of its compensation request is reasonable. Upon reconsideration, we decided to continue our policy of authorizing reasonable fees for services relating to the preparation of requests for eligibility and requests for compensation. Although we still have concerns regarding the "fees on fees" policy, we believe that it is more appropriate to review this issue in the context of a rulemaking proceeding which will provide affected parties' prior notice and an opportunity to be heard (D.91-11-028, p. 1).

In light of our further order on "fees on fees" policy, the assigned administrative law judge has reviewed the record and recommends that TURN be compensated for seven hours of attorney time. We agree.

Findings of Fact

1. Timesheets submitted by TURN show a total of seven hours spent in preparing TURN's request for compensation.

2. No party has challenged the reasonableness of the time spent by TURN in preparing its request for compensation, and no opposition to TURN's fee request has been filed.

Conclusion of Law

Pursuant to Rule 76.56 of the Rules of Practice and Procedure, it is reasonable to award TURN compensation for seven hours of attorney time at \$160 per hour for preparing its request for compensation.

O R D E R

IT IS ORDERED that Pacific Gas and Electric Company shall, within 30 days of the effective date of this order, remit to Toward Utility Rate Normalization \$1,120, plus interest calculated at the three-month commercial paper rate, from August 5, 1991 until full payment is made.

This order is effective today.

Dated January 10, 1992, at San Francisco, California.

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

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

  
NEAL J. SULMAN, Executive Director