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Decision 92-02-065 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion to develop Policies and Procedures for addressing the potential health effects of electric and magnetic fields of utility facilities.

ORIGINAL

1.91-01-012

(Filed December 19, 1991)

OPINION ON ELIGIBILITY FOR COMPENSATION

By Decision (D.) 91-11-014, we found that Citizen's Concerned About EMFs (CCAЕ) and Sun Yung Kim (Kim) met all but one of the requirements under Article 18.7 of the Commission's Rules of Practice and Procedure (Rules) for Finding of Eligibility for Compensation. Specifically, we found that CCAЕ and Kim did not satisfy Rule 76.52(f)(2)'s requirements for demonstration of significant financial hardship:<sup>1</sup>

"(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."

Kim and CCAЕ filed amendments to their Requests on December 19, 1991 and January 3, 1992, respectively. In its amendment, CCAЕ explains that it is an unincorporated association,

<sup>1</sup> We directed CCAЕ and Kim to file amended Requests, addressing the financial hardship issue, by January 4, 1992. Responses were to be filed by January 20, 1992. No parties filed responses to CCAЕ's and Kim's amendments. (See D.91-11-014, Ordering Paragraph 3.)

representing San Ramon ratepayers of Pacific Gas and Electric Company (PG&E) living in an electromagnetic field (EMF) environment. CCAE's sole source of funds comes in the form of donations from its members and local citizens. In 1991, CCAE received contributions totaling \$1,040, and spent \$1,026 to date on newsletters, fliers, copies, and postage, much of which has been related to CCAE's participation in this proceeding. CCAE states that its ability to raise additional funds is limited, as its fundraising efforts have already reached most of PG&E's ratepayers living in EMF environments within San Ramon.

CCAЕ states that the economic interest of the ratepayers is small in comparison to the costs of effective participation in this proceeding, because the individual ratepayer's interest is solely in the removal of a possible health hazard. CCAE also points out that the rates of these ratepayers may actually go up, as a result of this proceeding, if the Commission orders the utilities to remove or mitigate adverse health effects, and recover those costs in rates.

In her amendment, Kim explains that she represents a neighborhood organization of residents who live near a cellular tower in Albany, California. However, there are no dues or income from the group, which consists of low and middle income families. Kim is paying all expenditures for participation in this proceeding out of her salary as a staff research associate, at the University of California, Berkeley.

We conclude that CCAE and Kim have met the requirements of Rule 76.54(a)(2) and have shown that participation in this proceeding would pose a significant financial hardship. Based on the information filed in CCAE's and Kim's Requests, as amended, we find that CCAE and Kim have now met all the requirements of Rule 76.54 for a finding of eligibility.

We wish to remind CCAE and Kim that a finding of eligibility for an award of compensation is not a guarantee that

the participant will ultimately receive an award. That determination depends on our finding pursuant to a filing under Rule 76.56. As discussed in this order, we will examine carefully the reasonableness of expenditures as well as any duplication of issues in intervenors' future requests for compensation.

CCAIE and Kim are also placed on notice that they may be subject to audit or review by the Commission Advisory and Compliance Division; therefore, adequate accounting records and other necessary documentation must be maintained by the organization in support of all claims for intervenor compensation. Such record keeping systems should identify specific issues for which compensation is being requested, the actual time spent by each employee, the hourly rate paid, fees paid to consultants, and any other costs incurred for which compensation may be claimed.

We note that CCAIE and Kim are first-time intervenors in our proceedings and urge them to carefully examine the requirements of Article 18.7 of our Rules before submitting a compensation request. CCAIE and Kim may wish to contact our Public Advisor as they prepare their compensation requests.

Findings of Fact

1. By D.91-11-014, we found that Citizens Concerned About EMFs (CCAIE) and Sun Yung Kim (Kim) met all but one of the requirements under Article 18.7 of the Commission's Rules of Practice and Procedure (Rules) for a finding of Eligibility for Compensation. Specifically, we found that CCAIE and Kim did not meet the financial hardship demonstration requirements under Rule 76.54(a)(2), and directed them to file amendments within sixty days from the date of that order.

2. CCAIE and Kim filed timely amendments to their requests for eligibility in this proceeding.

3. No parties filed responses to CCAIE's and Kim's amendments.

4. CCAE's and Kim's amendments adequately address the financial hardship demonstration requirement under Rule 76.54(a)(2).

Conclusion of Law

CCAЕ and Kim should be found eligible under Article 18.7 of the Rules to claim compensation for their participation in this proceeding.

O R D E R

IT IS ORDERED that Citizens Concerned About EMFs and Sun Yung Kim are eligible to claim compensation for their participation in this proceeding.

This order is effective today.

Dated February 20, 1992, at San Francisco, California.

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

Commissioner Patricia M. Eckert,  
being necessarily absent, did not  
participate.

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

  
NEAL J. SULMAN, Executive Director