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Decision 92-04-049 April 22, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the SOUTHERN CALIFORNIA EDISON)
 COMPANY (U 338-E) for: (1) Authority)
 to Revise its Energy Cost Adjustment)
 Billing Factors, its Major Additions)
 Adjustment Billing Factor, its)
 Electric Revenue Adjustment Billing)
 Factor, its Low Income Surcharge,)
 and its Base Rate Levels Effective)
 January 1, 1992; (2) Authority to)
 Revise the Incremental Energy Rate,)
 the Energy Reliability Index and)
 Avoided Capacity Cost Pricing;)
 and (3) Review of the Reasonableness)
 of Edison's Operations During the)
 Period from April 1, 1990 through)
 March 31, 1991.)

Application 91-05-050
(Petition filed
February 13, 1992)

O P I N I O N

Pursuant to Rule 76.56 of the Rules of Practice and Procedure, Toward Utility Rate Normalization (TURN) hereby petitions this Commission for an award of compensation in the amount of \$6,076 for its substantial contributions to Decision (D.) 92-01-018 in Southern California Edison's (Edison) 1991 Energy Cost Adjustment Clause (ECAC) proceeding. TURN has already been found eligible for compensation in this case by D.92-01-018.

TURN alleges that its accomplishments in this proceeding have greatly exceeded the minimum requirements for establishing a substantial contribution.

TURN's assertions of substantial contribution are:

1. It substantially contributed to the decision on revenue allocation by successfully moving to strike testimony by the industrial intervenors on non-firm rates. This allowed the non-firm rate issues to be addressed with other rate design issues

in Phase II of Edison's general rate case (Application (A.) 90-12-018). TURN contributed on marginal cost by successfully arguing that the full incremental cost of gas should be used in the marginal energy cost calculation. This in turn resulted in a more equitable revenue allocation.

2. The Industrial Users (IU), California Large Energy Consumers' Association (CLECA) and the Federal Executive Agencies (FEA), all representing the interests of large consumers, offered pre-filed written testimony in this proceeding which attempted to reallocate the cost of the credits received by customers taking non-firm service and/or the revenue shortfall from special contract customers. In response, TURN moved to strike this testimony on the basis that it raised issues that were properly considered in the general rate case (GRC) and that any attempt to consider them in the ECAC would necessarily either be incomplete or involve a dramatic expansion of the ECAC's scope. TURN's motion was followed by a similar motion from Edison and was ultimately supported by the Division of Ratepayer Advocates.

The presiding administrative law judge granted TURN's motion. By successfully eliminating this issue from the ECAC, TURN avoided needless duplication in Commission proceedings and helped ensure that this issue would be fully heard in Phase II of the GRC. This is a substantial contribution to the Commission's decision in this case.

3. In a reprise of an issue that TURN has successfully fought for the past 3 years, the witness for IU, Alan Chalfant, again proposed that demand charges be omitted from the gas price used to calculate marginal energy cost. As Chalfant acknowledged, TURN has successfully opposed this position in past cases involving both Edison and Pacific Gas and Electric Company. In particular in the 1990 ECAC decision, the Commission relied on TURN's argument to reject IU's position.

The Commission's decision rejecting IU's position in this case relies on the exact argument that TURN developed on cross-examination and in its brief--that IU's position ignores certain components of the gas price.

The \$6,076 award TURN requests is comprised of fees for attorney Joel Singer for 33.20 hours at \$175 per hour, plus \$266 in expenses. In TURN's last request for fees for Mr. Singer we authorized \$160 per hour (D.90-08-021). TURN requests an increase to \$175 based on its contention that attorneys of Mr. Singer's skill and experience would command this rate in private practice. We have recently considered increases in attorney's fees and concluded that an increase at this time, given the economic situation in California, is unwarranted. We will authorize \$160 per hour.

Findings of Fact

1. TURN has made substantial contributions to D.92-01-018 in regard to revenue allocation, cost allocation, and marginal energy costs.

2. A reasonable attorney fee for TURN's attorney Singer is \$160 per hour.

3. The attorney hours expended and fees are:

Attorney Fees - \$160 x 33.20 hours =	\$5,312
Expenses	<u>\$ 266</u>
Total	\$5,578

Conclusion of Law

The Commission concludes that TURN should be awarded compensation in the amount of \$5,578.

O R D E R

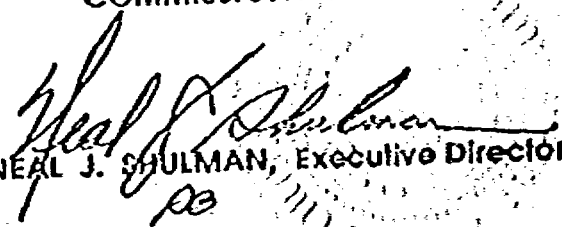
IT IS ORDERED that Toward Utility Rate Normalization is awarded \$5,578 in intervenor fees to be paid by Southern California Edison Company within 30 days of the effective date of this order.

This order is effective today.

Dated April 22, 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. SHULMAN, Executive Director