

L/l tq

Decision 92-05-075 May 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Pacific Bell (U-1001-C), a
corporation, for authorization to
increase rates due to the adoption
of generally accepted accounting
principles for compensated absence
expenses.

ORIGINAL

Application 90-11-031
(Filed November 19, 1990)

ORDER GRANTING REHEARING OF DECISION 92-02-057

Toward Utility Rate Normalization (TURN) has filed an application for rehearing of Decision 92-02-057 wherein we denied its request for intervenor compensation for its work in the proceeding on Application 90-11-031, leading to Decision 91-10-018, as modified by Decision 92-02-036.

TURN argues that it substantially contributed to Decision 91-10-018 and that it was improperly denied compensation because some of its work duplicated that of the Commission's Division of Ratepayer Advocates (DRA). A full award of compensation may be made only if the intervenor's presentation does not materially duplicate arguments among the parties; when it does, an award of compensation must be reduced to each party accordingly. (Commission Rules of Practice and Procedure, rule 76.53(c).) However, before any award can be made there must be a finding of substantial contribution. (*Id.*, rule 76.52(g).) As we stated in Decision 92-02-057, "we relied on DRA's showing in reaching our determinations in D[ecision] 91-10-018." (D.92-02-057 at 5.) Because TURN did not substantially contribute to Decision 91-10-018 we cannot award TURN compensation for that decision.

However, upon closer examination, we find that Decision 92-02-036 did rely on various aspects of TURN's participation in modifying Decision 91-10-018. We also find that we inadvertently omitted from our consideration of TURN's request, its

contribution to Decision 92-02-036, which we issued 15 days before Decision 92-02-057. Accordingly, we will grant this application for rehearing for the limited purpose of reviewing TURN's compensation request in light of its contribution to Decision 92-02-036.

No further discussion is required of the applicant's allegations of error. As set forth herein, TURN's application for rehearing of Decision 92-02-057 is granted.

Therefore, IT IS ORDERED:

That the application for rehearing of Decision 92-02-057 filed by Toward Utility Rate Normalization is granted for the limited purpose of reviewing the Request for Intervenor Compensation in light of Decision 92-02-036.

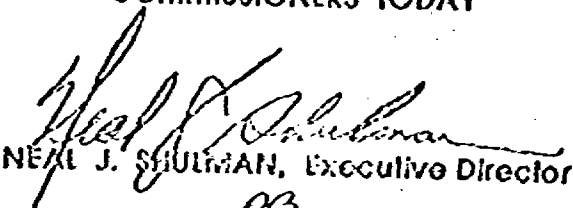
This order is effective today.

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

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
NORMAN D. SHUKWAY
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. SHULMAN, Executive Director
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