

ORIGINAL

Decision 82 06 065 JUN 15 1982

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.

Application 60153

Application of PACIFIC GAS AND ELECTRIC COMPANY for authority to increase its electric rates and charges effective August 1, 1981, to establish an annual energy rate and to make certain other rate charges in accordance with the energy cost adjustment clause as modified by Decision 92496.

Application 60616

ORDER DENYING REQUEST FOR FINDING OF ELIGIBILITY FOR COMPENSATION

Decision (D.) 93268 dated October 20, 1981, in Application (A.) 60616 was an interim decision which held open certain issues regarding rate design. The Commission indicated that further hearings would be held on the undecided issues.

By D.82-02-075 dated February 17, 1982, the Commission granted rehearing of D.93887 in A.60153, Pacific Gas and Electric Company's (PG&E) general rate proceeding. The Commission limited the issues to rate design and consolidated the rehearing with A.60616.

Findings of Fact

1. A.60153 was filed on December 23, 1980.
2. The initial Prehearing Conference in A.60153 was held on January 5, 1981.
3. D.93887 was issued on December 30, 1981.
4. Rehearing on D.93887 was granted on February 17, 1982.
5. A prehearing conference was held on March 11, 1982.
6. Contra Costa County (Contra Costa) filed for eligibility for Public Utility Regulatory Policies Act of 1978 (PURPA) compensation on April 5, 1982.
7. Contra Costa supported its allegation of financial hardship by including a summary of its 1981-82 budget which shows a deficit of \$5 million.
8. Contra Costa alleges a cost of participation in this proceeding to be in the range of \$60,000.

Discussion

Contra Costa's application for eligibility will be denied.

Contra Costa has not met its burden of showing "significant financial hardship" under Rule 76.05(c) (1) (C) of the Commission Rules of Practice and Procedure. The allegation of a budget deficit of a major political subdivision of the State which has taxation powers is not sufficient to support a finding of inability to pay the costs of participation in a Commission proceeding.

Rule 76.05(c) 2 sets forth as a grounds for eligibility that:

"...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. Such showing shall constitute a prima facie demonstration of need as required by Rule 76.05(c)1(C)."

It appears that the total economic interests or benefits to each of the residents of the county are small in comparison to the cost of participation. However, this is only a prima facie showing and is not conclusive.

Contra Costa is an entity with the power of taxation. If we were to allow eligibility for the potential award of PURPA intervenor fees to entities that have the power of taxation, we would place PG&E's ratepayers in the position of funding activity that can and should be funded by taxpayers. These agencies participate on behalf of taxpayers. We never intended that governmental entities with the power of taxation be eligible for PURPA intervenor compensation; nor is there any indication in the legislative history of PURPA that Congress intended PURPA intervenor fees be provided to governmental entities with the power of taxation.

Our decision should in no way demean the presentation of Contra Costa County in this proceeding. The County made a significant contribution on the merits.

Conclusions of Law

1. Contra Costa has failed to meet the requirement of Rule 76.05.
2. Contra Costa is a governmental entity with taxing power and, as such, is not eligible for compensation.
3. Contra Costa's request for PURPA eligibility should be denied.

A.60153, 60616 ALJ/ec/iy

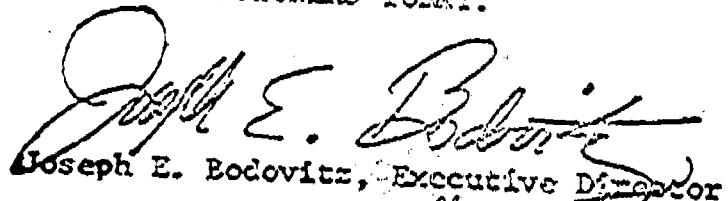
IT IS ORDERED that Contra Costa County's Request for Finding of Eligibility for Compensation is denied.

This order is effective today.

Dated JUN 15 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

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2. Contra Costa is a governmental entity with taxing power and, as such, is not eligible for compensation. ✓
3. Contra Costa's request for PURPA eligibility should be denied.

There is there any indication in the legislative history of PURPA that Congress intended governmental agencies receive intervenor compensation. ✓ KN