

L/AKM:bjw

AUG 17 1983

Decision 83 08 083

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) )  
 )

**ORIGINAL**

Application 82-12-48  
(Filed December 20, 1982)

ORDER MODIFYING DECISION  
83-05-048 AND DENYING REHEARING

An application for rehearing of Decision (D.)83-05-048 has been filed by the Local Government Commission, Inc. (LGC), an intervenor in the above proceeding. The Pacific Gas and Electric Company (PG&E) filed a response in opposition to that application. We have carefully considered each allegation of error in LGC's application, and are of the opinion that good cause for granting rehearing has not been shown. However, the issues discussed by LGC persuade us that we should clarify briefly our reasons for denying LGC's request for a finding of eligibility for reimbursement of intervenor fees under the Public Utility Regulatory Policies Act of 1978 (PURPA).

We recognize that under PURPA, political subdivisions of a state who are electric customers may intervene in electric rate proceedings and may be eligible for compensation of intervenor fees. We are also aware that Congress intended "significant financial hardship" to be construed broadly. To the extent D.83-05-048 appears to contradict this, it is disapproved.

However, we believe it fully compatible with the above to construe the intent of PURPA as identical with our own in our

recent adoption of broader Rules for awarding participant compensation. To reiterate what we stated in D.83-05-048, the purpose of our Rules is to offer a means of compensating participant organizations which inherently have funding hardships because they lack a stable funding base. The consumer group with open membership which must rely on solicited funds, grants, and donations is the type of participant which we envisioned would be eligible for compensation. In contrast, entities funded with tax revenues or with taxing authority, or organizations representing or composed solely of members from such entities have the ability, if they choose to exercise it, to fund participation in our proceedings. We remain persuaded that LGC is an entity in the latter category. Therefore,

IT IS ORDERED that rehearing of D.83-05-048 is denied.

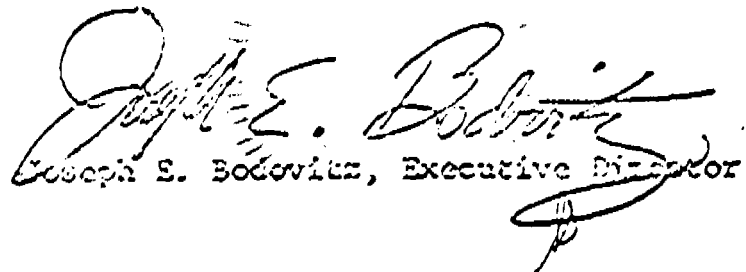
This order is effective today.

Dated AUG 17 1983, at San Francisco, California.

VICTOR CALVO  
PRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.

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

  
Joseph E. Bodovitz, Executive Director