

SEP 8 1995

Decision 95-09-009 September 7, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Southern California Gas Company for)
Authority to Revise Its Rates)
Effective April 1, 1994, in its)
Biennial Cost Allocation Proceeding.)

Application 93-09-006
(Filed September 1, 1993)

ORIGINAL

And Related Matters.)

Application 93-08-022
(Filed August 9, 1993)
Application 93-09-048
(Filed September 29, 1993)

O P I N I O N

Toward Utility Rate Normalization (TURN) requests an award of compensation of \$19,496 for its substantial contributions to Decision (D.) 95-04-078 and D.95-05-044 in Phase II of this Southern California Gas Company (SoCalGas) Biennial Cost Allocation Proceeding (BCAP). Those decisions resolved issues pertaining to rates for the Wheeler Ridge interconnect facilities and hazardous waste cost allocation and recovery.

TURN was found eligible for compensation in this proceeding by an Administrative Law Judge's (ALJ) ruling dated November 9, 1993. TURN was awarded compensation for its contributions to D.94-12-052 in Phase I of this proceeding by D.95-05-003. TURN asserts that its contributions to the proceedings leading to D.95-04-078 and D.95-05-044 meet and surpass the requirements for a finding of substantial contribution.

In D.95-04-078, the Commission adopted rates for SoCalGas' Wheeler Ridge facility. Although TURN initially only monitored this portion of the hearings, TURN made a substantial contribution on the issue of the zone rate credit through its

comments on the Proposed Decision (PD). In the final decision (pp. 26-27), the Commission adopted TURN's recommendation that SoCalGas be directed to maintain a memorandum account to record the difference between the credits actually given and the credits which would have been given in the absence of the credit limitation adopted in that same order. The Commission agreed with TURN that the balance in the account should be credited back to ratepayers. TURN's participation on this issue constitutes a substantial contribution.

In D.95-05-044, the Commission granted SoCalGas recovery of hazardous waste costs and specified the appropriate method of allocating those costs. TURN submitted testimony, participated in hearings, and filed briefs on this issue. TURN (and the Division of Ratepayer Advocates (DRA)) argued that hazardous waste costs were like transition costs and should be allocated to all customer classes on an equal cents per therm basis. The Commission adopted this position in full. While TURN and DRA supported the same position on this issue, TURN's participation was not duplicative. As TURN's testimony on the hazardous waste issue notes, TURN originally argued this position in 1993 in opposing a settlement between DRA and the utilities. In this proceeding, TURN and DRA cooperatively advanced this position. Under Public Utilities (PU) Code § 1802.5, this constitutes a substantial contribution.

The following is a summary of TURN's requested compensation in this proceeding:

Attorney/Expert Witness Fees

Robert Finkelstein					
.50 hours	x	\$200	=	\$	100
Michel Peter Florio					
3.00 hours	x	\$235	=	\$	705
16.50 hours	x	\$250	=	\$	4,125
Theresa Mueller					
76.75 hours	x	\$160	=	\$12,280	
		Subtotal	=	\$17,210	

Other Reasonable Costs

Photocopying expense	=	\$	1,808
Postage costs	=	\$	406
Long Distance Telephone charges	=	\$	16
Fax charges	=	\$	44
Attorney expenses	=	\$	12
		Subtotal	= \$ 2,286
		TOTAL	= \$19,496

TURN's attorneys Finkelstein, Florio, and Mueller maintained detailed contemporaneous time records indicating the number of hours devoted to this phase of the case. Finkelstein participated only briefly, consulting with Florio regarding TURN's previous work on hazardous waste costs in Application (A.) 91-04-044, et al. Florio performed early scheduling and procedural tasks, acted as TURN's witness in the Phase II hearings, and participated in drafting briefs and comments throughout the remainder of this phase. Mueller represented TURN in the hearings and drafted TURN's briefs and comments.

Finkelstein devoted less than one hour of work to this proceeding in August 1994. The Commission has previously awarded Finkelstein an hourly rate of \$200 for his work during this time period. (See D.95-02-018, at 7.) TURN seeks compensation for his work here at that same rate.

Florio devoted three hours of work to Phase II of this proceeding in fiscal year 1993-94 and 16.5 hours of work in fiscal year 1994-95. Florio's hourly rate for 1993-94 was \$235. His hourly rate for 1994-95 was \$250, as adopted in D.95-05-003 which awarded TURN compensation for its contributions to Phase I of this proceeding. TURN seeks compensation for Florio's work here at these same rates.

Mueller devoted 76.75 hours to this proceeding in 1994 and 1995. TURN is seeking compensation for those hours at a rate of \$160 per hour, the rate adopted for her in D.95-05-003.

The miscellaneous expenses detailed above are reasonable in magnitude and were necessary for TURN's contribution to this case. These expenses primarily reflect the cost of preparing TURN's pleadings, communicating with other parties to the case, and attending hearings and meetings. Given TURN's contributions to this proceeding, this level of expenses is reasonable.

As set forth above, we conclude that TURN has substantially contributed to D.95-04-078 and D.95-05-044. We will grant the requested amount of \$19,496. TURN's request is reasonable. TURN has met all the requirements of PU Code § 1804(c), and therefore is entitled an award of \$19,496 as compensation for this proceeding.

Findings of Fact

1. TURN has been found eligible for compensation in this proceeding.
2. TURN has made a substantial contribution to D.95-04-078 and D.95-05-044.
3. TURN's request for an award of \$19,496 as compensation for its substantial contribution is reasonable.

Conclusion of Law

TURN has met the requirements of PU Code § 1804, is eligible for compensation, and is entitled to an award of \$19,496.

O R D E R

IT IS ORDERED that that Toward Utility Rate Normalization (TURN) is awarded \$19,496 in compensation for its contribution to Decision (D.) 95-04-078 and D.95-05-044. Southern California Gas Company shall, within 30 days after the effective date of this order, pay TURN \$19,496, plus interest at the rate earned on prime, three-month commercial paper, as reported in the Federal Reserve Statistical Release G.13, with interest beginning September 11, 1995 and continuing until full payment is made.

This order is effective today.

Dated September 7, 1995, at Los Angeles, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

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

Wesley Franklin
Acting Executive Director