

FEB 26 1996

Decision 96-02-035 February 23, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Rulemaking on the Commission's own Motion for purposes of compiling the Commission's rules of procedure in accordance with Public Utilities Code Section 322 and considering changes in the Commission's Rules of Practice and Procedure.

(Filed December 19, 1984)

OPINION

1. Summary

This decision grants Toward Utility Rate Normalization (TURN) an award of \$1,934 in compensation for its contribution to Decision (D.) 95-09-076.

2. Background

This docket is a continuing proceeding to review and revise the Commission's Rules of Practice and Procedure (Rules). TURN's request concerns its participation in the Commission's implementation of Assembly Bill 2850 (Escutia). Specifically, TURN commented on the draft Rules originally proposed in an administrative law judge (ALJ) ruling and on revised Rules set forth for further comment in D.95-06-021. TURN suggested several changes ultimately adopted by the Commission in D.95-09-076, as discussed in Section 3.2 below.

TURN has previously been found eligible for compensation in this proceeding. TURN's notice of intent to claim compensation was filed on June 30, 1993. By ruling on July 9, 1993, the Commission determined the timing of payments on alternate decisions, and the Commission immediately made the determination of whether an alternate decision is nonsubstantive.

1 Citations to sections are to the PU Code.

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Decision 95-05-032 February 23, 1995 assigned ALJ made the requested finding of eligibility, as authorized under Public Utilities (PU) Code § 1804(b).

3. Request for Award

TURN's requested award of \$1,934 consists of \$1,250 in attorney's fees and \$184 in other costs (copying and postage). TURN filed its request on November 13, 1995. No party has responded to the request.

3.1 Timeliness of the Request

Section 1804(c) provides that a customer who has been found eligible may file a request for an award of compensation within 60 days of "a final order or decision" in the proceeding. Although D.95-09-076 does not close this proceeding, Rule 76.72 defines "final order or decision" to include "an order or decision that resolves an issue on which the customer believes it made a substantial contribution." D.95-09-076, issued September 11, 1995, contains the resolution of certain issues to which TURN contributed and for which TURN now seeks compensation. Under the procedure for computing time set forth in Rule 8.13, TURN's request of November 13 was timely.

3.2 Substantial Contribution

Rules to implement Assembly Bill 2850 were initially proposed in an ALJ ruling on March 6, 1995. TURN filed comments on April 5, suggesting several changes. Many of those changes were reflected in the revised Rules published for further comment in D.95-06-021. The Commission formally adopted these revised Rules in D.95-09-076.

Among the Rules affected by changes that TURN recommended, and that the Commission ultimately made, were the Rules governing the timing of comments on alternate decisions, determination of whether an alternate decision is nonsubstantive,

¹ Citations to sections are to the PU Code.

modification of the length of the comment period, and treatment of the ALJ's revisions to a proposed decision. These changes, individually, and cumulatively, constitute a substantial contribution to D.95-09-076.

3.3 Attorney's Fees

TURN requests compensation for 7.00 hours billed on this matter during 1995 by its attorney, M. P. Florio, at \$250 per hour. The Commission has previously authorized this rate for this attorney, and this time period. TURN maintained reasonably detailed time records indicating the hours devoted to this matter. TURN's level of effort appears efficient and reasonable, and should be compensated in full.

TURN indicates that in reviewing its records, it found an erroneous double entry that had inflated a prior request and resulting Commission award of compensation by \$125 (0.50 hour of attorney time). See D.95-09-034. To correct this error, TURN has netted 0.50 hour of attorney time out of the present request.²

TURN's proposal for correcting this error is more efficient than the alternative of petitioning for modification of D.95-09-034, and is acceptable given the small sum involved. We caution TURN and other intervenors that their accounting systems should largely prevent this kind of error from occurring in the first place.

3.4 Miscellaneous Costs

TURN's other costs (\$139 for copying, \$45 for postage) appear reasonable in connection with its participation. We will authorize full recovery of such costs.

² In other words, TURN has subtracted the erroneous 0.50 hours from its request here.

4. Award Granted

Based on TURN's request, we award TURN \$1,934 calculated as described above. We will assess responsibility for payment equally among the four large energy utilities and two large telecommunications utilities, per the method first adopted in D.95-09-034.

As in all intervenor compensation decisions, we put TURN on notice that the Commission Advisory and Compliance Division may audit TURN's records related to this award. Thus, TURN must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. TURN's records should identify specific issues for which it requests compensation; the actual time spent by each employee; the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

Findings of Fact

1. TURN has made a timely request for compensation for its contribution to D.95-09-076.
2. TURN contributed substantially to the Rules revisions adopted in D.95-09-076.
3. TURN has requested compensation for attorney time at an hourly rate that the Commission has previously approved.
4. The miscellaneous costs incurred by TURN are reasonable.

Conclusions of Law

1. TURN should be awarded \$1,934 plus interest for its substantial contribution to D.95-09-076.
2. This order should be effective today so that TURN may be compensated without unnecessary delay.

2. In other words, TURN has subtracted the erroneous 0.50 hours from its request here.

O R D E R

IT IS ORDERED that:

1. Toward Utility Rate Normalization (TURN) is awarded \$1,934 in compensation for its substantial contribution to Decision 95-09-076.

2. GTE California Incorporated, Pacific Bell, Pacific Gas & Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall each pay \$483.50 to TURN within 30 days of the effective date of this order. These companies shall also pay interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, such interest to be computed from January 27, 1996, through and including the date full payment is made.

This order is effective today.

Dated February 23, 1996, at San Francisco, California.

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