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MAIL DATE: 2/4/97

ORIGINAL

Decision 97-02-019

February 5, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into
natural gas procurement and system
reliability issues.

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)
) R.88-08-018
) (Filed August 10, 1988)
)

And Related Matters.

)
) R.92-12-016
) I.92-12-017
) A.90-06-030
) A.91-06-030
) A.92-06-015
) A.93-09-006
) A.92-11-017
) I.93-02-026
) A.93-10-034
)

(SoCalGas Global Settlement)

ORDER DENYING REHEARING IN DECISION 96-08-024

Toward Utility Rate Normalization (TURN) has applied for rehearing of Decision No. 96-08-024 in which TURN was awarded \$111,478 for attorney and expert witness fees pursuant to Sections 1801-1812 Public Utilities Code. In so doing, we reduced by 50% the hourly rates requested by TURN for the time involved in preparing the request for compensation.

We declared that the compensation request was primarily an invoice for services and that preparation time thereof did not require a lawyer's skill and could be performed by someone with a lower hourly rate (D.96-08-024 mimeo p. 10). We hold to that opinion.

TURN argues that a reduction of the cost and fees requested as compensation for hours spent in obtaining an award, decreases the effective rate for work in other aspects of the proceeding. However, this matter is governed by Sections 1801-1812 of the Public Utilities Code, which concerns the subject of intervenor's fees and expenses.

Section 1802 proclaims that the word "compensation" means payment for all or part as determined by the Commission of

reasonable advocate fees..." While we could, under this statutory standard, have awarded a "part" of reasonable fees and costs, we did not do so. We are of the view that TURN has been fairly compensated for time spent in obtaining an award.

The fees awarded to TURN will be extracted directly from the public purse, because fee awards ordered to be paid to intervenors "shall be allowed by the Commission as an expense for the purpose of establishing rates of a public utility by way of a dollar-for-dollar adjustment to rates." (Section 1807 Public Utilities Code).

We believe the statute mandates careful evaluation of compensation claims. The statute declares "the intent of the Legislature" is that intervenors, be compensated "for making a substantial contribution to the proceedings of the Commission as determined by the Commission". (Section 1803.3 Public Utilities Code.) We found in this case that the request for compensation did not present any novel or difficult issues which would justify the application of an attorney's full billing rate for its preparation. (D.96-08-024, mimeo p. 10.) Preparing and presenting a bill for services, while important, does not in this case make as substantial a contribution to a proceeding as does the actual participation itself.

The Commission has reviewed this application for rehearing and each issue presented and finds that good cause for rehearing has not been shown.

Now therefore IT IS ORDERED that Rehearing of D.96-08-024 is denied.

This order is effective today.

Dated February 5, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners