

Decision 97-03-056 March 18, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Southern California Edison Company for)
Authority to Increase its Authorized)
Level of Base Rate Revenue Under the)
Electric Revenue Adjustment Mechanism)
for Service Rendered Beginning January)
1, 1995 and to Reflect this Increase)
in Rates.)

ORIGINAL

A.93-12-025
(Filed December 27, 1993)

Commission Order Instituting)
Investigation into the Rates, Charges)
and Practices of Southern California)
Edison Company, Establishment of the)
Utility's Revenue Requirement, and)
Attrition Request.)

I.94-02-002
(Filed February 3, 1994)

ORDER DENYING REHEARING IN DECISION 96-08-023

Toward Utility Rate Normalization (TURN) has applied for rehearing of Decision No. 96-08-023 in which TURN was awarded \$92,371.87 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.96-08-023 mimeo p. 7, 8). We hold to that opinion.

TURN has applied for rehearing arguing 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. This matter is governed by Section 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..." We believe 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).

The statute mandates careful evaluation of compensation claims. It 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 Public Utilities Code.) 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. Preparing and presenting a bill for services, while necessary, does not in this case make as substantial a contribution to a proceeding as does the actual participation itself. See D.97-02-019, ___ Cal.P.U.C.2d ___ (Feb. 5, 1997).

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.96-08-023 is denied.

This order is effective today.

Dated March 18, 1997, at San Francisco, California.

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