

Decision 00-04-008 April 6, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to
Assess and Revise the Regulatory Structure
Governing California's Natural Gas Industry.

Rulemaking 98-01-011
(Filed January 21, 1998)

O P I N I O N

This decision grants James Weil an award of \$30,737.45 in compensation for his contribution to Decision (D.) 99-07-015.

1. Background

In this rulemaking proceeding, we assessed the current market and regulatory framework for California's natural gas industry with the goal of identifying appropriate reforms and reporting our findings to the Legislature. We sought to identify the services for which the public interest suggested the need for greater competition and determine the steps that the Legislature and this Commission must take to facilitate healthy competition. In the first part of this process, we identified the most promising options for further consideration. Those options are now the subject of settlement negotiations in Investigation (I.) 99-07-003.

The model we set forth in D.99-07-015 is one that preserves the utilities' traditional role of providing fully-integrated default service to core customers, while clearing obstacles to the competitive offering of gas commodity, transmission, storage, balancing and other services for all customers in the service territories of regulated local distribution companies throughout the state. Additionally, we would implement more vigorous consumer protection rules for

the benefit of smaller customers and then remove limits that currently constrain participation in the core aggregation programs. We would continue to hold the local distribution companies responsible for providing safe service on both sides of the customer meter, while creating options for consolidated billing for customers who choose to take service from competitive providers.

We would extend certain improvements implemented in the Pacific Gas and Electric Company (PG&E) service territory to ensure that they remain in effect beyond the limits of the Gas Accord and enact similar reforms in the Southern California Gas Company (SoCalGas) service territory. It is hoped that offering unbundled services will facilitate customer choice among competing providers offering attractive services at low prices.

1.1 Procedural History

The Commission issued the Order Instituting Rulemaking (OIR) for R.98-01-011 on January 21, 1998. We recapitulate the complicated procedural history because it is relevant to the time necessary for participation in this quasi-legislative proceeding.

Interested parties were invited to join the California gas utilities to comment on the Strategic Planning Division's report, Strategies for Natural Gas Reform: Exploring Options for Converging Energy Markets, and respond to a list of questions attached to the OIR; replies were also allowed.¹ A full panel hearing was held on April 6, 1998. The assigned Commissioners issued a ruling on April 23, 1998 directing the utilities and other parties to take various steps to assist us in our investigation of the natural gas industry. First the assigned

¹ There were 47 active parties to the case, defined as those parties submitting comments or reply comments.

Commissioners asked parties to file Market Conditions Reports testimony by July 15, 1998 describing participants' experiences with the utility procurement, transportation and storage services, with rebuttal testimony - or comments to the Reports for those electing not to file testimony - due August 21, 1998. Second, the assigned Commissioners asked parties to file briefs on jurisdictional issues raised by the proposals in the Division of Strategic Planning (DSP) Report. Third, the assigned Commissioners requested that parties form two working groups: 1) a Revenue Cycle Services (RCS) Safety Working Group to address safety concerns related to the unbundling of meter provision and related services and report to the Commission by September 15, 1998; and 2) a Statewide Consistency Working Group to develop an inventory of significant inconsistencies in gas market structure and regulatory treatment across the State, and report to the Commission no later than September 4, 1998. Last, they notified parties that the Commission would hold a roundtable discussion on safety issues on June 11, 1998.

On August 6, 1998, the Commission issued its first Interim Order in this rulemaking, D.98-08-030. In that order, we stated our focus on appropriate market structure, keeping in mind our articulated goals. We also ordered the utilities to file certain applications that we anticipated would lead to a new market structure in the gas industry.

On August 28, 1998 the California Legislature and the Governor enacted Senate Bill (SB) 1602, creating Section 328 of the Public Utilities Code. That section expressly allowed the Commission to investigate issues associated with the further restructuring of natural gas services, but prohibited the Commission from "enacting" any gas industry restructuring decisions prior to

January 1, 2000. It also stated that any natural gas restructuring decisions for core customers issued after July 1, 1998 would not be enforced.²

In response to this legislation the Commission issued the Second Interim Order in this rulemaking, D.98-10-028, on October 8, 1998. In that order we set a new procedural schedule, including a prehearing conference, evidentiary hearings, briefs, oral argument and open comment meetings, to assist us in preparing a report to the Legislature identifying our proposed long-term market structure for the natural gas industry. We further clarified that, in the absence of further statutory instruction, we would not adopt a final market structure policy decision before January 1, 2000. Finally, we noted that, consistent with SB 1602, we would not require the utilities to file unbundling applications as directed in D.98-08-030.

On November 4 and December 1, 1998, President Bilas and Administrative Law Judge (ALJ) Weissman held prehearing conferences, respectively, to discuss the format and schedule for evidentiary hearings and the scope of our market inquiry. On December 21, 1998, President Bilas issued a ruling that clarified the scope of our inquiry in the Market Conditions hearings and the procedure for our effort to produce a report to the Legislature. Then, on January 19, 1999, President Bilas and ALJ Weissman convened two weeks of panel-style hearings to hear testimony regarding options and proposals for hub, storage, balancing, transmission, and core procurement services. Briefs were filed on February 26, 1999; reply briefs were submitted on March 11, 1999. The Commission heard oral arguments; the case was submitted on March 23, 1999.

² AB 1421, passed late last year, has replaced the language of SB 1602 in Section 328 of the Public Utilities Code.

The assigned Commissioner and ALJ mailed a proposed decision on May 25, 1999. Various parties filed comments and reply comments.

1.2 History of Weil's Participation

On January 31, 1998, Weil entered an appearance by letter as requested in the OIR. On March 23, 1998, pursuant to the February 10, 1998, ruling of ALJ Malcolm, he filed written comments. On April 6, 1998, he attended but did not participate in a full panel hearing.

On May 8, 1998, The Utility Return Network (TURN) and Weil decided to participate jointly in the rulemaking. Weil would concentrate on gas balancing issues and the two working groups. TURN would concentrate on assessment of market conditions.³

On June 11, 1998, Weil participated in a round table discussion on behalf of both parties. He participated fully in both working groups. When Market Conditions hearings began in January 1999, TURN's Marcel Hawiger and Weil agreed that both would participate.⁴ In February and March 1999 TURN and Weil collaborated on opening and reply briefs. In June 1999 TURN and Weil again collaborated on comments and replies to the proposed decision that

³ The two parties agreed that Weil would charge TURN for one-half of his time and expenses needed to work on the proceeding, but that the two parties would eventually file separate compensation requests. TURN would request compensation for all hours and expenses that Weil billed to TURN; Weil would exclude such hours and expenses from his own compensation request.

⁴ The two parties divided up issues as convenient, and Weil did not bill TURN for hearing time.

became D.99-07-015.⁵ In sum, Weil actively participated in the proceeding for its entire 18-month duration.

1.3 Jurisdictional Facts

The Commission approved D.99-07-015 on July 8, 1999; it is a final order as defined in Rule 76.72 of the Commission's Rules of Practice and Procedure because it closed the proceeding. Weil here seeks compensation for his contributions to the decision. This compensation request, filed on September 7, 1999, the 60th day following the issuance of the decision, is timely. The request reopens the proceeding.

2. Requirements for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Sections 1801-1812⁶ of the Public Utilities Code. Section 1804(a) requires an intervenor to file a notice of intent (NOI) to claim compensation within 30 days of the prehearing conference or by a date established by the Commission. The NOI must present information regarding the nature and extent of compensation and may request a finding of eligibility. (Pub. Util. Code § 1804(a).)

Other code sections address requests for compensation filed after a Commission decision is issued. Section 1804(c) requires an intervenor requesting compensation to provide "a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding." Section 1802(h) states that "substantial contribution" means that,

⁵ Weil billed TURN for one-half of the time Weil spent on those pleadings.

⁶ All statutory references are to the Public Utilities Code unless otherwise indicated.

“in the judgment of the commission, the customer’s presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer’s participation has resulted in a substantial contribution, even if the decision adopts that customer’s contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate’s fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.”

3. NOI to Claim Compensation

On May 6, 1998, pursuant to the March 17, 1998, ruling of Assigned Commissioners Bilas and Knight, Weil filed his NOI. The NOI included an explanation of his status as an individual customer of respondent PG&E, a statement regarding the adequacy of representation, a statement of the nature and extent of his planned participation, a compensation estimate of \$28,730 for the rulemaking as originally envisioned and a showing that participation in the proceeding without compensation would pose a significant financial hardship. Along with the NOI, he submitted under seal a statement of personal financial information and a concurrent motion for a protective order regarding that information.

On June 5, 1998, ALJ Weissman issued a ruling that determined that both TURN and Weil were customers as defined in Section 1802 of the Public Utilities Code, that both had established that they would experience significant financial

hardship by participating in this proceeding,⁷ and that they had provided adequate estimates of the nature and extent of their planned participation. The ALJ found that both TURN and Weil had met the standards for eligibility for compensation. We affirm the ruling here.

4. Underrepresentation, Necessity, Necessary for a Fair Determination of the Proceeding and Productivity

The record supports Weil's contention that his recommendations differed from those of other parties, such as the Office of Ratepayer Advocates (ORA), and that Weil made a significant contribution to the final outcome of the proceeding. In D.98-04-059, we emphasize the necessity for certain findings in support of an order awarding compensation. For eligibility to seek compensation, an intervenor must show undue financial hardship and customer status, as well as an indication that the customer interests the intervenor represents would otherwise be underrepresented. At the compensation award stage, underrepresentation and several other factors are reviewed to assess the usefulness of the intervenor's participation. Weil showed that he and TURN were the only parties solely representing residential and small commercial customers, thereby adding focus on their concerns. Without their participation, those customers would have been underrepresented. (D.98-04-059, Finding of Fact 13, slip op. at p. 83.)

⁷ ALJ Weissman relied on a rebuttable presumption of financial hardship as shown in another proceeding that had commenced within one year of this proceeding to find that Weil had shown financial hardship under Section 1802(g). He did not rely on the documents submitted by Weil. Weil should keep that in mind in subsequent filings to ensure that he has made a showing within a year of all of his NOIs.

R.98-01-011 ALJ/ALB/avs

In D. 98-04-059, we also note the touchstones in Section 1801.3(f) for the administration of the compensation program: Productive, Necessary and Needed Participation. Weil's participation was necessary in that he did not duplicate the work of the ORA and his contributions provided independent benefits to ratepayers. His participation was necessary for a fair determination of the proceeding in that the issues he addressed were relevant, within the scope of the proceeding and within the Commission's jurisdiction. Moreover, Weil participated in a productive manner. A perusal of his time records indicates that his use of time was reasonably efficient and his avoidance of duplication underscores this finding.

While some of the benefits of Weil's participation are intangible, we agree that the various reductions incorporated into his compensation request operate as a reasonable proxy for monetizing the value of the benefit realized from that participation in relation to its actual cost. For instance, Weil reduced his request by 40% of time spent preparing for and attending the initial full panel hearing and round table discussion based on duplication of the efforts of other parties. Nor does he seek compensation for 12.9 hours, or 60%, of time spent on Market Conditions pleadings based on a comparison of his submissions and the outcome of D.99-07-015.

5. Contributions to Resolution of Issues

Section 1804(e) requires the Commission to issue a decision that determines whether or not the customer has made a substantial contribution and the amount of compensation to be paid. A party may make a substantial

contribution to a decision in several ways.⁸ The party may offer a factual or legal contention upon which the Commission relied in making a decision,⁹ or may advance a specific policy or procedural recommendation that the ALJ or Commission adopted.¹⁰ A substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position entirely.¹¹ The Commission has provided compensation even when the position advanced by the intervenor is rejected.¹²

In this instance, the Commission assessed the California natural gas industry and determined what promising options to pursue out of a huge field of options in revising the regulatory structure. In the quasi-legislative context particularly, we are faced with the difficulty of assessing the benefit of attendance at working groups and panels. We want to encourage participation but compensate only added value. We agree to compensation for attendance where it is necessary to meaningful participation, either at the time of the working group or panel or in briefs and comments afterward.

Weil has divided his contributions into phases of the proceeding, and because of the unusual progression of this matter, we will follow his lead on this.

⁸ Section 1802(h).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² D.89-03-063 (awarding San Luis Obispo Mothers For Peace and Rochelle Becker compensation in Diablo Canyon Rate Case because their arguments, while ultimately unsuccessful, forced the utility to thoroughly document the safety issues involved).

5.1 Initial Efforts

In his initial comments, Weil emphasized the need to assess market conditions, unbundle gas service and protect consumers. In D.99-07-015, we did not attribute our findings to any party, but we did conduct hearings focusing on market conditions, discuss unbundling some aspects of gas service (and definitely not others) and find that consumer protections were necessary. We directed that these comments be filed, and we will compensate for them.

Weil attended but did not speak at the full panel hearing. He voluntarily disallowed the time spent on the full panel hearing, because of his passive role. This was the correct way to approach the compensability of this time.

5.2 Working Groups

Weil attended and spoke at the round table discussion, on the important subject of RCS safety. This led to further working group sessions on this issue, and ultimately, a useful report.

In D.99-07-015, we viewed the competitive provision of meters to be a promising option, consistent with the goal of ensuring safe and reliable service, but not the unbundling of meter reading or servicing or after-meter services. (D.99-07-015, discussion at slip op. pp. 84-85.) We relied on the working group report as well as testimony in coming to our determinations, and we appreciated their efforts. Weil's contribution to the RCS Safety Working Group is fully compensable.

We also asked the Statewide Consistency Working Group to create a detailed inventory of significant inconsistencies in policies, programs, tariffs, rules and procedures employed by gas utilities throughout California. The group produced its "remarkable" inventory in its Report of the Statewide

Consistency Working Group, on September 4, 1998. (D.99-07-015, discussion at slip op. p. 132.) This tool will aid us greatly in our further consideration of consistency issues.

Thus, in light of our desire to encourage the use of alternatives to litigation,¹³ we are willing to compensate for active participation¹⁴ in the working groups, even when we do not adopt every proposal in the working group reports. (D.97-02-047, slip op. at p. 2.) Working groups are beneficial because they engage all stakeholders in examining important issues. (D.96-08-040, 67 CPUC2d 562, 568.) When, as here, the intervenor is active in the group and the group produces a product that aids in the decision-making, the time is compensable.

This proceeding parallels in some ways the Commission's recent electric industry restructuring rulemaking. In awarding compensation in that proceeding, we determined that there was some duplication of effort, but because of the extraordinary level of participation required, reductions to awards of compensation due to duplication were unwarranted. (D.96-08-040, 67 CPUC2d 562, 575-576.) Here, TURN and Weil have mitigated duplication of effort by joint participation in the working groups.

¹³ D.95-08-024, 61 CPUC2d 61, 66.

¹⁴ We recognize that intervenors may need to attend working groups or panels in the event something of import to them arises. If it does, their active participation is clearly compensable. However, if they do not participate, they risk receiving no compensation for the time spent. In that situation, only if later work product substantially draws from the working group or panel will compensation for the silent activity be compensated. The derivation of this compensation is public benefit; accordingly, the benefit must be shown, not just inferred from silent presence.

In the electric industry restructuring proceeding, we stated:

“The cooperative efforts participated in by the intervenors, including the working groups..., are essential in building a California consensus.” (*Ibid.* at p. 576.)

* * *

“In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of §1801.3(b).” (*Id.*)

* * *

“Because the working group process was initiated by this Commission, we allow all hours for participation in it.” (*Ibid.* at p. 577.)

For these reasons, we find that compensation in full for participation in the two working groups, and the initial efforts in preparation for the working groups, is justified.

5.3 Market Conditions Issues

During Market Conditions hearings, Weil focussed on core and noncore responsibility for PG&E system imbalances, cross-examining witnesses. Apparently, he also drafted sections of TURN’s opening and reply briefs on balancing issues and the joint proposed decision comments regarding balancing and several other issues. However, TURN and Weil did not otherwise participate jointly in this segment of the proceedings.

Weil’s results in this segment of the case were mixed.

- Although we did not find that noncore customers cause the majority of system imbalances as Weil recommended, neither did we find that core customers caused the majority of imbalances, as noncore interests recommended. (D.99-07-015, slip op. at 34.)

We did devote a substantial portion of the decision to balancing issues.

- Weil wrote the part of TURN's brief opposing Utilicorp Energy Solutions, Inc.'s proposal to eliminate the core/noncore distinction. (TURN Reply Brief, pp.1-3.) We rejected the proposal. (D.99-07-015, slip op. at pp. 62-63.)
- TURN/Weil also opposed the recommendations of Enron Corporation and others to change the role of the local distribution company (LDC) as default service provider. (TURN Opening Brief, pp. 8-9, Reply Brief, p. 3.) We retained the LDC as the default provider. (D.99-07-015, Recommendation 1, slip op. at p. 49.)
- Finally, TURN/Weil opposed the utilities' argument for stranded or transition cost protections associated with industry restructuring. (Comments on the Proposed Decision filed by PG&E, p. 5, by Southwest Gas Corporation, p. 7, and by SoCal Gas and SDG&E, p. 22.) In D.99-07-015, we did not adopt any mechanism for recovery of transition costs.

Because Weil did not clearly prevail on most of his Market Conditions issues, he voluntarily disallowed 60% of time spent on Market Conditions pleadings. We think this fairly reflects his overall contribution, given the relative importance of those issues he did influence – balancing and retaining the LDC as default service provider.

Thus, our finding is that Weil did contribute substantially to D.99-07-015 through his extensive participation in the rulemaking proceeding, but that his hours cannot be fully compensated because his positions, while informative, were not wholly successful. The reduction factors proposed by Weil himself are reasonable for determining compensation in light of his relative success.

6. The Reasonableness of Requested Compensation

Weil Hours ¹⁵	(122.95 hrs. @ \$200/hr.)	\$24,590.00
Travel time/time for preparing compensation request	(50.25 hrs. @ \$100/hr.)	\$ 5,025.00
Administrative hours	(no compensation requested)	
Copies		\$ 380.51
Postage		\$ 325.65
Mileage @ 31¢ & travel costs		\$ 485.94
FAX @ \$1 & telephone		\$ 70.35
Total		\$ 30,877.45

There was no opposition to this request.

6.1 Hours Claimed & Allocation to Issues

Weil allocated his costs by major issues in conformance with D.85-08-012. In keeping with Commission practice, he did not allocate certain uses of time to specific issues. These hours include those devoted to initial efforts (initial comments, the full panel hearing and the round table), and to general preparation (initial review of the OIR, review of the comments, motions and discovery requests of other parties, attendance at the prehearing conference and discovery conferences, and the preparation of the NOI).

¹⁵ The hours requested are those remaining after Weil has deducted 4.8 hours of time spent preparing for and attending the initial full panel hearing, as well as the 40% reduction based on his assessment of duplication and the 60% reduction based on his assessment of success related to the market conditions portion of the proceeding.

In total, 60.7 hours were allocated to RCS Safety Working Group, of which 30.35 were billed to TURN. Additionally, Weil allocated 24.4 hours to the Statewide Consistency Working Group, of which 12.2 were billed to TURN. Another 59 hours were allocated to the market conditions issues, but this amount is reduced by 8.4 billed to TURN and further reduced by 12.9 based on Weil's self-assessment and page count comparison to the final decision.

In past proceedings, Weil has used a more complicated formula for determining his success and arriving at an appropriate multiplier for his hours that serves as a proxy for "success" on an issue. While we prefer that more quantitatively rigorous method to the vague reference to page counts here, the vagueness in this instance is justifiable.¹⁶ Our decision set forth promising options after an in-depth exploration of the gas industry, present and potential. The rulemaking was a search for promising options. Without the contributions to the record from those whose tendered options were rejected, our search would have been too narrow in focus. We needed the broader education on the issues as the parties see them. Accordingly, we believe that Weil's contribution to the search we undertook should be rewarded at the reduced level reflecting generally his success on the issues.

Weil documented his hours by submitting a spreadsheet reflecting date, number of hours broken down by professional, travel or administrative, and activity. A review of the time records submitted indicates that permissible activities, such as reviewing documents, working group attendance, panel

¹⁶ Our allowance of this method for this case should not be taken as a relaxation of the usual requirement that issue allocation be rigorous, and success be shown before compensation is allowable.

attendance and comment preparation are included in the time records. However, Weil correctly does not request compensation for review of documents that did not lead to further participation, such as reviewing replies to comments.

The time records adequately support Weil's claim of total hours spent.¹⁷ Weil is a professional who performed efficiently and added value to the proceeding.

6.2 Hourly Rates

Section 1806 requires the Commission to compensate eligible parties at a rate that reflects the "market rate paid to persons of comparable training and experience who offer similar services."

Weil seeks compensation at the rate of \$200 per hour for work on substantive matters, and \$100 per hour for travel and work drafting the compensation request.

Weil's resumé indicates that he has a master's degree and doctoral degree in engineering from the University of California at Berkeley and many years of experience in the utility industry. His experience includes 14 years with the Commission staff, seven of which were as ALJ with the Commission. In support of his request for an hourly professional rate of \$200, and a \$100 rate for travel time and preparation of the compensation request, Weil cited four other decisions in which the Commission had awarded him compensation at these rates during a contemporaneous timeframe. (D.98-10-007, D.98-11-049,

¹⁷ We do find one small fault in the charge for time. In Weil's detailed time records, he correctly allocates the time spent downloading a document to administrative time on September 5. However, he allocates the time spent downloading a document on May 15 to professional time. We will reduce Weil's compensable professional time by the amount allocated to professional time on May 15, that is, by 0.7 hours, or \$140.

D.98-12-037, and D.99-06-002.) Weil has reasonably supported his request for an hourly rate of \$200 and we will grant it. Consistent with our usual practice, we grant half of that amount for time spent traveling and for time spent drafting the compensation request, as Weil proposes.

6.3 Other Costs

The costs Weil claims for such items as postage, photocopying, and telephone calls, although not allocated or reduced, are a reasonable percentage of his request and are reasonable in light of the large number of participants and complexity of this proceeding. We grant Weil's \$776.51 request for these costs.

7. Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 (g) of the Public Utilities Code and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

8. Award

We award Weil \$30,737.45 for his contributions to D. 99-07-015. This is the full amount of the request minus the excess compensation requested for 0.7 administrative hours downloading a document.

In previous decisions arising from broad-ranging rulemaking proceedings, we have allocated responsibility for paying the intervenor compensation awards to the named respondent utilities based on each company's market share in the relevant industry. (D.96-08-040.) We follow that precedent here, but in the future it maybe appropriate to use the allocation methodology approved prospectively in D.00-01-020.

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial

paper rate), commencing November 14, 1999, the 75th day after Weil filed his compensation request and continuing until the utilities makes full payment of the award.

As in all intervenor compensation decisions, we put Weil on notice that the Commission staff may audit Weil's records related to this award. Thus, Weil must retain adequate accounting and other documentation to support all claims for intervenor compensation. Weil's records should identify specific issues for which he requests compensation, the actual time spent by each employee, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation has been claimed.

Findings of Fact

1. Weil, a customer who has adequately shown undue financial hardship, has made a timely request for compensation for his contribution to D.99-07-015, reopening this proceeding.
2. Weil made a substantial contribution to D.99-07-015.
3. Weil has requested an hourly rate (\$200/hr) that is considered market rate for individuals with comparable training and experience. The rate is set at a level that assumes overhead costs are included.
4. Weil has received this rate in previous proceedings and it is a reasonable rate.
5. The miscellaneous costs incurred by Weil are reasonable.
6. Weil's productive, needed and necessary participation resulted in an overall benefit that exceeded his costs.
7. Weil has appropriately reduced the number of hours for which he seeks compensation.

8. Weil attributed 0.7 hours to professional time that should have been designated administrative time.

9. The Respondents in this proceeding were PG&E, San Diego Gas & Electric (SDG&E), SoCal Gas, Washington Water Power Company and Southwest Gas Corporation. They did not oppose the request.

10. It is reasonable that these companies should pay to James Weil a pro rata share of the \$30,737.45 award based on the each company's market share in the California natural gas market as measured by Mdth delivered in 1998.

11. It is reasonable that each company should pay its share within 30 days of the effective date of this order plus interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, with interest beginning November 14, 1999 and continuing until full payment is paid.

Conclusions of Law

1. Weil has fulfilled the requirements of Sections 1801-1812, which govern awards of intervenor compensation.

2. Weil should be awarded \$30,737.45 for his contribution to D.99-07-015.

3. Respondents PG&E, SDG&E, SoCal Gas, Washington Water Power Company and Southwest Gas Corporation shall pay to James Weil a pro rata share of the \$30,737.45 award based on the each company's market share in the California natural gas market as measured by Mdth delivered in 1998. Each company shall pay its share within 30 days of the effective date of this order plus interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, with interest beginning November 14, 1999 and continuing until full payment is paid.

4. This order should be effective today so that Weil may be compensated without necessary delay.

5. This proceeding should be closed again.

O R D E R

IT IS ORDERED that:

1. James Weil is awarded \$30,737.45 for his contribution to Decision 99-07-015.

2. Respondents Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, Washington Water Power Company and Southwest Gas Corporation shall pay to James Weil a pro rata share of the \$30,737.45 award based on the each company's market share in the California natural gas market as measured by Mdth delivered in 1998.

3. Each company shall pay its share within 30 days of the effective date of this order plus interest on the award at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, with interest beginning November 14, 1999 and continuing until full payment is paid.

4. This proceeding is closed again.

This order is effective today.

Dated April 6, 2000, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners