

Decision 00-05-006 May 4, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company for Approval of Further Guidelines for Evaluation and Reporting Requirements on the Distribution Performance Based Ratemaking (PBR) Mechanism.

Application 99-03-020
(Filed March 1, 1999)

OPINION AWARDING COMPENSATION

This decision grants The Utility Reform Network (TURN) an award of \$15,776.06 in compensation for its substantial contribution to Decision (D.) 99-12-035. TURN's efforts helped the Commission develop several reporting requirements for Southern California Edison's (Edison) next Performance Based Ratemaking (PBR) application. The Commission's creation of these reporting requirements was its key action in D.99-12-035. Thus, TURN's efforts were central to the Commission's decision, and TURN is entitled to compensation.

We deny as premature TURN's request for \$3,143.25¹ in compensation related to its work on Advice Letters 1302E and 1373E.² Those Advice Letters

¹ TURN's total request of \$18,937.31 reflects an addition error of \$18. We have checked TURN's calculations, and the numbers reflected in this decision are summed correctly. If one adds our total award (\$15,776.06) to the amount we have denied for the Advice Letters (\$3,143.25), TURN's total request should have been \$18,919.31 (TURN's requested amount of \$18,937.31 less the \$18 reflected in its addition error).

² Edison's March 15, 2000 Response to TURN's request for compensation (Response) principally addresses TURN's work on the Advice Letters. Because we find premature that portion of TURN's request, we do not reach Edison's substantive arguments on an intervenor's general entitlement to compensation for work on Advice Letters.

were still pending before the Commission at the time of mailing of the draft decision on TURN's request. Consequently, we ruled the request premature. While we subsequently approved, with changes, Advice Letter 1302E, Advice Letter 1373E is still pending. Edison's and TURN's substantive arguments related to an intervenor's eligibility for compensation for work on Advice Letters would be better addressed in a separate decision once TURN has filed its Notice of Intent and request for compensation for the Advice Letter work in accordance with D.98-11-049.³

Background

The proceeding at issue was a midterm review of Edison's PBR mechanism. Instead of adjusting its PBR at midterm, Edison was directed to gather new data and make new reports at its next full PBR. The Commission was highly influenced by TURN's suggestions in deciding which reports to require Edison to submit. TURN's input occurred mostly at workshops, but also involved the submission of discovery requests and briefs.

Most of the TURN suggestions the Commission adopted related to customer satisfaction surveys. For example, the Commission was dissatisfied with the subjective nature of the customer satisfaction data Edison submitted, and developed new, objective reporting requirements to inform the decision on the next PBR. As noted by the Commission,

TURN presented its own proposal and analysis supporting a set of concrete indicators [of customer satisfaction] and data gathering commitments at the June 15, 1999 workshop, and Edison responded with a modified proposal at the June 17, 1999 workshop. The proposal consists of gathering and reporting data

³ 1998 Cal. PUC Lexis 805, at *5.

relative to a busy signal telephone standard, a streetlight repair standard, a complaint resolution standard, and service guarantee performance. On July 2, TURN and Edison finalized [an] . . . agreement [instituting data reporting and data gathering methods to demonstrate customer satisfaction].⁴

We describe TURN's substantial efforts more fully below. First, however, we turn to the requirements for an award of intervenor compensation.

Requirements for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to §§ 1801-1812.⁵ 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 the customer's planned participation and an itemized estimate of the compensation the customer expects to request. The NOI may request a finding of eligibility for compensation.

In addition to filing an NOI, a party seeking intervenor compensation must also meet the statutory requirements for such awards. 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,

in the judgment of the Commission, the customer's presentation has substantially assisted the Commission in the making of its order or

⁴ D.99-12-035, 1999 Cal. PUC Lexis 767, at *26.

⁵ All statutory references are to the California Public Utilities Code.

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.

Section 1804(e) provides for the Commission to issue a decision that determines whether the customer has made a substantial contribution and what amount of compensation to award, which we do here. The level of compensation must take into account the market rates paid to people with comparable training and experience who offer similar services.⁶ In the following paragraphs, we examine each of the statutory requirements in the context of TURN's work on this proceeding.

NOI to Claim Compensation and Timeliness of Request

As to D.99-12-035, TURN filed a timely NOI on June 9, 1999. The assigned Administrative Law Judge (ALJ) found TURN eligible for compensation by a ruling dated June 24, 1999. TURN then filed its compensation request (Request) within 60 days of issuance (mailing) of our December 16, 1999 decision. Thus, TURN's request is timely as to D.99-12-035.

As to Advice Letters 1302E and 1373E, TURN's request is premature. Those Advice Letters were still pending before the Commission at the time of mailing of the draft decision on TURN's request. Consequently, we ruled the

⁶ Pub. Util. Code § 1806.

request premature. While we subsequently approved, with changes, Advice Letter 1302E, Advice Letter 1373E is still pending. Edison's and TURN's substantive arguments related to an intervenor's eligibility for compensation for work on Advice Letters would be better addressed in a separate decision once TURN has filed its Notice of Intent and request for compensation for the Advice Letter work in accordance with D.98-11-049.⁷

Substantial Contribution to Resolution of Issues

TURN asserts that it made a substantial contribution to D.99-12-035. Moreover, Edison "supports TURN's request for compensation for activities TURN conducted in this proceeding [A.99-03-020]: . . ."⁸

A party may make a substantial contribution to a decision in a number of ways.⁹ It may offer a factual or legal contention upon which the Commission relies in making a decision,¹⁰ or it may advance a specific policy or procedural recommendation that the ALJ or Commission adopts.¹¹ A substantial contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total.¹² The

⁷ 1998 Cal. PUC Lexis 805, at *5. With regard to the Advice Letter compensation request, the parties may wish to emphasize the Commission's recognition of its increased reliance on informal proceedings when it last revised its intervenor compensation rules. D.98-04-059 (April 23, 1998), *mimeo.*, at 8.

⁸ Edison Response at 2.

⁹ Pub. Util. Code § 1802(h).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Commission has provided compensation even when the position advanced by the intervenor is rejected.¹³

Here, TURN's contribution was substantial. The Commission imposed new reporting requirements on Edison in D.99-12-035, and TURN was instrumental in formulating most of them. As the proceeding began, Edison submitted several reports -- especially focused on *subjective* evidence of customer satisfaction -- which were not satisfactory.

Thereafter, TURN negotiated an agreement with Edison providing that Edison would file new reports and gather new data. Specifically, Edison agreed to submit several reports during the current PBR containing *objective* customer service measurements: 1) the percentage of time all primary inbound customer trunk lines at Edison's call centers are busy; 2) street light outage and repair information; 3) information related to Edison's service guarantee program; and 4) data regarding the number of customers whose electric service has been disconnected in error. The Commission approved this series of reports.¹⁴

The Edison/TURN agreement also provided for Edison to gather data during the current PBR on numbers of customer turn-on and turn-off orders, customer satisfaction with Edison's complaint resolution process, and Edison's handling of billing inquiries. The Commission likewise approved this portion of the agreement.¹⁵

¹³ D.89-03-96 (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 document thoroughly the safety issues involved).

¹⁴ D.99-12-035, 1999 Cal. PUC Lexis 767, at *26-29.

¹⁵ *Id.* at 30.

As TURN acknowledges, the Commission expressed concern at "the failure of the parties to grapple with any problems in the interim order in D.98-07-077 [requiring Edison to furnish customer satisfaction data *prior to* the midterm review] . . . and by the failure of Edison to institute specific and objective measures of customer satisfaction with service quality during the midterm review process, as we explicitly directed in D.98-07-077 . . ." ¹⁶ TURN explains that,

[W]e did not take on all of the issues that we could have in this proceeding. . . . However, TURN has to make resource allocation decisions on an ongoing basis In the end, we reached the conclusion that our efforts would be better expended seeking to achieve the data reporting and gathering commitments from Edison for potential application to the utility at a later date, rather than the far more resource-intensive effort we believe it would have taken to apply such new standards as part of the midterm review. ¹⁷

TURN adequately explains its actions. Moreover, TURN seeks compensation only for the work it actually performed in this proceeding; presumably the dollar request would have been much higher if TURN had performed the more labor-intensive task the Commission would have preferred. There is no question that TURN's work was productive and helped the Commission reach its decision. Thus, we find TURN substantially contributed to D.99-12-035.

¹⁶ Request at 3; D.99-12-035, 1999 Cal. PUC Lexis 767, at *31.

¹⁷ Request at 3.

The Reasonableness of Requested Compensation

In a supplement to its Request,¹⁸ TURN segregates the compensation it seeks for its contribution to D.99-12-035 from that related to the Advice Letters. We have ruled the request premature as to the Advice Letters. For its work on D.99-12-035, TURN seeks the following amounts:

Attorney Fees

<i>Robert Finkelstein</i>	18.75 ¹⁹	Hours	X	\$265.00	=	\$4,968.75
	8.0	Hours	X	\$132.50	=	\$1,060.00
				<i>Attorney Fee Subtotal</i>	=	\$6,028.75

Expert Witness Fees and Expenses JBS Energy Inc.

<i>William Marcus</i>	1.6	Hours	X	\$150.00	=	\$240.00
<i>Gayatri Schilberg</i>	73.05 ²⁰	Hours	X	\$110.00	=	\$8,035.50
<i>Jeff Nahigian</i>	7.0	Hours	X	\$95.00	=	\$665.00
<i>Expert Expenses</i>						\$370.76
				<i>Expert Subtotal</i>	=	\$9,311.26

¹⁸ Second Supplement to Request for an Award of Compensation to The Utility Reform Network for Substantial Contribution to D.99-10-035, filed March 2, 2000 (Second Supplement).

¹⁹ Finkelstein spent 8.25 hours on the Advice Letters; the 18.75 hour figure reflects Finkelstein's hours net of the Advice Letter hours. Request at 8; Second Supplement at 1.

²⁰ Schilberg spent 8.7 hours on the Advice Letters; the 73.05 hour figure is net of the Advice Letter hours. Second Supplement at 2. We disallow a total of \$3,143.25 for the Advice Letters: $(8.25 \times \$265 = \$2,186.25) + (8.7 \times \$110 = 957) = \$3,143.25$. See n. 1 above for a clarification of our total calculations.

Other Costs

Photocopies					=	\$272.40
Postage					=	\$26.40
Fax charges					=	\$64.30
Phone					=	\$17.50
LEXIS					=	\$55.45
				Other Costs Subtotal	=	\$436.05 ²¹
			TOTAL		=	\$15,776.06

Overall Benefits of Participation

Before analyzing TURN's figures, we first must examine whether the amount TURN spent was reasonable in light of the benefits it produced for ratepayers. In order to obtain compensation, an intervenor must demonstrate that its participation is "productive," as that term is used in § 1801.3. That is, an intervenor's costs of participation should bear a reasonable relationship to the benefits realized through such participation.

Intervenors should demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. Even benefits sometimes thought of as intangible may be "monetized" through appropriate proxies. At a minimum, when the benefits are intangible, the intervenor should present information sufficient to justify a Commission finding that the overall benefits of participation will exceed the costs.²²

²¹ In a letter dated March 6, 2000 and served on all parties, TURN clarified the correct amount of its costs. The chart here reflects the corrected amounts.

²² See D.98-04-059, *mimeo.*, at 31-33, and Finding of Fact 42.

Here, TURN concedes – and we agree – that it is difficult to place a dollar value on the development of new Edison reporting guidelines for its next PBR proceeding.²³ However, to the extent TURN’s efforts “will aid in the crafting of a better PBR mechanism,”²⁴ ratepayers should benefit. The new reporting requirements should ensure that the Commission has better and more objective Edison customer satisfaction results at Edison’s next PBR.

It is true that the Commission agreed in D.99-12-035 that it would not apply a PBR reward or penalty mechanism to Edison's performance as a result of the data reported or gathered for the term of Edison's current PBR mechanism.²⁵ Thus, the reports Edison agreed with TURN to furnish will not directly impact Edison’s rates. Nonetheless, the new information certainly will “assist[] the Commission in developing a record on which to assess the reasonableness of [the utility’s] operations, and particularly its preparedness and performance in the future.”²⁶

Given the magnitude of Edison’s PBR and its direct impact on rates, any significant improvement to the PBR mechanism should benefit ratepayers. Thus, we find that TURN’s work was productive and worthy of compensation.

²³ Request at 7.

²⁴ *Id.*

²⁵ D.99-12-035, 1999 Cal. PUC Lexis 767, at *31.

²⁶ D.99-12-005, *mimeo.*, at 6-7 (compensation decision in 1995 Storm Phase of general rate case for Pacific Gas and Electric Company).

Duplication

TURN also submits that its hours should not be reduced for duplication of the showings of other parties.²⁷ We agree. While TURN and ORA both gave input on how to refine Edison's customer satisfaction data, there was little overlap in their suggestions. ORA focused principally on issues TURN did not address, and vice versa. Furthermore, Edison does not urge a reduction for duplication. Thus, we will not reduce TURN's award for duplication.

Hours Claimed

TURN documents its claimed hours by presenting a daily breakdown of hours for its attorney and experts, including a brief description of each activity or group of activities. The hourly breakdown presented by TURN reasonably supports its claim for total hours. Given the quality and comprehensiveness of TURN's participation, especially in the workshops, we believe that the hours spent by TURN were reasonable.

Hours Claimed

With one exception, Edison agrees with TURN's claimed hours for work related to D.99-12-035. The sole exception relates to 9.25 hours of TURN's experts' time on pre-application matters. TURN justifies the inclusion of this time on the ground that the workshop its experts attended "addressed the component database the Commission had identified for the midterm review in D.96-09-092."²⁸ Edison opposes inclusion of the time here because the time "was not part of this Application, was not included in TURN's NOI, nor was it part of

²⁷ *Id.* at 6-7.

²⁸ Request at 13-14.

any scheduled workshop in this proceeding."²⁹ Edison also claims that the January 1999 activity was a meeting, not a workshop. Whether it was a meeting or a workshop, Edison concedes it was "held in accordance with a requirement of D.96-09-92."³⁰ Likewise, the decision at issue in TURN's compensation request, D.99-12-035, "consider[ed] whether [Edison] ha[d] complied with the directives in . . . (D.) 96-09-092 [and two other decisions] regarding submissions and actions to be taken by March, 1999, the time for a midterm review of its performance-based ratemaking (PBR) mechanism."³¹ Since the meeting/workshop and the proceeding both related to D.96-09-092 requirements, we find a sufficient nexus between the meeting/workshop and this application, and grant TURN the 9.25 expert hours.

Hourly Rates

TURN seeks \$265/hour for attorney Finkelstein. We have already approved this rate in other proceedings for similar work.³² We will approve that rate again here.

TURN seeks increased hourly rates for JBS Energy Inc.'s experts Marcus, Schilberg, and Nahigian. TURN seeks compensation at \$150 per hour (a \$5 increase) for 1.6 hours of Marcus' time (total fees \$240.00). It seeks \$110 per hour (also a \$5 increase) for 73.05 hours of Schilberg's time (total fees \$8,992.50, not including work on the Advice Letters). Finally, it seeks \$95 per hour (a \$10

²⁹ Edison Response at 2, n. 3.

³⁰ Edison Comments on Draft Decision, filed April 24, 2000, at 2.

³¹ D.99-12-035, 1999 Cal. PUC Lexis 767, at *1.

³² See D.00-02-008, *mimeo.*, at 11-12; D.00-02-038, *mimeo.*, at 15-16.

increase) for Nahigian's time (total fees \$665.00). Each of the new rates represents TURN's out-of-pocket charges for the work of its experts. Edison does not oppose any of TURN's requested rate increases.

Due to attorney oversight, TURN submitted material justifying the increases three days after filing its request for compensation, along with a motion seeking leave for the late filing. Because Edison does not object to the filing, and a three-day delay cannot have prejudiced anyone in any event, we grant TURN's motion.

William Marcus

We have previously awarded TURN \$145 per hour for Marcus' work.³³ Moreover, in D.00-02-008, we approved \$150 per hour for Marcus, but did not engage in a thorough analysis of the appropriateness of increasing the rate for all purposes. We do so now. In a supplement to its Request, TURN describes Marcus' qualifications and justifies the increase.

According to TURN, Marcus graduated from Harvard College with an A.B. magna cum laude in Economics in 1974, and received an M.A. in Economics from the University of Toronto in 1975. He has been directly involved in the field of energy policy and utility regulation for more than twenty years, first as an economist with the California Energy Commission, and, since 1984, as Principal Economist for JBS. In this position, he is JBS' lead economist for all utility issues and supervises the work of five other analysts.³⁴ TURN asserts that Marcus' credentials and experience are comparable to those of Dr. David Goldstein of Natural Resources Defense Council (NRDC), who was compensated

³³ See D.98-04-027 and D.98-08-027.

³⁴ Supplement at 3.

at \$175/hour -- \$25 more than TURN seeks here -- for work performed several years ago in 1995.³⁵

TURN also compares Marcus' requested rate to the rates granted other experts in proceedings before the Commission. TURN alleges that those experts have received hourly rates ranging from \$173 - \$240 for work in other important energy proceedings.³⁶ We find that TURN has demonstrated the appropriateness of raising Marcus' rate to \$150 for work performed in 1999.

Gayatri Schilberg

We have previously approved a \$105 hourly rate for Schilberg.³⁷ TURN seeks an increase to \$110/hour for Schilberg's work in 1999. According to TURN, Schilberg is a Senior Economist at JBS, with over twenty years experience in economic and statistical research, management of computer systems, and business planning. She received a B.A. in economics from Oberlin College in 1968, an M.A. in Economics from the University of Wisconsin in 1969, and an M.Phil. in Economics from Oxford University in 1973. Her work experience includes stints as a computer programmer and econometrician for the United Nations Conference on Trade and Development in Geneva, and statistical and demographic research for a computer support company. Since joining the JBS

³⁵ *Id.* n. 3, citing D.96-08-040, *mimeo.*, at 34.

³⁶ Supplement at 2-3 & nn.1-2, citing A.96-03-031 (Hethie Parmesano - marginal cost issues - \$230/hour - 6 Reporter's Transcript (RT) 615); A.92-12-043 (John J. Reed - competition and market structure - \$225/hour - 46 RT 6281; Mark Pocino - pipeline capacity issues - \$180/hour - 46 RT 6281; Ronald Oeschler - gas pricing - \$173/hour - 44 RT 5997; James Osten - throughput forecast - \$187/hour - 48 RT 6642; Charles Doering - \$190-\$200/hour - 62 RT 8206; Thomas Beach - \$195/hour - 57 RT 7671; Paul Carpenter - \$225/hour - 66 RT 8629).

³⁷ See D.99-11-006, *mimeo.*, at 20; D.99-02-005, *mimeo.*, at 12-13.

staff in 1987, Schilberg has testified at the Commission as well as before the California Energy Commission, the Nevada Public Service Commission, and the Nevada County Superior Court.

TURN asserts that Schilberg's credentials and experience are comparable to those of certain expert witnesses employed by intervenors NRDC and Cal/Neva Community Action Association. The Commission awarded those experts rates ranging from \$100 - \$135/hour.³⁸ We agree with TURN's assertion, and approve an increased 1999 hourly rate for Schilberg of \$110.

Jeff Nahigian

TURN seeks \$95 per hour for Nahigian, a \$10/hour increase in our previously approved rate for this expert.³⁹ Nahigian is a Senior Economist with JBS, and has more than ten years' experience analyzing utility operations and rate design issues. He received a B.S. in Environmental Policy Analysis and Planning from the University of California, Davis, in 1986. After working briefly as a policy analyst for the Independent Energy Producers Association, Nahigian joined the JBS staff in 1987. According to TURN, Nahigian's analysis provides the basis for much of the testimony JBS' Marcus has presented to the Commission in recent years. In addition, according to TURN, Nahigian has developed particular expertise in the area of line and service extensions, and he takes the lead for the firm's expert witness work in that area.

According to TURN, Nahigian's credentials and experience are comparable to those of expert witnesses employed by Agricultural Energy

³⁸ Supplement at 4 & n. 4, citing D.96-08-040, *mimeo.*, at 53 (Carter/\$100, Miller/\$135) & 38-39 (Cal/Neva witnesses/\$120).

³⁹ See D.99-11-006, *mimeo.*, at 16, 20; D.98-08-016, *mimeo.*, at 14, 19-20.

Consumers Association (AECA) and NRDC.⁴⁰ As the rates approved for the AECA and NRDC witnesses are several years old (1994-95) and are higher than the amount TURN requests for 1999, we will approve the new \$95 hourly rate for Nahigian.

Time Spent Preparing Compensation Request

TURN requests half its attorney's normal hourly rate for time spent preparing this compensation request. We have awarded compensation at half the normal rate for preparing such requests in the past, and do so again here. Finkelstein's requested rate of \$132.50 an hour is half the rate we approve in the foregoing discussion. We find TURN's request reasonable, and award TURN \$1,060 for the 8 hours of work Finkelstein spent preparing this compensation request.

Other Costs

TURN claims \$436.05 in other costs for items such as photocopying, postage, and telephone usage. TURN states that these costs relate exclusively to its work in this proceeding. Based on this representation, and the relatively low level of TURN's costs, we will grant TURN's request.

Award

We award TURN \$15,776.06, all to be paid by Edison. 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 May 16, 2000 (the 75th day after TURN supplemented its compensation request on March 2, 2000) and continuing until Edison makes the full award payment.

⁴⁰ Supplement at 4-5 & n.5, citing D.96-08-040, *mimeo.*, at 37, 53 (AECA experts and NRDC's Carter/\$100).

As in all intervenor compensation decisions, we put TURN on notice that the Energy 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.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. Comments were filed on April 24, 2000, and reply comments were filed on May 1, 2000. We have made certain changes to our draft decision to reflect those comments. They clarify the TURN-Edison agreement referred to on page 2, clarify that the Advice Letter compensation would be better addressed separately, and further justify our decision to award compensation for a January 1999 meeting/workshop.

Findings of Fact

1. TURN made a timely request for compensation as to D.99-12-035.
2. TURN's request for compensation related to its work on Advice Letters 1302E and 1373E is premature. Those Advice Letters were still pending before the Commission at the time of mailing of the draft decision on TURN's request. Consequently, we ruled the request premature. While we subsequently approved, with changes, Advice Letter 1302E, Advice Letter 1373E is still pending. Edison's and TURN's substantive arguments related to an intervenor's eligibility for compensation for work on Advice Letters would be better addressed in a separate decision once TURN has filed its Notice of Intent and

request for compensation for the Advice Letter work in accordance with D.98-11-049.

3. TURN contributed substantially to D.99-12-035.

4. TURN has requested an hourly rate for attorney Finkelstein that has already been approved by the Commission.

5. TURN has requested a revised 1999 hourly rate for expert Marcus that is no greater than the market rates for individuals with comparable training and experience, and represents only TURN's out-of-pocket payment for the expert's services.

6. TURN has requested a revised 1999 hourly rate for expert Schilberg that is no greater than the market rates for individuals with comparable training and experience, and represents only TURN's out-of-pocket payment for the expert's services.

7. TURN has requested a revised 1999 hourly rate for expert Nahigian that is no greater than the market rates for individuals with comparable training and experience, and represents only TURN's out-of-pocket payment for the expert's services.

8. The miscellaneous costs incurred by TURN are reasonable.

9. TURN has justified an award of \$15,776.06 for its work on D.99-12-035.

10. No party will be prejudiced by our decision to grant TURN's motion to file three days late its Supplement justifying the increase in the JBS experts' rates.

Conclusions of Law

1. As to D.99-12-035, TURN has fulfilled the requirements of §§ 1801-1812, which govern awards of intervenor compensation.

2. TURN's request for compensation for its work on Advice Letters 1302E and 1373E is premature for the reasons set forth in the body of this decision and is denied without prejudice.

3. TURN should be awarded \$15,776.06 for its contribution to D.99-12-035. Edison shall pay the entire amount.

4. TURN's Motion for Permission to Supplement Request for an Award of Compensation, filed February 17, 2000, is granted.

5. This order should be effective today so that TURN may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. The Utility Reform Network (TURN) is awarded \$15,776.06 for its contribution to Decision 99-12-035. Southern California Edison Company (Edison) shall pay the entire amount.

2. TURN's request for compensation for its work on Advice Letters 1302E and 1373E is denied without prejudice.

3. Edison shall pay the full amount of compensation to TURN within 30 days of the effective date of this order. If for any reason Edison's payment is delayed beyond May 16, 2000, the 75th day after TURN supplemented its request for compensation, Edison 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, with interest, beginning on June 6, 2000 and continuing until Edison makes full payment of the award.

4. This proceeding is closed.

This order is effective today.

Dated May 4, 2000, at San Francisco, California.

LORETTA M. LYNCH
President

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

CARL W. WOOD

Commissioners