

Decision 99-08-005 August 5, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U 39 G) for Authority to Adjust its Gas Rates and Tariffs to be effective January 1, 1998, pursuant to Decision Nos. 89-01-040, 90-09-089, 91-05-029, 93-12-058, 94-07-024 and 95-12-053.

Application 97-03-002
(Filed March 3, 1997)

OPINION

This decision grants The Utility Reform Network (TURN) an award of \$57,117.72 in compensation for its contribution to Decision (D.) 98-06-073. Additionally, we grant James Weil (Weil) an award of \$13,018.22 in compensation for his contribution to D.98-06-073.

1. Background

Pacific Gas and Electric Company (PG&E) filed its Biennial Cost Allocation Proceeding (BCAP) application on March 3, 1997. The BCAP covered the two-year period commencing January 1, 1998.

The assigned administrative law judge (ALJ) held a prehearing conference (PHC) on April 17, 1997, and a second PHC on September 17, 1997. At the second PHC, the presiding Commissioner and ALJ delayed the start of hearings based on a representation that a consensus and joint recommendation on many pending issues could be developed.

Subsequently, several parties joined in stipulations and joint testimony. This testimony was served on the other participants. Weil objected to the stipulations and joint testimony on the grounds that they effectively constituted a settlement under Rule 51.4 of the Commission's Rules of Practice and Procedure. Weil contended that all parties should be provided 30 days under the

Commission's Rules to review and respond to the stipulation and joint testimony before consideration by the Commission. Noting that the submission was not a formalized settlement agreement, the Commission rejected Weil's argument and determined the stipulations and joint testimony should be given evidentiary weight. The Commission did agree with Weil, however, that the collective testimony should not be an indivisible body of evidence.

Evidentiary hearings commenced February 3, 1998. The evidentiary phase of the proceeding totaled seven days. The parties filed opening briefs on February 27, 1998, and the parties submitted reply briefs by March 13, 1998. The matter was submitted for decision on March 13, 1998.

In addition to the applicant, parties participating in the proceeding included the Office of Ratepayer Advocates (ORA), the California Industrial Group and California Manufacturers Association (CIG/CMA), Electricity Generation Coalition (EGC), City of Redding, Wild Goose Storage, Inc., and the two intervenors herein, TURN and Weil.

On June 18, 1998, the Commission issued D.98-06-073.

2. Requirements for Awards of Compensation

Intervenors who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Pub. Util. Code §§ 1801-1812. 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.

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,

"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 on 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) requires the Commission to issue a decision which determines whether or not the customer has made a substantial contribution and the amount of compensation to be paid. The level of compensation must take into account the market rate paid to people with comparable training and experience who offer similar services, consistent with § 1806.

TURN timely filed its NOI on May 19, 1997. On June 10, 1997, the ALJ ruled TURN eligible for intervenor compensation based on the rebuttable presumption provisions of Pub. Util. Code § 1804(b)(1) that an earlier finding of the claimant's financial hardship as defined by statute remained operative. No party objected or filed reply comments to the claimant's NOI.

On August 21, 1998, TURN timely filed its request for compensation within the 60-day period of the decision's issuance as required by Pub. Util. Code § 1804 (c). No party filed objections in response to TURN's request.

On October 17, 1997, after the second prehearing conference, Weil timely filed a NOI to claim compensation. The ALJ deferred a ruling on Weil's NOI pending a ruling in a concurrent proceeding. That proceeding dealt with intervenor compensation in the broader context, i.e., R.97-01-009 (Order

instituting rulemaking on the Commission's Intervenor Compensation Program). After the Commission issued D.98-04-059, Weil filed an amended NOI on May 11, 1998 to comply with the updated requirements of that decision. In claiming intervenor eligibility, Weil contended he was a "customer" as that term is defined under Pub. Util. Code § 1802(b) and that significant financial hardship would result if he were denied compensation. On May 28, 1998, the ALJ ruled in favor of Weil on both issues, thus rendering him eligible for compensation.

On August 17, 1998, Weil timely filed his request for compensation within the 60-day period of the decision's issuance as required by Pub. Util. Code § 1804(c).

3. TURN's Contributions to Resolution of Issues

TURN requests compensation in the amount of \$56,147.72 as follows:

	<u>Time (hrs.)</u>	<u>Total</u>
<u>Professional Hours</u>		
Michel Peter Florio		
FY95-96 @ \$260	12.00	\$ 3,210.00
FY96-97 @ \$275	8.50	\$ 2,337.50
FY97-98 @ \$290	50.25	\$14,572.50
FY98-99 @ \$145 (1/2 rate)	.5	\$ 72.50
Theresa Mueller		
FY95-96 @ \$185	1.00	\$ 185.00
FY96-97 @ \$195	5.75	\$ 1,121.25
FY97-98 @ \$205	65.25	\$13,376.25
Paul Stein		
FY97-98 @ \$170	42.75	\$ 7,267.50
FY97-98 @ \$170	10.00	\$ 850.00

	<u>Time (hrs.)</u>	<u>Total</u>
<u>Expert Witness (JBS Energy, Inc.)</u>		
William Marcus		
FY95-96 @ \$140	8.00	\$ 1,120.00
FY96-97 @ \$145	2.50	\$ 362.50
FY97-98 @ \$145	13.50	\$ 1,957.50
Greg Ruzovan		
FY96-97 @ \$85	63.00	\$ 5,355.00 ¹
FY97-98 @ \$85	34.70	\$ 2,949.50
Gayatri Schilberg		
FY97-98 @ \$105	1.75	\$ <u>183.75</u>
Total Professional Hours		\$ 54,920.75
Costs		
Photocopying	\$1,667.60	
Postage	\$ 388.77	
Fedex	\$ 15.75	
Telephone	\$ 31.55	
Telefax	\$ 12.50	
JBS travel, fax, Fedex	\$ 70.80	
Parking	\$ <u>10.00</u>	
Total Costs		\$ <u>2,196.97</u>
TURN'S Requested Award		\$ 57,117.72²

3.1. Substantial Contribution

TURN examined many of the issues discussed and decided in D.98-06-073. Early on, TURN joined in a successful motion by ORA to strike certain

¹ TURN erroneously calculated the amount due as \$5,385.

² TURN erroneously calculated the amount due as \$56,147.72

PG&E testimony proposing modifications to the previously adopted long-run marginal cost methodology. As the proceeding developed, TURN was a key participant in formulating and developing technical as well as policy positions.

TURN'S contributions included:

- Organizing and presenting the package of stipulations and joint testimony which formed the basis of resolving many of the contested issues of the proceeding;
- Developing the throughput forecast incorporated in the joint testimony and accepted in the decision;
- Proposing the marginal demand measures (MDM) which were adopted in the proceeding;
- Proposing the allocation of the enhanced oil recovery (EOR) account balance which was accepted by the Commission, specifically using the equal percentage of marginal cost (EPMC) factor;
- Formulating two adjustments to customer account costs, totaling over \$3 million dollars, to make such costs consistent with PG&E's last BCAP decision, D.95-12-053;
- Actively participating in and/or developing positions adopted by the Commission on California Alternate Rates for Energy (CARE), general credits, commercial rate design, core deaveraging, commercial customer class charges, costs allocable to large distribution customers, electric utility generation 1999 metering costs, gas supply cost forecast, and detailed commentary on the proposed decision.

D.98-06-073 did not adopt TURN's positions in all instances, but the above contributions in the context of the many issues addressed demonstrates TURN's substantial participation. TURN has met its burden of demonstrating substantial contribution to the proceeding.

3.2. Hours Requested

TURN's documented hours for fee reimbursement were contained in "Attachment 1" to its request for compensation. Time and date entries were provided for both TURN's internal staff and their outside experts from JBS Energy, Inc. (JBS). Time and date entries for TURN's staff were fairly specific as to what function/event was served. In light of the record developed in this proceeding, TURN should receive compensation for all its professional attorney hours claimed.

However, documentary deficiencies exist in TURN's billing data for JBS. Four JBS experts were employed in the proceeding. The time and date entries in TURN's "Attachment 1" were common to a single computer printout, with both organizations integrated into the same format. While the time and date entries for the TURN staff were fairly specific as to what function/event was served, no such detail was provided for JBS. Indeed, JBS entries in all cases listed only time, date, billing rate and hours. There were no JBS-originated billing documents attached. The entries for JBS witness G. Ruzovan (Ruzovan) were particularly noteworthy. For the 8/12/97 entry, TURN indicated Ruzovan worked 29.1 hours. A 9/3/97 entry indicated Ruzovan worked 18.6 hours. A later entry dated 1/9/98 indicated Ruzovan worked 31.7 hours. These entries may be intended to be summarized billings offered at periodic intervals. However, entries for JBS experts lacked information regarding the service provided or the issue addressed. This is insufficient for any claimant expecting full reimbursement. To qualify for intervenor compensation, claimants must provide the same standard of documentation for all persons for which they claim compensation.

However, in its comments to the proposed decision, TURN corrected its deficiencies and justified compensation for the work of JBS, including Ruzovan. TURN's requested hours for JBS are all reasonable.

3.3 Hourly Rate

The hourly rates claimed by TURN are consistent with awards we have made in the past.

3.3.1 Florio

In D.96-06-020, we awarded Florio \$240 per hour for fiscal 1995-96. In D.97-12-076, we awarded Florio \$275 per hour for fiscal 1996-97. In D.98-11-004, we awarded Florio \$290 per hour for fiscal 1997-98. We adopt these rates here.

3.3.2 Mueller

In D.97-12-076, we awarded Mueller \$185 per hour for fiscal 1995-96 and \$195 per hour for fiscal 1996-97. In D.98-12-058, we awarded Mueller \$205 per hour for fiscal 1997-98. We adopt these rates here.

3.3.3 Stein

In D.98-08-016, we awarded Stein \$170 per hour for his work in 1997. In D.99-02-021, we awarded Stein the same rate of \$170 per hour for his work in 1998. We adopt these rates here.

3.3.4 JBS Energy, Inc.

TURN's requested amounts for each consultant is consistent with rates the Commission has approved in the past. Thus, we adopt the rates proposed by TURN.

3.4. Other Costs

The \$2,196.97 in costs TURN claims for such items as postage,

photocopying, and telephone calls are a small percentage of its request and are reasonable in light of the work TURN accomplished in the proceeding. We grant TURN's request for these costs.

4. Weil's Contribution To Resolution Of Issues

Weil requests compensation in the amount of \$13,633.22 as follows:

	<u>Time (hrs.)</u>	<u>Total</u>
<u>Professional Hours</u> (@ \$200, by issue)		
BCA	4.8	\$ 960.00
DSM	5.9	\$ 1,180.00
Core deaveraging	5.9	\$ 1,180.00
FF&U	2.9	\$ 580.00
General	18.0	\$ 3,600.00
Other issues	<u>13.7</u>	\$ <u>2,740.00</u>
Total Professional Hours	51.2	\$ 10,240.00
Travel/Reduced Comp. Time @ \$100 per hr.	15.30	\$ 1,530.00
Administrative time @ \$30 per hr.	18.90	\$ 567.00
Reply to Response of PG&E		\$ 454.82
<u>Requested Costs</u>		
Copying		\$257.75
Postage		\$262.31
Travel		\$181.64
Fax and Telephone		\$139.70
Subtotal (Costs)		\$ <u>841.40</u>
Total Initial Request		\$ 13,633.22

4.1 Substantial Contribution

In his initial request, Weil asserts that he contributed substantially to resolution of the following issues in the BCAP: the balancing charge account (BCA) allocation, demand side management (DSM) allocation, core deaveraging,

franchise fees and uncollectibles (FF&U), and general procedural and technical issues. In its protest, PG&E acknowledges Weil contributed to the core deaveraging and FF&U issues.

D.98-06-073 supports a finding that Weil contributed to resolution of the issues of core deaveraging and FF&U. On core deaveraging, Weil's contentions regarding rate increases and rate shock were specifically noted by the Commission in Section 13.2 of the decision. On FF&U issues, Weil's role in correcting a minor computational error in the BCAP revenue requirement was likewise acknowledged in Section 18 of the decision. His contributions in these issues were specific and noteworthy as evidenced by commentary in the decision.

We further agree with Weil's claim that he contributed to resolving "other procedural and technical issues." (Weil's request, p. 5.) He cited his procedural objections to the joint testimony, and the resultant ruling as indicated above. D.98-06-073 took due note of Weil's advocacy on the procedural front.

We further concur with Weil that he made a contribution to certain "technical" issues resolved in the proceeding. The record shows the claimant testified on matters of throughput, MDM, and related issues. The decision acknowledged Weil's support of the joint testimony in that respect, and it was adopted.

The record supports Weil's contention that he made "a substantial contribution to the adoption...in part...of the Commission's order or decision." (Pub. Util. Code § 1803(a).)

4.2. Hours Requested

In most instances, Weil justified time spent working by reference to issues resolved in the proceeding. Weil claimed he made a substantial contribution both in issues where his recommendations were adopted, and in

issues where, although his recommendations were not adopted, his input was valuable to the process.

While agreeing that Weil's effort warrants compensation for his role in the core deaveraging and FF&U issues, PG&E contested several items in Weil's claim. According to PG&E Weil: (1) did not make a substantial contribution to the BCA and DSM issues, and therefore no compensation should be permitted for those issues; (2) did not provide a detailed description of time spent on "other issues" and therefore the 13.7 hours claimed in that category should be rejected; (3) did not provide a similar description of time spent on "general administrative" tasks and therefore the 18 hours claimed in that category should likewise be rejected; and (4) requested reimbursement for items not authorized or reimbursement at an excessive rate. Unauthorized local travel and excessive mileage rates were cited.

Having determined Weil made a substantial contribution on core deaveraging (5.9 hours) and FF&U (2.9 hours) issues, we approve the requested hours to compensate for time spent on those issues. For neither issue does the amount of hours that Weil claims appear unreasonable.

While Weil concedes he did not prevail on either the BCA or DSM issue, he nonetheless claims he is entitled to 25% of his professional fee for time spent on those issues. His justification is threefold: (1) that in resolving those issues, the Commission deferred certain technical arguments made by Weil and did so "without prejudice" for future proceedings; (2) that his positions contributed to the record as evidenced by the adoption of his material in the discussion language of the opinion; and (3) that his corrections of certain clerical errors on those issues in the proposed opinion was the basis of the final decision's commentary in both conclusions of fact and law. We agree with PG&E's observations, but we also agree with Weil. We feel the claimant's

watchdog functions on these issues elevated the debate, and that the philosophy incorporated in the compensation statute supports partial reimbursement for Weil. The claimant's contribution merits granting the request for 25% of the Weil's professional fee for time spent on BCA and DSM allocation issues. Weil's claim of 10.7 hours³ of professional time spent on these two issues is reasonable, and we approve that amount.

Weil also requests 18 hours for "general costs" and 13.7 hours for "other issues." PG&E objects that the claimant failed to provide a detailed description of services and expenditures as required by Pub. Util. Code § 1804(c).

Weil counters by citing his request for compensation, where he stated that he:

"...contributed to other procedural and technical issues. The parties to the two settlements urged the Commission to consider the joint testimony as indivisible. In response to my opposition, both ALJ Econome and the Commission agreed that they were not bound to treat joint testimony as a whole. (D.98-06-073, discussion at mimeo. pp. 6-7.) I supported other issues within the joint testimony: throughput forecast, including temperature adjustments proposed by TURN, and a compromise regarding allocation of distribution costs to large customers. I opposed PG&E arguments regarding its Market Center and electric generation rate structure incentives. Without comment, the Commission declined to adopt PG&E's arguments." (Reply of James Weil to Response to Request for Award of Compensation at p.2.)

We have examined both the protest and Weil's reply on the matter of the 13.7 hours requested for "other issues." The record supports granting Weil's request.

³ Weil attributed a total of 43.1 hours to BCA and DSM allocation issues. The 10.7 hours claimed represent 25% of the total time Weil spent on these two issues.

Weil requests 18 hours in "general costs." PG&E makes essentially the same argument on this item, i.e., that Weil's justification lacked specificity.⁴ Weil insists that tasks such as reviewing the application and proposed decision, attendance at conferences, and preparation of the notices of intent and compensation requests cannot be identified with specific issues. Weil's reply to the protest cites specific log entries by date contained in Attachment A to his request. Weil's Attachment A reasonably substantiates his claim for General Costs.

Weil requests 18.9 hours of "administrative time." Weil seeks \$30 an hour for administrative work. Although we have granted separate fees for clerical work (see, for example, D.98-05-036), we have never done so in cases where the principal received professional level fees. Professional fees assume overheads and are set accordingly. Weil's fees are set at levels comparable to those of other professionals. We, therefore, deny additional recovery for clerical work.

4.3 Hourly Rate

Weil billed his professional time at \$200.00 per hour. PG&E protested the rate as excessive. In D.98-10-007, the Commission examined and granted Weil's request for an hourly rate of \$200.00, finding that Weil had requested hourly rates that may be considered market rates for individuals with comparable training and experience. We follow D.98-10-007 and award Weil an hourly rate of \$200 for his services in this proceeding.

⁴ PG&E objected to claimant's time for "general administrative tasks" although claimant labeled the particular 18 hour entry as "general costs."

4.4. Other Costs

The costs Weil claims for such items as postage, photocopying, and telephone calls are a small percentage of his request and are reasonable in light of the work he accomplished in this proceeding. We grant Weil's request for \$841.40 for these other costs.

4.5. Travel Time

Weil requests compensation for travel time and time preparing his compensation request at a rate of \$100 per hour. Consistent with our usual practice, we grant half of the professional hourly wage, or \$100 per hour, for time spent traveling and for time spent drafting the compensation request. Thus, Weil's request for \$1,530 is reasonable.

4.6. Weil's Reply

On September 15, 1998, Weil filed a reply to the response of PG&E to Weil's request for an award of compensation. Weil's reply addressed PG&E's concerns and requested \$454.82 in compensation for preparation of the reply.

Weil's reply rebuts PG&E's concerns and Weil should be compensated for preparation of the reply. Weil attributes \$48 to administrative time, which as discussed above is not compensable. Weil's request for \$454.82 should be reduced by \$48 to \$406.82.

5. Award

We award TURN \$57,117.72 for its contribution to D.98-06-073 as follows:

	<u>Time (hrs.)</u>	<u>Total</u>
<u>Professional Hours</u>		
Michel Peter Florio		
FY95-96 @ \$260	12.00	\$ 3,210.00
FY96-97 @ \$275	8.50	\$ 2,337.50
FY97-98 @ \$290	50.25	\$14,572.50
FY98-99 @ \$145 (1/2 rate)	.5	\$ 72.50
Theresa Mueller		
FY95-96 @ \$185	1.00	\$ 185.00
FY96-97 @ \$195	5.75	\$ 1,121.25
FY97-98 @ \$205	65.25	\$13,376.25
Paul Stein		
FY97-98 @ \$170	42.75	\$ 7,267.50
FY97-98 @ \$170 (1/2 rate)	10.00	\$ 850.00
<u>Expert Witness (JBS Energy, Inc.)</u>		
William Marcus		
FY95-96 @ \$140	8.00	\$ 1,120.00
FY96-97 @ \$145	2.50	\$ 362.50
FY97-98 @ \$145	13.50	\$ 1,957.50
Greg Ruszovan		
FY96-97 @ \$85	63.00	\$ 5,355.00
FY97-98 @ \$85	34.70	\$ 2,949.50
Gayatri Schilberg		
FY97-98 @ \$105	1.75	\$ 183.75
Total Professional Hours		\$54,920.75

Costs		
Photocopying	\$1,667.60	
Postage	\$ 388.77	
Fedex	\$ 15.75	
Telephone	\$ 31.55	
Telefax	\$ 12.50	
JBS travel, fax, Fedex	\$ 70.80	
Parking	\$ <u>10.00</u>	
Total Costs		\$ <u>2,196.97</u>
TURN'S Award		\$57,117.72

We award Weil \$13,018.22 for his contribution to D.98-06-073 as

follows:

	<u>Time (hrs.)</u>	<u>Total</u>
<u>Professional Hours</u> (@ \$200, by issue)		
BCA	4.8	\$ 960.00
DSM	5.9	\$ 1,180.00
Core deaveraging	5.9	\$ 1,180.00
FF&U	2.9	\$ 580.00
General	18.0	\$ 3,600.00
Other issues	<u>13.7</u>	\$ <u>2,740.00</u>
Total Professional Hours	51.2	\$ 10,240.00
Travel/Reduced Comp. Time @ \$100 per hr.	15.30	\$ 1,530.00
Administrative time	18.90	\$ 0
Reply		\$ 406.82
<u>Requested Costs</u>		
Copying	\$257.75	
Postage	\$262.31	
Travel	\$181.64	
Fax and Telephone	\$139.70	
Total Costs		\$ <u>841.40</u>
Weil's Award		\$ 13,018.22

Consistent with previous Commission decisions, we will order that interest be paid on the award amounts (calculated at the three-month commercial paper rate), commencing on the 75th day after each intervenor filed its compensation request and continuing until the utility makes full payment of award.

As in all intervenor compensation decisions, we put TURN and Weil on notice that the Commission's Energy Division may audit their records related to this award. Thus, each intervenor must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. The intervenors' records should identify specific issues for which they request 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.

7. 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. TURN filed comments on July 6, 1999. No reply comments were filed.

TURN's comments address the disallowance of approximately \$5,000 for the work of TURN's consultant, JBS Energy, Inc. TURN contends that the "perceived deficiencies" in its request are "easily explainable" and thus should not form a basis for disallowing any of TURN's participation. TURN also submitted documentation supporting the costs in question. TURN also asserts that in 1998, the Commission directed TURN to provide more detailed information in its fee requests regarding specific tasks, dates, and hours attributed to JBS consultants. TURN submits that it has responded to the Commission's request for more detailed information for costs attributed to JBS consultants, but that the present intervenor compensation request was filed prior to 1998.

In view of TURN's comments, this decision grants TURN full compensation for the work of Mr. Ruzovan. Section 3.2 of the draft decision is revised to grant TURN compensation for the work of Mr. Ruzovan.

Findings of Fact

1. TURN and Weil have made timely requests for compensation for their contribution to D.98-06-073.
2. TURN made a substantial contribution to D.98-06-073.
3. Weil made a substantial contribution to D.98-06-073.
4. TURN and Weil have been granted hourly rates for attorneys, advocates, and experts that are no greater than the market rates for individuals with comparable training and experience.
5. The miscellaneous costs incurred by each intervenor are reasonable as approved.

Conclusions of Law

1. TURN and Weil have fulfilled the requirements of Sections 1801-1812 which govern awards of intervenor compensation.
2. TURN should be awarded \$57,117.72 for its contribution to D.98-06-073.
3. Weil should be awarded \$13,018.22 for his contribution to D.98-06-073.
4. This order should be effective today so that both intervenors may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. Intervenors, The Utility Reform Network (TURN) and James Weil (Weil), are awarded \$57,117.72 and \$13,018.22, respectively, in compensation for their substantial contribution to Decision 98-06-073.

2. Pacific Gas and Electric Company (PG&E) shall pay TURN \$57,117.72 and pay Weil \$13,018.22 within 30 days of the effective date of this order. PG&E shall also pay interest on the awards at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release G.13, beginning October 31, 1998 for Weil and beginning November 4, 1998 for TURN and continuing until full payment is made.

3. This proceeding is closed.

This order is effective today.

Dated August 5, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners