

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Adopting
Rules To Account For The Consideration
Received By Regulated California Electric
And Natural Gas Utilities Under A
Settlement With El Paso Natural Gas
Company, *et al.*

Rulemaking 03-07-008
(Filed July 10, 2003)

**ADMINISTRATIVE LAW JUDGE'S
PRELIMINARY RULING ON TURN NOI**

On August 27, 2003, The Utility Reform Network (TURN) filed and served a Notice of Intent to Claim Compensation (NOI) in this proceeding. No responses have been received. This Ruling, after consultation with the Assigned Commissioner, is the “preliminary ruling addressing whether the customer [TURN] will be eligible for an award of compensation.” (§ 1804(b)(1).)¹

TURN has a long history of being recognized and awarded compensation as a customer in many Commission proceedings. No facts are presented here, or otherwise known, that would lead to a different conclusion.

TURN is a non-profit consumer advocacy organization representing the interests of residential and small commercial customers before this Commission. TURN is a “group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers” (*i.e.*, a

¹ All code references are to the Public Utilities Code unless otherwise noted.

Category 3 customer). (*See* § 1802(b); also see Decision (D.) 98-04-059, 79 CPUC2d 628, 676, Conclusion of Law 3). TURN states that a copy of the relevant portions of its articles of incorporation was submitted in Application (A.) 98-02-017, and again in A.99-12-024. TURN reports that it has approximately 30,000 dues-paying members, the vast majority of whom TURN believes are residential ratepayers, but TURN does not poll its members to determine the precise percentage breakdown between residential and small business customers.

TURN says that it is actively interested in this proceeding, and correctly points out that it has already filed comments. TURN estimates the following compensation amount based on the assumption of no evidentiary hearing:

Attorney/Category	Estimated Hours	Hourly Rate	Estimated Cost
Marcel Hawiger	10	\$225	\$2,250
Michel Florio	25	\$435	\$10,875
Consultant Expenses			\$1,000
Other Direct Expenses			\$200
TOTAL			\$14,325.00

TURN recently obtained a finding of significant financial hardship. (Ruling dated March 25, 2003, in Rulemaking 02-07-050.) A finding of significant financial hardship creates a rebuttable presumption of eligibility for compensation in other Commission proceedings commencing within one year of the date of that finding. (§ 1804(b)(1).) This proceeding commenced on July 10, 2003, within one year of March 25, 2003.

TURN points out that the Office of Ratepayer Advocates represents the interests of all ratepayers. On the other hand, TURN says it is the only party representing only the interests of residential and small commercial ratepayers.

As a result, TURN represents interests that, if not for the availability of intervenor compensation, would be underrepresented.

IT IS RULED that:

1. The Utility Reform Network (TURN) is a customer for the purposes of intervenor compensation (Category 3).
2. TURN satisfactorily states the nature and extent of its planned participation as far as it is possible to know as of the filing of its Notice of Intent.
3. TURN presents a satisfactory itemization of its estimate of the compensation it expects to request. The reasonableness of the hourly rates shall be addressed in TURN's later request for compensation.
4. TURN has established by unrebutted presumption that its participation without an award of intervenor compensation would pose a significant financial hardship.
5. TURN represents interests that, if not for the availability of intervenor compensation, would be underrepresented.
6. TURN is eligible for an award of intervenor compensation. The exact amount of the award, if any, shall be determined based on the reasonableness of TURN's request for award, and this ruling "in no way ensures compensation." (§ 1804(b)(2).) The Commission may audit the records and books of TURN to the extent necessary to verify the basis of the award. (§ 1804(d).)

Dated September 25, 2003, at San Francisco, California.

/s/ Burton W. Mattson

Burton W. Mattson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Preliminary Ruling on TURN NOI on all parties of record in this proceeding or their attorneys of record.

Dated September 25, 2003, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.