

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Order Instituting Rulemaking on the)	
Commission's Proposed Policies and Programs)	Rulemaking 04-01-006
Governing Post-2003 Low-Income Assistance)	(Filed January 8, 2004)
Programs)	
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**RESPONSE OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO THE
SUPPLEMENTAL REQUEST FOR AWARD OF INTERVENOR COMPENSATION OF
DISABILITY RIGHTS ADVOCATES**

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Dated: **April 20, 2006**

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I.

INTRODUCTION

Pursuant to California Public Utilities Code section 1804(c), Southern California Edison Company (“SCE”) hereby responds to the supplemental request for award of intervenor compensation of Disability Rights Advocates (“Disab.R.A.”) for its contributions to Decision 05-10-044, *Interim Opinion Approving Various Emergency Program Changes in Light of Anticipated High Natural Gas Prices in the Winter of 2005-2006* (“D.05-10-044” or the “Decision”).

SCE asks the Commission to carefully review the supplemental request for compensation to ensure that any compensation awarded is fair, reasonable, and for work performed within the scope of this proceeding, as the cost falls on ratepayers. SCE wishes to emphasize that it does not oppose Disab.R.A. receiving compensation for substantial contributions made to D.05-10-044. But, SCE does have concerns regarding the matters for which Disab.R.A. is seeking compensation through its supplemental request. Specifically, Disab.R.A. seeks compensation for (1) time spent on matters beyond the scope of this proceeding, and (2) for work performed after D.05-10-044 was issued, including time spent on self-imposed “monitoring of Winter Initiative

work.” SCE asks that the Commission consistently apply the intervenor compensation statutes and ensure that intervenor compensation is awarded for qualified contributions under the appropriate proceeding.

II.

BACKGROUND

On September 13, 2005, the Commission issued its Notice of October 6, 2005 Full Panel Hearing in Los Angeles (the “Notice”) to address its concerns over the impact of “significantly higher natural gas bills this coming winter.” In accordance with the Notice, in late September, the utilities and other parties prepared proposals for reducing bill impacts on low-income customers during the 2005-2006 winter season. The full panel hearing was held on October 6, and on the next day, Administrative Law Judge (ALJ) Steven Weissman issued an electronic ruling setting forth an expedited schedule for proposals and comments. On October 25, 2005, ALJ Weissman issued the draft decision. The Commission waived the normal process of releasing the draft decision for comment, and required the parties to submit comments by October 26, 2005. The final decision is dated October 27, 2005, and was mailed to the parties on November 7, 2005. On January 5, 2006, Disab.R.A. filed its initial request for intervenor compensation, which sought \$35,448.68. Disab.R.A. now supplements that request, and seeks an additional \$10,926.40 for a total award of \$46,375.08 for its contributions to D.05-10-044.

III.

THE SUPPLEMENTAL REQUEST OF DISAB.R.A. SHOULD BE CAREFULLY REVIEWED BY THE COMMISSION

SCE asks the Commission to carefully review Disab.R.A.’s request, as Disab.R.A. is seeking compensation for (1) time spent on matters beyond the scope of this proceeding, and (2) work performed after D.05-10-044 was issued, including time spent on self-imposed “monitoring.”

SCE does not oppose Disab.R.A. receiving compensation for substantial contributions made to matters within the scope of this proceeding. However, the Commission concluded that medical baseline issues are outside the scope of D.05-10-044:

[Disab.R.A.] has proposed various changes to the medical baseline program which are of interest, but outside the scope of this proceeding. These include proposals to improve the accessibility of medical baseline services, a clarified appeals process for customers who disagree with utility decisions about medical baseline allotments, and changes to the allotments, themselves.

These issues are not unrelated to our concern with winter gas prices. . . . However, we believe that the other steps we are directing the utilities to take this winter will ensure that higher prices themselves will not result in the inability of any customer to continue receiving gas and electric service. . . . At the request of the ALJ, [Disab.R.A.] met with representatives of each of the utilities to discuss adjustment to program procedures that the utilities could implement in the short term. . . . **We direct the utilities to continue with this process and report its results to the Assigned Commissioner and ALJ in R.01-05-047. If there is need for formal Commission action as a result of this process, parties should make the appropriate pleadings in that docket.** (D.05-10-044, p. 27.) (emphasis added.)

Disab.R.A.'s supplemental request seeks compensation for medical baseline issues that are beyond the scope of D.05-10-044. SCE appreciates Disab.R.A.'s commitment to representing the interests of disabled customers, and looks forward to continuing its cooperative and productive working relationship with Disab.R.A. on issues such as medical baseline. However, compensation requests for matters outside the scope of D.05-10-044 should be deferred to the appropriate proceeding.

Disab.R.A. also requests compensation for work performed after D.05-10-044 was issued. Public Utilities Code section 1802(i) defines "substantial contribution" as:

. . . 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 of 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 . . . (emphasis added.)

Through its supplemental request, Disab.R.A. seeks compensation for "monitoring the Winter Initiative work", such as reviewing the utilities' monthly reports filed pursuant to D.05-

10-044. Admittedly, this work was performed after the Commission issued D.05-10-044, and therefore, could not have “substantially assisted the commission in the making of its order or decision”.¹

Disab.R.A. argues that its time spent monitoring Winter Initiative work is compensable because it was “work done in the implementation of a decision.” (Disab.R.A. Supp. Request, p. 6.)² SCE disagrees, and urges the Commission to be mindful of granting compensation for an intervenor’s routine day-to-day work that the intervenor perceives is necessary as part of a self-imposed monitoring function. SCE presumes that many third parties review the utilities’ filings and reports, but this should not make them eligible for compensation (the costs of which fall on ratepayers). The intervenor compensation statutes were not designed to compensate for self-imposed monitoring work, but award “substantial contributions” to the making of an order or decision.

¹ See D.04-08-025, p. 11 (“Aglet also requests compensation for work in 2004 reviewing rate design issues, including PG&E’s Advice Letter 2460. This work occurred after D.03-12-035 issued, and at the time Aglet filed its request, no Commission orders had issued on these matters. While Aglet’s work may be characterized as relating to the subject matter of D.03-12-025 or implementation of that decision, it cannot be characterized as having assisted us in the making of that decision, which § 1802(h) requires); p. 35 (“Nor can we compensate CU for time spent in discussions with other parties or reviewing the MSA or underlying record in late December 2003 and early 2004, after D.03-12-035 issued. That time cannot be characterized as having assisted us in making our decision, which § 1802(h) requires.”)

² Disab.R.A. cites two decisions in support of its argument: D.02-10-062 and D.05-01-055. These Decisions are distinguishable. D.02-10-062 expressly provided for intervenor compensation for continuing participation in a procurement review group, and D.05-01-055 expressly provided for intervenor compensation for continuing work as program advisory group members. D.05-10-044 makes no such express grant of intervenor compensation for self-imposed activities such as monitoring reports, and Disab.R.A. acknowledges this. (Disab.R.A. Supp. Request, p. 7.) While the Commission may have encouraged the utilities and consumer groups to engage in conversation (D.05-10-044, pp. 30-31), this in no way authorizes intervenor compensation for matters that are beyond the scope of the intervenor compensation statutes.

IV.

CONCLUSION

For the foregoing reasons, SCE has concerns regarding Disab.R.A.'s supplemental request and urges the Commission to carefully review it.

Respectfully submitted,

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April 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of RESPONSE OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) TO THE SUPPLEMENTAL REQUEST FOR AWARD OF INTERVENOR COMPENSATION OF DISABILITY RIGHTS ADVOCATES on all parties identified on the attached service list(s). Service was effected by one or more means indicated below:

- Transmitting the copies via e-mail to all parties who have provided an e-mail address. First class mail will be used if electronic service cannot be effectuated.
- Placing the copies in sealed envelopes and causing such envelopes to be delivered by hand or by overnight courier to the offices of the Commission or other addressee(s).
- Placing copies in properly addressed sealed envelopes and depositing such copies in the United States mail with first-class postage prepaid to all parties.
- Directing Prographics to place the copies in properly addressed sealed envelopes and to deposit such envelopes in the United States mail with first-class postage prepaid to all parties.

Executed this **20th day of April, 2006**, at Rosemead, California.

Christine Sanchez
Project Analyst
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