



FILED

11-01-10
04:59 PM
Agenda ID # _____

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Revise the Simplified Registration Process for Non-dominant Interexchange Carriers Established by Decision 97-06-107.	Rulemaking 09-07-009 (Filed July 9, 2009)
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CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION

Claimant: Utility Consumers' Action Network	For contribution to D.10-09-017
Claimed (\$): 5396.60	Awarded (\$):
Assigned Commissioner: John Bohn	Assigned ALJ: Richard Smith
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature: /s/ Mike Scott	
Date: November 1, 2010	Printed Name: Mike Scott

PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)

A. Brief Description of Decision: Addresses revisions to the requirements established by D. 97-06-107 for registration of Non-dominant Interexchange Carriers

B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (§ 1804(a)):		

1. Date of Prehearing Conference:	n/a	
2. Other Specified Date for NOI:		
3. Date NOI Filed:	September 17, 2009	
4. Was the notice of intent timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A.08-12-009	
6. Date of ALJ ruling:	March 20, 2009	
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	n/a	
10. Date of ALJ ruling:		
11. Based on another CPUC determination (specify):	D.10-03-020	
12. Has the claimant demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision	D.10-09-017	
14. Date of Issuance of Final Decision:	September 3, 2010	
15. File date of compensation request:	November 1, 2010	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
3	X		UCAN filed a responsive pleading R.07-09-007 on August 19, 2009 and filed its NOI within 30 days of filing that responsive pleading in accordance with Rule 17.1(a)(2) of the Commission's Rules of Practice and Procedure
5	X		A ruling has not been issued within this proceeding regarding UCAN's customer related status. However, UCAN can point to numerous other decisions in which the Commission has recognized UCAN's customer status. UCAN cites an ALJ Ruling in A.08-12-009 as it occurred a few months prior to the initiation of this proceeding. UCAN can also point to more recent determinations such as an ALJ Ruling on March 26, 2010 in proceeding R.08-12-009.
11	X		In D.10-03-020 UCAN was determined to have demonstrated significant financial hardship. The decision extended from UCAN's participation in Application 08-12-

			021. In Rulemaking R.08-12-009, the Commission in D.10-10-012 found that pursuant to section 1804(b), a rebuttable presumption of significant financial hardship established to UCAN's participation in that proceeding. As this Rulemaking was initiated prior to this finding, UCAN believes it may appropriately rely on this decision as a rebuttable presumption of financial hardship.
15	X		UCAN is filing this Request for Intervenor Compensation within 60 days of the Issuance of the Final Decision closing the proceeding in accordance with Rule 17.3 of the Commission's Rules of Practice and Procedure

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059) (For each contribution, support with specific reference to final or record.)

Contribution	Citation to Decision or Record	Showing Accepted by CPUC
1. UCAN strongly supported the revising of the registration process suggesting that the Commission should evaluate whether to eliminate the registration process in favor of the more extensive CPCN process	D. 10-09-017, pp.14-15. While not adopting UCAN's recommendation to consider eliminating the registration process in favor of the CPCN, the Commission determined it would revise the registration process. The Decision discusses those changes throughout.	
2. UCAN supported renaming the Registration Certificate of Public Convenience to help minimize confusion between the certificate and a CPCN. UCAN suggested choosing registration certificate over license.	D.10-09-017, p.15 The Commission determined to rename the Registration Certificate of Public Convenience. Though the Commission preferred "registration license" over certificate because a CPCN is sometimes referred to as a certificate.	
3. UCAN recommended adoption of a performance bond to help address the concerns of the State Controller's Office Audit Report over the Commission's inability to collect fines and restitution. UCAN specifically recommended that any bond requirement also apply to the services of telephone prepaid debit card providers.	D.10-09-017, p. 23 The Decision states that the Commission shall require a performance bond to facilitate the collection of fines, penalties, and restitution. The performance bond requirement will also apply to the services of telephone prepaid debit card providers as recommended by	

	UCAN.	
4. UCAN recommended that a change of ownership or transfer of registration license be treated as new applicants which UCAN recommends should include a requirement on the applicants to demonstrate good standing.	D.10-09-017, p.43 “...we will require a showing of good standing for applications to transfer registration licenses”	
5. UCAN recommended the proposed adoption of a minimum annual fee to fund Commission regulatory activities and help reduce the number of NDIECs, who are not actually providing services.	D.10-09-017, p.45 “We also adopt the OIR’s proposal to establish a minimum annual fee...A minimum annual fee for registration license holders will ensure that all registrants contribute a fair share toward the Commission’s annual operating budget.”	

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was DRA a party to the proceeding? (Y/N)	Y	
b. Were there other parties to the proceeding? (Y/N)	Y	
c. If so, provide name of other parties: Sempra Broadband, Verizon Companies, CALTEL, and ExteNet Systems		
d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: The nature and brevity of the proceeding was such that the parties did not coordinate. UCAN’s points were developed independently with a focus on the effect rule changes or no changes may impact consumers. There was relatively little duplication of UCAN’s testimony with that of DRA. The position of the parties, other than DRA, were focused on the impact the change would have on their organization and/or to industry stakeholders at large in contrast to UCAN’s focus on the impact to consumers.		

C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Claimant	CPUC	Comment

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PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)

A. General Claim of Reasonableness (§§ 1801 & 1806):

Concise explanation as to how the cost of claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)	CPUC Verified
UCAN's work in this proceeding helped to strengthen consumer protections that had been hindered through the simplified registration process for NDIEC. As cited above, the Commission referenced UCAN's comment in its decision concerning revising the NDIEC registration process, renaming the registration certificate, the adoption of a performance bond, requiring a showing good standing for applications to transfer licenses, and establishing a minimum annual fee. While exact monetary savings to consumers are not readily ascertainable it is likely to be well in excess of the amount of compensation requested here by UCAN.	

B. Specific Claim:

CLAIMED						CPUC AWARD			
ATTORNEY AND ADVOCATE FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Mike Scott	2009	13.80	155	D.10-05-013	2139				
Mike Scott	2010	1.10	155	D.10-05-013	170.50				
Art Neill	2009 [Jan 1- Dec 1]	7.70	168	D.10-08-018	1293.60				
Michael Shames	2009	4.50	330	D.09-10-053	1485.00				
Michael Shames	2010	0.70	330	D.09-10-053	231.00				
Subtotal:					5319.10	Subtotal:			
EXPERT FEES									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
[Expert 1]									
[Expert 2]									
Subtotal:						Subtotal:			
OTHER FEES									
Describe here what OTHER HOURLY FEES you are claiming (paralegal, travel, etc.):									

Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
[Person 1]									
[Person 2]									
Subtotal:						Subtotal:			
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Year	Hours	Rate \$	Total \$
Mike Scott	2010	1.0	77.50	½ of adopted rate in D.10-05-013	77.50				
[Preparer 2]									
Subtotal:					77.50	Subtotal:			
COSTS									
#	Item	Detail			Amount	Amount			
Subtotal:						Subtotal:			
TOTAL REQUEST \$:					5396.60	TOTAL AWARD \$:			
<p>When entering items, type over bracketed text; add additional rows as necessary. *If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale. **Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>									

C. Attachments or Comments Documenting Specific Claim (Claimant completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Hours for Mike Scott
3	Hours for Art Neill
4.	Hours for Michael Shames

D. CPUC Disallowances & Adjustments (CPUC completes):

#	Reason

PART IV: OPPOSITIONS AND COMMENTS
 Within 30 days after service of this claim, Commission Staff
 or any other party may file a response to the claim (see § 1804(c))

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the claim (Y/N)?

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If so:

Party	Reason for Opposition	CPUC Disposition

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6)) (Y/N)?

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If not:

Party	Comment	CPUC Disposition

FINDINGS OF FACT

1. Claimant [has/has not] made a substantial contribution to Decision (D.) _____.
2. The claimed fees and costs [, as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable contribution is \$_____.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. Claimant is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay claimant the total award. Payment of the award shall include interest at the rate earned on prime,

three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning _____, 200__, the 75th day after the filing of claimant's request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.
4. [This/these] proceeding[s] [is/are] closed.
5. This decision is effective today.

Dated _____, at San Francisco, California.

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **CLAIM AND ORDER ON REQUEST FOR INTERVENOR COMPENSATION** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List:R.09-07-009

TRoberts@SempraUtilities.com
mike@ucan.org
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Executed this 1st day of November, 2010, at San Diego, California.

/s/

Laura Impastato
3100 Fifth Ave. Suite B
San Diego, CA 92103

Attachment 2:

Attorney Hours of Mike Scott

Issue Codes

GP: General Preparation

PB: Performance Bond (Question 1)

RR: Limited Term Registration Certificates and Renewal (Question 2)

RS: Required Showing (Question 3)

Fees: Application Fee and Minimum Annual User Fee (Question 5)

SR: Separate Registration for NDIECs

Process: Extensive CPCN Process

NDIEC Rulemaking R.09-07-009

Date	Description	Hours	GP	PB	RR	RS	Fees	SR	Process
8/14/2009	Review OIR and disperse response sections by question asked	1.00	1.00						
8/16/2009	Review & Analysis of State Controller's Audit	0.80	0.80						
8/18/2009	Research & Legal Drafting re: Opening Comments	3.50	0.30	0.60	2.60				
8/19/2009	Research & Legal Drafting re: Opening Comments	2.60	1.00			0.50	1.10		
8/24/2009	Review and Analysis comments from DRA, Verizon and CALTEL	1.70	1.70						
9/1/2009	Research & Legal Drafting re: Reply Comments	3.20	0.90					1.30	1.00
9/4/2009	Review Reply Comments of parties	1.00	1.00						
8/24/2010	Review Comments on Proposed Decision	1.10	1.10						
Total		14.90	7.80	0.60	2.60	0.50	1.10		

Attachment 3:

Attorney Hours of Art Neill

Issue Codes

GP: General Preparation

BF: Expanded Financial Background and Fiscal Responsibility Check (Question 4)

RC: Renaming Registration CPCN (Question 6)

Elim: Commission Authority Eliminate NDIEC Registration Process

NDIEC Rulemaking R. 09-07-009

Date	Description	Hours	GP	BF	RC	Elim
8/17/2009	Review OIR Questions re: expanding background and financial responsibility checks and renaming the Certificate	0.80	0.80			
8/18/2009	Research background and fiscal responsibility checks for other types of applicants	1.30		1.30		
8/18/2009	Legal Drafting re: background and fiscal responsibility check section	1.50		1.50		
8/19/2009	Legal Drafting re: background and fiscal responsibility check section	0.70		0.70		
8/19/2009	Research certificate and licenses	0.50			0.50	
8/19/2009	Legal Drafting re: renaming registration certification	0.70			0.70	
8/31/2009	Review and Analysis Comments from ExteNet and Sempra Broadband	1.50	1.50			
9/1/2009	Research & Legal Drafting reply comments re: Commission Authority eliminate NDIEC registration process	0.70				0.70
Total		7.70	2.30	3.50	1.20	0.70

