



Decision _____

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

7-14-16
02:39 PM

<p>Joint Application of Charter Communications, Inc.; Charter Fiberlink CA-CC0, LLC (U6878C); Time Warner Cable Inc.; Time Warner Cable Information Services (California), LLC (U6874C); Advance/Newhouse Partnership; Bright House Networks, LLC; and Bright House Networks Information Services (California), LLC (U6955C) for Expedited Approval of the Transfer of Control of both Time Warner Cable Information Services (California), LLC (U6874C) and Bright House Networks Information Services (California), LLC (U6955C), to Charter Communications, Inc., and for Expedited Approval of a pro forma transfer of control of Charter Fiberlink CA-CCO, LLC (U6878C).</p>	<p>Application No. A.15-07-009 (filed July 2, 2015)</p>
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**INTERVENOR COMPENSATION CLAIM OF THE GREENLINING INSTITUTE
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE
GREENLINING INSTITUTE**

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD, supporting EXCEL Timesheets, and any other supporting documents to the Intervenor Compensation Program Coordinator at lcompcoordinator@cpuc.ca.gov.

Intervenor: The Greenlining Institute		For contribution to Decision (D.16-05-05)	
Claimed: \$49,956.25		Awarded: \$	
Assigned Commissioner: Picker		Assigned ALJ: Bemederfer	
<p>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).</p>			
Signature:		/s/ Paul Goodman	
Date: 7/15/2016	Printed Name:		Paul Goodman

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

A. Brief description of Decision:	The decision granted proposed transfers of control between Charter, Time Warner Cable, and Bright House subject to conditions.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	9/28/2015	
2. Other specified date for NOI:		
3. Date NOI filed:	10/07/2015	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
6. Date of ALJ ruling:	03/29/2010	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.14-10-003	
10. Date of ALJ ruling:	2/19/2015	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-007	
14. Date of issuance of Final Order or Decision:	May 16, 2016	
15. File date of compensation request:	July 14, 2016	
16. Was the request for compensation timely?		

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

#	Intervenor’s Comment(s)	CPUC Discussion

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

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
1. Greenlining argued that the Commission should analyze the transaction using the factors in §854 (a), (b), and (c). Protest at pp. 3-6.	D.16-05-007 held that the Commission should evaluate the Transaction in accordance with the criteria enumerated in §§ 854(a) through 854(c) of the Pub. Util. Code. D.16-05-007 at p. 20.	
2. Greenlining argued that the Commission could examine the effects of the proposed transaction on broadband services. Protest at pp. 3-4.	D.16-05-007 held that the Commission could properly examine the effects of the proposed transaction on broadband services, noting that “Joint Applicants have stated that the allegedly beneficial effects of the Transaction on broadband deployment and affordability are key reasons that we should approve the Application. Having placed those alleged benefits in issue, Joint Applicants cannot complain if we examine the evidence supporting that claim as part of our public interest analysis under § 854.” D.16-05-007 at p. 20.	
3. The effect of the proposed transaction on the public interest.		
3(a). Greenlining argued that the Applicants failed to demonstrate that the proposed transaction would maintain or improve the quality of management of the combined company, as required by Public Utilities Code section 854, because the Applicants had not complied with the certification requirements of	D.16-05-007 requires Applicants to comply with the certification requirements of D.13-05-035 within 30 days of the closing of the transaction. D.16-05-007, Ordering Paragraph 2(d).	

<p>D.13-05-035. Protest at pp. 9-10.</p>		
<p>Greenlining argued that there was insufficient information to determine whether the proposed transaction would serve the public interest. This included concerns regarding corporate, philanthropic, and supplier diversity. Protest at pp. 11-12.</p> <p>Greenlining served testimony from Stephanie Chen on January 15, 2016. That testimony extensively discussed the issue of supplier diversity. Greenlining noted that for the proposed transaction to be in the public interest, the combined company would have to:</p> <ul style="list-style-type: none"> • Annually report their supplier diversity spending for all California operations to the California Public Utilities Commission as set forth in the Commission’s General Order 156 (Reply Testimony of Stephanie Chen at pp. 12-13); • Ensure that supplier diversity is a business priority and achieve 30% MBE contracting across all industrial categories (Reply Testimony of Stephanie Chen at pp. 12-13); 	<p>As a condition of approval, D.16-05-007 required that the combined company comply with a February 3, 2016 Memorandum of Understanding between the National Diversity Council and Charter. The ALJ accepted that MOU into the record on February 17, 2016, approximately one month after Greenlining served its testimony. The NDC MOU includes agreements involving the subjects discussed in Greenlining’s January 15, 2016 testimony:</p> <ul style="list-style-type: none"> • New Charter will voluntarily report supplier diversity numbers in accordance with GO 156 (NDC MOU at 9); • Within 5 years of merger close, “New Charter’s aspirational goals shall be consistent with other similarly situated cable operators’ supplier diversity spend in the state” (NDC MOU at 9); 	
<ul style="list-style-type: none"> • Have supplier diversity teams that report directly 	<ul style="list-style-type: none"> • “New Charter will create the position of Chief Diversity Officer to 	

<p>to executive leadership and are fully integrated in the sourcing and procurement processes for all company lines of business (Reply Testimony of Stephanie Chen at pp. 12-13);</p> <ul style="list-style-type: none"> • Executive leadership should regularly emphasize the importance of supplier diversity to local managers and purchasing teams (Reply Testimony of Stephanie Chen at pp. 12-13); • Providers should proactively establish relationships with leaders of multiple diverse organizations as part of their efforts to build the sourcing and hiring pipeline. Reply Testimony of Stephanie Chen at pp. 12-13 	<p>lead the company’s diversity and inclusion initiatives and efforts....The Chief Diversity Officer will be empowered with decision-making authority to ensure that diversity is integrated into all aspects of the organization ” (NDC MOU at 3);</p> <ul style="list-style-type: none"> • Executive and senior leader performance evaluations will be based, in part, on New Charter’s success in implementing supplier diversity initiatives (NDC MOU at 6); • New Charter will create an External Diversity Council composed of representatives of diverse groups to provide feedback on New Charter’s diversity efforts (NDC MOU at 4). 	
<p>3(b). Greenlining filed extensive testimony specifically on the issue of corporate diversity. Greenlining noted that for the proposed transaction to be in the public interest, the combined company would have to attract diverse candidates at all levels throughout their service territories, including targeted outreach with the goal of recruiting and hiring recruiting a workforce and creating internship programs that accurately reflect the growing diversity of</p>	<p>New Charter will increase the diversity of its board of directors (NDC MOU at 3), and implement a workforce diversity and inclusion awareness program, including efforts to increase recruitment of diverse candidates (NDC MOU at 6) and creating ten internship positions for students who attend minority-serving education institutions (NDC MOU at 7).</p>	

<p>California. Reply Testimony of Stephanie Chen at p. 15; Opening Brief at pp. 2-6.</p>		
<p>3(c). Greenlining filed extensive testimony specifically on the issue of philanthropic diversity. Greenlining noted that for the proposed transaction to be in the public interest, the combined company would have to share information regarding its philanthropic activities, seek out opportunities that benefit the communities it serves, and provide quality products and services that reflect equity for communities of color. Reply Testimony of Stephanie Chen at pp. 13-14.</p>	<p>New Charter’s Diversity Strategic Plan will include goals for philanthropic efforts to support minority-led and minority-serving organizations (NDC MOU at 11) and provide Community Investment Data to the External Diversity Council (NDC MOU at 12).</p>	
<p>3(d). Greenlining argued that to be in the public interest, the combined company would have to improve on Charter and Time Warner Cable’s lackluster customer service and contracting practices. Protest at pp. 13-14; Reply Testimony of Stephanie Chen at pp. 9-10; Reply Brief at p. 4.</p>	<p>D.16-05-007 noted that “[i]f New Charter merely maintains the current service levels of its constituent companies, it may technically satisfy the statutory requirement but it is difficult to conclude that such a result is in the public interest when current service levels are unsatisfactory. At a minimum New Charter should, within a reasonable time after the closing of the Transaction, provide voice and broadband service levels that are comparable to the average service levels of its competitors.” D.16-05-007 at pp. 36-37.</p> <p>New Charter must allow current Time Warner Cable customers to keep their current plans. D.16-05-007, Ordering Paragraph 2(i).</p> <p>New Charter must allow customers to procure their own modems and cable</p>	

	<p>set-top boxes. D.16-05-007, Ordering Paragraph 2(j).</p> <p>New Charter must comply with the FCC’s net neutrality rules. D.16-05-007, Ordering Paragraph 2(i).</p> <p>New Charter’s voice service offerings must meet the Commission’s GO 133 standards. D.16-05-007, Ordering Paragraph 2(n).</p> <p>New Charter must provide consumer education material regarding backup power in multiple languages. D.16-05-007, Ordering Paragraphs 2(o), 2(p).</p>	
<p>3(f). Greenlining argued that to serve the public interest, the proposed transaction should ensure the equitable availability of communications to households in communities of color. Reply Testimony of Stephanie Chen at pp. 4-5.</p> <p>Greenlining proposed that Charter increase its broadband development by building line extensions and out-of-home wireless hotspots and providing free broadband to anchor institutions. Greenlining Reply Brief at 12-13. At least 50% of those extensions, hotspots, and anchor institutions should be in communities where more than 25 percent of households speak a language other than English at home. <i>Id.</i></p>	<p>As a condition of approval, D.16-05-007 required that New Charter provide at least 150,00 new broadband passings, 25,000 wireless hotspots, and service to at least 75 anchor institutions, at least fifty percent of which must be in communities where more than 25% of households speak a language other than English at home (D.16-05-007 at 13-14).</p>	
<p>3(g). Greenlining argued that for a merger to serve the</p>	<p>New Charter must offer Lifeline phone service throughout its service territory.</p>	

<p>public interest, a combined company must serve low-income customers, many of whom are from communities of color, by participating in state and federal Lifeline programs, offering low-cost broadband services, and offering free broadband to anchor institutions. Reply Testimony of Stephanie Chen at pp. 5-8; Reply Brief at p. 6.</p>	<p>D.16-05-007, Ordering Paragraph 2(m), and must offer a low-cost broadband service throughout its service territory. D.16-05-007 at 12-13.</p>	
<p>3(h). Greenlining argued that for the transaction to be in the public interest, the combined company must schedule regular meetings with stakeholders. Reply Testimony of Stephanie Chen at p. 3.</p>	<p>New Charter will meet regularly with the External Diversity Council, which is composed of representatives of diverse groups. NDC MOU at p. 5.</p>	
<p>4. Appropriate mitigation measures to protect the public interest. Greenlining argued that should “the Commission approve the Application, the Commission should impose mitigation measures that will preserve competition, protect consumers, and ensure that the new company passes through the economic benefits of the transaction.” Protest at p. 16.</p>	<p>D.16-05-007 agreed that mitigation was required and ordered the measures discussed above, among others, were necessary to ensure that the transaction was in the public interest. <i>See</i> section 3, above.</p>	

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: California Emerging Technology Fund, Center for Accessible Technology (CforAT), Common Cause, Entravision Communications Corporation, Joint Minority Parties, Media Alliance, The Utility Reform Network, and Writers Guild of America, West, Inc.		
<p>d. Intervenor's claim of non-duplication: Greenlining's work in this proceeding was fundamentally different from that of ORA or the other consumer advocates, in that it focused specifically on the proposed merger's impacts on communities of color and low income communities. This perspective influenced many of the positions Greenlining took in the proceeding. Some of the issues, like the effects of the proposed transaction on Lifeline services, deployment of advanced services, customer service issues, and the expanded Charter's treatment of current and future customers were unique to Greenlining and its constituency.</p> <p>Throughout the proceeding, Greenlining in regular contact with advocates from TURN, Center for Accessible Technology, Writers Guild of America, West, Inc., California Emerging Technology Fund, and other highly active parties to ensure that Greenlining's work was not duplicative. For example, Greenlining did not focus on economic issues that ORA or TURN focused on. Where parties agreed, they coordinated rather than merely echoing each other. In fact, about 5.4% of Greenlining's reported hours are related to emails or phone calls regarding coordination of efforts. When possible, Greenlining coordinated on joint filings to avoid duplicative efforts (see Comment B).</p> <p>In many instances, Greenlining had a different view of particular issues (for example, diversity and broadband deployment) than did other active parties, thus offering the Commission several viewpoints and supporting rationales to evaluate. Additionally, Greenlining was active in the federal proceedings examining this merger, which to the best of Greenlining's knowledge many other parties were not. While the proceedings overlapped substantially in the issues they covered, this provided a broader point of view from which Greenlining argued.</p> <p>As part of its advocacy in this proceeding, Greenlining spent some of its time gathering feedback from members of the Greenlining Coalition, a diverse group of community-based organizations that have banded together around a common vision</p>		

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>of social justice. This allowed Greenlining to present perspectives of a number of different groups whose voices would have otherwise gone unheard. It also ensured that Greenlining brought a different perspective than that brought by other intervenors. Greenlining also facilitated, and participated in, meetings between the applicants and members of the Greenlining coalition to discuss issues and potential mitigation measures.</p> <p>Greenlining is claiming compensation only for the work its own attorneys and advocates performed.</p>	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor’s Comment	CPUC Discussion
II(b)(d)	<p>It is well established that a party may make a substantial contribution to a Commission decision even if its positions are not adopted, as long as the party makes contributions that benefitted and enhanced the Commission’s consideration of the issues at hand.</p> <p>While the final decision did not always adopt the specific positions Greenlining advocated for, Greenlining’s input in conjunction with other parties around affordability, diversity, broadband deployment, and the need to protect vulnerable customers substantially informed the Commission’s analysis of all issues considered in this proceeding, and served the interests of a significant group of customers who not the primary focus of most parties to the proceeding.</p>	

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

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>Given the sheer volume of the transaction, the expanded Charter has significantly expanded its California broadband customer base. Even if each of these customers only saved one dollar each as a result of the</p>	<p>CPUC Discussion</p> <hr/>
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<p>mitigation measures propounded by Greenlining, and adopted by the Commission, the total amount of savings would vastly exceed the amount Greenlining claims here. Additionally, the decision adopts mitigation measures related to workforce, supplier, and philanthropic diversity and broadband expansion specifically aimed at communities of color, which will bring concrete economic benefits to communities of color and provide opportunities to narrow the racial wealth gap. Accordingly, Greenlining asserts that the cost of its participation is reasonable in light of the enormous consumer benefits realized as a result of participation.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>Greenlining’s hours were reasonable given the immense volume of information, much of it highly technical or legally complex, that was being considered in this proceeding. Greenlining sought to maintain a streamlined process of work assignments internally, with minimal supervisory involvement, which allowed the key expertise to reside in the active advocate, Mr. Goodman. Each came into the proceeding possessing different, complementary areas of expertise, and each stuck to these areas throughout the proceeding, which eliminated overlapping efforts and ensured that each person was efficient, by working on the areas of his expertise.</p> <p>During the course of this proceeding, Greenlining worked with members of the Greenlining Coalition, a diverse group of community-based organizations that represents diverse constituencies and includes faith-based organizations, minority business associations, community development corporations, health advocates, traditional civil rights organizations, and ethnic media outlets. Greenlining consulted with members of the Coalition on pertinent issues and mitigation members, and facilitated discussions between Coalition members and the applicants.</p> <p>These discussions with Coalition members helped Greenlining develop its position, because the discussions gave Greenlining much greater insight about how these companies historically interact with our constituent communities, and how the merger and the promises the applicants offered would impact the communities that Coalition members represent. This “on the ground research” allowed Greenlining to better understand the pertinent issues and strengthen its position; accordingly, the time spent working with Coalition members was a reasonable use of hours.</p> <p>Greenlining staff recorded a slightly higher than usual time in the General Category. This proceeding was complex and involved a variety of different parties. As a result, this proceeding involved a large number of discovery and procedural motions that required analysis and responses, and Greenlining recorded its time on those actions in the General Category. Additionally, where Greenlining analyzed data request responses that <i>were</i></p>	

<p>relevant to issues discussed above, the time was recorded in the appropriate issue category (see section III(B)(c), below). However, Greenlining recorded time spent sorting through discovery to find the relevant information, as well as time spent reviewing the voluminous pleadings in this proceeding, in the General category (Category E).</p> <p>Greenlining has recorded some hours in the “coordination” category (Category F). A large number of parties opposed the merger. Greenlining spent substantial time coordinating with many of those parties. Additionally, Greenlining spent a significant amount of time working with parties who were not familiar with the Commission's merger review process (and, in some instances, were participating at the CPUC for the first time), enabling those parties to more effectively participate in the proceeding.</p>	
<p>c. Allocation of hours by issue:</p> <p>A. The Applicability of Public Utilities Code section 854—1.5% B. The Commission’s jurisdiction to investigate the proposed transaction—3.0% C. The effect of the proposed transaction on the public interest—30.4% Appropriate mitigation measures to protect the public interest—53.3% D. General Matters (Including Discovery)—16.9% E. Coordination between parties—5.4%</p>	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Paul Goodman	2015	23.8	330	D. 16-03-028	\$7,854.00			
Paul Goodman	2016	84	375	See Comment A.	\$31,500.00			
Stephanie Chen	2015	1.5	310	D.16-01-041	\$465.00			
Stephanie Chen	2016	8.3	315	See Comment B.	\$ 2,614.50			
Orson Aguilar	2015	0.6	300	See Comment C.	\$180.00			
Orson Aguilar	2016	9.1	305	See Comment C.	\$2,775.50			
Subtotal: \$ 45,389.00								
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$

Paul Goodman— Travel to Los Angeles hearing (see Comment D)	2016	4	187.50	See Comment A.	\$750.00			
Orson Aguilar— Travel to Los Angeles hearing (see Comment D)	2016	4	152.50	See Comment C.	\$610			
Subtotal: \$ 1,360.00								
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Paul Goodman	2016	12.6	187.50	See Comment A.	\$2,362.50			
Subtotal: \$2,362.50								
COSTS								
#	Item	Detail			Amount	Amount		
1	Air Travel 1/26/16	Round Trip, OAK-LAX, Orson Aguilar—Hearing (Attachment A)			\$408.97			
2	Ground Travel 1/26/16	Uber Trips to/from Airports—Hearing (Attachment B)			\$75.82			
3	Air Travel 1/26/16	Round Trip, OAK-LAX, Paul Goodman—Hearing (Attachment C)			\$359.96			
Subtotal: \$ 844.75								
TOTAL REQUEST: \$ 49,956.25						TOTAL AWARD: \$		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Paul Goodman	04/24/2002	219086	No
Stephanie Chen	08/23/2010	270917	No

C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
Comment A	<p>Paul Goodman is currently Senior Legal Counsel for The Greenlining Institute, and handles all of Greenlining’s telecommunications matters, including proceedings at the Commission and the Federal Communications Commission.</p> <p>He was sworn into the California State Bar in 2002. He received his LL.M in Intellectual Property from Santa Clara Law School in 2010. While at Santa Clara, Mr. Goodman worked as a Research Fellow for the Broadband Institute of California, working on issues including net neutrality, deceptive internet service provider terms and conditions, and the regulation of broadcast television and radio. Mr. Goodman also has experience in issues of Municipal Internet, Vertical Price Fixing in the eBook industry, Hate Speech and Mass Media, and broadcaster liability for knowingly broadcasting false statements. He has worked extensively on telecommunications and antitrust issues, and in this proceeding he provided extensive input on the legal issues raised in the scoping memo and by parties, was Greenlining’s representative for the purposes of settlement negotiations, and performed all of Greenlining’s research and legal drafting in this proceeding.</p> <p>Mr. Goodman’s first Commission approved rate was for work done in 2011. Resolution ALJ-308 sets the range for work done in 2016 for attorneys with 13+ years of experience at \$320-570. \$375 is an appropriate rate for Mr. Goodman’s work in 2016.</p>
Comment B	<p>Ms. Chen’s first Commission approved rate was for work done in 2010. Ms. Chen is now in her 7th year of practice before the Commission. Resolution ALJ-308 sets the range for work done in 2015 for attorneys with 5-7 years of experience at \$300-\$320. D.16-01-041 set Ms. Chen’s rate for 2015 at \$310. Draft Resolution ALJ-329 proposes a COLA of 1.28% for 2016; based on that COLA, \$315 is an appropriate rate for Ms. Chen’s work in 2016.</p>
Comment C	<p>Mr. Aguilar is the President of The Greenlining Institute, and he has served as an expert witness in CPUC proceedings addressing effective communication policy for communities of color. Mr. Aguilar has almost 20 years of experience working on policy for obtaining economic equity for communities of color, including a great deal of focus on telecommunications policy. The 2015 hourly rate for an expert with 13+ years of experience is in the \$170-\$420 range. Based on Mr. Aguilar’s position and experience, \$300 is an appropriate rate for 2015. Draft Resolution ALJ-329 proposes a COLA of 1.28% for 2016; based on that COLA, \$305 is an appropriate rate for Mr. Aguilar’s work in 2016.</p>

² This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

<p>Comment D</p>	<p>On January 20, 2016, the ALJ issued a Ruling Setting Public Participation Hearing and Requiring Public Notice, setting a hearing in Los Angeles on January 26, 2016. While the Ruling described the hearing as a public participation hearing, it also noted that parties could “provide representatives at the PPH to present their positions regarding this application” to the ALJ and Assigned Commissioner. Ruling at p. 3. Accordingly, Mr. Goodman and Mr. Aguilar’s attendance at the hearing was not for the purposes of observing public comment, but rather to address the ALJ, Assigned Commissioner, and the public about the impacts of the proposed transaction on communities of color.</p> <p>In addition, Mr. Goodman and Mr. Aguilar’s travel on January 27, 2016 included a meeting between Greenlining, the Greenlining Coalition, and the applicants. As discussed in section III(a)(b), above, this meeting served to better understand the pertinent issues and strengthen its position.</p>
<p>Attachment A</p>	<p>Time Sheets for Attorneys, Advocates and Experts</p>

D. CPUC Disallowances and Adjustments (CPUC completes):

Item	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)

<p>A. Opposition: Did any party oppose the Claim?</p>	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor’s representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

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

ORDER

1. Intervenor is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal

Revised September 2014

Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor's request, and continuing until full payment is made.

3. The comment period for today's decision [is/is not] waived.
4. 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 **INTERVENOR COMPENSATION CLAIM OF [Intervenor's Name] AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

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

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], [year], at [city], California.

[Signature]

[Typed name and address]

Revised September 2014

ATTACHMENT A

TIME SHEETS FOR ATTORNEYS, ADVOCATES AND EXPERTS

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Paul Goodman in 2015**

Issue Areas

- A. The Applicability of Public Utilities Code section 854**
- B. The Commission’s jurisdiction to investigate the proposed transaction**
- C. The effect of the proposed transaction on the public interest**
- D. Appropriate mitigation measures to protect the public interest**
- E. General matters (including discovery)**
- F. Coordination between parties**

A
B
C
D
E
F

Date	Description	A	B	C	D	E	F	TOTAL
7/3/2015	Review application and supporting documents	0.2	0.3	1.6				2.1
7/27/2015	Telephone call with Todd O'Boyle (Common Cause)					0.3		0.3
8/3/2015	Draft Protest (Section 854 issues)	0.8						0.8
8/4/2015	Draft Protest (Public Interest Effects)			1.8				1.8
8/5/2015	Draft Protest (Mitigation Measures/General)				0.5			0.5
8/5/2015	Emails w/ Todd O'Boyle (Common Cause) re: conditions				0.4			0.4
8/6/2015	Review and revise protest					0.3		0.3
8/10/2015	Call to Emily Solkolski (WGAW) re: timeline					0.2		0.2
8/19/2015	Review motion for party status (WGAW)					0.1		0.1
8/21/2015	Review Joint Reply to Protests	0.3	0.3	0.5		0.3		1.4
8/25/2015	Email to Christine Mailloux (TURN) re NDA					0.1		0.1
9/1/2015	Review Motion to File Under Seal					0.2		0.2
9/1/2015	Review ex parte notice (joint applicants)			0.2				0.2
9/3/2015	Prep for meeting with Charter			0.2	0.4			0.6
9/3/2015	Review motion to pay expert					0.2		0.2
9/3/2015	Email to Laura Blum-Smith (WGAW) re: motion for party status						0.1	0.1
9/3/2015	Meeting with Applicants			0.6	0.4			1.0
9/9/2015	Meeting w/Stephanie Chen to prep for briefing call			0.4	0.2			0.6
9/10/2015	Draft fact sheet for call w/Greenlining Coalition				0.3			0.3

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9/10/2015	Briefing Call w/Greenlining Coalition			0.5	0.5			1.0
9/10/2015	Review response to motion to pay expert					0.2		0.2
9/17/2015	Review PHC notice					0.1		0.1
9/18/2015	Emails to Laura Blum-Smith (WGAW) re: PHC						0.2	0.2
9/21/2015	Review ex parte notice (joint applicants)			0.2		0.2		0.4
9/21/2015	Review motion for party status (City of Gonzales)					0.1		0.1
9/24/2015	Review proposed schedule and supporting documents (joint applicants)					0.2		0.2
9/25/2015	Email to Tracy Rosenberg (Media Alliance) re PHC						0.1	0.1
9/25/2015	Review ex parte notices (ORA)					0.3		0.3
9/27/2015	Email to Lindsay Brown (ORA) re schedule						0.2	0.2
9/28/2015	Review final joint proposed schedule						0.2	0.2
9/28/2015	Prehearing Conference					1.5		1.5
9/29/2015	Email to Laura Blum-Smith (WGAW) re PHC						0.2	0.2
9/30/2015								0.0
10/1/2015	Review ex parte notice (ORA)					0.2		0.2
10/1/2015	Review proposed schedule (joint applicants)					0.2		0.2
10/1/2015	Draft NOI					1.0		1.0
10/7/2015	Draft NOI					1.3		1.3
10/15/2015	Review Motion for Party Status (Entravision)							0.0
11/16/2015	Review preliminary scoping ruling	0.2		0.2		0.1		0.5
11/19/2015	Call with Laura Blum-Smith (WGA) re scoping ruling						0.4	0.4
12/2/2015	Strategy call						0.5	0.5
12/5/2015	Review Opening Testimony (Fisher)			0.6				0.6
12/5/2015	Review Opening Testimony (Falk)		0.2	0.9				1.1
12/5/2015	Review Opening Testimony (Falk)			2.1				2.1
	Total hours for Paul Goodman, Senior Legal Counsel in 2015	1.5	0.8	9.8	2.7	7.1	1.9	23.8

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Paul Goodman in 2016**

Issue Areas

Revised September 2014

- A. The Applicability of Public Utilities Code section 854
- B. The Commission’s jurisdiction to investigate the proposed transaction
- C. The effect of the proposed transaction on the public interest
- D. Appropriate mitigation measures to protect the public interest
- E. General matters (including discovery)
- F. Coordination between parties

A
B
C
D
E
F

Date	Description	A	B	C	D	E	F	TOTAL
1/4/2016	Draft email to Joaquin Ross (Charter) re: meeting				0.2			0.2
1/5/2016	Meeting with SC & OA re Charter				0.5			0.5
1/5/2016	Review Falk Errata testimony					0.1		0.1
1/6/2016	Email to Todd O'Boyle re PPH						0.1	0.1
1/7/2016	Email to Lindsay Brown re: phone call						0.1	0.1
1/7/2016	Phone conference with Lindsay Brown			0.6	0.3			0.9
1/7/2016	Review supplemental testimony re broadband for low income				0.4			0.4
1/7/2016	Email to Laura Blum-Smith re: low income broadband testimony				0.4			0.4
1/11/2016	Prep for meeting with Charter				0.3			0.3
1/12/2016	Meeting with Charter--OA, SC				1.0			1.0
1/12/2016	Email to J. Ross (Charter) re 1/26 meeting					0.1		0.1
1/13/2016	Draft Testimony (Customer service, diversity, philanthropy)				2.0			2.0
1/13/2016	email to Stephanie Chen re 1/26 meeting					0.1		0.1
1/13/2016	email to Tracy Rosenberg (Media Alliance) re: PPH						0.1	0.1
1/13/2015	Email to Adam Falk re: reschedule request					0.2		0.2
1/13/2015	Emails to Rachelle Chong re: PPH						0.2	0.2
1/14/2016	Draft testimony (Jurisdiction, Stakeholder engagement, broadband)		0.5	4.7				5.2
1/14/2016	Review WGAW testimony; provide feedback re same			0.5	0.5		0.2	1.2
1/14/2016	Email to MK and Lindsay Brown re: low-income broadband proposal				0.1			0.1
1/15/2016	Review email from John Clark re: confidential testimony					0.1		0.1
1/15/2016	Telephone call with MK re NYPSC order				0.4			0.4
1/15/2016	Review national MOU				1.2			1.2
1/16/2016	Review motion to shorten schedule & motion shortening time					0.2		0.2
1/16/2016	Review reply testimony (Mott, Salop, Sanders, Dering, Fischer)			1.5	1.0	0.6		3.1

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1/19/2016	Review reply testimony (Hayes, Kuthyar, Morton, Mossberger)			3.0				3.0
1/19/2016	Emails to Coalition members re: meeting with Charter				0.3			0.3
1/20/2016	Review reply testimony (Stillman)			1.2				1.2
1/20/2016	Emails to Laura Blum-Smith and Lindsay Brown re: motion to alter schedule						0.3	0.3
1/21/2016	Phone call to Liz Podolinsky re: scheduling ex parte					0.2		0.2
1/21/2016	Email to Todd O'Boyle re ex parte						0.1	0.1
1/21/2016	Review Greenlining MOU; draft analysis				1.1			1.1
1/22/2016	Review and draft response to motion to modify schedule					0.6		0.6
1/22/2016	Draft bullet points for Coalition						0.4	0.4
1/22/2016	Prep for Charter Call w/ SC, OA				0.5			0.5
1/22/2016	Conference Call with Charter				1.0			1.0
1/25/2016	Draft comments for PPH			0.5				0.5
1/25/2016	Draft Agenda for meeting with Charter				0.3			0.3
1/26/2016	Meeting with Charter				2.0			2.0
1/26/2016	Los Angeles hearing			1.0		0.5		1.5
1/27/2016	Review ex parte notice					0.2		0.2
2/1/2016	Review Charter ex parte notice and motion to file under seal					0.2		0.2
2/1/2016	Review Charter Opposition to DISH motion					0.2		0.2
2/2/2016	Review ORA email re: motion to strike						0.2	0.2
2/3/2016	Review email from Stop the Cap! Re: insufficiency of notice					0.2		0.2
2/3/2016	Review email re motion to strike					0.2		0.2
2/4/2016	Review Charter/NDC motion and MOU; review Charter response to Stop the Cap! Motion				0.8	0.3		1.1
2/4/2016	Phone call with Martha Montoya re: possible MOU						0.5	0.5
2/5/2016	Review IBEW motion for party status					0.2		0.2
2/5/2016	Phone conference with OA and SC				0.5			0.5
2/5/2016	Review ORA ex parte					0.2		0.2
2/8/2016	Review CTIA ex parte					0.1		0.1
2/8/2016	Review ALJ Ruling					0.1		0.1
2/8/2016	review and respond to ORA emails re hearing schedule						0.3	0.3
2/10/2016	Review emails re: canceled evidentiary hearings.					0.2		0.2

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2/11/2016	Review motion to withdraw of County of Monterey				0.3			0.3
2/13/2016	Review Coalition Feedback				0.3			0.3
2/14/2016	Conversation re: Charter meeting with Orson, Stephanie				0.5			0.5
2/15/2016	Draft settlement documents				1.2			1.2
2/16/2016	Review email from Charter re: concerns about MOU				0.2			0.2
2/17/2016	Check in with SC				0.5			0.5
2/17/2016	Draft Term Sheet				1.1			1.1
2/18/2016	Draft Term Sheet				0.6			0.6
2/18/2016	Review motion to withdraw of LA County					0.2		0.2
2/19/2016	Call with CETF				0.5			0.5
2/19/2016	Meeting with Charter to review Diversity MOU				1.0			1.0
2/22/2016	Phone Call with Laura Blum-Smith re: conditions				0.3			0.3
2/23/2016	Draft SC declaration					0.3		0.3
2/23/2016	Review IBEW motion to accept late-filed evidence					0.3		0.3
2/23/2016	Draft update to Coalition				0.4			0.4
2/25/2016	Emails to Coalition members re: meeting with Charter				0.3			0.3
2/25/2016	Email to J. Ross re 1/26 meeting				0.1			0.1
2/25/2016	Email to Todd O'Boyle re: PPH						0.1	0.1
2/26/2016	Review Charter Opposition to IBEW motion					0.3		0.3
2/28/2016	Draft Opening Brief (Diversity)				3.4			3.4
2/29/2016	Draft Opening Brief (Diversity)				1.2			1.2
3/1/2016	Draft Opening Brief (Revisions)				0.8			0.8
3/1/2016	Review revised MOU from Charter				0.6			0.6
3/2/2016	Review motion to withdraw of City of Gonzales					0.3		0.3
3/2/2016	Revise Term sheet				0.5			0.5
3/3/2016	Review Opening Briefs			2.0	1.6			3.6
3/4/2016	Review motion to withdraw of Town of Apple Valley					0.2		0.2
3/7/2016	Check in with Stephanie Chen and Orson Aguilar				0.5			0.5
3/7/2016	Phone call with Olga Talamante re MOU				0.4			0.4
3/7/2016	Review Stop the Cap ex parte					0.1		0.1
3/9/2016	Conference Call with Charter				1.0			1.0
3/9/2016	Draft Reply Brief--JXN			2.5				2.5

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3/9/2016	Draft update email to Coalition							0.0
3/10/2016	Draft email to coalition re: merger status							0.0
3/10/2016	Draft Reply Brief (Broadband, Customer Policies)			1.0	0.7			1.7
3/11/2016	Draft Reply Brief (Mitigation, Revisions)				3.0			3.0
3/13/2016	Review reply briefs			1.4	1.5			2.9
3/18/2016	Phone call with Martha Montoya re: possible MOU				0.4			0.4
3/23/2016	Review Charter ex parte					0.2		0.2
3/23/2016	Meeting with Charter				0.8			0.8
3/24/2016	Draft Meeting Request--Comm. Sandoval							0.0
3/30/2016	Draft three day ex parte notice					0.4		0.4
3/30/2016	Review Charter notice re stockholders.					0.2		0.2
3/31/2016	Review ex parte notice (ORA)					0.2		0.2
3/31/2016	Review ex parte notice (NDC)					0.2		0.2
4/4/2016	Call with CETF				0.5			0.5
4/5/2016	Email to Adam Falk re: MOU				0.1			0.1
4/5/2016	Review ex parte notice (NDC)					0.2		0.2
4/6/2016	Email to Adam Falk re: MOU				0.1			0.1
4/7/2016	Meeting with Charter re: MOU				1.0			1.0
4/7/2016	Review Charter/CETF Joint Motion/MOU				0.9			0.9
4/8/2016	Draft ex parte notice				0.7			0.7
4/11/2016	Review ex parte notice (Stop the Cap!)					0.2		0.2
4/13/2016	Review Proposed Decision							0.0
4/14/2016	Call with Matt Friedman (Stop the Cap!) re: motion for judicial notice						0.4	0.4
4/19/2016	Review CforAT letter						0.2	0.2
4/20/2016	Call with Laura Blum-Smith re: PD						0.5	0.5
4/21/2016	Call with [byron allen counsel]						0.3	0.3
4/22/2016	Review ex parte notice (joint applicants)				0.2			0.2
4/24/2016	Review motion for judicial notice (Stop the Cap!)					0.2		0.2
4/26/2016	Review ex parte notice (CETF)				0.2			0.2
4/27/2016	Draft email to Adam Falk re: MOU					0.4		0.4
4/28/2016	Draft Opening Comments on PD (Broadband)			1.1				1.1
4/28/2016	Review ex parte notices (joint applicants, CforAT, ORA)					0.4		0.4

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4/28/2016	Call with David Goodfriend (Entertainment Studios) re filing						0.4	0.4
4/29/2016	Draft Opening Comments on PD (MOUs)				0.9			0.9
4/29/2016	Review ex parte notice (ORA)				0.2			0.2
4/29/2016	Call with Melissa Kasnitz re: comments						0.3	0.3
4/30/2016	Draft Opening Comments on PD (Clarifying Language Needed)					0.4		0.4
5/1/2016	Draft Opening Comments on PD (Mitigation)				1.0			1.0
5/2/2016	Draft Opening Comments on PD (Revisions)					0.5		0.5
5/3/2016	Review Opening Comments on PD				1.2			1.2
5/6/2016	Draft Reply Comments on PD		1.1	0.3				1.4
5/9/2016	Draft Reply Comments on PD (Revisions)					0.6		0.6
5/10/2016	Review Revised PD							0.0
5/11/2016	Review letter re: revised PD						0.3	0.3
	Total hours for Paul Goodman, Senior Legal Counsel in 2016	0.0	3.0	19.6	46.6	9.8	5.0	84.0

Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Paul Goodman in 2016
Other Fees

Date	Description	Total
1/26/2016	Travel to Los Angeles	2.0
1/26/2016	Travel to Oakland	2.0
	Total Hours for P. Goodman, Sr. Legal Counsel in 2016	4.0

Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Paul Goodman in 2016
Intervenor Compensation Claim Preparation

Date	Description	Total
6/30/2016	Claim Preparation	3.8
7/5/2016	Claim Preparation	2.4
7/11/2016	Claim Preparation	3.3

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7/14/2016	Claim Preparation	3.1
	Total Hours for P. Goodman, Sr. Legal Counsel in 2016	12.6

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Stephanie Chen in 2015**

Issue Areas

- A. The Applicability of Public Utilities Code section 854
- B. The Commission’s jurisdiction to investigate the proposed transaction
- C. The effect of the proposed transaction on the public interest
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Date	Description	A	B	C	D	E	F	TOTAL
9/9/2015	Meeting w/Stephanie Chen to prep for briefing call			0.4	0.2			0.6
9/10/2015	Briefing Call w/Greenlining Coalition			0.4	0.5			0.9
	Total hours for Stephanie Chen, Energy & Telecommunications Policy Director in 2015	0.0	0.0	0.8	0.7	0.0	0.0	1.5

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Stephanie Chen in 2016**

Issue Areas

- A. The Applicability of Public Utilities Code section 854
- B. The Commission’s jurisdiction to investigate the proposed transaction
- C. The effect of the proposed transaction on the public interest
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Date	Description	A	B	C	D	E	F	TOTAL
1/5/2016	Meeting with SC & OA re Charter				0.5			0.5
1/11/2016	Prep for meeting with Charter				0.3			0.3
1/12/2016	Meeting with Charter--OA, SC				1.0			1.0

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1/22/2016	Prep for Charter Call w/ SC, OA				0.5			0.5
1/22/2016	Conference Call with Charter				1.0			1.0
1/26/2016	Meeting with Charter				2.0			2.0
2/5/2016	Phone conference with OA and SC				0.5			0.5
2/14/2016	Conversation re: Charter meeting with Orson, Stephanie				0.5			0.5
2/17/2016	Check in with SC				0.5			0.5
3/7/2016	Check in with Stephanie Chen and Orson Aguilar				0.5			0.5
4/7/2016	Meeting with Charter re: MOU				1.0			1.0
	Total hours for Stephanie Chen, Energy & Telecommunications Policy Director in 2016	0.0	0.0	0.0	8.3	0.0	0.0	8.3

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Orson Aguilar in 2015**

Issue Areas

- A. The Applicability of Public Utilities Code section 854 A
- B. The Commission’s jurisdiction to investigate the proposed transaction B
- C. The effect of the proposed transaction on the public interest C
- D. Appropriate mitigation measures to protect the public interest D
- E. General matters (including discovery) E
- F. Coordination between parties F

Date	Description	A	B	C	D	E	F	TOTAL
9/3/2015	Prep for meeting with Charter			0.2	0.4			0.6
	Total hours for Orson Aguilar, President in 2015	0.0	0.0	0.2	0.4	0.0	0.0	0.6

**Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger
Hours of Orson Aguilar in 2016**

Issue Areas

- A. The Applicability of Public Utilities Code section 854 A
- B. The Commission’s jurisdiction to investigate the proposed transaction B
- C. The effect of the proposed transaction on the public interest C
- D. Appropriate mitigation measures to protect the public interest D
- E. General matters (including discovery) E
- F. Coordination between parties F

Date	Description	A	B	C	D	E	F	TOTAL
42380	Prep for meeting with Charter				0.3			0.3
42381	Meeting with Charter				1.0			1.0
42391	Prep for Charter Call				0.5			0.5
42391	Conference Call with Charter				1.0			1.0
42395	Meeting with Charter				2.0			2.0

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42405	Phone conference with Paul Goodman and Stephanie Chen				0.5			0.5
42414	Conversation re: Charter meeting with Orson, Stephanie				0.5			0.5
42436	Check in with Paul Goodman and Stephanie Chen				0.5			0.5
42438	Conference Call with Charter				1.0			1.0
42452	Meeting with Charter				0.8			0.8
42467	Meeting with Charter re: MOU				1.0			1.0
	Total hours for Orson Aguilar, President in 2016	0.0	0.0	0.0	9.1	0.0	0.0	9.1

Proceeding: A.15-07-009, Charter/Time Warner Cable/Bright House Merger

Hours of Orson Aguilar in 2016

Other

Fees

Date	Description	Total
1/26/2016	Travel to Los Angeles	2.0
1/26/2016	Travel to Oakland	2.0
	Total hours for Orson Aguilar, President in 2016	4.0