

Decision \_\_\_\_\_

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2014 (U39M).

Application 12-11-009  
(Filed November 15, 2012)

And Related Matter.

Investigation 13-03-007

**DECISION GRANTING COMPENSATION TO CENTER FOR ACCESSIBLE  
TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO  
DECISION 14-08-032**

<b>Intervenor:</b> Center for Accessible Technology (CforAT)	<b>For contribution to</b> Decision (D.) 14-08-032
<b>Claimed:</b> \$33,277.50 <sup>1</sup>	<b>Awarded:</b> \$31,252.50 (reduced 6.1%)
<b>Assigned Commissioner:</b> Michael Peter Florio	<b>Assigned ALJ:</b> ALJ Division <sup>2</sup>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	Decision authorizes PGE's General Rate Case revenue requirement for 2014-2016, including authorization for accessibility improvements consistent with agreed proposals submitted by PG&E and CforAT.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in  
Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	January 11, 2013	Verified.

<sup>1</sup> The original request listed the total claimed as \$33,178.25. Mathematical errors were discovered in the Specific Claim portion of the Request, and have since been corrected.

<sup>2</sup> This proceeding was originally assigned to Judge Pulsifer, who has since retired.

2. Other specified date for NOI:	N/A	N/A
3. Date NOI filed:	February 11, 2013	Verified.
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	No ruling on CforAT's customer status has been made in this proceeding. The most recent statement of CforAT's customer status was issued in A.14-04-013.	ALJ Ruling issued June 14, 2013 in R.13-03-008 found CforAT a customer for purposes of intervenor compensation. That finding may be applied here.
6. Date of ALJ ruling:	8/26/14	6/14/2013
7. Based on another CPUC determination (specify):	N/A	N/A
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
<b>Showing of "significant financial hardship" (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	No of significant financial hardship has been made in this proceeding. The most recent statement of CforAT's significant financial hardship was issued in A.14-04-013.	A more contemporary finding of significant financial hardship was made in the ALJ Ruling cited above. That find may be applied here.
10. Date of ALJ ruling:	8/26/14	6/14/2013
11. Based on another CPUC determination (specify):	N/A	N/A
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.14-08-032	Verified
14. Date of issuance of Final Order or Decision:	August 20, 2014	Verified
15. File date of compensation request:	October 14, 2014	Verified
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>1. At the earliest stages of this GRC cycle, CforAT negotiated with PG&amp;E to reach agreement on proposals to build on Memoranda of Understanding (MOUs) adopted in the prior two GRC cycles. The prior MOUs, negotiated between PG&amp;E and CforAT and/or our predecessor, Disability Rights Advocates, were adopted as settlements and approved in the final decisions in each GRC. Here, the parties entered into negotiations earlier and developed a plan to institutionalize accessibility improvements and ongoing commitments to serving customers with disabilities, and provided the agreed proposal during the very preliminary stages of the proceeding. The Joint Proposal, as it was finalized, was entered into the record as part of PG&amp;E’s Testimony. No party opposed the accessibility proposals (including funding for ongoing accessibility commitments) at any time.</p> <p>2. Under the agreed proposal, PG&amp;E has committed to do the following in order to institutionalize its commitments to providing accessible service to customers with disabilities:</p> <ul style="list-style-type: none"> <li>• Establish an annual level of spending (\$1.5M per year) dedicated to accessibility improvements, to be incremental beyond any action taken in compliance</li> </ul>	<p>Joint Proposal, PG&amp;E Testimony Chapter 11 (Accessibility Improvements) (“The purpose of this testimony is to describe a proposal, jointly developed with the Center for Accessible Technology, to address accessibility issues during the 2014 General Rate Case cycle (GRC)”). This testimony was entered into the record as part of PG&amp;E-5.</p> <p>The Joint Proposal concludes: “The Center for Accessible Technology and PG&amp;E believe that this joint proposal is a significant advancement over prior years’ MOUs addressing disability issues. This joint proposal increases the scope of activities to be undertaken and takes important steps to institutionalize these improvements within PG&amp;E. For these reasons and those described elsewhere in this chapter, the Center for Accessible Technology and PG&amp;E recommend the Commission’s adoption of this joint proposal.”</p>	<p>Accepted.</p>

<p>with specific orders issued in other Commission proceedings.</p> <ul style="list-style-type: none"> <li>• Use a portion of the dedicated fund to hire a new Disability Coordinator to address company-wide strategies on accessibility issues.</li> <li>• Use the remainder of the dedicated fund to advance accessibility issues among identified options including improved physical access at Local Offices, Pay Stations, temporary construction sides and rights of way (around utility poles) and improved communications access in mailings, customer center communications and the PG&amp;E website.</li> <li>• Annually report on accessibility spending and consult with interested parties on future planned activities.</li> </ul>	<ul style="list-style-type: none"> <li>• PG&amp;E-5 at pp. 11-1, 11-2.</li> <li>• PG&amp;E-5 at p. 11-2.</li> <li>• PG&amp;E-5 at p. 11-3, 11-4.</li> <li>• PG&amp;E-5 at p. 11-2.</li> </ul>	
<p>3. Since the final decision was issued in this proceeding, CforAT has appropriately taken steps, consistent with the consultation provisions approved in the decision, to work with PG&amp;E on implementing the commitments set out in the Joint Proposal.</p>	<p>PG&amp;E-5 at p. 11-2 (“Prior to the start of each calendar year, PG&amp;E would meet with the Center for Accessible Technology, and any other interested parties, to discuss planned accessibility spending for the upcoming calendar year...The first such meeting would take place . . . within two months of a final decision in this matter.”)</p>	<p>Accepted; that post-find decision consultation is part of the Joint Proposal.</p>

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

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>3</sup></b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	No	Verified
<b>c. If so, provide name of other parties: N/A</b>		
<b>d. Intervenor's claim of non-duplication:</b> While there were multiple parties representing the interests of consumers in this proceeding, no other party addressed issues specifically regarding the way in which PG&E makes its services and communications accessible to customers with disabilities, the sole issue that was the focus of CforAT's participation. Because no other party addressed this issue, there was no duplication of effort. The minimal work conducted by CforAT outside of the direct accessibility focus was to monitor the proceeding and ensure that the interests of our constituency were protected. For example, CforAT spent time reviewing a settlement between PG&E and the Joint Minority Parties to ensure that the settlement was consistent with the interests of our constituency. Outside of such review, CforAT did not participate in the general litigation effort.		Verified

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Intervenor's claim of cost reasonableness:</b>	<b>CPUC Discussion</b>
<p>The only substantive issues addressed by CforAT were those focused on the unique needs of people with disabilities, including efforts to institutionalize PG&amp;E's commitment to effectively serving customers with disabilities via improved physical access to its services and facilities and communication access for disabled customers who cannot access information presented in standard formats. These issues were within the scope of the proceeding and built on agreements reached in the prior two GRC cycles.</p> <p>The joint proposal developed by PG&amp;E and CforAT was not contested by any party and was included in the final decision.</p> <p>In addition to the work to develop the joint proposal, CforAT monitored the overall proceeding to ensure that the interests of its constituency was protected, and worked to oversee continuing implementation of the prior accessibility agreement that was in effect while this proceeding was pending.</p> <p>Given the results obtained for CforAT's constituency and the fact that these</p>	<p>CforAT's work was efficient and productive. CforAT has adequately justified its requested hourly rate for Jon Mires, as set forth in Part III(C) below.</p>

<sup>3</sup> 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>results were part of an extended GRC proceeding, CforAT’s costs were modest and reasonable. Looking directly at the financial aspect of CforAT’s participation, CforAT obtained commitments of \$4.5 million (assuming a 3-year GRC cycle) on behalf of PG&amp;E’s customers with disabilities, while requesting slightly over \$30,000 in compensation for merits work.</p>	
<p><b>b. Reasonableness of hours claimed:</b>                  The total amount of time claimed by CforAT is reasonable given the scope and length of this proceeding, and it represents CforAT’s focused attention on those limited issues where they were uniquely placed to address the needs of their constituency. In keeping with the narrow focus on accessibility and the interests of PG&amp;E customers with disabilities, the total amount of time spent on this effort was constrained, notwithstanding the extensive overall scope and length of the proceeding.</p> <p>In our NOI, CforAT estimated that we would spend 250 attorney hours and 50 expert hours working on the merits of this proceeding, including monitoring the implementation of the prior MOU. In fact, CforAT spent approximately 80 hours on the merits of this proceeding. The benefits of this work, including expected spending by PG&amp;E of \$4.5 million over the GRC cycle expressly to improve accessibility of corporate facilities and services, will accrue to all disabled customers, but no individual customer would have had the resources to address access issues individually.</p>	<p>CforAT’s hours are generally reasonable; however, a small number of hours allocated to “implementation” are disallowed as explained in Part III(A)(c) below.</p>
<p><b>c. Allocation of hours by issue:</b></p> <p>Most of the work in this proceeding was done by counsel (Melissa Kasnitz). In 2012, when the direct negotiations that led to the Joint Proposal took place, the vast majority of time spent by CforAT was on issues of Accessibility. A modest amount of time was spent on General Participation (GP) (monitoring the overall progress of the proceeding). All of the additional time spent on this proceeding in other CforAT staff was also directly concerned with Accessibility.</p> <p>In 2013, when most of the overall proceeding was being litigated, the allocation of hours by issue was reversed, as no party contested the Joint Proposal, yet CforAT spent time following the litigation. Though not broken out as a separate category, GP time in 2013 included work in conjunction with TURN and the Greenlining Institute to review and address issues raised in a settlement between PG&amp;E and the Joint Minority Parties regarding hard-to-reach customers to ensure that the provisions of that settlement harmonized with the needs of other vulnerable consumers, including consumers with disabilities.</p> <p>Finally, in 2014, CforAT tracked the concluding stages of the proceeding and spent some time since the final decision was issued on initial work regarding Implementation. The precise breakdown follows:</p> <p>2012 Time Allocation for Counsel (Total: 31.5 hours):</p> <p>Accessibility: 86% (27.1 hours)</p>	<p>CforAT seeks compensation for 4.5 hours worked by counsel after issuance of the final decision in this proceeding. Such work cannot have contributed to a Commission decision that preceded it. Accordingly, the 2015 hours allocated to “Implementation” (see Kasnitz Time Records for 9/3/2014, 9/26/2014, 9/29/2014, and 9/30/2014) are disallowed.</p>

GP: 14% (4.4 hours)  2013 Time Allocation for Counsel (Total 25.6 hours):  Accessibility: 12% (3.1 hours) GP: 88% (22.5 hours)  2014 Time Allocation for Counsel (Total 7.2 hours):  Accessibility: 3% (0.2 hours) GP: 35% (2.5 hours) Implementation: 62% (4.5 hours)	
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**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2012	31.5	\$430	D.13-04-008	\$13,545.00	31.5	\$430	\$13,545.00
Melissa W. Kasnitz	2013	25.6	\$440	D.13-11-007	\$11,264.00	25.6	\$440	\$11,264.00
Melissa W. Kasnitz	2014	7.2	\$450	See below	\$3,240.00	2.7	\$450 <sup>4</sup>	\$1,215.00
Dmitri Belser (Expert)	2012	4.5	\$225	D.13-02-014. See below.	\$1,012.50	4.5	\$225	\$1,012.50
Dmitri Belser (Expert)	2013	3.0	\$225	D.13-02-014 See below.	\$675.00	3.0	\$225	\$675.00
Jon Mires (Expert)	2012	7.5	\$185	See below.	\$1,387.50	7.5	\$185	\$1,387.50
<b>Subtotal: \$31,124.00<sup>5</sup></b>						<b>Subtotal: \$29,099.00</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								

<sup>4</sup> Application of Resolution ALJ-303, 2.58% Cost-of-Living-Adjustment (COLA).

<sup>5</sup> CforAT's original request listed this amount as \$31,024.75; mathematical error(s) have been corrected to list the amount as \$31,124.00.

Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2013	1.3	\$220	½ approved rate	\$286.00	1.3	\$220	\$286.00
Melissa W. Kasnitz	2014	8.3	\$225	½ requested rate	\$1,867.50	8.3	\$225	\$1,867.50
<b>Subtotal: \$2,153.50</b>						<b>Subtotal: \$2,153.50</b>		
<b>TOTAL REQUEST: \$33,277.50</b>						<b>TOTAL AWARD: \$31,252.50</b>		
<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 <sup>6</sup>		Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation				
Melissa W. Kasnitz	December 1992		162679	No; please note from January 1, 1993 until January 25, 1995 and January 1, 1996 until February 19, 1997, Kasnitz was an inactive member of the California State Bar.				

**C. Attachments Documenting Specific Claim and Comments on Part III:**

Attachment or Comment #	Description/Comment
1.	Certificate of Service
2.	Time Records (Merits): Melissa W. Kasnitz
3.	Time Records (Merits): Dmitri Belser
4.	Time Records (Merits): Jon Mires
5.	Time Records (Compensation)
6.	Resume for Jon Mires
	<b>Justification for Rate for Dmitri Belser:</b> The Commission adopted a 2011 hourly rate of \$225 for Belser in D.13-02-014. Mr. Belser has not sought an increase in his rate since that time.

<sup>6</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

**Justification for Rate for Jon Mires.** Jon Mires serves as CforAT’s Web Access Specialist. In I.11-06-009, CforAT sought a rate of \$185 per hour for his work and provided a description of his experience and skill. In D.14-06-026, awarding compensation to CforAT for work in I.11-06-007, the Commission declined to accept the information provided as a justification for an expert rate, and instead awarded an “advocate” rate of \$65/hour for Mr. Mires for work performed in 2011. While CforAT believes this decision was in error, the Commission correctly noted that CforAT had not provided a resume for Mr. Mires, nor had we expressly provided a comparison of his rate to other experts whose rates have been awarded in compensation requests. We do so here.

At this time, we have attached a resume for Mr. Mires showing his experience and skill. As noted in CforAT’s compensation request in I.11-06-009 and on Mr. Mires resume, Mr. Mires graduated from Sanford in 2001, has worked in web development since 2003, and has worked as CforAT’s web access specialist since 2007. He has specific knowledge and expertise in assisting corporations in making their websites more accessible for people with disabilities, educating organizations about the principles of website accessibility, evaluating websites for accessibility; and identifying potential improvements and technical solutions to implement for inaccessible websites. Mr. Mires’ time for such work is regularly billed at \$185 per hour, the rate sought here. Examples of clients of CforAT who have paid this rate for Mr. Mires’ service include Anthem Healthcare, Groove 11 and Primitive Logic.

Mr. Mires’ proposed rate is lower than the Commission-approved rate for Dmitri Belser, who also has expertise in disability access issues (but with more years of experience). CforAT provided the following discussion in proposing Mr. Belser’s rate of \$225/hour, which (as noted above) was approved in D.13-12-013, issued in A.10-03-014:

In 2011, the CPUC’s approved rate range for experts with any amount over 13 years of experience was \$155-\$390 (*see* Resolution ALJ 267 at p. 5); the rate of \$225 per hour sought for Mr. Belser is well within that range. The proposed new rate is also now consistent with the rates that other access experts charge for comparable work. For example, Gregg Vanderheiden is an expert on accessible technology, particularly involving self-service kiosks, and he is the head of the Trace Research Center at the University of Wisconsin at Madison. His regular hourly rate that he charges to consult on access issues is \$300 per hour. Another technology access organization, the Paciello Group, provides professional consulting, technology solutions, and monitoring services to help government agencies, technology vendors, e-commerce corporations, and educational institutions provide technology access. The hourly rate for services from the Paciello Group is \$262 per hour.

Experts addressing internet accessibility often charge lower rates for evaluation and remediation work, but charge up to \$350 per hour for senior staff. In its work for private clients addressing web access, CforAT charges a blended rate of \$185 per hour regardless of who is performing the work.

	<p>This is consistent with a rate of \$225 for Mr. Belser, as the most senior person on the team, together with lower rates for the more junior staff.</p> <p>The “blended rate” referenced for web access work in the description provided for Mr. Belser is based on a team of three: Mr. Belser as the senior supervisor, whose independent rate would be higher than the “blended rate,” an administrative/support person whose rate would be lower than the “blended rate” and the person performing the hands-on web accessibility work, Mr. Mires, whose hourly rate matches the overall blended rate. This rate is well within the approved range for experts with Mr. Mires’ level of experience in 2012, as provided in Resolution ALJ-287 setting rate ranges. It is also comparable to work performed by other access experts.</p> <p>The approved rate range for experts with 7-12 year of experience is \$160-\$275. Mr. Mires proposed rate of \$185 per hour for work performed in 2012 (when he had 9 years of web development experience) should be approved.</p>
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**D. CPUC Disallowances and Adjustments:**

Item	Reason
Part III.A(c)	Claim for hours worked after final decision is disallowed.
Part III.B	Minor computation errors in intervenor’s calculations for Kasnitz (2014) and Mires (2012) are corrected.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes.

**FINDINGS OF FACT**

1. CforAT has made a substantial contribution to D.14-08-032.
2. The requested hourly rates for CforAT’s representatives 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 here, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$31,252.50

**CONCLUSION OF LAW**

1. The Claim, with adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.
2. To ensure prompt payment of the award to CforAT, the comment period should be waived and today's decision should be made effective immediately.

**ORDER**

1. Center for Accessible Technology is awarded \$31,252.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Center for Accessible Technology (CforAT) the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month, non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 28, 2014, the 75<sup>th</sup> day after the filing of CforAT's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1408032		
<b>Proceeding(s):</b>	A1211009		
<b>Author:</b>	ALJ Division		
<b>Payer(s):</b>	Pacific Gas and Electric Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Center for Accessible Technology (CforAT)	10/14/2014	\$33,277.50	\$31,252.50	N/A	Change in hourly rates; non-compensable hours.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Melissa	Kasnitz	Attorney	CforAT	\$430	2012	\$430
Melissa	Kasnitz	Attorney	CforAT	\$440	2013	\$440
Melissa	Kasnitz	Attorney	CforAT	\$450	2014	\$450
Dmitri	Belser	Expert	CforAT	\$225	2012	\$225
Dmitri	Belser	Expert	CforAT	\$225	2013	\$225
Jon	Mires	Expert	CforAT	\$185	2012	\$185

**(END OF APPENDIX)**