

Decision \_\_\_\_\_

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

Order Instituting Rulemaking Regarding  
Revisions to the California Universal  
Telephone Service (LifeLine) Program.

Rulemaking 11-03-013

**DECISION GRANTING COMPENSATION TO THE GREENLINING  
INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION  
(D.) 16-10-039, D.17-01-032, D.17-08-004, AND D.18-02-006**

<b>Intervenor: The Greenlining Institute</b>	<b>For contribution to Decisions (D.)16-10-039; D.17-01-032; D.17-08-004; D.18-02-006.</b>
<b>Claimed: \$38,999.50 [C]</b>	<b>Awarded: \$38,779.50</b>
<b>Assigned Commissioner: Martha Guzman Aceves</b>	<b>Assigned ALJ: Katherine MacDonald</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p>D.14-09-014 rejected AT&amp;T's Application for Rehearing of a 2014 decision that made major changes to the program.</p> <p>D.16-10-039 adopted rules allowing VoIP providers to participate in the LifeLine program.</p> <p>D.17-01-032 created rules regarding reimbursement for activation fees, portability and enrollment freezes, and the revised eligibility criteria in light of changes to the federal Lifeline program.</p> <p>D.17-08-004 suspended the eligibility criteria provisions of D.17-01-032 until at least November 1, 2017</p> <p>D.18-02-006 augmented the eligibility criteria for the LifeLine program and created "bridge" funding for participants who no longer qualify for federal Lifeline funds.</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Public Utilities (Pub. Util.) Code §§ 1801-1812<sup>1</sup>:**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:		
2. Other specified date for NOI:	August 11, 2006 (See C.1, below)	Verified
3. Date NOI filed:	September 8, 2006	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.)10-02-005	Verified
6. Date of ALJ ruling:	March 29, 2010	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.09-08-009	R.14-10-003
10. Date of ALJ ruling:	January 10, 2011	February 19, 2015
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.18-02-006	Verified
14. Date of issuance of Final Order or Decision:	February 9, 2018	Verified
15. File date of compensation request:	April 10, 2018	Verified
16. Was the request for compensation timely?		Yes

<sup>1</sup> All statutory references are to California Pub. Util. Code unless indicated otherwise.

**C. Additional Comments on Part I:**

#	Intervenor’s Comment(s)	CPUC Discussion
1	<p>In the Order Instituting Rulemaking (OIR) for R.11-03-013, the Commission closed R.06-05-028, the predecessor to this proceeding, and automatically made all parties of record in R.06-05-028 into parties in R.11-03-013. OIR at 15. The OIR further stated that “all intervenor compensation filings and findings will be transferred to the new rulemaking and parties need take no further action to transfer these findings.” <i>Id.</i> Greenlining was a party to R.06-05-028, and had an NOI on file in that proceeding, which was filed on September 8, 2006. A ruling finding Greenlining eligible for compensation in the predecessor proceeding was issued on October 17, 2006. Thus, at the time this proceeding was initiated, Greenlining automatically became a party with an appropriate showing that it was eligible for compensation.</p>	<p>Verified</p>

**PART II: SUBSTANTIAL CONTRIBUTION**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

Intervenor’s Claimed	Specific References to Intervenor’s	CPUC Discussion
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Contribution(s)	Claimed Contribution(s)	
<p><b>A. Service elements and program rules</b></p>		
<p>1. Allegations of LifeLine rules’ discriminatory effects against wireline providers</p> <p>Greenlining argued that the Commission’s should reject AT&amp;T’s claim that 2014 changes to the LifeLine program discriminated against wireline providers.</p> <p>Greenlining noted that the Commission’s setting a fixed reimbursement amount was competitively neutral and did not discriminate against wireline LifeLine providers.</p> <p>Additionally, Greenlining argued that AT&amp;T’s reliance on D.03-01-035 did not apply. Joint Consumers’ Response to AT&amp;T Application for Rehearing of D.14-01-036 at 6-7 (March 3, 2014); Joint Consumers’ Response to Motion to Modify Schedule at 1-2 (July 29, 2016) (“Response to Motion to Modify Schedule”).</p>	<p>The Commission held “AT&amp;T’s claim that the Decision unlawfully discriminates against wireline providers has no merit, and we reject it.” D.14-09-014 at 6. The Commission further held that D.03-01-035 was distinguishable from the facts in the proceeding. <i>Id.</i></p>	<p>Verified</p>

<p>2. Preservation of California LifeLine as an independent complement to the federal program</p> <p>Greenlining argued that while the Commission should work to ensure that the California and federal LifeLine programs worked in harmony, the Commission should not allow provider concerns about changes to the federal program to delay implementation of the California program or weaken the California program. Joint Consumers’ Reply Comments on Amended Scoping Memo and Ruling at 4 (March 30, 2016) (“Reply Comments on Dec. 24, 2015 Scoping Memo”); Response to Motion to Modify Schedule at 1-2; Joint Consumers’ Opening Comments on Ruling Requesting Comments on Workshops and 3<sup>rd</sup> Report and Order at 3 (October 11, 2016) (“Opening Comments on 3<sup>rd</sup> Report”); Joint Consumers’ Reply Comments on December 15, 2016 Proposed Decision of Commissioner Sandoval at 1 (Jan 9, 2017) (“Reply Comments on Dec. 15, 2016 PD”).</p>	<p>While the Commission initially aligned the California program with the federal Lifeline program, new data showed that these actions could result in over 80,000 LifeLine participants dropping out of the program. The Commission ultimately decided to expand the California eligibility requirements to include more inclusive eligibility criteria than the federal program, which enabled Californians “who fall in between the eligibility gaps of the revised federal program to retain affordable communications services.” D.18-02-006.</p>	<p>Verified</p>
<p>3. Consumer Protections against customer confusion and misleading marketing.</p> <p>Greenlining asked the Commission to include strong service quality requirements and consumer protections to</p>	<p>The Commission implemented a number of rules to protect subscribers from misleading or predatory business practices. The Commission noted concerns that providers were artificially stimulating “churn” in order to increase reimbursements. D. 17-01-032 at 20. The Commission required that all</p>	<p>Verified</p>

<p>protect against customer confusion and misleading marketing materials. Reply Comments on Dec. 24, 2015 Scoping Memo at 22.</p>	<p>California LifeLine service providers submit their consumer education and/or marketing materials to the Commission for approval. D.17-01-032 at 32. The Commission additionally prohibited the termination of subscribers or encouraging subscribers to terminate and reinstate service for the purpose of collecting reimbursement for service connection charges. D.17-01-032, Conclusion of Law 21. Finally, the Commission held that “wireless telephone service providers’ terms and conditions should not enable discriminatory or predatory practices,” and that providers should be clear about how and when they will provide consumer education. D.17-01-032, Conclusions of Law 24-25.</p>	
<p><b>B. VoIP Participation</b></p>		
<p>1. Commission Authority to Create a VoIP Program Greenlining argued that “Nothing in Section 710 prohibits the Commission from allowing VoIP providers to participate in LifeLine on a voluntary basis while also requiring the carriers that choose to participate to comply with specific rules as a condition for participation and receipt of subsidy funding.” Joint Consumers’ Joint Consumers’ Response to March 9, 2015 Administrative Judge Ruling (April 2, 2015) (“Response to March 9, 2015 ALJ Ruling”); Joint Consumers’ Reply to March 9, 2015 Administrative Judge Ruling at 8 (April 27, 2015) (“Reply to March 9, 2015 ALJ Ruling”).</p>	<p>The Commission found that it had the authority to create a VoIP LifeLine program because participation by VoIP providers was voluntary. D.16-10-039 at 11. The Commission also imposed minimum service elements for VoIP LifeLine service. <i>Id.</i> at 14-15.</p>	<p>Verified</p>

<p>2. Roughly comparable subsidies for VoIP LifeLine</p> <p>Greenlining argued that the Commission should cap rates and set a specific support amount for VoIP LifeLine that was roughly comparable to the rates and SSA for traditional wireline and wireless LifeLine. Joint Consumers’ Reply to March 9, 2015 Administrative Judge Ruling at 3.</p> <p>3. VoIP LifeLine service quality requirements</p> <p>Greenlining supported the staff report’s recommendation that if VoIP recipients failed to receive voice-grade service, their provider must either (1) restore the voice-grade connection or (2) provide service using a different technology, and if the provider could do neither, the customer should have the right to cancel service. Joint Consumers’ Response to ALJ Ruling at 15-16 (April 2, 2015).</p>	<p>While the Commission did not impose a rate cap, the Commission held that VoIP Lifeline providers would receive the same SSA and reimbursement for non-recurring charges as other LifeLine providers. D.16-10-039 at 17.</p> <p>The Commission held that if VoIP recipients failed to receive voice-grade service, their provider must either (1) restore the voice-grade connection or (2) provide service using a different technology. D.16-10-039, Attachment A, at 3.</p>	<p>Verified</p> <p>Verified</p>
<p>Greenlining supported the staff report’s recommendation that VoIP LifeLine providers be required to offer at least one “unbundled” service offering. Response to March 9, 2015 ALJ Ruling at 19.</p>	<p>The Commission ruled that VoIP LifeLine providers are required to offer at least one “unbundled” service offering. D.16-10-139, Attachment A, at 5.</p>	<p>Verified</p>

<p>Greenlining noted that customers signing contracts with a duration longer than one year could find themselves ineligible while still bound by the contract, resulting in unaffordable service. Greenlining recommended that the Commission require that VoIP LifeLine providers offer one year contracts. Joint Consumers' Response to March 9, 2015 ALJ Ruling at 19-20.</p>	<p>The Commission held that VoIP providers must offer a service plan option "with monthly rates and without contract or early termination penalties." D.16-10-139, Attachment A, at 5.</p>	<p>Verified</p>
<p><b>C. Service and connection fees</b></p>		
<p>Greenlining argued that providers should receive reimbursements for service connection/activation fees, but that the Commission should limit the number of times a customer was eligible for reimbursement to three times a year. Joint Consumers' Opening Comments on Amended Scoping Ruling Regarding Reimbursement Of Nonrecurring Charges at 7 (Jan. 28, 2016) ("Opening Comments on Reimbursement"); Joint Consumers' Reply Comments on Amended Scoping Ruling Regarding Reimbursement Of Nonrecurring Charges at 6 (Feb. 22, 2016) ("Reply Comments on Reimbursement").</p>	<p>The Commission adopted Greenlining's recommendation on limiting reimbursements for nonrecurring fees, limiting the number of reimbursements to two per year. "For participants to receive the full benefit of California LifeLine, providing support for service connection/activation fees capped at \$39.00 for California wireless telephone services no more than two times per year per California LifeLine participant remains appropriate at this time." D.17-01-032 at. 15.</p>	<p>Verified</p>
<p>Greenlining argued that if the Commission limited the number of times a year a customer was eligible for reimbursement, it should</p>	<p>The Commission maintained the reimbursement rate until a subsequent Commission decisions or resolution, stating that "This period will provide the</p>	<p>Verified</p>

<p>collect data to monitor whether the subsidy was effective. Joint Consumers’ Opening Comments on December 15, 2016 Proposed Decision of Commissioner Sandoval at 5 (Jan 4, 2017) (“Opening Comments on Dec. 15, 2016 PD”); Joint Consumers’ Reply Comments on December 15, 2016 Proposed Decision of Commissioner Sandoval (Jan 9, 2017) (“Reply Comments on Dec. 15, 2016 PD”).</p> <p>Greenlining opposed carrier requests that carriers collect reimbursement when customers switch services but remain with the same carrier. Reply Comments on Dec. 15, 2016 PD at 3-4; Joint Consumers’ Response to the LifeLine Coalition’s Petition for Modification at 2-3 (July 31, 2017) (“Response to Coalition Petition”).</p>	<p>Commission time to gain experience and gather data about the impacts of the continued reimbursement rate on enrollment, service offerings, and the financial integrity of California LifeLine in relation to the modified federal LifeLine program.” D.17-01-032 at p. 16; Ordering Paragraph 1.</p> <p>The Commission held that “We did not, and do not now intend, ‘conversion’ to be a conversion or change of a service plan the subscriber has to a different service plan with the same provider. As a result, California LifeLine participants who change to a different service plan offered by their current California LifeLine service provider, to a different service address, or to a different phone number, shall not be eligible for service activation/connection charges.” D.17-01-032 at 21.</p>	<p>Verified</p>
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<b>D. Enrollment and port freezes</b>		
<p>1. Enrollment Freeze</p> <p>Greenlining opposed a 30-day enrollment freeze out of concerns that it would prevent eligible customers from switching providers at all during the first 30 days, leaving customers without functional phone service. Joint Consumers’ Reply Comments on Ruling Requesting Comments on Workshops and 3rd Report and Order at 5-6 (October 11, 2016) (“Reply Comments on 3rd Report”)</p>	<p>While the Commission ultimately instituted a 30-day enrollment freeze, the Commission included protections that would allow the consumer or the service provider to cancel an enrollment request, and that automatically terminates the freeze once the Program Administrator sends the final eligibility decision to the consumer. D.17-01-032, Ordering Paragraph 22.</p>	<p>Verified</p>
<p>2. Portability Freeze</p> <p>Greenlining initially opposed a portability freeze. When the Legislature directed the Commission to implement a port freeze, Greenlining argued that the port freeze should be no longer than 60 days. Opening Comments on 3rd Report at 16.</p>	<p>The Commission instituted a 60-day portability freeze, with exceptions for (1) address changes, (2) failures to provide service, (3) the provider’s charging late fees for non-payment greater than or equal to the monthly end-user charge for service, and (4) violations of FCC rules. D.17-01-032 at 25-27.</p>	<p>Verified</p>
<p>Greenlining opposed any long-term port freezes, such as the 90-day and 12-month port freezes suggested by some carriers. Joint Consumers’ Reply Comments on Amended Scoping Memo at 10, 12 (Mar. 30, 2016); Opening Comments on 3rd Report at 19; Reply Comments on Dec. 15, 2016 PD at 2.</p>	<p>The Commission instituted a 30-day enrollment freeze. D.17-01-032, Ordering Paragraph 22. In so doing, the Commission implicitly rejected carriers’ requests for longer freezes.</p>	<p>Verified</p>
<p>3. Exceptions to the Portability Freeze</p> <p>Greenlining advocated to the port freeze for “exceptional circumstances.” Opening</p>	<p>The Commission created the following exceptions to the 60-day benefit portability freeze:</p> <ol style="list-style-type: none"> <li>1. The subscriber changes residence;</li> </ol>	<p>Verified</p>

<p>Comments on 3rd Report at 20.</p> <p>Greenlining supported exceptions to the port freeze for (1) a program participant's change of residence, (2) a providers' late fees for nonpayment related to the supported services being greater than or equal to monthly end-user charge for service, (3) and a providers' violation of Commission or FCC rules that impact the program participant. Opening Comments on Dec. 15, 2016 PD at 6.</p> <p>Greenlining also supported an exception to the 60-day portability freeze when a provider ceases operation or fails to provide service, but argued that the Commission should revised the rule to state that if a provider is unable to resolve or fix a service failure within 48 hours of becoming aware of the service failure, the portability freeze exception applies. Opening Comments on Dec. 15, 2016 PD at 6.</p>	<ol style="list-style-type: none"> <li>2. The provider ceases operations or otherwise fails to provide service;</li> <li>3. The provider charges late fees for nonpayment related to the supported services being greater than or equal to monthly end-user charge for service;</li> <li>4. The provider violates the FCC rules in a manner that impacts the program participant; and</li> <li>5. The provider violates Commission rules in a manner that impacts the program participant. D-17-01-032, Ordering Paragraph 14.</li> </ol>	
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<p>Greenlining opposed requirements that subscribers provide documentation showing that they met the criteria for one of the exceptions or sign an affidavit under penalty of perjury. Opening Comments on Dec. 15, 2016 PD at 7; Reply Comments on Dec. 15, 2016 PD at 2. Joint Consumers’ Response to Coalition Petition for Modification of D.17-01-032 on LifeLine Modification Issues at 6 (April 6, 2017) (“Response to Coalition Petition”); Joint Consumers’ Response to TruConnect’s Petition for Modification of D.17-01-032 at 7-8 (July 31, 2017).</p>	<p>The Commission held that LifeLine participants need not provide evidence when invoking an exception to the port freeze rule. D. 17-01-032 at 28.</p>	<p>Verified</p>
<p><b>E. Revised eligibility criteria</b></p>		
<p>In December 2016, the Federal Communications Commission revised its eligibility requirements to participate in the federal Lifeline program. Greenlining opposed carriers’ requests that the Commission change its own eligibility criteria to “mirror” the federal rules, noting that under these changes, tens of thousands of eligible subscribers (approximately 4 percent of subscribers) could lose service. Opening Comments on Dec. 15, 2016 PD at 8-9.</p>	<p>Under LifeLine rules, subscribers may prove that they are eligible for LifeLine by demonstrating that they participate in certain qualifying public assistance programs. In January 2017, The Commission eliminated a number of qualifying public assistance programs from that list (including Section 8, LIHEAP, TANF, CalWorks, and WIC) to align California’s program with the federal Lifeline program. D.17-01-032 at 40. Additionally, the Commission reduced the income criteria for participation in LifeLine from 150% of the federal poverty level to 135%, again aligning the California program with the federal Lifeline program. Ordering Paragraph 25(d).</p>	<p>Verified</p>

	<p>On August 10, 2017, the Commission reversed those decisions until Nov. 1, 2017, or a further extension date granted by the FCC, noting that “approximately 81,395 California LifeLine subscribers may become ineligible may become ineligible for California LifeLine service as a result of the more restrictive eligibility criteria.” D.17-08-004. The Commission subsequently reinstated LifeLine eligibility for families at or below 150% of the federal poverty level and participating in the above-listed public assistance programs until November 30, 2019. D. 18-02-006 at 31, Ordering Paragraph 1.</p>	
<p>Greenlining encouraged the Commission to provide supplemental funding for LifeLine customers who became ineligible for the federal Lifeline subsidy for a period of at least two years. Response to Motion to Modify Schedule at 5-6; Opening Comments on 3rd Report at 6-8; Joint Consumers’ Response to Assigned Commissioner’s Ruling Regarding Revised Eligibility Criteria at 3 (May 1, 2017) (“Response to ACR re Revised Eligibility”); Joint Consumers’ Opening Comments on ALJ Ruling Requesting Comments on the Eligibility Criteria for the California LifeLine Program at 8 (July 10, 2017) (“Opening Comments on ALJ Ruling on Eligibility Criteria”).</p>	<p>The Commission ordered that the LifeLine Fund temporarily make up for the loss of support of federal funding for customer that are eligible under the California program but not the federal program. D. 18-02-006 at 31-32, Ordering Paragraph 2.</p>	<p>Verified</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>2</sup></b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Verified
<b>c. If so, provide name of other parties:</b> Center for Accessible Technology, ORA, The Utility Reform Network (TURN)		Verified
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>Greenlining, CforAT, and TURN took very similar positions in this proceeding. To avoid duplication, Greenlining frequently met with CforAT, and TURN to coordinate strategy and drafting of joint comments. Greenlining, CforAT, and TURN divided responsibility for researching and drafting specific comments on individual issues. For example, Greenlining’s work generally focused on its areas of expertise, including:</p> <ul style="list-style-type: none"> <li>• The interplay between California and federal laws and regulations;</li> <li>• The need for different rules for services using different technologies particularly involving Specific Support Amounts;</li> <li>• Minimum service elements; and</li> <li>• The impacts of revised eligibility requirements.</li> </ul> <p>Greenlining is claiming compensation only for the work its own attorneys performed.</p>		Agreed, Greenlining Institute did not engage on excessive duplication for this proceeding

<sup>2</sup> The Office of Ratepayer Advocates (ORA) was renamed the Public Advocate’s Office at the California Public Utilities Commission, pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

**C. Additional Comments on Part II:**

#	Intervenor’s Comment	CPUC Discussion
		N/A

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	CPUC Discussion
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>The Commission’s revision of the LifeLine rules not only ensures consumer protections for LifeLine customers, but also protects the integrity of the LifeLine Fund by ensuring that ratepayer funds are not being used to subsidize inferior service. Greenlining worked to ensure customers continue to receive a \$39 credit or discount when the customer signed up for service with a new carrier, and worked to expand the program to include VoIP providers.</p> <p>Perhaps most importantly, Greenlining worked to ensure that tens of thousands of LifeLine customers were able to retain service even after the FCC changed the federal rules to make those customers ineligible for the federal program. The Commission’s decision to include supplemental funding to make up for the loss of federal funds ensures that those households continue to be able to afford critical telephone service.</p> <p>Finally, Greenlining worked with stakeholders and Commission staff to create portability and freeze requirements, with a strong exceptions process, that provides stability to LifeLine providers while ensuring that consumers are not stuck with service they cannot use.</p> <p>Existing and new customers will realize substantial cost savings each year, which will far exceed the very low cost of Greenlining’s participation. While these benefits are difficult to quantify, the aggregate economic benefit of the settlement is many times higher than the amount Greenlining claims here. As such, Greenlining asserts that the cost of its participation is reasonable in light of the benefits realized as a result of its participation.</p>	<p>Verified</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Greenlining’s hours and claim in this proceeding are relatively small. Greenlining kept the majority of its participation with its most expert telecom attorney to ensure timely and efficient participation. Greenlining’s participation focused on specific issues in the proceeding and Greenlining</p>	<p>Verified</p>

<p>coordinated with other Joint Consumers to avoid unnecessary duplication of work. For these reasons, Greenlining’s hours spent on this proceeding were very reasonable.</p> <p>The instant proceeding stems from a previous proceeding, R.06-05-028. Because of the age of the NOI in that proceeding and the new issues that have arisen in the instant proceeding, comparing Greenlining’s hours and claim in this proceeding to the estimate in the NOI would be unhelpful.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p>A. Service Elements &amp; program rules—22.7%</p> <p>B. Participation by VoIP providers—14.87%</p> <p>C. Service and Connection Fees—6.81%</p> <p>D. Enrollment and Port Freezes—16.55%</p> <p>E. Revised Eligibility Criteria—32.27%</p> <p>F. General—5.29%</p> <p>G. Coordination among parties—1.93%</p>	<p>Noted</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Paul Goodman	2014	7.5	\$320	D1505050; D1603028	\$2,400	7.5	\$320.00	\$2,400.00
Paul Goodman	2015	27.7	\$320	D1609032	\$8,864	27.7	\$320.00	\$8,864.00
Paul Goodman	2016	38.9	\$325	D1609032; D1701023	\$12,642.50	38.9	\$325.00	\$12,642.50
Paul Goodman	2017	22.1	\$370	D1704013	\$8,177	22.1	\$370.00	\$8,177.00 [A]
Vinhcent Le	2018	21.7	\$200	See Comment 2.	\$4,340	21.7	\$200.00	\$4,340.00 [B]
<b>Subtotal: \$36,423.50</b>						<b>Subtotal: \$36,423.50</b>		
<b>OTHER FEES</b>								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]								N/A
<b>Subtotal: \$0.00</b>						<b>Subtotal: \$0.00</b>		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Paul Goodman	2018	12.4	\$190	See Comment 1	\$2,356.00	12.4	\$190.00	\$2,356.00 [A]
<b>Subtotal: \$2,356.00</b>						<b>Subtotal: \$2,356.00</b>		
COSTS								
#	Item	Detail			Amount	Amount		
1.						N/A		
<b>Subtotal: \$0.00</b>						<b>Subtotal: \$0.00</b>		
<b>TOTAL REQUEST: \$38,779.50</b>						<b>TOTAL AWARD: \$38,779.50</b>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' 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 are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR <sup>3</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Paul Goodman	04/24/2002	219086	No					
Vinhcent Le	02/25/2017	314269	No					

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

Attachment or Comment #	Description/Comment
Attachment A	Time Sheets for Attorneys, Advocates and Experts

<sup>3</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Comment 1	<p>Paul Goodman is currently Interim Director, Telecommunications and Technology, for The Greenlining Institute, and leads Greenlining’s telecommunications advocacy, including proceedings at the Commission and the Federal Communications Commission. Mr. Goodman’s first Commission approved rate was for work done in 2011. Mr. Goodman is now in his seventh year of practice before the Commission and fifteenth year of practice as an attorney. Resolution ALJ-345 sets the range for work done in 2017 for attorneys with 13+ years of experience at \$325-585. The Commission’s IC rate chart’s for Mr. Goodman sets his rate as \$320 as of 2014. The Commission approved a rate of \$325 for Mr. Goodman in D.17-04-013 for his 2016 intervenor contributions. Resolution ALJ-345 setting rates for 2017 notes: “It is reasonable to allow individuals an annual “step increase” of five percent, twice within each experience level and capped at the maximum rate for that level, as authorized by D.07-01-009.” Mr. Goodman has yet to receive any “step increase” in rates. Considering Mr. Goodman’s experience and contributions on behalf of consumers, Greenlining respectfully requests a rate of \$370. This figure considers a retroactive step increase of 5% when Mr. Goodman had 12 years of experience in 2014, and two 5% step increases for 2015 and 2016 when he had 13+ years of experience.</p> <p>ALJ-352 authorized a 2.3% COLR increase for attorneys in 2018. A 2018 rate of \$380 for Mr. Goodman is consistent with this increase.</p>
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Comment 2	<p>Vinhcent Le is currently Legal Counsel for The Greenlining Institute, and handles Greenlining’s telecommunications advocacy, including proceedings at the Commission and the Federal Communications Commission under the supervision of Paul Goodman.</p> <p>Mr. Le was sworn into the California State Bar in 2017. He received his J.D from the University of California Irvine School of Law in 2016 and graduated with Latin honors. While at UC Irvine, Mr. Le worked as a Research Assistant where he co-authored a paper on economic law, and effective regulatory regimes for fisheries, fossil fuels and trade disputes. Mr. Le also has significant administrative law experience from his time clerking with the Small Business Administration and the Office of Medicare Hearings and Appeals. Mr. Le has worked on the Telecommunications Team at the Greenlining Institute since 2016. His telecommunications experience covers a wide range of issues such as broadband deployment, competition, Net Neutrality, the Lifeline program, NTIA metrics and big data regulation. Mr. Le is also a member of the FCC’s Consumer Advisory Committee. In these proceedings, he provided significant input on the legal and policy issues raised, particularly on the revised LifeLine eligibility criteria. . Mr. Le performed a substantial part of Greenlining’s coordination, research and drafting in this proceeding. This is Mr. Le’s second completed proceeding before the Commission. Mr. Le has over a year of experience before the Commission. Resolution ALJ-345 sets the range for work done in 2017 for attorneys with 0-2 years of experience at \$170-230. \$200 is an appropriate rate for Mr. Le’s work in 2017 in light of his academic record, previous experience and comparable market rates for attorneys with similar experience (the Laffey Matrix, which is used in some jurisdictions to determine the reasonableness of attorney fees, available at <a href="https://www.justice.gov/usaodc/file/796471/download">https://www.justice.gov/usaodc/file/796471/download</a>, sets the comparable rate as \$291)</p>
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**D. CPUC Comments, Disallowances, and Adjustments**

Item	Reason
[A]	The Commission adopts the rates for 2017 and 2018 for Paul Goodman
[B]	The Commission adopts the rates for 2018 for Vinhcent Le
[C]	<p>There was a mathematical error on the total claim by the Greenlining Institute as Part III: Reasonableness of Requested Compensation, Section B. Specific Claim shows:</p> <ul style="list-style-type: none"> <li>• “Attorney, Expert, and Advocate fees” combined subtotal for Goodman and Le as \$36,423.50</li> <li>• “Intervenor Compensation Claim Preparation” subtotal for Goodman as \$2,356.00</li> <li>• There were no claims on “Other Fees”, and “Costs”</li> <li>• Correct total of claim is \$38,779.50 instead of \$38,999.50</li> </ul>

**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))**

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

**FINDINGS OF FACT**

1. The Greenlining Institute has made a substantial contribution to D.16-10-039, D.17-01-032, D.17-08-004, and D.18-02-006.
2. The requested hourly rates for the Greenlining Institute'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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$38,779.50.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. The Greenlining Institute shall be awarded \$38,779.50.
2. Within 30 days of the effective date of this decision, the California Public Utilities Commission Intervenor Compensation Fund shall pay shall pay the Greenlining Institute 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 June 24, 2018, the 75<sup>th</sup> day after the filing of the Greenlining Institute'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**

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1610039; D1701032; D1708004; D1802006.		
Proceeding(s):	R1103013		
Author:	ALJ MacDonald		
Payer(s):	The CPUC Intervenor Compensation Fund		

**Intervenor Information**

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute	04/10/2018	\$38,999.50	\$38,779.50	N/A	See CPUC Disallowances and Adjustments above

**Hourly Fee Information**

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Paul	Goodman	Attorney	\$320	2014	\$320
Paul	Goodman	Attorney	\$320	2015	\$320
Paul	Goodman	Attorney	\$325	2016	\$325
Paul	Goodman	Attorney	\$370	2017	\$370
Paul	Goodman	Attorney	\$380	2018	\$380
Vinhcent	Le	Attorney	\$200	2018	\$200

**(END OF APPENDIX)**