Decision 07-10-002 October 4, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into Implementation of Federal Communications Commission Report and Order 04-87, As It Affects the Universal Lifeline Telephone Service Program.	Rulemaking 04-12-001 (Filed December 2, 2004)

OPINION GRANTING INTERVENOR COMPENSATION TO NATIONAL CONSUMER LAW CENTER FOR SUBSTANTIAL CONTRIBUTION TO DECISION 07-05-030 AND DENYING INTERVENOR COMPENSATION TO THE GREENLINING INSTITUTE

This decision awards National Consumer Law Center (NCLC) $29,085.00 in compensation for its substantial contributions to Decision (D.) 07-05-030. This represents a decrease of $1,520.00 from the amount requested due to an arithmetic error and a decrease in the hourly rates requested. This decision rejects The Greenlining Institute's (Greenlining) request for $21,435.08 because Greenlining did not make a substantial contribution to D.07-05-030, as required by Section 1802(i) of the Public Utilities Code.[1]

This proceeding remains open to address long-term strategies to improve the California LifeLine certification and verification processes.

[1] All subsequent statutory references are to the Public Utilities Code unless otherwise indicated.

1. Background

Pursuant to California Public Utilities Code Article 8, LifeLine provides discounted residential wireline telephone service to eligible low-income Californians. Currently, carriers provide the discounted service to nearly 3.5 million Californians at a cost of $304.5 million annually in federal fund, and $251.35 million annually in state LifeLine funds.

In D.05-04-026, the Commission took the initial steps necessary to ensure that the state would continue to receive the annual federal Lifeline/Link-Up funds to protect the financial viability of the California LifeLine program. Specifically, that decision adopted a program of initial income certification and annual verification as required by the Federal Communications Commission's (FCC) Lifeline Order.[2]

The certification process is for new LifeLine customers. It requires potential new customers to provide proof of program eligibility by providing income documentation or by self-certifying participation in one of several approved assistance programs. The verification process occurs annually for existing LifeLine customers. This process requires current LifeLine customers to self-certify annually as to their continued eligibility either on an income basis or via participation in a recognized assistance program. The verification process requires customers to complete and return LifeLine forms to the certifying agent, self-certifying their eligibility.

In D.05-12-013 and in Resolution T-16996, the Commission adopted revisions to General Order (GO) 153 necessary to implement changes to the

---

[2] *Lifeline and Link-Up Report and Order and Further Notice of Proposed Rulemaking,* WC Docket No. 03-109, FCC 04-87 (rel. April 29, 2004).

LifeLine program. The Telecommunications Division[3] issued a Request for Proposal and entered into a contract with Solix, Inc. (Solix) to serve as third-party certifying agent for the certification and verification process. The Commission implemented the new certification/verification process on July 1, 2006.

Shortly after implementing the new program, Commission staff found that the customer response to the LifeLine verification notice was extremely low. In August 2006, 29% returned the verification notice, and, by the end of September, the percentage was only 49%. According to the telephone carriers that previously administered the LifeLine process prior to the federal changes, they experienced response rates of over 70%.[4]

On November 1, 2006, Commissioner Dian M. Grueneich issued an Assigned Commissioner's Ruling (ACR) temporarily suspending portions of GO 153 relating to the annual LifeLine verification process. The suspension, which was instituted for a period not to exceed six months, provided Commission staff an opportunity to identify the reasons for the low response rate and take steps to solve the problems.

The ACR also ordered Commission staff to hold a workshop including telephone carriers, Solix, and other interested parties to discuss solutions to the verification form response rate problem. The Commission ratified the November ACR in D.06-11-017 on November 9, 2006.

---

[3] The Telecommunications Division is now known as the Communications Division.

[4] The carrier response rates are not strictly comparable to current response rates since the program was administered differently at that time and only required that customers self-certify their income eligibility.

In compliance with D.06-11-017, staff convened workshops on November 13-14, 2006. Problems associated with the verification process were identified and two working groups, the Implementation Working Group and the Marketing Working Group, were established. The Implementation Working Group initially met on a weekly basis and now meets on a bi-weekly basis to discuss and find solutions to the low response rate for the verification process, while the Marketing Working Group meets regularly to develop marketing strategies and improve customer recognition of California LifeLine changes.

As a result of the November ACR, staff worked diligently with the carriers, Solix, and other interested parties to identify the reasons for the low response rates for certification and verification and to develop strategies to improve the processes.

On April 2, 2007, Commission staff completed work on a comprehensive study of the issues, "Report on Strategies to Improve the California LifeLine Certification and Verification Processes" (Staff Report). Many of the recommendations in the Staff Report result from the working groups established pursuant to D.06-11-017.

The Staff Report determined that both new customers applying for the LifeLine program and existing customers verifying their continued eligibility were being disqualified for reasons other than not meeting income or social service program requirements. Based on work with LifeLine customers, consumer groups, Solix, and carriers, staff identified a variety of problems contributing to the low LifeLine response rates and affecting customer enrollment in the program.

As the Staff Report explains, there is no single, simple solution to resolve the problems with the LifeLine program. Rather, a plethora of strategies,

short-and longer-term, must be pursued. In D.07-05-030, the Commission reviewed the Staff Report and used the recommendations in the Report to adopt modifications to GO 153 to improve the California LifeLine certification and verification processes. The decision also approved other strategies to improve the LifeLine process. The proceeding remains open to examine long-term strategies to improve the LifeLine certification and verification process.

2. Requirements for Awards of Compensation

The intervenor compensation program, which is set forth in Sections 1801-1812, requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if that party makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may adjust its rates to collect the amount awarded from its ratepayers.

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC), pursuant to Rule 17.1 of the Commission's Rules of Practice and Procedure (Rules), or at other appropriate time that we specify. (Section 1804(a).)
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (Section 1802(b).)
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (Section 1804(c).)
4. The intervenor must demonstrate "significant financial hardship." (Sections 1802(g) and 1804(b)(1).)

5. The intervenor's presentation must have made a "substantial contribution" to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by a Commission order or decision or as other found by the Commission. (Sections 1802(i) and 1803(a).)
6. The claimed fees and costs must be reasonable (Section 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (Section 1806), and productive (D.98-04-059).

In the discussion below, the procedural issues in Items 1-4 above are combined and a separate discussion of Items 5-6 follows.

3. Procedural Issues

Under Section 1804(a)(1) and Rule 17.1(a)(1), customers who intend to seek an award of intervenor compensation must file an NOI before certain dates. Since no PHC was held in this proceeding, the assigned Administrative Law Judge (ALJ) established a deadline for the filing of NOIs. In a ruling dated January 11, 2005, the assigned ALJ set a deadline of February 14, 2005 for the filing of NOIs. NCLC timely filed its NOI on February 11, 2005 and Greenlining, on February 14, 2005.

In their NOIs, NCLC and Greenlining asserted financial hardship. On March 8, 2005, the ALJ ruled that Greenlining met the financial hardship condition pursuant to Section 1804(b)(1) through a rebuttable presumption of eligibility because the Commission found Greenlining met this requirement in another proceeding within one year of the commencement of this proceeding (ALJ Ruling dated February 24, 2004, in Rulemaking (R.) 03-09-006). Rule 17.2 states that a party found eligible in one phase of a proceeding remains eligible in later phases, including rehearing, in the same proceeding. In the March 8, 2005

ruling, the ALJ determined that NCLC would suffer significant financial hardship within the meaning of Section 1802(g), to pay the costs of effective participation in the proceeding.

Section 1802(b)(1) defines a "customer" as: (A) a participant representing consumers, customers or subscribers of a utility; (B) a representative who has been authorized by a customer; or (C) a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers. (Section 1802(b)(1)(A) through (C).) On March 8, 2005, the ALJ issued a ruling that found Greenlining and NCLC to be customers pursuant to Section 1802(b)(1)(C).

Regarding the timeliness of the request for compensation, NCLC filed its request for compensation on July 2, 2007, and Greenlining filed on July 6, 2007. Both requests were filed within 60 days of D.07-05-030 being issued, in compliance with the requirements of Rule 17.3. No party opposed the requests.

4. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding, we look at several things. First, whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer. (Section 1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, whether the customer's participation unnecessarily duplicated or materially supplemented, complemented, or contributed to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision. (Sections 1801.3(f) and 1802.5.)

As described in Section 1802(i), the assessment of whether the customer made a substantial contribution requires the exercise of judgment.

> In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.[5]

Should the Commission not adopt any of the customer's recommendations, compensation may be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the claimed contributions NCLC and Greenlining made to the proceeding.

NCLC alleges that it was very involved in this phase of the proceeding, participating in meetings and working group conference calls, and made a substantial contribution on many issues adopted in D.07-05-030. In the working groups, NCLC has been supportive of efforts to increase the number of LifeLine consumer "touches" to help promote the new LifeLine program and to help consumers work their way through the new forms and processes. D.07-05-030 provides for additional reminders and notices to customers (Conclusion of Law 6, Ordering Paragraph (OP) 1) and carrier correspondence to existing customers to coincide with relaunch of the new verification process (OP 6).

---

[5] D.98-04-059, 79 CPUC 2d 628 at 653.

NCLC expressed concern about the inadequacies of the certifying agent's use of standard mail as opposed to first class mail. NCLC asked that the Commission continue with the suspension until the verification problems were fixed, but it also strongly supported AT&T's proposal that the Commission conduct a 10% sample test once the verification process was resumed. In D.07-05-030, the Commission ordered the Communications Division to take the steps necessary to implement first class mail for all aspects of LifeLine as quickly as possible (OP 5) and lifted the suspension of the verification process for a 20% random sample of customers, to be gradually increased to 100% upon review of the results (OP 12). Also, NCLC was supportive of the staff's proposed expansion of the verification and certification timelines through the modification of GO 153. The Commission adopted the proposed expanded timeline. (OP 1.)

NCLC advocated gathering information on whether carriers are backbilling large amounts under the expanded timeline and to address this issue in the second phase of the proceeding. NCLC also advocated the use of reasonable payment plans should consumers have problems with large backbills due to the expanded timeline. The Commission adopted NCLC's recommendation to address the backbilling issue in Phase 2 of the proceeding. The Commission, while not ordering carriers to allow customers to pay the backbilled amounts over three months, strongly encouraged them to work with customers on special payment arrangement on a case-by-case basis. (D.07-05-030 at 13.)

NCLC also advocated for the timely development of the web-based system as a tool for LifeLine consumers, and the Commission required staff to monitor the process of implementation of the web-based system to ensure that Solix

completes its development work in the time period established in D.05-12-013 (OP 15).

Our review of the record shows that NCLC achieved a high level of success on the issues it raised. In the areas where we did not adopt NCLC's position in its entirety, we benefited from NCLC's analysis and discussion of all of the issues which it raised. The Commission has awarded full compensation even where the intervenor's positions were not adopted in full, especially in proceedings with a broad scope. (D.98-04-028, 79 CPUC 2d 570, 573-74.)

We find that NCLC made a substantial contribution to D.07-05-030.

Greenlining alleges that it was actively engaged throughout the proceeding by: 1) filing opening and reply comments; 2) engaging in extensive research; 3) participating in proceeding workshops; 4) providing testimony to the Commission; and 5) conducting market studies. Greenlining asserts that it made substantial contributions to the proceeding in that Greenlining was one of the only parties to push for modernization of the LifeLine program, as well as addressing the needs of those the LifeLine program was intended to help, namely, low-income and minority communities. According to Greenlining, without its intervention in the proceeding, these issues would not have been addressed in other parties' comments.

Greenlining states that it was one of the only parties to raise the following four issues: self-certification, backbilling, geographical differences in low-income and minority communities and how that affects a ratepayer's ability to qualify for LifeLine, as well as bringing Lifeline into the 21st century by applying LifeLine to cell phones.

We find that Greenlining's request for compensation does not comply with Rule 17.4(a) which states:

> The request for compensation shall identify each issue resolved by the Commission for which the intervenor claims compensation, and shall specify the pages, findings, conclusions and/or ordering paragraphs in the Commission decision which resolve the issue.

Since Greenlining's request does not include that information, we have carefully reviewed the record to analyze the four issues raised by Greenlining and their disposition in D.07-05-030.

The first issue Greenlining raises is self-certification. The issue of self-certification was addressed by the Commission in D.05-04-026. In that phase of the proceeding, Greenlining proposed that the Commission retain the current system of self-certification,[6] but the Commission rejected that proposal stating:

> While LIF [Latino Issues Forum]/Greenlining's proposal to retain the current system of self-certification is admirable, such a proposal would put over $300 million of federal funding in jeopardy. As demonstrated above, the FCC specifically eliminates self-certification as an acceptable method of certification so Greenlining's proposal to seek a one-year extension to fashion a study to determine the impact of replacing the current self-certification process with an income documentation requirement will not help us to meet the FCC's requirement.[7]

In other words, the issue of self-certification was evaluated and rejected by the Commission previously in this proceeding. That issue was not addressed in D.07-05-030, and Greenlining's attempt to revisit the issue in this phase of the proceeding does not constitute a substantial contribution to D.07-05-030.

---

[6] Under a system of self-certification, program participants could "self-certify" that they met the income requirements of the LifeLine program and would not have to provide documentation to support that they were eligible for LifeLine.

[7] D.05-04-026 at 9.

The second issue Greenlining raises is that of backbilling. The decision does address that issue on pages 11-13. However, Greenlining's comments do not add to the record. After summarizing the backbilling problem, Greenlining presents its solution as follows:

> Therefore, if for no other reason than the potential for low-income consumers to receive "backbills" of more than $100 dollars from carriers, Greenlining urges the Commission to return to a self-certification process.[8]

In other words, Greenlining's only proposal for the backbilling issue is to return to a self-certification process. As stated above, the issue of self-certification was disposed of earlier in this proceeding, and Greenlining's proposal regarding backbilling was strictly in the context of reinstating the self-certification process. Therefore, we find that Greenlining's comments on backbilling did not make a substantial contribution to D.07-05-030.

The third issue raised by Greenlining in its compensation request was geographical differences in the cost of living and how that affects ratepayers' ability to qualify for LifeLine. After careful review of D.07-05-030, we find this issue was not addressed in D.07-05-030.

The fourth issue raised by Greenlining is that of bringing LifeLine into the 21st century by applying LifeLine to cell phones. After reviewing the decision, we find that this issue is not addressed in D.07-05-030. In fact, in an ALJ Ruling dated June 11, 2007, the assigned ALJ found that Greenlining's proposal to transform the LifeLine program to one based on cell phones to be outside the scope of the proceeding. The ruling states:

---

[8] Reply Comments of the Greenlining Institute on Proposed Decision of ALJ Jones, April 30, 2007 at 9.

> From the very beginning the Commission has stressed that the scope of this proceeding is narrow and focused. In the Preliminary Scoping Memo that appears as part of the original Order Instituting Rulemaking (OIR) that initiated this proceeding, the Commission states: "This OIR focuses primarily on the narrow issue of revising our income eligibility criteria to conform to the Lifeline/Link-Up Order in order to preserve the federal funding."[9] The purpose of this proceeding is not to undertake a complete overhaul of the LifeLine program. As such, the comments of SureWest and the Small LECs are justified. Greenlining's proposal is outside the clearly–established scope of this proceeding and will not be considered as part of this proceeding.[10]

Section 1802(i) states in evaluating whether a customer made a substantial contribution to a proceeding, the Commission must determine whether the Commission adopted one or more of the factual or legal contentions, or specific policy or procedural recommendations. We find that Greenlining did not meet that requirement since three of the four issues Greenlining presented in support of its request for compensation were not addressed in the decision, and the Commission did not adopt Greenlining's proposal on the backbilling issue. Therefore, we find Greenlining did not make a substantial contribution to D.07-05-030 in any respect and is not eligible for a compensation award.

4.1. Contributions of Other Parties

Section 1801.3(f) requires an intervenor to avoid participation that unnecessarily duplicates that of similar interests otherwise adequately represented by another party, or participation unnecessary for a fair

---

[9] *Order Instituting Rulemaking into Implementation of Federal Communications Commission Report and Order 04-87, As It Affects The Universal Lifeline Telephone Service Program,* R.04-12-001 at 6.

determination of the proceeding. Section 1802.5, however, allows an intervenor to be eligible for full compensation if its participation materially supplements, complements, or contributes to that of another party if that participation makes a substantial contribution to the Commission order.

NCLC alleges that it contributed to the proceeding in a manner that did not duplicate contributions made by other intervenors. NCLC collaborated closely with other consumer groups to avoid duplication wherever possible, and NCLC filed jointly with The Utility Reform Network (TURN), Latino Issues Forum (LIF), and Disability Rights Advocates in every instance. In many instances, due to the limited resources of the other consumer groups, NCLC has been the lead consumer group on the Implementation and Marketing Working Group calls and has shared developments from those conference calls with the other Joint Consumers. We concur that NCLC has attempted to avoid duplication by filing as part of a group of consumers with similar interests.

Once we have determined the scope of a customer's substantial contribution, we then look at whether the compensation request is reasonable.

5. Reasonableness of Requested Compensation

NCLC requests $30,605 for its participation in this proceeding, as follows:

Attorney	Year	Hours	Rate or ½ Rate	= $ Total
Olivia Wein	2006	31.75	$275	= $ 8,731.25
Olivia Wein	2006	9	$137.5 (1/2 rate)	= $ 1,237.50
Olivia Wein	2007	63	$275	= $17,325.00
Olivia Wein	2007	22.5	$137.5 (1/2 rate)	= $ 3,093.75

[10] ALJ Ruling at 2-3.

Charles Harak	2006	0.5	$435	= $ 217.50
Total Hours		**126.75**	**Total amount**	**= $30,605.00**

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

5.1. Hours and Costs Related to and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

NCLC documented its claimed hours by presenting a daily breakdown of the hours of its attorneys, accompanied by a brief description of each activity. The hourly breakdown reasonably supports the claim for total hours.

5.2. Intervenor Hourly Rates

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

NCLC seeks an hourly rate of $275 for Olivia Wein for work performed in 2006 and 2007. However, we previously approved a rate for Wein of $255 for work done in 2006 in D.06-04-021 and adopt the same rate here. For 2007, consistent with the guidance provided in D.07-01-009, we adopt an hourly rate of $265 for Wein, which represents an increase of 3% over the 2006 rate, rounded to the nearest $5.

NCLC seeks an hourly rate of $435 for Charles Harak for work performed in 2006. We previously approved this rate for Charles Harak in D.06-11-009 and adopt it here.

Greenlining requested $21,435.08 for its participation. Since we found that Greenlining did not make a substantial contribution to D.07-05-030, we will not further review Greenlining's request for compensation.

5.3. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the benefits realized through its participation. This showing assists us in determining the overall reasonableness of the request.

NCLC notes that the Commission stated in the Bill of Rights proceeding: "[I]t is often the case that regulations that protect public health, safety and welfare impose significant costs on the regulated industry that can be estimated, even if imprecisely, while providing benefits that cannot easily be reduced to dollar terms."[11] According to NCLC, the benefits realized through its participation in this proceeding are hard to quantify in dollar terms because the ultimate benefits to consumers, while unquestionably large, are hard to quantify. NCLC notes that this proceeding is of vital importance to the 3.4 million current California LifeLine customers who will be undergoing the new LifeLine verification process and that the California LifeLine program provides over $300 million in federal support and over $250 million in state LifeLine support to

[11] D.04-12-001 at 138, *quoting Reply of NCLC, TURN, UCAN and CU to Wireless Industry Motion for Leave to File Economic Analysis,* at 8-9.

low-income Californians to make basic phone service affordable. According to NCLC, in this case the benefits of NCLC's participation clearly outweigh the costs.

We agree that the functioning of the LifeLine verification system has a significant impact on the 3.4 million Californians that participate in the program. We also agree that this program, which has been improved through NCLC's participation, has social benefits which, though hard to quantify, are substantial. Thus, we find that NCLC's efforts have been productive.

5.4. Direct Expenses

NCLC included travel costs as part of its claim for staff hours. The hours for travel are clearly marked and are billed at ½ the hourly rate. The cost breakdown included with the request shows the travel expenses to be appropriately handled. We find these costs reasonable.

6. Award

As set forth in the table below, we award NCLC $29,085. In addition to the adjustments to the hourly rate described above, we shifted the December 2006 hours to 2006; NCLC had included them in the count of 2007 hours.

Attorney	Year	Hours	Rate or ½ Rate	= $ Total
Olivia Wein	2006	37	$255	= $9,435.00
Olivia Wein	2006	9	$127.5 (1/2 rate)	= $1,147.50
Olivia Wein	2007	57.75	$265	= $15,303.75
Olivia Wein	2007	22.5	$132.5 (1/2 rate)	= $2,981.25
Charles Harak	2006	0.5	$435	= $217.50
Total Hours		**126.75**	**Total amount**	**= $29,085.00**

Consistent with previous Commission decisions, we order that interest be paid on the award amount (at the rate earned on prime, three-month commercial

paper, as reported in Federal Reserve Statistical Release H.15) commencing on September 15, 2007, the 75th day after NCLC filed its compensation request, and continuing until full payment of the award is made.

This rulemaking proceeding affected a broad array of utilities field. As such, we find it appropriate to authorize payment of today's awards from the Commission's intervenor compensation program fund, as described in D.00-01-020.

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. NCLC's records should identify specific issues for which it requested 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.

7. Comments on Proposed Decision

The proposed decision of the Commissioner in this matter was mailed to the parties in accordance with Section 311 and comments were allowed under Rule 14.3. No comments were received.

8. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner, and Karen A. Jones is the assigned ALJ in this proceeding.

Findings of Fact

1. NCLC and Greenlining have satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. NCLC made a substantial contribution to D.07-05-030 as described herein.
3. Greenlining did not make a substantial contribution to D.07-05-030.

4. NCLC requested hourly rates for its representatives that, as adjusted herein, are reasonable when compared to the market rates for persons with similar training and experience.

5. NCLC requested related travel expenses that are reasonable and commensurate with the work performed.

6. The total of the reasonable compensation for NCLC is $29,085.00.

7. Greenlining is not eligible for compensation since it did not make a substantial contribution to D.07-05-030.

8. The appendix to this opinion summarizes today's award.

Conclusions of Law

1. NCLC has fulfilled the requirements of Sections 1801-1812, which govern awards of intervenor compensation, and is entitled to intervenor compensation for its claimed compensation, as adjusted herein, incurred in making substantial contributions to D.07-05-030.

2. NCLC should be awarded $29,085 for its contribution to D.07-05-030.

3. Greenlining has not fulfilled the requirements of § 1801(i), which governs whether a consumer has made a substantial contribution to a decision and is not entitled to intervenor compensation.

4. This order should be effective today so that NCLC may be compensated without further delay.

O R D E R

IT IS ORDERED that:

1. National Consumer Law Center (NCLC) is awarded $29,085.00 as compensation for its substantial contributions to Decision (D.) 07-05-030.

2. Within 30 days of the effective date of this decision, NCLC's award shall be paid from the intervenor compensation program fund, as described in D.00-01-020. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 15, 2007, the 75th day after the filing date of NCLC's request for compensation, and continuing until full payment is made.

This order is effective today.

Dated October 4, 2007, at San Francisco, California.

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners

APPENDIX A

Compensation Decision Summary Information

Compensation Decision:	D0710002	**Modifies Decision?**
Contribution Decision(s):	D0705030	
Proceeding(s):	R0412001	
Author:	Commissioner Grueneich	
Payer(s):	Commission	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Greenlining Institute	7-6-2007	$21,435.08	0	No	Failure to make substantial contribution
National Consumer Law Center	7-2-2007	$30,605.00	$29,085.00	No	Failure to justify hourly rate; arithmetic errors

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Olivia	Wein	Attorney	National Consumer Law Center	$275	2006	$255
Olivia	Wein	Attorney	National Consumer Law Center	$275	2007	$265
Charles	Harak	Attorney	National Consumer Law Center	$435	2006	$435
Robert	Gnaizda	Attorney	The Greenlining Institute	$505	2006	--
Robert	Gnaizda	Attorney	The Greenlining Institute	$520	2007	--
Thalia	Gonzalez	Attorney	The Greenlining Institute	$195	2006	--
Thalia	Gonzalez	Attorney	The Greenlining Institute	$215	2007	--

(END OF APPENDIX A)