

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298**FILED**4-15-16  
02:34 PMAgenda ID #14824  
Ratesetting

April 15, 2016

TO PARTIES OF RECORD IN APPLICATION (A.) 14-04-013, A.14-06-012:

This is the proposed decision of the Administrative Law Judge Karl Bemesderfer. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's May 26, 2016 Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on this proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed, pursuant to Rule 1.13, either electronically or in hard copy. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to Judge Bemesderfer at [karl.bemesderfer@cpuc.ca.gov](mailto:karl.bemesderfer@cpuc.ca.gov) and the Intervenor Compensation Program at [Icompcoordinator@cpuc.ca.gov](mailto:Icompcoordinator@cpuc.ca.gov). The current service list for this proceeding is available on the Commission's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

/s/ DARWIN E. FARRAR for  
Karen V. Clopton  
Chief Administrative Law Judge

KVC: ek4  
Attachment

Decision **PROPOSED DECISION OF ALJ BEMESDERFER** (Mailed 4/15/16)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of Comcast Corporation, Time Warner Cable Inc., Time Warner Cable Information Services (California), LLC, and Bright House Networks Information Services (California), LLC for Expedited Approval of the Transfer of Control of Time Warner Cable Information Services (California), LLC (U6874C); and the Pro Forma Transfer of Control of Bright House Networks Information Services (California), LLC (U6955C), to Comcast Corporation Pursuant to California Public Utilities Code Section 854(a).

Application 14-04-013  
(Filed April 11, 2014)

And Related Matter.

Application 14-06-012

**DECISION GRANTING COMPENSATION TO THE NATIONAL ASIAN AMERICAN COALITION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 15-03-037**

<b>Intervenor: The National Asian American Coalition (NAAC)</b>	<b>For contribution to Decision (D.) 15-07-037</b>
<b>Claimed: \$ 278,421</b>	<b>Awarded:\$160,580.60 (42.3% reduction)</b>
<b>Assigned Commissioner: Carla J. Peterman</b>	<b>Assigned ALJ: Karl J. Bemederfer</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.15-07-037 granted the motion of the Joint Applicants to withdraw their merger application.
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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):	7/02/2014	Verified.
2. Other specified date for NOI:	--	
3. Date NOI filed:	7/25/2014	Verified.
4. Was the NOI timely filed?		Yes, The National

		Asian American Coalition (NAAC) timely filed the notice of intent to claim intervenor compensation.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.13-11-003	Verified.
6. Date of ALJ ruling:	4/18/2014	Verified.
7. Based on another CPUC determination (specify):	--	
8. Has the Intervenor demonstrated customer or customer-related status?	Yes, NAAC demonstrated appropriate status.	
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.13-11-003	Verified.
10. Date of ALJ ruling:	4/18/2015	April 14, 2014
11. Based on another CPUC determination (specify):	--	
12. Has the Intervenor demonstrated significant financial hardship?	Yes, NAAC demonstrated significant financial hardship.	
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.15-07-037	Verified.
14. Date of issuance of Final Order or Decision:	07/29/2015	Verified.
15. File date of compensation request:	09/28/2015	Verified.
16. Was the request for compensation timely?	Yes, NAAC timely filed the request for intervenor compensation.	

**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
<i>Decision Section 2.1 – Commission Authority to Act Following Withdrawal</i> As the decision notes, it was	D.15-07-037 at 9-10. <i>Response of Joint Minority Parties to Joint Applicants’ Motion to Withdraw (5/1/2015)</i> at 3.	Verified.

<p>reasonable for the Commission to consider the merits of the motion to withdraw, due to (1) the significant time, effort, and cost to review the application expended by the Commission and intervenors, and (2) the advanced stage of the proceeding at the time the motion to withdraw was filed.</p> <p>The NAAC, on behalf of the Joint Minority Parties (JMP) filed the Response of the JMP to Joint Applicants’ Motion to Withdraw, and argued that “the Commission still has the authority to resolve certain issues while deciding to grant or deny the Joint Applicant’s motion to withdraw as it would be in the public interest”, and cited to D.92-04-027 which holds that applicants may not always withdraw from a proceeding that has made substantial progress through the Commission. The JMP noted the significant efforts expended and advanced stage of the proceeding, pointing out that that “a robust evidentiary record has been developed in this current proceeding and two proposed decisions have already been issued”.</p>		
<p><u>Decision Section 2.2 – Preservation of Documents for Future Proceedings</u></p> <p>The decision acknowledges that the JMP, both as signatory to the Joint Intervenors response to the Motion to Stay and in the JMP’s own response to the Motion to Withdraw, requested the Commission “to allow the future use of documents contained in the record of this proceeding”. The Commission stated that preservation of the record was “necessary in view of the recent</p>	<p>D.15-07-037 at 10, 13</p> <p><i>Response of the Joint Intervenors to Motion of Joint Applicants to Stay Pending Deadlines (4/29/2015) at 2.</i></p> <p><i>Response of Joint Minority Parties to Joint Applicants’ Motion to Withdraw, (5/1/2015) at 4.</i></p>	<p>Verified.</p>

<p>announcement by Charter Fiberlink that it will seek to acquire Time Warner.”</p> <p>In our response to the motion to withdraw, the JMP specifically argued that if the Commission granted the withdrawal, conditions should be imposed, including preservation of the record, in part because of the “likelihood that TWC will either acquire or be acquired by Charter or Cox Communications in the near future”.</p>		
<p><u>Decision section 2.3 – Intervenor Contributions to the Development of the Record</u></p> <p><u>2.3.1 – Scoping Memorandum</u></p> <p>The decision states that based on arguments by Intervenors, the scoping memo included issues such as an analysis of the criteria of section 854(c), the effects of the merger on broadband, and public interest impacts of the merger.</p> <p>The JMP raised these issues in our initial protest and prehearing conference statements. In our protest, we raised issues related to specific 854(c) sections, stated our concerns for harm to the broadband market that, “through this merger, Comcast would dominate (control 50%) [] future broadband”, and argued against public interest harms to consumers and competition that would likely result. Our protest included discussions of unfair bargaining power that could result in reduced consumer choice in programming, Comcast’s ability to demand below market prices for content from third party providers, and the potential stifling of competition from</p>	<p>D.15-07-037 at 14, 15.</p> <p><i>Protest And Request For Hearing Of The Joint Minority Parties (5/15/2014) at 2, 4, 6-7</i></p> <p><i>Prehearing Conference Statement Of The Joint Minority Parties On Non-Schedule Issues (7/1/2014) at 5-6</i></p>	<p>Verified.</p>

<p>startups.</p> <p>In our prehearing conference statement, the JMP specifically argued for the applicability of 854(c) to the merger over assertions made by Joint Applicants in their responsive filings. We showed that “the Commission authority to approve mergers which do not involve the largest utilities... in combination with the Commission’s broad grant of authority under § 701, is more than sufficient to allow the Commission to apply both § 854(b) and (c) to a transaction that carries such a major impact on California utilities.”</p> <p>We again raised important public interest issues, including “whether or not rates for services will increase, whether there will be any reduction in the number of packages or options that are available to ratepayers, and whether the quality of services rendered will decrease.”</p> <p>The decision also specifically acknowledges concerns raised by the JMP related to the effect of the merge on widening the “digital divide”.</p>		
<p><i>2.3.2 Parties’ Position on the Effects of the Merger on Competition in the California Marketplace</i></p> <p>The decision notes that the JMP asserted that the lack of competition and government regulations has led to higher prices for slower internet service in America vs other developed countries, and that the Comcast merger could further harm competition by also forcing Comcast competitors to merge. The decision further recognized that the JMP and other intervenors</p>	<p>D.15-07-037 at 16.</p> <p><i>Protest And Request For Hearing Of The Joint Minority Parties (5/15/2014) at 3, 6-7.</i></p> <p><i>Reply Brief Of The Joint Minority Parties (12/10/2014) at 6-7.</i></p>	<p>Verified.</p>

<p>raised concerns of harm to startup activity, online content, and new innovations through exploiting their terminating access monopoly power.</p> <p>In our Reply Brief, the JMP pointed out that the merger “would essentially create one mega company that controls both movie and television content as well as the primary vehicles (television broadcast network, cable system operator, broadband provider) for distributing that content.” We noted that “the biggest competitor to cable TV today is online streaming” and discussed the harm to online content and innovations from companies like Netflix and Amazon.</p>		
<p><i>2.3.4 – Parties Positions Regarding Merger-Specific and Verifiable Efficiencies</i></p> <p>The decision notes that some Intervenors raised concerns that the proposed transaction “would result in a combined company that maintained Comcast’s insufficient commitment to diversity.”</p> <p>In our initial Protest, the JMP raised the issue that the merger must include provisions to protect and promote the public interest, including “commitments to substantially increase diversity” in line with GO-156 goals, such as efforts at AT&amp;T and Verizon.</p> <p>In the JMP reply brief, the JMP responded to Comcast’s claims of exceptional commitment to</p>	<p>D.15-07-037 at 18.</p> <p><i>Protest And Request For Hearing Of The Joint Minority Parties (5/15/2014) at 5.</i></p> <p><i>Reply Brief Of The Joint Minority Parties (12/10/2014) at 12.</i></p>	<p>“Greenlining and Consumers Union claimed that the proposed transaction would result in a combined company that maintained Comcast’s insufficient commitment to diversity.”<sup>1</sup> While, JMP contributed on this issue, duplication occurred with other parties, including Greenlining and Consumers Union. This demonstrates that the parties failed to adequately coordinate on this issue, which resulted in a duplicative effort.<sup>2</sup></p>

<sup>1</sup> See D.15-07-037 at 18.

<sup>2</sup> See Pub. Util. Code §1801.3(f) (stating that intervenor compensation program articles “shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding.”); see also D.15-05-016.

<p>diversity and voluntary reporting of diversity efforts. The JMP pointed out that Comcast was required to report on and improve diversity as part of the NBCU merger provisions, and fell far short of competitive diversity levels as compared to other companies, receiving an F+ on the Greenlining Annual Supplier Diversity Report Card.</p>		
<p><i>2.3.6 Parties' Positions on the Effects of the Merger on California Consumers</i></p> <p>The decision acknowledges that the JMP and other intervenors all commented "on the inadequacies of the Internet Essential (IE) program and the effect of the merger on California's consumers".</p> <p>The JMP showed that the IE program speeds were inadequate, offering only up to a maximum of 5 mbps, as compared to the Comcast national average of 32 mbps, and insufficient for low income school children who try to access online learning resources from home. We also raised significant concerns over the restrictive eligibility requirements that prevent existing Comcast customers or those who have an existing Comcast debt from participating in IE. Given that Comcast is often the only internet provider in many service areas, this prohibits many families that could potentially benefit from the IE program from participating.</p>	<p>D.15-07-037 at 19.</p> <p><i>Reply Brief Of The Joint Minority Parties (12/10/2014) at 14-16.</i></p>	<p>Verified.</p> <p>As JMP notes, "CETF, TURN, Greenlining, Consumers Union, Media Alliance, Writers Guild, CforAT, and Joint Minority Parties all commented on the inadequacies of the Internet Essentials (IE) program and the effect of the merger on California's consumers."</p> <p>D.15-07-037 at 19.</p>
<p><u><i>Decision section 3 –</i></u> <u><i>Comments on Proposed Decision</i></u></p> <p>The Decision notes that only the Joint Applicants, ORA, and the JMP filed comments on the</p>	<p>D.15-07-037 at 24.</p> <p><i>Comments Of The Joint Minority Parties On The Proposed Decision Of ALJ Bemesderfer On Motion To Withdraw Application To</i></p>	<p>Verified.</p>



<p>proposed decision, and only the Joint applicants and the JMP filed reply comments.</p> <p>The JMP Comments on the PD supported the decision in substantially the same form that was adopted, specifically citing our support for considering the motion to withdraw in light of public interest concerns and the fully developed record, preservation of the record, and intervenor compensation eligibility.</p> <p>In our Reply comments, we specifically opposed Joint Applicant claims that providing record documents in the proper format and medium would be a costly and unreasonable undertaking. We argued that their estimated costs to comply of \$100,000 could hardly be considered unreasonable given that it would only comprise .03% of the estimated \$330 million they had already expended in their failed merger attempt.</p>	<p><i>Transfer Control (7/7/2015) at 2-3</i></p> <p><i>Reply Comments Of The Joint Minority Parties On The Proposed Decision Of ALJ Bemserfer On Motion To Withdraw Application To Transfer Control (7/13/2015) at 3.</i></p>	
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**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	Yes.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Yes.
<p>c. If so, provide name of other parties: TURN, The Greenlining Institute</p>		<p>As noted above, other parties advanced similar positions, including: CETF, TURN,</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>Greenlining, Consumers Union, Media Alliance, Writers Guild, and CforAT.</p>
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>ORA, TURN, and Greenlining represent ratepayer interests generally, and as such, their positions aligned with those of the JMP on certain issues. Throughout the proceeding, the JMP made efforts to communicate and coordinate with other ratepayer advocates to avoid duplication (issue code COOR below). The JMP also filed joint briefs when appropriate, such as in the <i>Response of the Joint Intervenors to Motion of Joint Applicants to Stay Pending Deadlines (4/29/2015)</i></p> <p>However, the other ratepayer advocates do not represent the same minority communities as the Joint Minority Parties, and do not have the same grassroots involvement in those communities. The JMP gains a unique perspective from providing direct services to their constituencies, which helps inform and lend credibility to Commission decisions.</p> <p>Therefore, while other parties may have had positions that were similar to the JMP, our perspectives and arguments were necessarily different, and were supplemented, not duplicated, by efforts on common issues.</p>	<p>Preventable duplication between the parties occurred.</p> <p>NAAC’s work duplicated arguments by ORA, TURN, Greenlining, and other parties.</p> <p>The Commission disallows 25% of NAAC’s claimed hours within the “Merger Effects” and “Market Competition” issue areas, as discussed below in the CPUC Comments and Adjustments section.</p>

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

#	Intervenor’s Comment	CPUC Discussion
	<p>The JMP jointly filed with other intervenors the <i>Response of the Joint Intervenors to Motion of Joint Applicants to Stay Pending Deadlines (4/29/2015)</i>, and correctly appears as signatories at the beginning and end of the brief. However, the introductory paragraph inadvertently omitted the JMP from the list of intervening parties. D.15-07-037, at the bottom of page 7, also incorrectly omits listing the JMP as part of the Joint Intervenors who filed the response to the Joint Applicant’s motion to stay.</p>	<p>Verified.</p>

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p><b>a. Intervenor’s claim of cost reasonableness:</b>                  The JMP’s advocacy efforts reflected in D.15-07-037 addressed policy matters relating to the proposed Comcast merger with Time Warner Cable, and the likely effects upon cable, phone, and broadband service, competition, and accessibility. The JMP also researched and presented arguments on significant procedural issues relevant to the Commission’s jurisdiction and regulation of public utilities, including the proper standard of review, the procedural effect of motions to withdraw, and eligibility of intervenors for compensation.</p> <p>For the most part, the JMP cannot identify a precise monetary value for the benefits of these advocacy efforts, given the nature of the issues presented, and the fact that the merger was successfully opposed. However, ratepayers greatly benefited from our efforts which contributed to a fully developed record upon which the Commission was able to make an informed decision, and the extent to which Commission jurisdiction was more clearly defined through the JMP’s research and arguments. Finally, the JMP advocated for the proper eligibility of intervenors to receive compensation even after the applicant filed a motion to withdraw, in order to encourage and protect intervenor participation in this and future proceedings. Such participation by intervenors helps bring ratepayer concerns before the Commission, benefiting ratepayers.</p>	<p><b>CPUC Discussion</b></p> <p>The hours claimed by NAAC are significantly excessive considering that NAAC was not the lead group of intervenors.</p>
<p><b>b. Reasonableness of hours claimed:</b>                  This Request for Compensation includes 662.9 total hours for JMP attorneys and experts. The JMP submits that this is a reasonable amount of time, given the over 15 month duration of the proceeding, the breadth of issues examined, and the copious filings, including multiple proposed decisions. These hours were devoted to discussion and analysis, research, briefing, negotiations, and procedural matters.</p> <p>The JMP request also includes 24.5 hours devoted to the preparation of this Request for Compensation performed by Mr. Gondai. This is an appropriate amount of time considering again the large amount of documents produced in this case, which were all reviewed in order to allocate the time spent researching, discussing, and drafting them according to the issues they contained.</p>	<p><i>See CPUC Disallowances and Adjustments, below.</i></p>
<p><b>c. Allocation of hours by issue:</b></p> <p>The attached timesheets (Attachment 3) indicate hours spent addressing separate issues identified according to the following codes:</p> <p><b>Planning and Review (PLAN) – 30.8%:</b> efforts that are difficult to tie to specific issues, but are nevertheless essential to effective participation, such as reviewing other party briefings and discussing strategy for hearings and filings.  <b>Coordination (COOR) – 5.1%:</b> efforts to cooperate with other intervenors to supplement common issues and reduce duplicative work.  <b>Settlement (SETL) – 21.7%:</b> time and effort toward negotiating a settlement with Joint Applicants, including discussion of offers among JMP members.</p>	<p>Because of the duplication with other parties, discussed above in II.B, the Commission disallows 25% of the hours claimed related to “Merger Effects” and “Market</p>

<p><b>Merger Effects (EFCT) – 11.6%:</b> research on effects of merger on consumers, such as pricing and services.  <b>Diversity Programing (D Prog) – 2.5%:</b> research and efforts toward increasing and improving programing that targets the minority community.  <b>Supplier Diversity (Supp D) – 5.5%:</b> research and efforts to improve supplier diversity commitments.  <b>Market Competition (MRKT) – 2.5%:</b> work done on the issue of the impact of the merger upon market competition.  <b>Procedural (PROC) – 9.9%:</b> work related to procedural issues, such as jurisdiction, preserving the record, right to intervenor comp, and filing motions.  <b>Discovery (DISC) – 10.3%:</b> work related to discovery, such as non-disclosure agreements, review of other parties info, and responses on multiple issues.</p> <p><b>PLAN – 30.8%</b>  <b>COOR – 5.1%</b>  <b>SETL – 21.7%</b>  <b>EFCT – 11.6%</b>  <b>D PROG – 2.5%</b>  <b>SUPP D – 5.5%</b>  <b>MRKT – 2.5%</b>  <b>PROC – 9.9%</b>  <b>DISC – 10.3%</b></p> <p><b>Total: 99.9% (0.1% discrepancy due to rounding)</b></p>	<p>Competition”.</p> <p>We disallow the hours claimed for Diversity Programming, which are outside the scope of the proceeding.</p>
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**Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hou rs	Rate \$	Basis for Rate*	Total \$	Hours [1]	Rate \$	Total \$
Robert Gnaizda	2014	193.4	\$565	D.15-06-024	\$109,271	113	\$570.00 <i>See</i> D.15-10-012.	\$64,410.00
Robert Gnaizda	2015	207.7	\$565	D.15-06-024 Resolution ALJ-308	\$117,350.50	109.95 [2]	\$570.00	\$62,671.50
Tad Gondai	2015	33.6	\$240	See Comment A	\$8,064	32.95	\$220.00	\$7,249.00
Jessica Tam	2014	47.7	\$180	See Comment B	\$8,586	17.25[3]	\$165.00 <i>See</i> D.15-10-006.	\$2,846.25

Jessica Tam	2015	51	\$180	See Comment B	\$9,180	47.26	\$165.00	\$7,797.90
Cassandra Yamasaki	2014	24.3	\$180	See Comment C	\$4,374	24.3	\$165.00	\$4009.50
Jason Wu (Law Clerk)	2014	36.5	\$110	See Comment D	\$4,015	16.75 [4]	\$100.00	\$1,675.00
Aaron Lewis	2014	7.1	\$190	D.15-06-024	\$1,349	7.1	\$190.00	\$1,349.00
Faith Bautista	2014	21.4	\$165	D.15-06-024	\$3,531	17.16 [7]	\$165.00	\$2,831.40
Faith Bautista	2015	40.2	\$165	D.15-06-024 Resolution ALJ-308	\$6,633	17.87	\$165.00	\$2,948.55
<b>Subtotal: \$ 272,353.50</b>						<b>Subtotal: \$157,788.10</b>		
<b>OTHER FEES</b>								
<b>Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
Travel - Robert Gnaizda	2014	6	\$282.50	\$565/2	\$1,695	0 [8]	\$285.00	0
Travel - Robert Gnaizda	2015	5	\$282.50	\$565/2	\$1,412.50	5	\$285.00	\$1,425.00
<b>Subtotal: \$ 3,107.50</b>						<b>Subtotal: \$1,425.00</b>		
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
<b>Item</b>	<b>Year</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Basis for Rate*</b>	<b>Total \$</b>	<b>Hours</b>	<b>Rate</b>	<b>Total \$</b>
Tad Gondai	2015	24.5	\$120	\$240/2 See Comment A	\$2,940	12.25 [9]	\$110.00	\$1,347.50
Robert Gnaizda	2015	0	\$282.50	\$565/2 See Comment E	\$0	0	\$285.00	0
<b>Subtotal: \$2,940</b>						<b>Subtotal: \$1,347.50</b>		

<b>COSTS</b>				
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount</b>	<b>Amount</b>
	Printing	Printing costs for drafts and reviews of JMP filings, as well as to review filings from other parties and the Commission	\$20.00	\$20.00
<b>TOTAL REQUEST: \$278,421</b>			<b>TOTAL AWARD: \$160,580.60</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>				
<b>ATTORNEY INFORMATION</b>				
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>4</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation</b>	
Robert Gnaizda	Jan. 9, 1962	32148	No	
Tadashi Gondai	Dec 3, 2010	273186	No	
Jessica Tam	June 01, 2014	296837	No	
Cassandra Yamasaki	Dec. 6, 2013	293186	No	
Aaron Lewis	Dec. 5, 2012	285526	No	

**B. Comments on Part III**

<b>Comment #</b>	<b>Intervenor's Comment(s)</b>
Comment A	<p>The Commission has not awarded an hourly rate for Tadashi Gondai in the past. Mr. Gondai was admitted to the CA Bar in Dec 2010 and had approximately four and a half years of experience as a licensed attorney when he began work on this proceeding. His resume is included in attachment 2.</p> <p>Resolution ALJ-308 adopted a 2015 hourly range of \$215-\$250 for attorneys with 3-4 years of experience.</p> <p>Based on the above, the NAAC requests a 2015 hourly rate for Mr. Gondai of \$240.</p>
Comment B	The Commission has not awarded an hourly rate for Jessica Tam in the past.

<sup>4</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>Ms. Tam was admitted to the CA Bar in June 2014 and had approximately half a year of experience as a licensed attorney when she began work in this proceeding. Her resume is included in attachment 2.</p> <p>Resolution ALJ-303 adopted a 2014 hourly range of \$165-\$220 for attorneys with 0-2 years of experience.</p> <p>Based on the above, the NAAC requests a 2014 hourly rate for Ms. Tam of \$180. Resolution ALJ-308 adopted the same hourly range for attorneys in 2015 and applied no change based on cost of living. We therefore request the same rate for Ms. Tam for 2015.</p>
Comment C	<p>The Commission has not awarded an hourly rate for Cassandra Yamasaki in the past. Ms. Yamasaki was admitted to the CA Bar in Dec 2013 and had approximately half a year of experience as a licensed attorney when she began work in this proceeding. Her resume is included in attachment 2.</p> <p>Resolution ALJ-303 adopted a 2014 hourly range of \$165-\$220 for attorneys with 0-2 years of experience.</p> <p>Based on the above, the NAAC requests a 2014 hourly rate for Ms. Yamasaki of \$180.</p>
Comment D	<p>The Commission has not awarded an hourly rate for Jason Wu in the past. Mr. Wu had completed his first year at the University of California Berkeley, School of Law when he began work in this proceeding. His resume is included in attachment 2.</p> <p>In the past, the Commission has awarded law clerks rates between \$100/hr (D.13-10-014) and \$120/hr (D.11-05-016).</p> <p>Based on the above, the NAAC requests a 2014 hourly rate for Mr. Wu of \$110.</p>
Comment E	<p>Due to prepaid travel plans, Mr. Gnaizda was out of the country beginning 11 days before this claim was filed on September 28, 2015, and did not return until 8 days after it was filed. In addition, during the first week of his travels, Mr. Gnaizda was injured, and was unable to work remotely. As such, Mr. Gnaizda was unable to fully review this claim prior to the submission deadline.</p> <p>Therefore, the NAAC requests the opportunity to provide an amended claim by October 28, 2015. This should provide Mr. Gnaizda with sufficient time to recover and review this filing, and revise it if necessary, after he returns to the country on October 6, 2015.</p>

**D. CPUC Disallowances and Adjustments:**

Item	Reason
[1]	<p>For the duplication, discussed above, the Commission disallows 25% of the hours claimed related to Merger Effects. This results in the following disallowances: 5.1 of Gnaizda’s 2014 claimed hours; 1.55 of Gnaizda’s 2015 claimed hours; 0.4 of Gondai’s 2015 claimed hours; 8.8 of Tam’s 2014 claimed hours; 3.74 of Tam’s 2015 claimed hours; 2.5 of Wu’s 2014 claimed hours; and 0.45 of Bautista’s 2015 claimed hours.</p> <p>We also disallow 25% of the hours claimed for Market Competition issues for duplication. The resulting disallowances are: 1.5 of Gnaizda’s 2014 hours, .25 hours of Gondai’s 2015 hours, 2.05 of Tam’s 2014 hours, .25 of Wu’s 2014 hours.</p>

[2]	<p>The Commission does not compensate attorneys for work that is clerical in nature, as such work has been factored into the established rates.</p> <p>The Commission disallows 0.5 hours from Gnaizda’s claim for clerical work on March 15, 2015 and 0.5 hours for clerical work on May 11, 2015.</p> <p>We disallow 5.3 hours of 7.3 hours requested on 8/14/14 for work related to the scoping memo (as excessive). The Commission also finds that Gnaizda’s time spent on the reply to the APD is excessive, and disallows 10 hours of the 2015 claim. Similarly, the hours claimed regarding the Opening and Reply comments to the Proposed Decision are excessive. The Commission disallows 11 hours from the claim.</p>
[3]	<p>The Commission finds that Gnaizda and Tam’s claimed excessive hours for work on the reply brief filed on December 10, 2014. Gnaizda claimed 35.5 hours and Tam claimed 38 hours. We disallow 17 of Tam’s 2014 hours and 21 hours of Gnaizda’s 2014 hours.</p> <p>The Commission does not compensate attorneys for work that is clerical in nature, as such compensation has been built in to the established rates. The Commission disallows 0.5 hours for document filing on December 15, 2014.</p>
[4]	<p>Wu’s timesheet indicates 17 hours were spent preparing a prehearing conference statement. This statement is not reflected in the record of the proceeding and did not substantially contribute to the proceeding. The Commission disallows 17 hours from Wu’s claim.</p>
[5]	<p>The April 1, 2015 ALJ Ruling clarified that the issue of video programming is outside the scope of the proceeding.<sup>5</sup> Thus, we disallow the hours claimed for Diversity Programming, amounting to 16.9 hours: Gnaizda 14.1 hours in 2014 and 2 hours in 2015; Tam 2.0 hours in 2014; Yamasaki 0.3 hours in 2015 and 3 hours in 2014.</p> <p>We reduce NAAC’s hours for time claimed for work related to the FCC and DOJ, as Section 1801 does not authorize the Commission to compensate work by an intervenor in another forum (e.g. the Legislature or another regulatory agency).<sup>6</sup> We disallow 20.9 hours in 2014 and 11.8 hours in 2015 from Gnaizda’s hours, and we disallow 1.5 hours from Bautista’s 2014 hours.</p>
[6]	<p>We disallow 71.8 hours of 50% of NAAC’s request for work on a proposed settlement because this effort was not productive.</p> <p>Thus, we disallow the following:</p> <p>5.2 hours from Gnaizda in 2014 and 41.1 hours in 2015; 2.1 hours from Tam in 2014; and 13.38 hours from Bautista in 2015.</p>
[7]	<p>We disallow six hours of travel time claimed by Gnaizda in 2014.</p> <p>NAAC requests compensation for 1 hour to meet with Greenlining. Greenlining’s office is in San Francisco, as is the NAAC office. We consider travel time and costs incurred by attorneys, consultants and other experts participating in Commission proceedings to be non-compensable “routine travel” when the one way travel</p>

<sup>5</sup> 4/1/15 ALJ Ruling Denying ORA’s Motion to Late-File a Supplemental Declaration.

<sup>6</sup> D.15-06-026 at 9.



	<p>distance is 120 miles or less.</p> <p>We also disallow NAAC’s request for 5 hours for round trip travel to Los Angeles to meet with Entrevision.</p>
[8]	<p>The Commission finds that Bautista and Gnaizda claimed excessive amount of hours related to planning and review. As such, the Commission disallows 40% of the claimed hours, resulting in a reduction to the 2014 claim of 4.24 hours and to the 2015 claim of 7 hours. From Gnaizda’s hours, we disallow 40% of the hours claimed for planning and review, after adjustments accounting for disallowances of out-of-scope work (video programming issues and advocacy work at the FCC and DOJ): 23.84 hours in 2014 and 26.52 hours in 2015.</p>
[9]	<p>NAAC requests 24.5 hours by Gondai for claim preparation, which is excessive. By comparison, CforAT requested 13.3 hours and Greenlining requested 12.6 hours. We disallow 50% of these hours, and approve 12.25 hours.</p>

**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))**

<p><b>A. Opposition: Did any party oppose the Claim?</b></p>	<p>Yes. On October 28, 2015 Comcast Corporation (Comcast) filed a response to the intervenor compensation claim of the National Asian American Coalition (NAAC).</p> <p>Comcast contends that NAAC’s request is excessive, claims hours outside the scope of the proceeding, claims hours that are duplicative of other parties, and includes work that did not substantially contribute to the proceeding.</p> <p>On November 12, 2015, NAAC filed a reply to Comcast’s response arguing the validity of all claimed hours.</p> <p>The Commission notes the arguments made by Comcast and NAAC and has made adjustments where appropriate.</p>
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<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	No.
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**FINDINGS OF FACT**

1. NAAC has made a substantial contribution to D.15-07-036.
2. The requested hourly rates for The NAAC's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$160,580.60.

**CONCLUSION OF LAW**

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

**ORDER**

1. The National Asian American Coalition shall be awarded \$160,580.60.
2. Within 30 days of the effective date of this decision Comcast Corporation, Time Warner Cable Inc., Time Warner Cable Information Services (California), LLC, and Bright House Networks Information Services (California), LLC for shall pay National Asian American Coalition their respective shares of the award, based on their California-jurisdictional telecommunications revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 12, 2015, the 75<sup>th</sup> day after the filing of The National Asian American Coalition's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated \_\_\_\_\_, 2016, at San Francisco, California.

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

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	
<b>Contribution Decision(s):</b>	D1507037		
<b>Proceeding(s):</b>	A1404013		
<b>Author:</b>	ALJ Bemserfer		
<b>Payer(s):</b>	Comcast Corporation, Time Warner Cable Inc., Time Warner Cable Information Services (California), LLC, and Bright House Networks Information Services (California), LLC		

**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>
National Asian American Coalition (NAAC)	09/28/2015	\$278,421.00	\$160,580.60	N/A	<i>See Disallowances &amp; Adjustments, above.</i>

**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>
Robert	Gnaizda	Attorney	NAAC	\$565.00	2014	\$570.00
Robert	Gnaizda	Attorney	NAAC	\$565.00	2015	\$570.00
Tad	Gondai	Attorney	NAAC	\$240.00	2015	\$220.00
Jessica	Tam	Attorney	NAAC	\$180.00	2014	\$165.00
Jessica	Tam	Attorney	NAAC	\$180.00	2015	\$165.00
Cassandra	Yamasaki	Attorney	NAAC	\$180.00	2014	\$165.00
Jason	Wu	Law Clerk	NAAC	\$110.00	2014	\$100.00
Aaron Lewis	Lewis	Attorney	NAAC	\$190.00	2014	\$190.00
Faith	Bautista	Advocate	NAAC	\$165.00	2014	\$165.00
Faith	Bautista	Advocate	NAAC	\$165.00	2015	\$165.00

**(END OF APPENDIX)**