

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298**FILED**

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June 5, 2024

**Agenda ID #22666**  
**Alternate Agenda ID #22667**  
**Ratesetting**

TO PARTIES OF RECORD IN APPLICATION 21-05-007:

Enclosed are the proposed decision of Administrative Law Judge Jason Jungreis and the alternate proposed decision of Commissioner Darcie L. Houck. The proposed decision and the alternate proposed decision will not appear on the Commission's agenda sooner than 30 days from the date they are mailed.

Public Utilities (Pub. Util.) Code Section 311(e) requires that the alternate item be accompanied by a digest that clearly explains the substantive revisions to the proposed decision. The digest of the alternate proposed decision is attached.

This matter was categorized as ratesetting and is subject to Pub. Util. Code Section 1701.3(c). Upon the request of any Commissioner, a Ratesetting Deliberative Meeting (RDM) may be held. If that occurs, the Commission will prepare and publish an agenda for the RDM three days beforehand. When an RDM is held, there is a related *ex parte* communications prohibition period. (See Rule 8.2(c)(4) of the Commission's Rules of Practice and Procedure (Rules).)

When the Commission acts on these agenda items, it may adopt all or part of the decision as written, amend or modify them, or set them aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision and alternate decision as provided in Pub. Util. Code Sections 311(d)-(e) and in Article 14 of the Commission's Rules of Practice and Procedure, 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 and served in accordance with Rule 1.9 and Rule 1.10. Electronic copies of comments should be sent to Commissioner Houck's advisor Karin Sung at [karin.sung@cpuc.ca.gov](mailto:karin.sung@cpuc.ca.gov) and to 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/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

*DIGEST OF DIFFERENCES BETWEEN  
ADMINISTRATIVE LAW JUDGE JUNGREIS' PROPOSED DECISION AND THE  
ALTERNATE PROPOSED DECISION OF COMMISSIONER HOUCK*

Pursuant to Public Utilities Code Section 311(e), this is the digest of the substantive differences between the proposed decision of Administrative Law Judge Jungreis (mailed on June 5, 2024) and the proposed alternate decision of Commissioner Houck (also mailed on June 5, 2024).

- Administrative Law Judge Jungreis' Proposed Decision disallows 60% of Paul Goodman's and Melissa Kasnitz's time spent on General Participation issues while Commissioner Houck's Alternate Proposed Decision disallows 30% of Paul Goodman's and Melissa Kasnitz's time spent on General Participation issues.
- Administrative Law Judge Jungreis' Proposed Decision disallows 60% of Paul Goodman's and Melissa Kasnitz's time spent on Procedural issues while Commissioner Houck's Alternate Proposed Decision disallows 30% of Paul Goodman's and Melissa Kasnitz's time spent on Procedural issues.
- Administrative Law Judge Jungreis' Proposed Decision disallows 60% of Paul Goodman's and Melissa Kasnitz's time spent on Coordination issues while Commissioner Houck's Alternate Proposed Decision disallows 30% of Paul Goodman's and Melissa Kasnitz's time spent on the Coordination issues.
- Administrative Law Judge Jungreis' Proposed Decision disallows 60% of Paul Goodman's time spent on Proposed Decision issues while Commissioner Houck's Alternate Proposed Decision disallows 30% of Paul Goodman's time spent on the Proposed Decision issue.

- Administrative Law Judge Jungreis' Proposed Decision awards the Center for Accessible Technology \$16,757.00, while Commissioner Houck's Alternate Proposed Decision awards the Center for Accessible Technology \$31,290.20.

Decision **PROPOSED DECISION OF ALJ JUNGREIS** (Mailed 6/5/2024)

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

Application of AT&T Corp. (U5002C) to Discontinue Providing Residential Service in Frontier Territory and Relinquish Eligible Telecommunications Carrier Designation.

Application 21-05-007

**DECISION GRANTING COMPENSATION TO  
 CENTER FOR ACCESSIBLE TECHNOLOGY  
 FOR SUBSTANTIAL CONTRIBUTION TO DECISION 22-08-006**

<b>Intervenor:</b> Center for Accessible Technology	<b>For contribution to Decision (D.) 22-08-006</b>
<b>Claimed:</b> \$60,858.00	<b>Awarded:</b> \$16,757.00
<b>Assigned Commissioner:</b> Darcie L. Houck	<b>Assigned ALJ:</b> Jason Jungreis

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	D.22-08-006 authorizes AT&T Corp. to discontinue providing residential service in the service territory of Frontier California.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in 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:	6/23/2021	Verified
2. Other specified date for NOI:	N/A	

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

	<b>Intervenor</b>	<b>CPUC Verification</b>
3. Date NOI filed:	7/21/2021	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:	No ruling has been issued on CforAT's NOI in this proceeding. CforAT's most recent finding of eligible customer status was issued in R.21-06-017 (High DER OIR).	R.20-01-007
6. Date of ALJ ruling:	11/8/21	May 29, 2020
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.20-01-007	Verified
10. Date of ALJ ruling:	4/29/2020	May 29, 2020
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.22-08-006	Verified
14. Date of issuance of Final Order or Decision:	8/8/2022	Verified
15. File date of compensation request:	10/6/2022	Verified
16. Was the request for compensation timely?		Yes

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p>1. General</p> <p>This proceeding focused on AT&amp;T Corp.’s Application to Discontinue Providing Residential Service in Frontier Territory and Relinquish Its Eligible Telecommunications Carrier Designation. CforAT participated in this proceeding to ensure not only that AT&amp;T Corp. fully complied with the Commission’s Mass Migration Guidelines, but also to ensure that the AT&amp;T Corp. customers (particularly those customers with disabilities) were not disproportionately harmed by the migration.</p>		<p>Noted, however, D.22-08-006 states that CforAT “asked the Commission to include measures that are not specifically found in the (Mass Migration) Guidelines.” The Commission’s Mass Migration Guidelines (Guidelines), which were set forth in D.10-07-024 (Attachment 3), are the basic standards by which the Application was determined to succeed or fail. The additional measure to the Guidelines requested from CforAT was to “ensure that customers with disabilities who would be affected by the transition will not be harmed.” The decision did not adopt CforAT’s request for the Commission to exceed the Guidelines’ stated migration requirements.</p> <p>D.22-08-006 states arguments provided by CforAT for this measure are unsupported and do not meet the public interest. The Commission also finds that AT&amp;T complied with</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
		<p>the Guidelines as reasonably necessary for this proceeding and did not have to comply with any additional demands to those Guidelines, as requested here by CforAT. CforAT does not provide any analysis here that substantially contributed to the proceeding’s outcome.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p>
<p>In response to AT&amp;T Corp.’s argument that granting the application was a ministerial act, CforAT argued that the Commission could not approve the application without doing so based on a fact-specific public interest determination considering factors in the mass migration guidelines: (1) progress of customer migrations, (2) availability of alternative providers, and (3) the nature of the customer base. CforAT Response to ALJ Ruling at pp. 5-6 (July 9, 2022).</p>	<p>D.22-08-006 found that “the record reflects that AT&amp;T complied with the Guidelines.” D.22-08-006 at p. 19.</p>	<p>Noted, however, CforAT simply repeats the language here set forth in the Guidelines. CforAT also repeats remarks from D.22-08-006, which verifies AT&amp;T complied with all Guidelines.</p> <p>Additionally, in their Response to ALJ Ruling dated July 9, 2021, CforAT claims “there is currently insufficient evidence for the Commission to make a determination about the mass migration factors.” However, in D.22-08-006, the Commission states “All of AT&amp;T’s (migration) steps were undertaken with the review, oversight, and approval of the Commission Staff, and were determined to be in</p>



Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
		<p>full compliance with the Guidelines.”</p> <p>CforAT does not provide any analysis here that substantially contributed to the proceeding’s outcome.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p> <p>(Note: CforAT’s Response to the ALJ Ruling referenced here was dated July 9, 2021, not July 9, 2022.)</p>
<p>CforAT argued that 47 U.S.C. § 214(e)(4) mandates that the Commission must require any remaining ETCs to ensure that they can serve AT&amp;T Corp.’s customers. CforAT Response to ALJ Ruling at pp. 6-7 (July 9, 2022).</p>	<p>D.22-08-006 found that that AT&amp;T Corp. was using Frontier’s network to provide service to the customers that were impacted by the application, and that Frontier would be able to serve AT&amp;T Corp.’s customers. D.22-08-006 at p. 21.</p>	<p>Noted, however, CforAT, in their July 9, 2021 Response, cite 47 U.S.C. § 214(e)(4), stating that the Commission must require any remaining ETCs (Eligible Telecommunications Carriers) to ensure service to AT&amp;T’s existing customers (while AT&amp;T is requesting to relinquish service). In its Application, AT&amp;T had already cited this same U.S.C. as part of their efforts to relinquish its designation as an ETC in California. D.22-08-006 verifies that AT&amp;T cited and complied with this same U.S.C. in their Application.</p> <p>CforAT also repeats remarks from D.22-08-006,</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
		<p>which verifies that AT&amp;T was using Frontier’s network to provide service to customers. D.22-08-006 states that “...Frontier, the Arranged Carrier, was already the underlying Network Service Provider in the territory, meaning that, while the customers were receiving service from AT&amp;T, the actual equipment, wiring, and hardware all belonged to Frontier, and AT&amp;T was in effect using the Frontier network to provide service to its customers.” CforAT does not provide any analysis here that substantially contributed to the proceeding’s outcome.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p> <p>(Note: CforAT’s Response to the ALJ Ruling referenced here was dated July 9, 2021, not July 9, 2022.)</p>
<p>2. Contributions to Commission’s Informed Judgment</p> <p>“A substantial contribution includes evidence or argument that supports part of the decision, even if the CPUC does not adopt a party's position in total.” D.02-03-033 at p. 3.</p>		<p>Noted</p>

<p><b>Intervenor’s Claimed Contribution(s)</b></p>	<p><b>Specific References to Intervenor’s Claimed Contribution(s)</b></p>	<p><b>CPUC Discussion</b></p>
<p>“The Commission has provided compensation when it found that a party has made a substantial contribution in certain unusual circumstances even though the position advanced by the intervenor was rejected in its entirety.” D.02-11-070 at pp 8-9, citing D.89-03-063 (“awarding San Luis Obispo Mothers For Peace and Rochelle Becker compensation in the Diablo Canyon Rate Case because their arguments, while ultimately unsuccessful, forced the utility to document thoroughly the safety issues involved”).</p> <p>An intervenor’s efforts can make a substantial contribution even when that intervenor’s recommendations are not adopted by the Commission, provided information and argument that allowed the Commission to consider the full range of positions, thereby assisting the Commission's informed judgment based on a more complete record. D.12-01-031 at p. 8.</p>		
<p>While the Commission ultimately rejected some of CforAT’s recommendations, the Commission repeatedly solicited information and recommendations from CforAT. The information and recommendations allowed the</p>		<p>Noted</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Commission to consider the full range of positions.</p> <p>CforAT’s responses to specific requests for information and recommendations include:</p>		
<ul style="list-style-type: none"> <li>• CforAT’s response to the July 1, 2021 ALJ Ruling requesting further information;</li> </ul>	<p>The Decision notes that the ALJ Ruling directed, i.e., <i>required</i>, that CforAT respond to the request for further information. D.22-08-006 at p. 3; ALJ E-Mail Ruling Requesting Additional Information of Movants Seeking Party Status and Other Additional Information of AT&amp;T at p. 3 (July 1, 2021) (“Cal Advocates, TURN, and [CforAT] are directed to respond by 5 pm on July 9, 2021, individually and without consultation with other movants, to the following questions,” “Movants are also <i>directed</i> to each serve and file with the Docket Office by 5 pm on July 9, 2021, a Statement addressing all of its thoughts and concerns regarding the proceeding, and specifically responding to the 18 expressly identified questions set forth in the June 8, 2021”) (emphasis added). The Commission presumably would not have mandated CforAT’s responses to those</p>	<p>Noted, however, while the Commission did direct CforAT to provide a response to the July 9, 2021 Ruling, the Commission did so because CforAT filed a Motion seeking Party Status, which was granted. None of the movants (including CforAT) joined in filing a Joint Pre-Hearing Conference (PHC) Statement.</p> <p>The purpose of the Joint PHC Statement is to gather information, thoughts, and concerns from all parties prior to the PHC. Since there was no PHC statement from CforAT, the Commission directed CforAT (and other movants) to provide a response to the questions posed in the July 1, 2021 Ruling referenced here, in order to better understand the timeline of movant knowledge of AT&amp;T’s Application and a prior June 8, 2021 Ruling.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>questions if it did not believe those responses were necessary to the resolution of this proceeding.</p>	<p>The Commission directed CforAT to provide a response to the July 9, 2021 Ruling not because CforAT’s responses were necessary to resolve this proceeding, but because CforAT requested, and was granted Party Status to this proceeding, pursuant to the Commission Rules of Practice and Procedure Rule 1.4(a)(3).</p> <p>CforAT does not provide any analysis here. Stating that the Commission requests input from an Intervenor does not prove participation was necessary, nor that the contribution was substantial.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p>
<ul style="list-style-type: none"> <li>• CforAT’s Opening Comments on Third Customer Notice (September 17, 2021); and</li> <li>• TURN, CforAT, and Cal Advocates’ Joint Redline of AT&amp;T’s Third Customer Notice (Sept. 22, 2021).</li> </ul>	<p>In a September 20, 2021 E-Mail Ruling Directing Parties to Propose the Final Form of the Third Customer Notice, the Assigned ALJ ruled that “[i]n light of received opening comments [on the Third Customer Notice], this Ruling now directs parties who have not produced a specific proposed Third Customer Notice to do so by September 22, 2021.” Sept. 20, 2021 E-Mail Ruling</p>	<p>Verified, in part.</p> <p>CforAT, along with TURN and Cal Advocates, filed Joint Redline of AT&amp;T’s Third Customer Notice on September 22, 2021, with recommendations for further edits. Although some of the edits in this Redline were ultimately adopted by the Commission, it’s worth noting that per the Guidelines, a Third</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	<p>at p. 2. The ALJ would not have requested a proposed Notice from CforAT if he were not considering the information and arguments in CforAT’s comments.</p> <p>The Decision notes that Commission Staff approved the Third Customer Notice only after parties, including CforAT, had an opportunity to provide input regarding the content of that notice. D.22-08-006 at pp. 19, 21.</p>	<p>Customer Notice is not required. In this proceeding, it was proposed to enable Intervenor’s to address questions and concerns regarding the Guidelines. While the final Third Customer Notice adopted some of CforAT’s suggestions, the overall contribution to this proceeding is seen as minimal.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p>
<p>3. Procedural Contributions:</p> <p>To be compensable work, an intervenor’s claimed contribution “need not be on the merits; it may have been an interim decision that was adopted as part of the final resolution of the proceedings; and it may be on ‘procedural’ matter[s] only.” <i>New Cingular Wireless PCS, LLC v. Pub. Utils. Comm’n</i>, 21 Cal.App.5th 1197, 1202-1203 (Cal. Ct. App. 2018).</p> <p>CforAT provided input on a number of procedural matters and the Commission ultimately took procedural steps based on that input:</p>		<p>Noted</p>

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<ul style="list-style-type: none"> <li>CforAT argued that the Commission could require that AT&amp;T Corp. serve its progress reports on the service list, and that the Commission should do so. CforAT Response to ALJ Ruling at p. 9 (July 9, 2022).</li> </ul>	<p>The Scoping Memo ruled that “AT&amp;T is directed to serve its Application on the Service List in proceeding R.20-02-008.” Scoping Memo, p. 7.</p>	<p>Verified</p> <p>(Note: CforAT’s Response to the ALJ Ruling referenced here was dated July 9, 2021, not July 9, 2022.)</p>
<ul style="list-style-type: none"> <li>CforAT argued that a decision in the proceeding did not have to be made by September 27, 2021. CforAT Response to ALJ Ruling at pp. 4-5 (July 9, 2022).</li> </ul>	<p>The Commission issued D.22-08-006 on August 8, 2022.</p>	<p>Verified, in part.</p> <p>In their Response dated July 9, 2021, CforAT questions whether a decision in this proceeding could be issued before the migration of all customers, as AT&amp;T requested the Commission to issue a final decision in this proceeding by September 23, 2021 (in order to then complete customer migration by September 27, 2021).</p> <p>D.22-08-006 only states that AT&amp;T sought to complete the migration of its customers to Frontier by September 27, 2021. Also, in a Scoping Memo and Ruling issued on August 2, 2021, the Commission states “...there is no basis to speedily decide this proceeding.”</p> <p>CforAT’s analysis here does little to contribute to the proceeding. In their</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
		<p>July 9, 2021 Response, CforAT largely repeats language from the Guidelines regarding this issue, and did not factor into the Commission’s overall Decision.</p> <p><i>See</i> CPUC comment in Part III.D [4].</p> <p>(Note: CforAT’s Response to the ALJ Ruling referenced here was dated July 9, 2021, not July 9, 2022.)</p>
<ul style="list-style-type: none"> <li>CforAT requested that the Commission hold a public participation hearing to clear up customer confusion regarding the application. Joint Motion of CforAT, TURN and Cal Advocates for Public Participation Hearings at p. (Sept. 30, 2021).</li> </ul>	<p>The Commission granted the request, noting that “[i]n part, the granting of the Joint Motion for a PPH was reflective of the Commission’s desire to correct this erroneous understanding of the events concerning this AT&amp;T Application and migration.” D.22-08-006 at pp. 4-5, note 3; E-Mail Ruling Granting Motion and Setting Public Participation Hearing at p. 3 (Oct. 19, 2021).</p>	<p>Verified</p>
<ul style="list-style-type: none"> <li>CforAT, jointly with the other parties, requested admission of all submitted party testimony and evidence. Joint Motion to Admit Opening Testimony Served on September 29, 2021 and Reply Testimony</li> </ul>	<p>“Regarding testimony and evidence, on December 22, 2021, parties filed a Joint Motion requesting admission of all submitted party testimony and</p>	<p>Verified</p>



Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
Served on December 10, 2021 (Dec. 22, 2021).	evidence, and that Joint Motion is hereby granted.” D.22-08-006 at p. 5.	

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

	Intervenor’s Assertion	CPUC Discussion
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?</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> The Utility Reform Network (TURN)		Noted
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>CforAT represents the interests of telecommunications customers with disabilities, who are dependent on reliable and affordable access to telecommunications to support their ability to live independently and to participate in activities of daily living. Because of the unique interests of this customer group, it is important for their perspective to be directly represented.</p> <p>While focusing on the unique interests of our constituency, CforAT also coordinated with TURN and the Public Advocates Office to work cooperatively where our interests overlapped and to avoid duplication of effort. CforAT prepared filings in conjunction with TURN and Cal Advocates when possible. Additionally, CforAT coordinated with The Utility Reform Network and Cal Advocates on procedural matters.</p> <p>Overall, CforAT worked effectively to avoid duplication and to ensure that our input served to complement or supplement the input of other parties that share interests similar to our own. With our joint filings, CforAT and the other advocates coordinated internally, assigning various sections of document preparation to each organization with an eye to effectively relying on the varied experience of counsel, and then harmonizing the drafts into unified documents. This was more efficient than would have been the case for separate filings. Overall, our work was efficient and</p>		Noted

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
	<p>effective, and conducted reasonably in conjunction with other stakeholders and advocates, without unreasonable duplication of effort.</p> <p>To the extent that CforAT took similar positions to other parties on issues, this reflects the substantial shared concerns of impacted stakeholders. In these areas of shared concern, CforAT worked to represent the perspective of our constituency of persons with disabilities. In order to effectively address these important issues on behalf of our constituency and California consumers more generally, CforAT worked diligently to act effectively to prepare material that often required intensive and expedited effort. This was facilitated by the coordination among the consumer advocates. To the extent that there was any modest duplication of effort in the various filings that took place during a notably short proceeding schedule, it does not reach the level where CforAT’s compensation should be reduced.</p> <p>It should be noted that the Commission not only prohibited joint filings in response to its July 1 E-Mail Ruling Requesting Additional Information of Movants Seeking Party Status and Other Additional Information of AT&amp;T, but also expressly prohibited CforAT, TURN, and Cal Advocates from even communicating about their responses. E-Mail Ruling Requesting Additional Information at p. 3. In other words, the Commission mandated that each of those organizations work individually, and made it impossible for CforAT to affirmatively coordinate or seek to avoid duplication with other parties (<i>see</i> Cal. Pub. Util. Comm’n, Intervenor Compensation Program Guide at p. 21 (April 2017), available at <a href="https://www.cpuc.ca.gov/ /media/cpuc_website/divisions/administrative_law_judge_division/documents/icomplmaterials/updated_icomplprogram_guide_april_2017.pdf">https://www.cpuc.ca.gov/ /media/cpuc_website/divisions/administrative_law_judge_division/documents/icomplmaterials/updated_icomplprogram_guide_april_2017.pdf</a> (last accessed Oct. 4, 2022)). Presumably, the Commission would not have prohibited joint filings or communications about those joint filings unless it considered each intervenor’s independent analysis uniquely valuable. Accordingly, CforAT’s time spent on responding to the E-Mail Ruling Requesting Additional Information was not duplicative of the work of other intervenors.</p>	

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<b>CPUC Discussion</b>
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>As a result of CforAT’s advocacy in this proceeding, affected customers received sufficient notice of the application and information regarding the impact of the application on their telephone service. Additionally, CforAT’s advocacy helped clear up customer confusion regarding which customers were affected. It may be difficult to quantify exactly what financial benefits consumers might receive from the Commission’s determination of this matter. However, it is safe to assume that the “savings” experienced by customers will greatly exceed CforAT’s claim.</p>	<p>Noted, but see CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>CforAT’s hours were reasonable given the highly technical and legally complex issues being considered in this proceeding, including the application of the Commission’s Mass Migration Guidelines. Additionally, CforAT coordinated with Cal Advocates and TURN throughout this proceeding. Each organization came into the proceeding possessing different, complementary areas of expertise, and each stuck to these areas throughout the proceeding, which reduced the risk of overlapping efforts and ensured that each person was efficient, by working on the areas of his or her expertise.</p> <p>Additionally, CforAT has recorded a number of hours in the “coordination” category. CforAT spent substantial time coordinating with Cal Advocates, and TURN. This time helped avoid duplicative work and improved efficiency among the parties.</p>	<p>Noted, but see CPUC disallowances and adjustments in Section III.D. After the adjustments and disallowances made to this claim, the remainder of the claim of cost reasonableness is verified.</p>
<p><b>c. Allocation of hours by issue:</b></p> <p style="text-align: center;"><b>2021 Time—Goodman (73 hours total)</b></p> <p><b>Procedural: 20.9 hours (29.1%)</b></p> <p>The issue area “Procedural” includes time spent on procedural issues including party status, motions, and responses to Commission requests for information.</p>	<p>Noted; but see allocation of hours totals below:</p> <p>Goodman’s 2021 Hours total 99.9%</p> <p>Goodman’s 2022 Hours total 100%</p>

	<b>CPUC Discussion</b>
<p><b>Guidelines: 39.3 hours (54.8%)</b></p> <p>The issue area “Guidelines” includes the applicability of the Mass Migration Guidelines and the public interest impacts of the application. The issue area “Guidelines” also includes time spent on matters that do not fall under other issue categories. CforAT provides the following estimate of the overall breakdown of time allocated to Guidelines: (1) applicability of the Mass Migration Guidelines—45%, (2) public interest impacts—55%.</p> <p><b>Coordination: 11.5 hours (16.0%)</b></p> <p>The issue area “Coordination” includes time spent conferring with other parties, coordinating joint filings, and otherwise avoiding duplication of effort.</p> <p style="text-align: center;"><b>2022 Time—Goodman (73 hours total)</b></p> <p><b>Guidelines: 2 hours (39.2%)</b></p> <p><b>Coordination: 0.2 hours (3.9%)</b></p> <p><b>PD: 2.9 hours (56.9%)</b></p> <p>The issue area “PD” includes time spent on coordinating, researching, and drafting comments on the proposed decision.</p> <p style="text-align: center;"><b>2021 Time—Kasnitz (11.4 hours total)</b></p> <p><b>Procedural: 2.7 hours (23.7%)</b></p> <p><b>General Participation: 7.7 hours (67.5%)</b></p> <p><b>Coordination: 1 hour (8.8%)</b></p>	<p>Kasnitz’s 2022 Hours total 100%</p> <p>Also, the issue listed here as “Guidelines” for Goodman’s 2021 and 2022 hours are listed as the issue “General Participation” on Goodman’s timesheets. There is no issue listed as “Guidelines” in Goodman’s time records.</p>

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Paul Goodman	2021	71.7	\$650.00	Comment A	\$46,605	20.82 [2, 4]	\$530.00 [1]	\$11,034.60

CLAIMED						CPUC AWARD		
Paul Goodman	2022	5.1	\$675.00	Comment A	\$3,442.50	1.64 [2, 4]	\$550.00 [1]	\$902.00
Melissa W. Kasnitz	2021	11.4	\$670.00	D.22-07-023	\$7,638	3.02 [3, 4]	\$670.00	\$2,023.40
<b>Subtotal: \$57,685.50</b>						<b>Subtotal: \$13,960.00</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Paul Goodman	2021	0.8	\$325.00	Comment A	\$260	0.80	\$265.00 [1]	\$212.00
Paul Goodman	2022	9.4	\$337.50	Comment A	\$3,172.50	9.40	\$275.00 [1]	\$2,585.00
<b>Subtotal: \$3,432.50</b>						<b>Subtotal: \$2,797.00</b>		
<b>TOTAL REQUEST: \$60,858.00</b>						<b>TOTAL AWARD: \$16,757.00</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>2</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Melissa W. Kasnitz	1992	162679	No					
Paul Goodman	2002	219086	No					

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

Attachment or Comment #	Description/Comment
1	Certificate of Service

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

Attachment or Comment #	Description/Comment
Comment A	<p><b>Goodman 2021 Rate:</b> On October 22, 2021, CforAT filed an intervenor compensation claim in R.20-10-002 that included a request that the Commission adopt an hourly rate of \$650 for CforAT’s Legal Counsel, Paul Goodman, based on the Market Rate Study and guidance adopted in Resolution ALJ-393, issued on December 22, 2020. The Commission has not yet acted on that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mr. Goodman, CforAT refers the Commission to the showing presented in R.20-10-002.</p> <p><b>Goodman 2022 Rate:</b> CforAT requests that the Commission apply the annual escalation methodology adopted in Res. ALJ-393 to determine the 2022 hourly rate for Mr. Goodman. This annual escalation methodology is based on the annual percentage change in the Bureau of Labor Statistics Employment Cost Index, Table 5, for the Occupational Group “Management, Professional, and Related excluding Incentive Paid Occupations.” (Res. ALJ-393, p. 4; Intervenor Compensation Market Rate Study, Final Report, p. 8). The percent change for this occupational group for the 12-months ended December 2021 is 3.3%. See <a href="https://www.bls.gov/news.release/eci.t05.htm">https://www.bls.gov/news.release/eci.t05.htm</a><a href="https://www.bls.gov/news.release/eci.t05.htm">https://www.bls.gov/news.release/eci.t05.htm</a>.</p>

#### D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Paul Goodman (Goodman) 2021 & 2022 Hourly Rates	D.23-06-048 approved the 2021 hourly rate of \$530 for Goodman. D.23-03-030 approved the 2022 hourly rate of \$550 for Goodman.
[2] Goodman 2021 & 2022 Hours	Time records submitted for Goodman for 2021 & 2022 excessively label hours in the category of “General Participation.” Normally, the “general work” category includes work for which allocation by issue is almost impossible. Per Intervenor Compensation Program Guide at 26, “time records must not excessively label work as of a “General” issue type (general work on the proceeding). Most of the professional work on the proceeding can and must be associated with the proceeding’s substantive issues.  For 2021, we note that Goodman claimed a total of 71.70 hours. 39.30 of these hours are labeled as general participation. We assess

Item	Reason
	<p>a 20% reduction on these hours, which equals 7.86. Goodman's 2021 hours now total 63.84.</p> <p>For 2022, we note that Goodman claimed a total of 5.1 hours. 2.00 of these hours are labeled as general participation. We assess a 20% reduction on these hours, which equals 0.40. Goodman's 2022 hours now total 4.70.</p>
[3] Melissa Kasnitz (Kasnitz) 2021 Hours	<p>Time records submitted for Kasnitz for 2021 excessively label hours in the category of "General Participation." Normally, the "general work" category includes work for which allocation by issue is almost impossible. Per Intervenor Compensation Program Guide at 26, "time records must not excessively label work as of a "General" issue type (general work on the proceeding). Most of the professional work on the proceeding can and must be associated with the proceeding's substantive issues.</p> <p>For 2021, we note that Kasnitz claimed a total of 11.40 hours. 7.70 of these hours are labeled as general participation. We assess a 20% reduction on these hours, which equals 1.54. Kasnitz's 2021 hours now total 9.86.</p>
[4] Failure to Make a Substantial Contribution	<p>CforAT does not meet substantial contribution standards of Section 1802(j) or Section 1802.5 regarding parts of its comments on issues related to General Participation (or "Guidelines", as noted above in section Part III.C), Procedural, Coordination, and PD (Proposed Decision), as CforAT's arguments regarding these issues were deemed to not have made a substantial contribution to a Commission decision, as described previously.</p> <p>The Commission compensates efficient effort that contributes to the proceeding's outcomes; however, the Commission also disallows inefficient participation that is not contributory to the underlying issues. In their time records, CforAT claims a total of 49.00 hours associated with "General Participation". We deduct 60% from these hours for failure to substantially contribute to Decision 22-08-006, which equals 29.40 hours.</p> <p>The following hours are deducted accordingly for each individual below:</p> <p>Paul Goodman = 39.30 hours claimed regarding General Participation issue, 60% of these hours disallowed equals 23.58</p>

Item	Reason
	<p>hours. With the disallowances noted here and above in item [2], Goodman’s 2021 hours now total 40.26.</p> <p>For 2022, Goodman = 2.00 hours claimed regarding General Participation issue, 60% of these hours disallowed equals 1.20 hours. With the disallowances noted here and above in item [2], Goodman’s 2022 hours now total 3.50.</p> <p>Melissa Kasnitz = 7.70 hours claimed regarding General Participation issue, 60% of these hours disallowed equals 4.62 hours. With the disallowances noted here and above in item [3], Kasnitz’s 2021 hours now total 5.24.</p> <p>CforAT claims a total of 23.60 hours associated with “Procedural”. We deduct 60% from these hours for failure to uniquely contribute to Decision 22-08-006, which equals 14.16 hours.</p> <p>The following hours are deducted accordingly for each individual below:</p> <p>Paul Goodman = 20.90 hours claimed regarding Procedural issue, 60% of these hours disallowed equals 12.54 hours. With the disallowances noted here and above in item [2], Goodman’ 2021 hours now total 27.72.</p> <p>Melissa Kasnitz = 2.70 hours claimed regarding Procedural issue, 60% of these hours disallowed equals 1.62 hours. With the disallowances noted here and above in item [3], Kasnitz’s 2021 hours now total 3.62.</p> <p>CforAT claims a total of 12.70 hours associated with “Coordination”. We deduct 60% from these hours for failure to uniquely contribute to Decision 22-08-006, which equals 7.62 hours.</p> <p>The following hours are deducted accordingly for each individual below:</p> <p>Paul Goodman = 11.50 hours claimed regarding Coordination issue, 60% of these hours disallowed equals 6.90 hours. With the disallowances noted here and above in item [2], Goodman’ 2021 hours now total 20.82.</p> <p>For 2022, Goodman = 0.20 hours claimed regarding Coordination issue, 60% of these hours disallowed equals 0.12 hours. With the</p>



Item	Reason
	<p>disallowances noted here and above in item [2], Goodman’s 2022 hours now total 3.38.</p> <p>Melissa Kasnitz = 1.00 hours claimed regarding Coordination issue, 60% of these hours disallowed equals 0.60 hours. With the disallowances noted here and above in item [3], Kasnitz’s 2021 hours now total 3.02.</p> <p>CforAT claims a total of 2.90 hours associated with “PD (Proposed Decision)”. We deduct 60% from these hours for failure to uniquely contribute to Decision 22-08-006, which equals 1.74 hours.</p> <p>The following hours are deducted accordingly for each individual below:</p> <p>Paul Goodman = 2.90 hours claimed regarding PD (Proposed Decision) issue, 60% of these hours disallowed equals 1.74 hours. With the disallowances noted here and above in item [2], Goodman’ 2022 hours now total 1.64.</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))**

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

Party	Reason for Opposition	CPUC Discussion
AT&T Corporation (AT&T)	<p>AT&amp;T claims that CforAT’s Compensation Claim did not substantially contribute to D.22-08-006, and in turn, the Commission should deny CforAT’s claim for intervenor compensation.</p> <p>AT&amp;T states that previously adopted Mass Migration Guidelines provide step-by step directions for migration</p>	<p>Pursuant to Section 1801.3(d), the Commission must determine that the intervenor’s presentation and participation constituted a “substantial contribution” to the proceeding. This term is defined in Section 1802(j) to mean that in the judgement of the Commission, the presentation substantially assisted the Commission in making its decision because the decision adopted in whole or in part one or more</p>

Party	Reason for Opposition	CPUC Discussion
	<p>which AT&amp;T followed with the Commission’s approval, with no additional input needed from CforAT or any other Intervenor. AT&amp;T also argues that CforAT and other Intervenor recommended a series of additional modifications be made to the Mass Migration Guidelines, in which the Commission determined were unsupported arguments and measures that were not required to meet the public interest.</p> <p>AT&amp;T also argues that CforAT’s claimed contributions to the issue areas of General, Contributions to Informed Judgement, and Procedural Contributions lack specificity and are not supported by the record. Additionally, AT&amp;T asserts that CforAT’s allocation of hours by issue are not supported by the record and lacked contribution. AT&amp;T also states that hours claimed by CforAT for working on matters relating to the Proposed Decision should be denied, as “the Decision acknowledges that only one party submitted substantive comments on the proposed decision. CforAT was not that party.”</p>	<p>factual, legal, or policy contentions advanced by the intervenor.</p> <p>The Legislature has further provided that the Commission is to avoid awarding fees for unproductive, unnecessary, or duplicative presentations of interests that are adequately represented. Intervenor must demonstrate that participation is “productive, necessary, and needed for a fair determination of the proceeding”. (Section 1801.3(f) and D.98-04-059 at 31-33.) On the other hand, fees may be awarded for participation that “materially supplements, complements, or contributes to the presentation of another party,” if the intervenor's participation makes a substantial contribution to the decision. (Section 1802.5.)</p> <p>AT&amp;T’s argument that CforAT did not substantially contribute to the issue areas of “General (also noted as the issue area ‘Guidelines’ by CforAT)”, “Contributions”, “Procedural Contributions”, and “Proposed Decision” in this proceeding are partly supported by the CPUC Discussion in Part II.A, where it is noted that CforAT, in many cases, failed to provide analysis which substantially contributed to this proceeding or enriched the record regarding these same issue areas.</p> <p>Also, AT&amp;T argues here that the Mass Migration Guidelines already provide directions for migration from the Commission, so no additional input, or recommended modifications, are needed from any Intervenor. This argument is supported by D.22-08-006, which states “...CforAT... asked the Commission to include measures that are not specifically found in the Guidelines. Although the</p>

Party	Reason for Opposition	CPUC Discussion
		<p>Intervenors asserted such additional measures were in the public interest, the arguments were unsupported. While the Commission could require additional measures if the factual circumstances warranted specific additional measures, we find that additional measures are not required here to meet the public interest.”</p> <p>Given the totality of the circumstances described above, we find the reduction of 60% to the hours claimed to the issue areas noted above assessed to CforAT, (assessed in Part III.D, item [4]) to be reasonable, as compared to the value CforAT brought to this proceeding.</p>
<p>Center for Accessible Technology (CforAT)</p>	<p>CforAT asserts that the Commission should broadly reject AT&amp;T’s arguments that request the Commission to oppose any award of compensation to CforAT due to AT&amp;T’s arguments relying on an “incorrect legal standard.”</p> <p>CforAT argues that although the Commission did not adopt all their arguments in this proceeding, their contribution enriched the record and allowed a more complete understanding of issues addressed by the Commission. CforAT states not awarding intervenor compensation solely on the basis of rejecting Intervenor’s arguments is the “an improper legal standard”, noted above.</p>	<p>Pursuant to Section 1801.3(d), the Commission must determine that the intervenor’s presentation and participation constituted a “substantial contribution” to the proceeding. This term is defined in Section 1802(j) to mean that in the judgement of the Commission, the presentation substantially assisted the Commission in making its decision because the decision adopted in whole or in part one or more factual, legal, or policy contentions advanced by the intervenor.</p> <p>The Legislature has further provided that the Commission is to avoid awarding fees for unproductive, unnecessary, or duplicative presentations of interests that are adequately represented. Intervenors must demonstrate that participation is “productive, necessary, and needed for a fair determination of the proceeding”. (Section 1801.3(f) and D.98-04-059 at 31-33.) On the other hand, fees may be awarded for participation that “materially supplements, complements, or</p>

Party	Reason for Opposition	CPUC Discussion
	<p>CforAT also disagrees with AT&amp;T that they provided information in this proceeding that are misleading, and have operated within the Commission’s Rules of Practice and Procedure. CforAT cites a September 1, 2021 Status Conference, quoting the ALJ in that conference stating that “The intervenors argue that AT&amp;T’s migration is not, ministerial, but broader. And I think the point is well taken. The application is not purely ministerial.” CforAT references this quote as the basis for asserting that additional consumer protections might be justified or requested in this proceeding.</p> <p>CforAT concludes that their contributions to this proceeding allowed the Commission to consider a full range of position and to make a more informed judgement. CforAT claims their procedural contributions assisted in developing the record and proceeding, and that the Commission should reject AT&amp;T’s arguments.</p>	<p>contributes to the presentation of another party,” if the intervenor's participation makes a substantial contribution to the decision. (Section 1802.5).</p> <p>For the reasons discussed above, this decision finds that while CforAT did substantially contribute to the overall decision, CforAT frequently failed to perform their own unique analysis, and in some cases, repeated remarks. While we do acknowledge that CforAT did contribute to parts of the “General (also noted as the issue area ‘Guidelines’ by CforAT)”, “Contributions”, “Procedural Contributions”, and “Proposed Decision” issues, CforAT also provided analysis regarding these same issue areas which did not substantially contribute to this proceeding, nor enriched the record.</p> <p>The burden of demonstrating substantial contribution and avoiding duplication is the responsibility of the intervenor. On the issues noted above, CforAT did not provide distinctive analyses that enriched the final decision or other representatives’ contributions to the final decision. A mere fact of appearance on behalf of certain interests does not entitle an intervenor to full compensation. If this were the case, no substantial contribution would be needed.</p> <p>Given the totality of the circumstances described above, we find the reduction of 60% to the hours claimed to the issue areas noted above, (assessed in Part III.D, item [4]) to be reasonable, as compared to the value CforAT brought to this proceeding.</p>

<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. Center for Accessible Technology has made a substantial contribution to D.22-08-006.
2. The requested hourly rates for Center for Accessible Technology's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$16,757.00.

**CONCLUSION OF LAW**

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

**ORDER**

1. Center for Accessible Technology is awarded \$16,757.00.
2. Within 30 days of the effective date of this decision, AT&T Corporation shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 20, 2022, the 75<sup>th</sup> day after the filing of Center for Accessible Technology'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 \_\_\_\_\_, at San Francisco, California.

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

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2208006		
<b>Proceeding(s):</b>	A2105007		
<b>Author:</b>	ALJ Jungreis		
<b>Payer(s):</b>	AT&T Corporation		

**Intervenor Information**

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/ Disallowance</b>
Center for Accessible Technology	October 6, 2022	\$60,858.00	\$16,757.00	N/A	Excessive general participation hours, failure to make substantial contribution

**Hourly Fee Information**

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Melissa	Kasnitz	Attorney	670	2021	\$670.00
Paul	Goodman	Attorney	650	2021	\$530.00
Paul	Goodman	Attorney	675	2022	\$550.00

**(END OF APPENDIX)**