



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

05/09/25

11:42 AM

R1111007

May 9, 2025

Agenda ID #23490
Quasi-legislative

TO PARTIES OF RECORD IN RULEMAKING 11-11-007:

This is the proposed decision of Commissioner John Reynolds. 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 June 12, 2025 Business 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 the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcoordinator@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER JOHN REYNOLDS**
(Mailed 5/9/2025)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the Review
of the California High Cost Fund-A Program.

Rulemaking 11-11-007

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 21-08-042**

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 21-08-042; <i>Calaveras Tel. Co. v. Pub. Util. Comm., No. F083339, 2022 Cal. App. LEXIS 1086 (unpublished);</i> <i>Calaveras Tel. Co. v. Pub. Util. Comm., No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (pending partial publication).</i>
Claimed: \$163,394.80 ¹	Awarded: \$169,908.25
Assigned Commissioner: John Reynolds	Assigned ALJs: Hazlyn Fortune and Jacob Rambo

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In D.22-02-027 , the Commission modified D.21-06-004 and denied Small LECs' application for rehearing. ²
--	--

¹ TURN filed a supplement to their claim on June 14, 2023, which included additional hours for Ashley Salas, Michael Lozeau and Trevor Roycroft in 2023. After including the additional hours filed in the supplement the claimed total request increased to \$171,162.00. *See* Comment [10] in Part III.D for more details.

² TURN contributed to D.21-08-042 "Order Denying Rehearing Of Decision 21-04-005".

	<p>In <i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>), the California Court of Appeal for the Fifth Appellate District denied Small LECs’ petition for writ.</p> <p>In <i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (<i>pending partial publication</i>), the California Court of Appeal for the Fifth Appellate District denied Small LECs’ petition for rehearing, modified its December 20, 2022, order, and partially granted TURN’s request for publication.</p>
--	--

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812³:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	June 4, 2012	Verified
2. Other specified date for NOI:	March 2, 2012	Verified
3. Date NOI filed:	March 2, 2012	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.11-11-008	Verified
6. Date of ALJ ruling:	January 3, 2012	Verified
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.11-11-008	Verified
10. Date of ALJ ruling:	January 3, 2012	Verified

³ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	<i>Calaveras Tele. Co. v. Pub. Util. Comm., No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (pending partial publication)</i>	<i>Calaveras Telephone Co. v. Public Utilities Com. (2022) 87 Cal.App.5th 793.</i>
14. Date of issuance of Final Order or Decision:	Jan. 18, 2023	Verified
15. File date of compensation request:	Feb. 21, 2023	Verified. Additionally, we note here TURN filed a supplement to their claim on June 14, 2023, detailed in footnote 1.
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
B.1	<p>TURN relies on Rule 17.2 of the Commission's Rules of Practice and Procedure that states "[a] party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, of the same proceeding." TURN was granted awards of intervenor compensation for its work in Phase 1 of this proceeding in D.15-11-015, and in Phase 2 of this proceeding in D.22-05-026. The current request for compensation is for work regarding the rehearing and court appeal of a Phase 2 decision.</p> <p>TURN relies on its NOI filed and served in this proceeding on March 2, 2012, and on its awards of compensation in 2015 and in 2022.</p>	Noted

PART II: SUBSTANTIAL CONTRIBUTION

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

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>1. Background</p> <p><u>Commission</u> In Phase I of this proceeding, the Commission held that the imputation of broadband revenues for Small LECs’ general rate cases was within the Commission’s authority. However, the Commission refrained from implementing imputation at that time until it could be further considered in Phase 2.</p> <p>In Phase 2 of this proceeding, the Commission further considered broadband imputation. In D.21-04-005, the Commission ordered the imputation of broadband revenues for Small LECs’ general rates cases.</p> <p>TURN was an active party in Phases 1 and 2 of this proceeding. The Commission granted TURN’s requests for compensation for the</p>	<p><u>Commission</u> D.14-12-084 at COL 3 (concluding, “[b]roadband revenue imputation is a ratemaking mechanism within the Commission’s authority to regulate telecommunications companies”), OP 1 (ordering, “[b]roadband revenue imputation will not be imposed on Small Incumbent Local Exchange Carriers ... at this time ... but may be considered in Phase 2 of this proceeding...”).</p> <p>D.21-04-005 at FOF 3 (finding, “[t]he language of Pub. Util. Code Section 275.6 reflects a legislative intent that the Commission impute broadband-related revenues and expenses of the Small ILECs and their ISP affiliates in the determination of CHCF-A support”), COL 1 (concluding, “[a]ll reasonable net positive retail broadband-related revenues of the Small ILECs and their ISP affiliates ... should be imputed in the determination of rate design and CHCF-A support in the Small ILECs’ GRCs”); OP 1 (same).</p> <p>D.15-11-015 at FOF 1, OP 1 (awarding TURN compensation for substantial contributions to Phase 1);</p>	<p>Verified. In D.13-11-022, we awarded intervenor compensation for expenses incurred as a result of judicial review of a Commission decision. Here, TURN was previously granted intervenor status in R.11-11-007. TURN’s participation in the judicial review process was reasonable to defend its substantial contribution made in R.11-11-007. Accordingly, TURN is entitled to compensation for its work before the Court of Appeal in this matter.</p> <p>We note that judicial review took place in the California Court of Appeal. Applicant’s reference to pacer.gov directs to the records system</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>substantial contributions TURN made in Phases 1 and 2.</p> <p>The Small LECs filed an application for rehearing of the Phase 2 Implementing Imputation Decision, which TURN opposed. In D.21-08-042, a decision subject to this compensation request, the Commission rejected the Small LECs’ application for rehearing.</p> <p><u>Court</u> In September 2021, the Small LECs appealed the Commission’s decisions— D.21-04-005 and D.21-08-042—in a petition for writ at the 5th District Court of the California Court of Appeal. TURN and the CPUC’s Appellate Division filed answers opposing Small LECs’ petition for writ. The Court’s orders that resulted from the Small LECs’ petition for writ are also subject to this compensation request.</p>	<p>D.22-05-026 at FOF 1, OP 1 (awarding TURN compensation for substantial contributions to Phase 2).</p> <p>D.21-08-042 at OP 1 (ordering that “rehearing of Decision 21-04-005 is denied”).</p> <p><u>Court</u> The Docket (Register of Action) for the Petition for Writ is available on the Court’s website. <i>See</i>, The Judicial Branch of California, California Courts, Appellate Court Case Information, 5th Appellate District, Case No. F083339, Docket (Register of Action), available at https://appellatecases.courtinfo.ca.gov/.</p> <p>The court documents are available through pacer.gov.</p>	<p>for the federal court system.</p>
<p>2. Statutory Interpretation</p> <p><u>Commission</u> TURN opposed Small LECs’ claim that imputation runs afoul of Public Utilities Code section 275.6. Instead, TURN argued that D.21-04-005 correctly decided that the statute “puts imputation squarely within [the Commission’s] ‘measured</p>	<p><u>Commission</u> TURN Opposition to Small LECs’ AFR (dated Jun. 4, 2021) at p. 3 (citing, D.21-04-005 at p. 8), at p. 4 (noting the statutory obligations from Pub. Util. Code sec. 275.6(c)(7)), at p. 8 (discussing Pub. Util. Code sec. 275.6 (b)(3));</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>discretion” to achieve the statutory goals. Moreover, TURN noted that that language “other revenue sources” in Pub. Util. Code sec. 275.6(b)(3) can include broadband revenues.</p> <p>The Commission adopted a position consistent with TURN’s, finding “the broad language in this subsection [sec. 275.6(b)(3)] supports inclusion of broadband revenues in rate design.”</p> <p><u>Court</u> In answer to Small LECs’ petition for writ, TURN continued to oppose Small LECs’ claim that imputation runs afoul of the statute in TURN’s answer to Small LECs’ petition for writ, arguing that “the Commission could not fulfil the statutory mandate stewardship of CHCF-A without imposing an imputation framework.”</p> <p>At oral arguments, TURN argued that the statutory framework supports broadband revenue imputation. Specifically, TURN stated that Pub. Util. Code section 275.6(b)(3)’s definition of “rate design” includes a catch-all category “other revenue sources,” which included broadband revenue sources.</p>	<p>D.21-08-042 at p. 8.</p> <p><u>Court</u> TURN Answer to Small LECs’ Petition for Writ (dated November 19, 2021) at p. 13 (statutory mandate), 25-26 (statutory history), 34-39 (stating “the statutory language that addresses ratemaking concepts, including rate design, is sufficiently broad to allow the Commission to consider ISP affiliates net income with administering the rate-of-return framework”).</p> <p><i>See</i>, Oral Argument Webcast, 5th District Court of Appeal (video date Dec. 15, 2022), available at https://www.courts.ca.gov/11668.htm, timestamps 4:11:47 - 4:16:54 (Salas).</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>The Court adopted a position similar to TURN’s and held that “the rate design adopted by the Commission for a telephone company must consider rates, subsidies and ‘other revenue sources’ [and that t]he term ‘other revenue sources’ is sufficiently broad to include the broadband revenues imputed from an ISP affiliate.”</p>	<p><i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>) at pp. 14 (stating TURN’s position that “the statutory language that addresses ratemaking concepts... is sufficiently broad”), p. 22 (holding the same);</p> <p><i>Calaveras Tele. Co. v. Pub. Util. Comm.</i>, No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (<i>pending partial publication</i>) at p. 2 (stating, “we conclude the authority granted by section 275.6 is broad enough to allow the Commission to adopt broadband imputation”).</p>	
<p>3. Integrated Operations</p> <p><u>Commission</u> TURN argued that broadband revenue imputation is appropriate because of the integrated operations and functional interchangeability of many aspects of the operations of the Small LECs and their ISP affiliate. Otherwise, the Small LECs and their ISP affiliates receive public funds in excess of what was authorized by statute.</p> <p>The Commission adopted a position similar to TURN’s position and stated, “imputation of broadband revenues of the Small ILECs and their ISP affiliates is reasonable given the common ownership and integrated operational connections”</p>	<p><u>Commission</u> TURN Opposition to Small LECs’ AFR (dated Jun. 4, 2021) at pp. 4-5;</p> <p><i>See also, Id.</i> at pp. 14-18.</p> <p>D.21-08-042 at p. 3.</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p><u>Court</u> In answer to Small LECs’ petition for writ, TURN continued to argue that “[b]ecause the Small LECs and their ISP affiliates operate on an integrated basis, and jointly utilize significant portions of ratepayer-supported network facilities to provide broadband services to generate profits that are exclusively possessed by the owners of the Small LECs, the Commission could not fulfill the statutory mandate stewardship of CHCF-A without imposing an imputation framework.”</p> <p>The Court adopted a position similar to TURN’s position. Specifically, in its order granting partial publication, the Court stated, “[i]f the Commission is completely barred from considering the costs and revenues associated with the unregulated Internet access service, the Commission would be forced to ignore the marketplace realities of broadband’s dual capabilities, which would effectively erode the Commission’s authority to set reasonable rates and reasonable subsidies under CHCF-A” As discussed below, the Court relied on this finding in its discussion of rate</p>	<p><u>Court</u> TURN Answer to Small LECs’ Petition for Writ (dated November 19, 2021) at p. 13; <i>See also, Id.</i> at pp. 16-31.</p> <p><i>Calaveras Tele. Co. v. Pub. Util. Comm.</i>, No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (<i>pending partial publication</i>) at p. 3;</p> <p><i>See also, Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>) at p. 33 “[i]f the Commission is completely barred from considering the cost and revenue associated with the unregulated Internet access service, the common owner, telephone company, and its ISP affiliate would be free to adopt whatever internal accounting they choose and thereby profit from the infrastructure subsidized by California ratepayers”).⁴</p>	

⁴ This quoted language was modified in the January 2023 Court order granting partial publication.

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>regulation, takings, and preemption.</p>		
<p>4. Rate Regulation</p> <p><u>Commission</u> TURN opposed Small LECs’ claim that imputation is rate-of-return regulation of the affiliate ISP. TURN argued that imputation is not rate regulation because imputation does not impose price control or operational regulation on the affiliate ISP.</p> <p>The Commission adopted a position similar to TURN’s position. Specifically, the Commission stated, “[t]he Decision correctly found that ISP affiliates are not subject to rate regulation.”</p> <p><u>Court</u> In answer to Small LECs’ petition for writ, TURN continued to argue that imputation does not subject the ISP affiliates to rate regulation. Specifically, TURN stated that imputation “neither apply rate regulation to the prices charged by ISP affiliates, nor attempt to otherwise constrain any other elements of the operations of the ISP affiliates.”</p> <p>The Court adopted a position similar to TURN’s position. The Court found that “broadband imputation does not impose price controls on ISP</p>	<p><u>Commission</u> TURN Opposition to Small LECs’ AFR (dated Jun. 4, 2021) at pp. 7-8;</p> <p>D.21-08-042 at p. 10 (citing D.21-04-005 at pp. 18-19).</p> <p><u>Court</u> TURN Answer to Small LECs’ Petition for Writ (dated November 19, 2021) at p. 44;</p> <p><i>See also, Id.</i> at pp. 38-41.</p> <p><i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>) at pp. 32-33 (holding, “to the extent that the ISP affiliates experience indirect effects from broadband imputation, those effect are not properly described as economic or public</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>affiliates and does not impose any additional regulations affecting their operations.”</p>	<p>utility type regulation <i>of the ISP affiliates</i>”).</p>	
<p>5. Taking</p> <p><u>Commission</u> TURN opposed Small LECs’ taking claims because it relied upon “sweeping prediction” instead of actual harms, which is not a basis for a takings claims.</p> <p>The Commission adopted a position similar to TURN’s position and found that “the Small LECs’ takings claims are premature. Whether a regulation of rates is reasonable or confiscatory depends ultimately on the result reached.”</p> <p><u>Court</u> In answer to Small LECs’ petition for writ, TURN continued to argue that Small LECs’ takings claim was not ripe because an actual harm from imputation had not yet been applied in a general rate case.</p> <p>The Court adopted a position similar to TURN’s position. The Court found the Small LECs’ takings claim was unripe</p>	<p><u>Commission</u> TURN Opposition to Small LECs’ AFR (dated Jun. 4, 2021) at pp. 18-19 (noting Small LECs’ takings claims relies on “sweeping predictions” this is not supported by the record or by the law.</p> <p>D.21-08-042 at p. 12.</p> <p><u>Court</u> TURN Answer to Small LECs’ Petition for Writ (dated November 19, 2021) at fn. 129 (stating, “Petitioners do not dispute, however, that the factual harm claimed from imputation cannot be quantified until it is applied in general rate case and, thus, the Commission was correct to dismiss the Petitioner’s challenge as premature”);</p> <p><i>See also, Id.</i> at pp. 44-54.</p> <p><i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal.</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>because “[a]t this point, the ‘total effect’ of broadband imputation on the telephone companies’ rates cannot be determined because the Commission has not made the foregoing reasonableness determination and established a telephone company’s rate design and CHCF-A subsidy.”</p>	<p>App. LEXIS 1086 (<i>unpublished</i>) at p. 37.</p>	
<p>6. Preemption</p> <p><u>Commission</u> TURN opposed Small LECs’ preemption claim because it relied on a mischaracterization that imputation applies rate of return regulation on the ISP affiliates.</p> <p>The Commission adopted a position similar to TURN’s position. Specifically, the Commission stated, “[t]he Small ILECs’ preemption argument hinges upon a fundamental mischaracterization of broadband imputation as a rate-of-return regulation that falsely creates a conflict.”</p> <p><u>Court</u></p>	<p><u>Commission</u> TURN Opposition to Small LECs’ AFR (dated Jun. 4, 2021) at p. 27 (stating there is no preemption conflict where “the Final Decision’s imputation framework does not apply a rate of return regulation framework on the ISP Affiliates and it preserves federal rulemaking processes and jurisdictional separations”);</p> <p><i>See also, Id.</i> at pp. 22-28.</p> <p>D.21-08-042 at p. 14.</p> <p><u>Court</u> TURN Answer to Small LECs’ Petition for Writ (dated</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>In answer to Small LECs’ petition for writ, TURN continued to oppose Small LECs’ preemption claim. Specifically, TURN argued that there is no preemption because imputation applies to the Small LEC and does not rate regulate the ISP affiliate.</p> <p>The Court adopted a position similar to TURN’s position and found there was no preemption. Specifically, the Court stated, “we conclude that how the common owners and ISP affiliates actually or might react to broadband imputation ... does not convert the Commission regulation of rates and subsidies for telephone services into the regulation of Internet access services for purposes of federal preemption analysis.”</p>	<p>November 19, 2021) at p. 58 (stating that there is no preemption because “imputation merely modifies CHCF-A <i>subsidy</i> levels and does not dictate broadband rates, services, or operation”);</p> <p><i>See also, Id.</i> at pp. 54-61.</p> <p><i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>) at p. 33.</p>	
<p>7. Publication of Court Order</p> <p>TURN requested the court publish <i>Calaveras Tel. Co. v. Pub. Util. Comm.</i>, No. F083339, 2022 Cal. App. LEXIS 1086 (<i>unpublished</i>) on the basis that it meets the standard of California Rules of Court, Rule 8.1105©.</p> <p>The Court adopted TURN’s position, in part, stating, “part of the nonpublished opinion filed in the above entitled matter on December 20, 2022,</p>	<p>TURN Request to Publish <i>Calaveras Tele. Co. et al., v. Pub. Util. Comm.</i>, Case No. F083339 (<i>unpublished</i>) (dated Jan. 9, 2023) at p. 2;</p> <p><i>See also</i>, TURN Request to Publish Opinion, California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Jan. 10, 2023).</p> <p><i>Calaveras Tele. Co. v. Pub. Util. Comm.</i>, No. F083339 (Cal. App., 5th</p>	<p>Verified, Official Reporter citation:</p> <p><i>Calaveras Telephone Co. v. Public Utilities Com.</i> (2022) 87 Cal.App.5th 793.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>meets the standards for publication specified in California Rules of Court, rule 8.1105©, IT IS ORDERED that the opinion be certified for publication” As a result, the Court modified its original order without changing the judgment and ordered publication.</p>	<p>Dist., Jan. 18, 2023) (<i>pending partial publication</i>) at p. 1;</p> <p><i>See also</i>, Modification of Opinion Filed (No Change in Judgment), California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Jan. 18, 2023);</p> <p>Ordering Granting Publication Filed, California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Jan. 18, 2023).</p>	

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

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocates Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?⁵</p>	No	Verified
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	Yes	Verified
<p>c. If so, provide name of other parties:</p> <p>California Public Utilities Commission, Appellate Division</p>		Noted
<p>d. Intervenor’s claim of non-duplication:</p> <p>TURN was the only party that opposed Small LECs’ application for rehearing of D.21-04-005. Therefore, TURN did not duplicate any work efforts of any other party because TURN was the only party who participated in this aspect of the proceeding.</p> <p>For work to oppose Small LECs’ petition for writ at the California Court of Appeal, TURN coordinated with the Commission’s Appellate Division throughout the appellate case. For example, TURN and the Commission coordinated regarding the Court’s request for the Commission to certify the</p>		Noted

⁵ The Office of Ratepayer Advocates was renamed the Public Advocates Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
<p>record of the underlying proceeding, and to respond to Small LECs’ request for preference in scheduling oral argument. For another example, as TURN’s time record reflects, TURN and the Commission coordinated regarding the division of time each would have for oral arguments.</p> <p>In some instances, time restraints or the need for individual filings effectively prevented collaboration. As the appellate case docket reflects, TURN and the Commission filed separate answers to Small LECs’ petition for writ. <i>See</i>, TURN Answer to Petition, California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Nov. 19, 2022); TURN Amended Answer to Petition, California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Nov. 22, 2022); Public Utilities Commission Answer to Petition, California Courts, 5th Appellate District, Case No. F083339, Docket (docket entry Nov. 22, 2022). In these answers, TURN and the Commission did not address issues in the same way. For example, TURN emphasized the operations of the Small LECs and their ISP affiliates as support for the reasonableness of broadband imputation and as support for the why Small LECs’ rate regulation, takings, and preemption arguments fail. <i>See, e.g.</i>, TURN Amended Answer to Petition at pp. 16-31 (operations), 38-41 (rate of return), 44-49 (takings), 54-61 (preemption). In contrast, the Commission argued that broadband imputation will not result in a shortfall. <i>See</i>, CPUC Amended Answer to Petition at pp. 51-57 (takings), 64-72 (preemption).</p> <p>In other instances, TURN filed when the Commission did not. For example, TURN requested publication of the court’s order, and the Commission did not. <i>See generally</i>, TURN Request to Publish <i>Calaveras Tele. Co. et al., v. Pub. Util. Comm.</i>, Case No. F083339 (<i>unpublished</i>) (dated Jan. 9, 2023).</p> <p>The Commission should find that TURN's participation was reasonably coordinated with the participation of the Commission’s Appellate Division under the circumstances to avoid undue duplication, and to ensure that any such duplication served to supplement, complement, or contribute to the showing of the other intervenors. And consistent with such a finding, the Commission should determine that all of TURN’s work is compensable consistent with the conditions set forth in Section 1802.5.</p>		

C. Additional Comments on Part II:

#	Intervenor’s Comment	CPUC Discussion
B(a) and (b)	Cal Advocates and one other intervenor participated in the underlying proceeding; however, neither were involved in	Noted

#	Intervenor’s Comment	CPUC Discussion
	the Small LECs’ application for rehearing at the Commission and the related appellate court case.	
B(c)	The California Public Utilities Commission, represented by the Commission’s Appellate Division, was a party to the appellate court case.	Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>TURN’s request for intervenor compensation seeks an award of approximately \$163,394.80 as the reasonable cost of TURN’s participation in the proceeding. Considering the scope and quality of TURN’s work, and the breadth and depth of benefits achieved through TURN’s participation in the proceeding, TURN respectfully requests the Commission to conclude that the amount requested is reasonable.</p> <p>The Commission’s work in this docket was important to ensure significant benefits to ratepayers of Small LECs in addition to the millions of ratepayers in California that contribute millions of dollars each year into the program through the CHCF-A surcharge. TURN notes that the Commission previously found TURN’s work, and its claimed request for compensation for work performed in Phase 1 and Phase 2 of this proceeding to be reasonable and result in benefits to California ratepayers.</p> <p>As is often the case for telecommunications proceedings in recent years, it is more difficult to quantify the dollar impacts of TURN’s work here than is the case in Commission proceedings addressing authorized revenue requirements or rates. Here, TURN’s advocacy helped achieve benefits that were clear and substantial, though hard to quantify. As discussed above, TURN was the only party to oppose the Small LECs’ application for rehearing on all grounds. Further, TURN advocated that imputation was important for reducing the surcharge burden on ratepayers, likely to the effect of millions of dollars each year. Moreover, TURN also advocated for the Commission and the Court to find that broadband imputation was reasonable given the integrated operations of the telephone companies and their affiliates. TURN submits that such outcomes demonstrate benefits to customers, including</p>	<p>Noted</p>

	CPUC Discussion
<p>low-income customers, which, though difficult to quantify, more than support a compensation award in the amount requested here.</p> <p>Therefore, TURN urges the Commission to find that TURN’s participation costs are reasonable considering the significant consumer benefits from ensuring the CHCF-A surcharge program imputes broadband revenues, ultimately reducing the burden on surcharge payers.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>TURN’s attorneys and experts recorded a reasonable number of hours for their work in this matter. The total hours of professional time included in this request for compensation (approximately 320 hours, excluding compensation-related entries) is the equivalent of approximately eight weeks of full-time work for a single attorney. TURN’s efforts covered the review and analysis of Small LECs’ application for rehearing of D.21-04-005 at the Commission and petition for writ at the 5th District, California Court of Appeal, preparation of detailed filings to oppose both of Small LEC’s filings, preparation of a certified record for the court’s review, participation in oral argument, coordinating with other parties, and preparing a request for publication of the court’s order. This cumulative total should be found reasonable under the circumstances.</p> <p>Christine A. Mailloux. TURN seeks compensation for approximately 46 hours that Christine A. Mailloux devoted to this proceeding. Until November 2021, Ms. Mailloux was TURN’s lead and managing attorney in this proceeding and directed TURN’s policy development and substantive drafting of TURN’s filings at the Commission, including opposing the Small LECs’ application for rehearing, and opposing Small LECs’ petition for writ at the 5th District California Court of Appeal. As discussed in TURN’s compensation request granted in D.22-05-026 in this proceeding, Ms. Mailloux had extensive experience with the A Fund and imputation issues, which were the basis of the work subject to this compensation request. As discussed below and as reflected in the time records, Ms. Mailloux left TURN mid-November 2021 and transitioned the lead attorney role to Ashley L. Salas and the managing attorney role to Brenda D. Villanueva.</p> <p>Dr. Trevor Roycroft. TURN seeks compensation for approximately 72 hours that Dr. Trevor Roycroft devoted to work on TURN’s opposition to Small LEC’s application for rehearing and for appellate work. As the time record reflects, and as discussed in D.22-05-026, Dr. Roycroft was a pivotal part of the TURN team as TURN’s outside consultant and expert witness. Dr. Roycroft worked on the proceeding since its inception.</p>	<p>Noted</p>

	CPUC Discussion
<p>Dr. Roycroft’s expertise includes his extensive knowledge of rate of return ratemaking issues, including separations and federal ratemaking, financial reporting, broadband deployment, and organizational structures. His work on TURN’s opposition to Small LEC’s application for rehearing and petition for writ built upon Dr. Roycroft’s prior work in Phases 1 and 2 of the underlying proceeding. Dr. Roycroft was involved in strategy development, drafting filings, and assisting Ms. Salas in preparing for oral argument.</p> <p>Ashley L. Salas. TURN seeks compensation for approximately 144 hours that Ashley L. Salas devoted to substantive and procedural issues in this proceeding. As the time record reflects, Ms. Salas took over the lead attorney role in this proceeding mid-November 2021. Ms. Salas participated in all aspects of the proceeding from that date forward, including work on TURN’s opposition to Small LECs’ petition for writ, certifying the record of the proceeding for the court’s review, oral arguments, and request for publication of the Court’s order. Ms. Salas also coordinated TURN’s efforts with the Commission’s Appellate Division and with Small LECs regarding the Court’s request for record certification and oral argument scheduling. As discussed further below, because Ms. Salas took over the lead role in this case when it was already underway, many of her hours worked were necessary to come up to speed regarding the Commission’s proceeding and relevant court cases.</p> <p>Michael Lozeau. TURN seeks compensation for approximately 30 hours that Michael Lozeau devoted to discrete work on the appellate case. Mr. Lozeau is a Partner at Lozeau Drury, LLP. Mr. Lozeau is an experienced appellate court attorney and was hired as TURN’s outside counsel to advise TURN regarding the appellate court processes and procedures. Mr. Lozeau assisted TURN’s advocates in this proceeding in addressing legal and procedural appellate court issues.</p> <p>Brenda D. Villanueva. TURN seeks compensation for approximately 28 hours that Brenda D. Villanueva devoted to this proceeding. Mrs. Villanueva served as the managing attorney for this proceeding starting in mid-November 2021. Mrs. Villanueva assisted Ms. Salas in all aspects of the proceeding, including strategy development, coordination with the Commission’s Appellate Division, and preparations for oral argument.</p> <p>Thomas Long. TURN seeks compensation for approximately 6 hours that Thomas Long devoted to work on two discrete issues. Mr. Long is TURN’s Director of Legal Strategy, and his experience was necessary to</p>	

	CPUC Discussion
<p>advise Ms. Salas in the preparation of the proceeding’s certified record for the court’s review and assisted Ms. Salas in preparation for oral arguments.</p> <p>Regina Costa. TURN seeks compensation for approximately 5 hours that Regina Costa devoted to work on discrete issues. As discussed in D.22-05-026, Ms. Costa was a critical advocate and expert in the underlying proceeding. Here, Ms. Costa’s work was necessary to support Ms. Salas—who had limited involvement in the underlying proceeding—in assisting Ms. Salas in preparing the record of the proceeding for the court and preparing for oral arguments.</p> <p>Robert Finkelstein. TURN seeks compensation for approximately 2 hours that Robert Finkelstein devoted to a discrete issue. Mr. Finkelstein is TURN’s General Counsel and has prior experience with appellate work and oral argument. Mr. Finkelstein supported Ms. Salas in preparations for oral argument based on his prior experiences.</p> <p>Margaret Greene. TURN seeks compensation for approximately 2 hours that Margaret Greene worked on a discrete issue. Ms. Greene is a Paralegal at Lozeau Drury, LLP. The Court has very specific filing requirements and Ms. Greene prepared TURN’s documents for filing at the appellate court in accordance with the Court’s requirements.</p> <p><u>Certification of the Record</u> As TURN’s time records reflect, TURN seeks compensation for approximately 23 hours that its attorneys and advocates worked to certify the record of the underlying Commission proceeding for the court’s review. At the time of the court’s request for record certification, the underlying Commission proceeding included over ten years of record. As discussed below, Ms. Salas had limited involvement in the underlying proceeding and relied on other TURN attorneys and advocates to determine what was relevant for the Court’s review, which TURN submits was a more efficient use of time than having Ms. Salas review 10 years’ worth of records. Ms. Salas also negotiated with attorneys from the Commission’s Appellate Division and Small LECs to narrow the certified record to the relevant documents for the Court’s review.</p> <p><u>Oral Argument – Preparations and Moot Court</u> TURN seeks compensation for work dedicated to oral arguments, including preparing for oral arguments and moot court practice; these hours worked are coded as “oral,” “prep,” and “moot,” respectively.</p>	

	CPUC Discussion
<p>TURN submits that the 125 hours TURN advocates dedicated to preparing for oral arguments (“oral,” “prep,” and “moot”) are reasonable given the fact that TURN’s lead attorney left TURN, and Ms. Salas took over the lead attorney role late in the proceeding. As discussed below, the majority of these hours (94 hours) were billed by Ms. Salas, which represents approximately two and a half weeks’ worth of work for a full-time attorney.</p> <p><i>Code: “oral”</i></p> <p>The nature of oral arguments is that the panel of justices may ask the arguing attorney any question about the case or relevant law, regardless of the attorney’s time allocation or prepared remarks. Therefore, Ms. Salas’ hours are reasonable because she needed to prepare to response to any question about the case or related law that the justices may ask during oral argument.</p> <p>As TURN’s time records reflect, Ms. Salas’ was not involved in drafting TURN’s answer to Small LECs’ petition for writ; instead, Ms. Salas started editing the document only after Ms. Mailloux left TURN, which was a few days before TURN’s answer was due. Relatedly, Ms. Salas’ hours dedicated to preparing for oral argument are reasonable because she was unable to review the underlying proceeding record and applicable case law as part of drafting TURN’s answer, but she needed to review the underlying proceeding the applicable case law to prepare for oral arguments.</p> <p>Similarly, the discrete hours worked by other TURN advocates was reasonable to help Ms. Salas prepare for oral arguments. Ms. Salas only played a minor role⁶ in the underlying proceeding and needed to rely on the record, institutional knowledge, and expertise of TURN’s advocates and TURN’s outside counsel to better understand the underlying proceeding and prepare for oral arguments before the court. TURN submits that Ms. Salas’ reliance on TURN’s advocates and TURN’s outside counsel resulting in a cost savings because Ms. Salas could have come to the same result only after many more hours of extensive research.</p>	

⁶ See, D.22-05-026 (R.11-11-007) at p. 53 (comment 7) (disallowing some requested compensation for Ms. Salas’ hours because “the ‘heavy lifting’ of the most influential and substantial work was performed by Mailloux, Costa and Roycroft”).

	CPUC Discussion
<p>Therefore, TURN submits that the hours billed under the code “oral” are reasonable.</p> <p><i>Code: “prep”</i></p> <p>TURN submits that Ms. Salas’ dedication of 2 hours to watch other cases’ oral arguments before the 5th District, California Court of Appeal, is reasonable preparations for oral arguments. Ms. Salas’ appearance before the 5th District, California Court of Appeal, represents Ms. Salas’ first oral argument before a court of appeal. Therefore, it was reasonable for her to watch other cases’ oral arguments before the 5th District California Court of Appeal to be informed about what to expect regarding the specific customs of the 5th District Court and virtual appearance practices.</p> <p><i>Code: “moot”</i></p> <p>TURN submits that moot courts are reasonable preparations for oral arguments and should be compensable as necessary to TURN’s preparations and contribution to oral arguments and the court’s orders. A moot court is an oral argument practice where the mock panel acts in the place of the real panel of justices. Here, for TURN’s moot court, the mock panel consisted of TURN’s advocates who have expertise in the underlying proceeding or applicable law who could ask Ms. Salas difficult questions to help her prepare for oral arguments.</p> <p><u>Meetings or Discussions Involving More than One TURN Advocate</u></p> <p>A relatively small percentage of hours and hourly entries reflect internal and external meetings involving two or more of TURN’s advocates. In past compensation decisions the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation. This is not the case here. For the meetings that were among TURN’s advocates, such meetings are essential to the effective development and implementation of TURN’s strategy for this proceeding. None of the attendees are there in a duplicative role – each is an active participant, bringing their, his, or her particular knowledge and expertise to bear on the discussions. As a result, TURN can identify issues and angles that would almost certainly never come to mind but for the “groupthink” achievable in such settings.</p> <p>There were also meetings with other parties at which more than one attorney represented TURN on occasion. TURN’s requested hours do not include any for TURN advocates where their, his, or her presence at</p>	

		CPUC Discussion																		
<p>a meeting was not necessary to achieve the meeting’s purpose. TURN submits that such meetings can be part of an intervenor’s effective advocacy before the Commission, and that intervenor compensation can and should be awarded for the time of all participants in such meetings where, as here, each participant needed to be in the meeting to advance the intervenor’s advocacy efforts.</p> <p>For both internal and external meetings, TURN advocates on occasion did not stay for the entire meeting because of a schedule conflict. In past compensation decisions the Commission has deemed such discrepancies in time entries as grounds to reduce all advocates’ time for such meetings. This is not the case here. TURN submits that any time difference listed for internal or external meeting reflects the fact that an advocate could not stay for the entire length of the meeting due to a schedule conflict, which resulted in an advocate arriving late to a meeting or leaving early.</p> <p><u>Intervenor Compensation-Related Time</u></p> <p>For preparation of the Request for Compensation, TURN seeks 12 hours for the preparation time for Ms. Salas. TURN submits that 12 hours for preparation of this Request for Compensation is generally consistent with the number of hours found reasonable by the Commission in decisions addressing TURN’s intervenor compensation requests in prior proceedings of similar magnitude.</p>																				
<p>c. Allocation of hours by issue:</p> <table border="1"> <thead> <tr> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>AFR</td> <td>Application for Rehearing – Work to oppose Small LECs’ application for rehearing.</td> <td>9.02%</td> </tr> <tr> <td>Answer</td> <td>Answer to Writ – Work to oppose Small LEC’s petition for a writ.</td> <td>37.25%</td> </tr> <tr> <td>Record</td> <td>Certification of Record – Advocacy regarding the documents included in the certified record for the court’s consideration and correcting the court’s service list.</td> <td>7.01%</td> </tr> <tr> <td>Pref</td> <td>Scheduling Preference – Work regarding the Small LECs’ request for oral argument scheduling preference.</td> <td>1.28%</td> </tr> <tr> <td>Oral</td> <td>Oral Argument – Work to prepare for and participate in oral arguments, including but not limited to substantive issues of statutory interpretation, integrated operations, rate regulation, takings/ ripeness, and preemption.</td> <td>31.00%</td> </tr> </tbody> </table>					AFR	Application for Rehearing – Work to oppose Small LECs’ application for rehearing.	9.02%	Answer	Answer to Writ – Work to oppose Small LEC’s petition for a writ.	37.25%	Record	Certification of Record – Advocacy regarding the documents included in the certified record for the court’s consideration and correcting the court’s service list.	7.01%	Pref	Scheduling Preference – Work regarding the Small LECs’ request for oral argument scheduling preference.	1.28%	Oral	Oral Argument – Work to prepare for and participate in oral arguments, including but not limited to substantive issues of statutory interpretation, integrated operations, rate regulation, takings/ ripeness, and preemption.	31.00%	Noted
AFR	Application for Rehearing – Work to oppose Small LECs’ application for rehearing.	9.02%																		
Answer	Answer to Writ – Work to oppose Small LEC’s petition for a writ.	37.25%																		
Record	Certification of Record – Advocacy regarding the documents included in the certified record for the court’s consideration and correcting the court’s service list.	7.01%																		
Pref	Scheduling Preference – Work regarding the Small LECs’ request for oral argument scheduling preference.	1.28%																		
Oral	Oral Argument – Work to prepare for and participate in oral arguments, including but not limited to substantive issues of statutory interpretation, integrated operations, rate regulation, takings/ ripeness, and preemption.	31.00%																		

			CPUC Discussion
Ripe	Ripeness – Advocacy regarding the ripeness of the case for the court’s review. Some of the work on the ripeness of the case was also included in “oral,” the hours coded as “ripe” did not address any other issue other than ripeness.	0.78%	
Allocate	Allocation of Time – Work to collaborate with the California Public Utilities Commission to allocate oral argument time and mode of appearance.	1.64%	
Prep	General Preparation for Oral Argument – Work to prepare for and understand the court’s customs for oral arguments including how the court addresses virtual appearances.	0.60%	
Moot	Moot Court – Work to practice for oral arguments through moot court.	6.09%	
Pub	Request for Publication – Advocacy to request publication of the court’s decision.	3.90%	
Rehear	Petition for Rehearing – Work to oppose Small LECs’ petition for rehearing.	0.68%	
Coor	Coordination of Efforts – Work to collaborate with the California Public Utilities Commission for the court appeal, including collaborating on developing strategy.	0.75%	
Para	Paralegal – Work done by a paralegal.		
Comp	COMP – Work spent on compensation request related matters.		
		100%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ashley L. Salas	2021	14.50	\$400.00	D.22-06-048	\$5,800.00	14.5	\$400.00	\$5,800.00
Ashley L. Salas	2022	118.75	\$415.00	Res. ALJ-393, 2021 rate plus 3.3% COLA. See Comment 1.	\$49,281.25	118.75	\$415.00 [1]	\$49,281.25

CLAIMED						CPUC AWARD		
Ashley L. Salas	2023	10.25	\$455.00	Res. ALJ-393, 2022 rate plus 4.5% COLA plus 5% step increase. See Comment 1.	\$4,663.75	21.25 [10]	\$455.00 [1]	\$9,668.75
Brenda D. Villanueva	2021	3.5	\$410.00	D.22-06-036	\$1,435.00	3.5	\$410.00	\$1,435.00
Brenda D. Villanueva	2022	24.75	\$465.00	Res. ALJ-393, 2021 rate plus increase for role change. See Comment 2.	\$11,508.75	24.75	\$425.00 [2]	\$10,518.75
Christine Mailloux	2021	45.75	\$700.00	D.22-05-026	\$32,025.00	45.75	\$695.00 [3]	\$31,796.25
Michael Lozeau	2021	25.10	\$699.00	New Rate. See Comment 3.	\$17,544.90	25.10	\$699.00 [4]	\$17,544.90
Michael Lozeau	2022	3.90	\$699.00	New Rate. See Comment 3.	\$2,726.10	3.9	\$699.00 [4]	\$2,726.10
Michael Lozeau	2023	1.20	\$699.00	New Rate. See Comment 3.	\$838.80	4.0 [10]	\$699.00 [4]	\$2,796.00
Regina Costa	2022	4.50	\$620.00	Res. ALJ, 2021 rate plus 3.3% COLA. See Comment 4.	\$2,790.00	4.5	\$620.00 [5]	\$2,790.00
Robert Finkelstein	2022	2.25	\$805.00	Res. ALJ, 2021 rate plus 3.3% COLA. See Comment 5.	\$1,811.25	2.25	\$805.00 [6]	\$1,811.25
Thomas Long	2022	4.50	\$805.00	Res. ALJ-393, 2021 rate plus 3.3% COLA. See Comment 6.	\$3,622.50	4.5	\$800.00 [7]	\$3,600.00
Thomas Long	2023	1.25	\$840.00	Res. ALJ-393, 2022 rate plus 4.5% COLA. See Comment 6.	\$1,050.00	1.25	\$830.00 [7]	\$1,037.50
Trevor Roycroft	2021	66.25	\$350.00	D.22-05-026	\$23,187.50	66.25	\$350.00 [8]	\$23,187.50

CLAIMED						CPUC AWARD		
Trevor Roycroft	2022	5.50	\$350.00	New Rate. See Comment 7.	\$1,925.00	5.5	\$350.00 [8]	\$1,925.00
Trevor Roycroft	2023	0.50	\$350.00	New Rate. See Comment 7.	\$175.00	1.5 [10]	\$350.00 [8]	\$525.00
Subtotal: \$160,384.80						Subtotal: \$166,443.25		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Margaret Greene	2021	2.00	\$140.00	New Rate. See Comment 8.	\$280.00	2.0	\$140.00 [9]	\$280.00
Subtotal: \$280.00						Subtotal: \$280.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ashley L. Salas	2023	12.00	\$227.50	Half of 2023 Requested Rate	\$2,730.00	14.0 [10]	\$227.50	\$3,185.00
Subtotal: \$2,730.00						Subtotal: \$3,185.00		
TOTAL REQUEST: \$163,394.80¹						TOTAL AWARD: \$169,908.25		
<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 ⁷	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Ashley L. Salas	December 2015	308374	No					
Brenda D. Villanueva	January 2021	334217	No					
Christine Mailloux	December 1993	167918	No					
Michael Lozeau	December 1989	142893	No					

⁷ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

CLAIMED			CPUC AWARD
Robert Finkelstein	June 1990	146391	No
Thomas Long	December 1986	124776	No

C. Attachments Documenting Specific Claim and Comments on Part III⁸:
(Intervenor completes)

Attachment or Comment #	Description/Comment
Comment 1	<p>2022 Hourly Rate for Ashley L. Salas</p> <p>TURN filed an intervenor compensation claim in R.20-08-021 on April 25, 2022, that included a request that the Commission adopt an hourly rate of \$415 for TURN Attorney Ashley L. Salas in 2022, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Salas, TURN refers the Commission to the showing TURN presented in R.20-08-021.</p> <p>2023 Hourly Rate for Ashley L. Salas</p> <p>TURN requests that the Commission adopt a 2023 hourly rate of \$455 for Ashley L. Salas.</p> <p>In D.22-06-048, the Commission adopted a rate of \$400 for Ms. Salas' work in 2021, recognizing her as an Attorney – Level II with 5 years of experience. For 2022, TURN requests that the Commission adjust Ms. Salas' authorized 2021 rate by the annual escalation methodology adopted in Res. ALJ-393, which 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 https://www.bls.gov/news.release/eci.t05.htm. The resulting 2022 rate for Ms. Salas is \$415.</p> <p>The 2023 rate requested by TURN is equal to the rate for Ms. Salas' work in 2022, adjusted by both the annual escalation methodology adopted in Resolution (Res.) ALJ-393 and the first 5% step increase for Ms. Salas in</p>

⁸ Attachments not attached to final Decision.

Attachment or Comment #	Description/Comment
	<p>the Attorney – Level III experience tier. The annual escalation rate for 2023 is 4.5%. See https://www.bls.gov/news.release/eci.t05.htm.</p> <p>Res. ALJ-393 permits intervenor representatives to claim up to two 5% annual “step increases” within each labor role experience tier, as long as their final requested rate does not exceed the maximum approved rate for that experience level. (Res. ALJ-393, p. 5). The maximum approved rate for an Attorney – Level III is \$519.48 for work conducted in 2021, which escalates to \$560.77 in 2023 by applying the 3.3% 2022 COLA and then the 4.5% 2023 COLA.</p> <p>The requested 2023 rate for Ashley L. Salas of \$455 is below the maximum 2023 rate for an Attorney – Level III.</p>
Comment 2	<p>2022 Hourly Rate for Brenda D. Villanueva</p> <p>TURN filed an intervenor compensation claim in R.21-03-002 on December 22, 2022, which included a request that the Commission adopt an hourly rate of \$465 for TURN Attorney Brenda D. Villanueva, based on the Market Rate Study, guidance adopted in Res. ALJ-393, and the invitation in D.22-06-038 to justify an increase to Mrs. Villanueva’s rate. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mrs. Villanueva, TURN refers the Commission to the showing TURN presented in R.21-03-002.</p>
Comment 3	<p>2021 Hourly Rate for Michael Lozeau</p> <p>In Resolution (Res.) ALJ-393, the Commission adopted a new methodology for setting Intervenor Compensation hourly rates, based on a Market Rate Study. The new methodology defines comparable hourly rates for seventy-nine intervenor “labor roles,” at five levels of experience and education. For each level, a market rate-based hourly rate range is established. The Commission directed intervenors “to use the Hourly Rate Chart spreadsheet available on the Commission’s ICOMP website to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021.” (Res. ALJ-393, pp. 3-4). The Commission clarified that hourly rates for 2021 will be based on the approved hourly rate ranges in the Market Rate Study, without regard to previously established hourly rates for 2020 or prior years. (Res. ALJ-393, p. 4). Finally, the Commission directed intervenors to submit, in their first claim seeking compensation for work completed in 2021 and beyond, the</p>

Attachment or Comment #	Description/Comment
	<p>following information to establish hourly rates: (1) a current resume as a supporting document, and (2) a justification for the requested rate that ties to the individual's labor role and level of experience, per the Market Rate Study's Hourly Rate Chart. (Res. ALJ-393, p. 5).</p> <p>Pursuant to the requirements of ALJ-393, TURN hereby submits its request for a 2021 hourly rate for outside counsel Michael R. Lozeau.</p> <p>Intervenor Representative: Michael R. Lozeau Labor Role: Legal - Attorney Level: V 2021 Hourly Rate Range: \$486.31 - \$699.03 Requested Hourly Rate: \$699 Current Resume: See Attachment 1. Justification for the Requested Hourly Rate:</p> <p>Michael R. Lozeau received his JD with Honors in 1989 from Rutgers University School of Law, where he helped establish the Rutgers Public Interest Law Foundation. Mr. Lozeau was admitted to the California Bar in December 1989. He holds a BA in Zoology from the University of New Hampshire.</p> <p>Michael Lozeau has been practicing environmental law in the San Francisco Bay area for over thirty years, with extensive experience representing public interest clients in administrative appellate matters before state and federal courts. Mr. Lozeau has been a partner at the law firm of Lozeau Drury LLP since 2008, focusing on environmental law. Previously, from 2005-2008, he was a solo environmental law practitioner at the Law Office of Michael R. Lozeau. From 1999 through the end of 2004, Mr. Lozeau was a staff attorney with the Earthjustice Environmental Law Clinic at Stanford and a Lecturer at Stanford Law School. From 1994 to 1999, he served as the Executive Director of Waterkeepers Northern California and served as the San Francisco Baykeeper. Beginning in 1991, he maintained a solo law practice in San Francisco, focusing on citizen enforcement cases, and served as San Francisco Baykeeper's General Counsel. His legal career began in 1989 as an Associate Attorney with Earthjustice (then Sierra Club Legal Defense Fund) in their San Francisco office.</p> <p>Mr. Lozeau has decades of experience representing public interest clients on matters involving the federal Clean Water Act and state clean water laws, including California's Porter-Cologne Water Quality Control Act. He is equally at home before both federal and state courts as well as California's regional water quality control boards and the State Water Resources Control</p>

Attachment or Comment #	Description/Comment
	<p>Board. He also has handled cases involving numerous other statutes, including the federal Endangered Species Act, the California Endangered Species Act, CEQA, NEPA and the California Coastal Act. His practice spans appearances before administrative agencies and courts of appeal.</p> <p>Mr. Lozeau has published a number of articles on Clean Water Act enforcement and implementation and Tribal authority under the Act. He sits on the Executive Committee of the Environmental Law Section of the Bar Association of San Francisco, as well as on the Board of Directors of the Golden Gate Audubon Society. His resume is included as Attachment 1 to this request for compensation.</p> <p>TURN retained Mr. Lozeau in November 2021 to assist with TURN’s work before the California Court of Appeal after Calaveras Telephone Company et al. filed a Petition for Writ of Review of Commission decisions D.21-08-042, Order Denying Rehearing of Decision 21-04-005, and D.21-04-005, issued in R.11-11-007. At that time, Mr. Lozeau had 32 years of experience practicing environmental law in California, with equally extensive expertise in state appellate practice more generally. The Market Rate Study Hourly Rate Chart instructs that an Attorney in Level V should have a JD or equivalent degree, 15+ years of experience, and be licensed to practice law. The Hourly Rate Chart further suggests, “Higher experience levels should have experience with areas of law and procedures relevant to CPUC matters, such as environmental law or utility regulation.” Mr. Lozeau readily satisfies all of these requirements for a Level V Attorney. Given his three+ decades of experience as a practicing attorney and the depth and breadth of his knowledge and skills, including appellate review of administrative decisions, TURN submits that an hourly rate at the top of the market rate range established in Res. ALJ-393 is reasonable for his work contributing to Commission proceeding R.11-11-007 in 2021. Accordingly, TURN requests that the Commission authorize a 2021 hourly rate of \$699 for Mr. Lozeau.</p> <p>TURN recognizes that the Commission’s practice is to round hourly rates to the nearest \$5 increment, but \$699 is the hourly rate charged by Mr. Lozeau for his services in this matter.</p> <p>2022-2023 Hourly Rates for Michael R. Lozeau</p> <p>TURN requests that the Commission adopt the same hourly rate of \$699 requested for Mr. Lozeau’s work in 2021 for his work in 2022 and 2023.</p>

Attachment or Comment #	Description/Comment
	This is the rate charged by Mr. Lozeau for legal services in this matter in 2021, 2022, and 2023.
Comment 4	<p>2022 Hourly Rate for Regina Costa</p> <p>TURN filed an intervenor compensation claim in R.20-09-001 on June 17, 2022, that included a request that the Commission adopt an hourly rate of \$620 for TURN Public Policy Analyst Regina Costa in 2022, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Costa, TURN refers the Commission to the showing TURN presented in R.20-08-021.</p>
Comment 5	<p>2022 Hourly Rate for Robert Finkelstein</p> <p>TURN filed an intervenor compensation claim in A.20-07-020 on August 30, 2022, that included a request that the Commission adopt an hourly rate of \$805 for TURN Attorney Robert Finkelstein in 2022, based on the Market Rate Study and guidance adopted in Res. ALJ-393, and the previously adopted hourly rate for 2021. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mr. Finkelstein, TURN refers the Commission to the showing TURN presented in A.20-07-020.</p>
Comment 6	<p>2022 Hourly Rate for Thomas Long</p> <p>TURN filed an intervenor compensation claim in A.21-07-017 on July 1, 2022, that included a request that the Commission adopt an hourly rate of \$805 for TURN Attorney Thomas Long in 2022, based on the Market Rate Study and guidance adopted in Res. ALJ-393, and the previously adopted hourly rate for 2021. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mr. Long, TURN refers the Commission to the showing TURN presented in A.21-07-017.</p> <p>2023 Hourly Rate for Thomas Long</p> <p>TURN requests that the Commission adopt a 2023 hourly rate of \$840 for Thomas Long.</p>

Attachment or Comment #	Description/Comment
	<p>In D.22-06-018, the Commission adopted a rate of \$780 for Mr. Long’s work in 2021.</p> <p>For 2022, TURN requests that the Commission adjust Mr. Long’s authorized 2021 rate by the annual escalation methodology adopted in Res. ALJ-393, which 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 https://www.bls.gov/news.release/eci.t05.htm. The resulting 2022 rate for Mr. Long is \$805.</p> <p>The 2023 rate requested by TURN is equal to the requested rate for Mr. Long’s work in 2022, adjusted by the annual escalation methodology adopted in Resolution (Res.) ALJ-393. The annual escalation rate for 2023 is 4.5%. See https://www.bls.gov/news.release/eci.t05.htm. The resulting 2023 rate for Mr. Long is \$840.</p>
Comment 7	<p>2022-2023 Hourly Rate for Trevor Roycroft</p> <p>TURN requests that the Commission adopt the same hourly rate of \$350 approved in D.22-05-026 for Dr. Roycroft’s work in 2021 for his work in 2022 and 2023. This is the rate charged by Dr. Roycroft for expert consultant services in this matter in 2021, 2022, and 2023.</p>
Comment 8	<p>2021 Hourly Rate for Margaret Greene</p> <p>In Resolution (Res.) ALJ-393, the Commission adopted a new methodology for setting Intervenor Compensation hourly rates, based on a Market Rate Study. The new methodology defines comparable hourly rates for seventy-nine intervenor “labor roles,” at five levels of experience and education. For each level, a market rate-based hourly rate range is established. The Commission directed intervenors “to use the Hourly Rate Chart spreadsheet available on the Commission’s ICOMP website (www.cpuc.ca.gov/icomp) to determine the appropriate hourly rate when completing claims for work performed on or after January 1, 2021.” (Res. ALJ-393, pp. 3-4). The Commission clarified that hourly rates for 2021 will be based on the approved hourly rate ranges in the Market Rate Study, without regard to previously established hourly rates for 2020 or prior years. (Res. ALJ-393, p. 4). Finally, the Commission directed</p>

Attachment or Comment #	Description/Comment
	<p>intervenor to submit, in their first claim seeking compensation for work completed in 2021 and beyond, the following information to establish hourly rates: (1) a current resume as a supporting document, and (2) a justification for the requested rate that ties to the individual’s labor role and level of experience, per the Market Rate Study’s Hourly Rate Chart. (Res. ALJ-393, p. 5).</p> <p>Pursuant to the requirements of ALJ-393, TURN hereby submits its request for a 2021 hourly rate for Paralegal Margaret Greene.</p> <p>Request for 2021 Hourly Rate Pursuant to Resolution ALJ-393</p> <p>Intervenor Representative: Margaret Greene Labor Role: Paralegal Level: I 2021 Hourly Rate Range: \$88.53 - \$141.49 Requested Hourly Rate: \$140 Current Resume: See Attachment 2. Justification for the Requested Hourly Rate:</p> <p>Margaret Greene is a Certified Paralegal with the law firm of Lozeau Drury LLP. She holds a B.S. in Environmental Sciences from the University of California, Berkeley and obtained her paralegal certification from San Francisco State University in 2021 with Highest Honors.</p> <p>Ms. Greene joined Lozeau Drury LLP in June 2021, where she conducts legal and factual research, prepares trial and appellate case records and related materials for courts and attorneys at the firm, and otherwise supports attorneys in producing filing-ready documents for the court. Prior to joining Lozeau Drury LLP, Ms. Greene was a Paralegal Intern at the SF Bay Conservation and Development Commission from September – December 2020. There she drafted violation reports, cease and desist orders, and other legal documents, and supported the Commission with enforcement case organization. Please see Attachment 2 for her resume.</p> <p>The Market Rate Study Hourly Rate Chart states that a Paralegal role “Assists and supports attorneys with research. Researches and analyzes law sources... Prepares legal documents... [and] ...Has complete understanding of technical legal terminology.” A Level I Paralegal is expected to have a Bachelor’s Degree and 0-1 years of experience. Ms. Greene has both a Bachelor’s Degree and a Paralegal Certification and all of the competencies required for a Level I Paralegal. Given her qualifications and responsibilities at Lozeau Drury LLP and related experience at the SF Bay</p>

Attachment or Comment #	Description/Comment
	Conservation and Development Commission, TURN submits that an hourly rate of \$140, at the top of the range for a Level I Paralegal, is appropriate for Ms. Greene.
Attachment 1	Resume for Michael Lozeau, Lozeau Drury LLP
Attachment 2	Resume for Margaret Greene, Lozeau Drury LLP
Attachment 3	Certificate of Service
Attachment 4	Timesheet for TURN's Advocates
Attachment 5	TURN Hours Allocated by Issue

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Ashley Salas 2021 and 2022 Hourly Rate	D.23-04-020 verified a 2022 rate of \$415.00 for Salas. We apply the same rate here. D.24-09-018 verified a 2023 rate of \$455.00, including the first 5% step-increase, for Salas. We apply the same rate here.
[2] Brenda Villanueva 2022 hourly Rate	D.23-04-020 approved a 2022 rate of \$425.00 for Villanueva. We apply the same rate here.
[3] Christine Mailloux 2021 Hourly Rate	D.24-09-019 verified a 2021 rate of \$695.00 for Mailloux. We apply the same rate here. We note, per D.24-09-019, "D.22-05-026 verified a rate of \$700.00 for Christine Mailloux, however, the 2021 rate range for a Legal – Attorney – V is \$486.31 - \$699.03. Therefore, due to the maximum of the range, the nearest allowable \$5 increment is \$695.00. We adopt the 2021 rate of \$695.00 here and will use this 2021 rate moving forward."
[4] Michael Lozeau 2021 – 2023 Consultant Hourly Rate	TURN has confirmed that Lozeau is a consultant. Pursuant to Commission policy, the rate requested by an intervenor must not

Item	Reason
	<p>exceed the rate billed to that intervenor by any outside consultant it hires, even if the consultant's billed rate is below the floor for a given experience level.⁹ Per the IComp Program Guide at 24, the Commission may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)).</p> <p>TURN confirms that it was charged \$699 per hour by Lozeau for legal services in this matter in 2021, 2022, and 2023. We find this rate reasonable given Lozeau's experience. Therefore, we approve an hourly rate of \$699 for Lozeau's work in 2021, 2022 and 2023.</p> <p>The award determined herein for the consultant's contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission's policy on consultant compensation.</p>
[5] Regina Costa 2022 Hourly Rate	D.23-05-031 approved a 2022 rate of \$620.00 for Costa. We apply the same rate here.
[6] Robert Finkelstein 2022 Hourly Rate	D.23-04-022 approved a 2022 rate of \$805.00 for Finkelstein. We apply the same rate here.
[7] Thomas Long 2022 and 2023 Hourly Rate	<p>D.24-10-026 approved a 2022 rate of \$800 for Long. We apply the same rate here.</p> <p>D.24-09-016 approved a 2023 rate of \$830 for Long. We apply the same rate here.</p>
[8] 2021 – 2023 Consultant Rate for Trevor Roycroft	<p>TURN has confirmed that Roycroft is a consultant. TURN requests that the Commission adopt an hourly rate of \$350 for Roycroft's work in 2021, 2022 and 2023. This is the rate charged by Roycroft for expert consultant services in this matter in 2021, 2022, and 2023.</p> <p>TURN submitted supplemental documentation to confirm that it was charged \$350 per hour for services from 2021 – 2023. We</p>

⁹ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ 235.

Item	Reason
	<p>find this rate reasonable given Roycroft’s experience. Therefore, we approve the rate of \$350.00 for Roycroft here.</p> <p>The award determined herein for the consultant’s contribution in this proceeding shall be paid in full to the consultant, and no portion of this part of the award shall be kept by the intervenor. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation.</p>
<p>[9] 2021 Consultant Rate for Margaret Greene</p>	<p>TURN has confirmed that Greene is a consultant. TURN requests that the Commission adopt an hourly rate of \$140 for Margaret Greene as a Legal – Paralegal – I.</p> <p>TURN submitted supplemental documentation reflecting that Margaret Green serves TURN under contract on a contingency basis, meaning that the consultant has agreed to defer its consulting fee contingent upon receipt of this Intervenor Compensation award. Given this contingency, we utilize the reasonable rates established by Resolution ALJ-393 based on TURN’s experience.</p> <p>For Margaret Green’s 2021 hourly rate, the Legal – Paralegal - I rate range is \$88.53 to \$141.49 with a median of \$113.57. We find the requested 2021 hourly rate of \$140.00 to be reasonable and we apply it here.</p> <p>The award made herein for the consultant’s contribution shall be passed through in full to the consultant. Additionally, the rates approved here are specific to work in this proceeding and the contract terms between the consultant and intervenor, as they are established in accordance with the Commission’s policy on consultant compensation, and the understanding that the consultant has not billed or collected full compensation for the work performed until final award is given.</p>
<p>[10] Supplement filed June 14, 2023 Requesting Additional 2023 Hours for Ashley Salas, Michael Lozeau and</p>	<p>On June 14, 2023, TURN filed a supplement requesting additional hours for Ashley Salas, Michael Lozeau and Trevor Roycroft stating, “Days after TURN filed its February 2023 compensation request, the Small LECs filed a petition for review before the California Supreme Court on February 27, 2023, regarding the same issues subject to TURN’s February 2023 compensation</p>

Item	Reason
Trevor Roycroft	<p>request. The California Supreme Court denied the petitioners’ request for review on April 26, 2023.”</p> <p>The supplement increased the number of hours claimed by TURN in 2023 as outlined below:</p> <ol style="list-style-type: none"> 1. Ashley Salas (Attorney, Expert, and Advocate Fees) from 10.25 hours to 21.25 hours 2. Michael Lozeau from 1.20 hours to 4.0 hours 3. Trevor Roycroft from 0.50 hours to 1.50 hours 4. Ashely Salas (Intervenor Compensation Claim Preparation) from 12.0 hours to 14.0 hours <p>The additional hours subsequently increased the amount requested by TURN from \$163,394.80 to \$171,162.00. This increase is noted in footnote 1, Part III.B and Appendix of this decision.</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))

A. Opposition: Did any party oppose the Claim?	Yes
---	-----

If so:

Party	Reason for Opposition	CPUC Discussion
Foresthill Telephone Co., Siskiyou Telephone Company, Cal-Ore Telephone Co., Sierra Telephone Company, Inc., Calaveras Telephone Company, Ducor Telephone Company, Ponderosa Telephone Co., Volcano Telephone Company, Kerman Telephone Co., Pinnacles Telephone Co.	The joint parties argued that because the proceeding is quasi-legislative, not initiated by these parties, and of industry-wide concern, any award should be paid from the Commission’s Intervenor Compensation Fund or, not paid by the fund, that CHFC-A Fund should reimburse the petitioners.	The award will be paid by the California Public Utilities Commission, formerly referred to as the Commission’s Intervenor Compensation Fund.
Foresthill Telephone Co., The Siskiyou Telephone Company, Happy Valley Telephone Company, Kerman	TURN’s claimed hours are duplicative and excessive and	We find the claimed hours to be reasonable

Party	Reason for Opposition	CPUC Discussion
Telephone Co., Volcano Telephone Company, Cal-Ore Telephone Co., Hornitos Telephone Company, Sierra Telephone Company, Inc., Pinnacles Telephone Co., Calaveras Telephone Company, Ducor Telephone Company, The Ponderosa Telephone Co., Winterhaven Telephone Company (“Independent Small LECS”)	that some proposed hourly rates were unreasonable.	after the adjustments made in Part III.D.
TURN Reply to the Response of Independent Small LECS	TURN’S compensation request reflects a reasonable expenditure of time and resources under the circumstances.	Review and evaluation of TURN’s claim for Intervenor Compensation verified TURN’s substantial contributions, as indicated in Part II.B.

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
---	----

If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.21-08-042 and its judicial review efforts in *Calaveras Telephone Co. v. Public Utilities Com.* (2022) 87 Cal.App.5th 793 were reasonable to preserve that substantial contribution.
2. The requested hourly rates for The Utility Reform Network’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable

training and experience and offering similar services, and/or reflect the actual rates billed to, and paid by the intervenor, for consultant services rendered.

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$169,908.25.

CONCLUSION OF LAW

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

ORDER

1. The Utility Reform Network is awarded \$169,908.25.
2. Within 30 days of the effective date of this decision, the California Public Utilities Commission shall pay The Utility Reform Network Payment 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 May 7, 2023, the 75th day after the filing of The Utility Reform Network's supplemental request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. Rulemaking 11-11-007 is closed.

This decision is effective today.

Dated _____, at Sacramento, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2108042; <i>Calaveras Telephone Co. v. Pub. Util. Comm.</i> , No. F083339, 2022 Cal. App. LEXIS 1086 (unpublished); <i>Calaveras Telephone Co. v. Pub. Util. Comm.</i> , No. F083339 (Cal. App., 5th Dist., Jan. 18, 2023) (pending partial publication).		
Proceeding(s):	R1111007; <i>Calaveras Telephone Co. v. Pub. Util. Comm.</i> , California Court of Appeal, Fifth Appellate District, Case No. F083339.		
Authors:	ALJ Fortune, ALJ Rambo		
Payer(s):	California Public Utilities Commission		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
The Utility Reform Network	Feb. 21, 2023	\$163,394.80 ¹	\$169,908.25	N/A	See Part III.D CPUC Comments, Disallowances, and Adjustments above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ashley	Salas	Attorney	\$400.00	2021	\$400.00
Ashley	Salas	Attorney	\$415.00	2022	\$415.00
Ashley	Salas	Attorney	\$455.00	2023	\$455.00
Brenda	Villanueva	Attorney	\$410.00	2021	\$410.00
Brenda	Villanueva	Attorney	\$465.00	2022	\$425.00
Christine	Mailloux	Attorney	\$700.00	2021	\$695.00
Margaret	Green	Paralegal	\$140.00	2021	\$140.00
Michael	Lozeau	Attorney	\$699.00	2021	\$699.00
Michael	Lozeau	Attorney	\$699.00	2022	\$699.00
Micheal	Lozeau	Attorney	\$699.00	2023	\$699.00
Regina	Costa	Expert	\$620.00	2022	\$620.00
Robert	Finkelstein	Attorney	\$805.00	2022	\$805.00
Thomas	Long	Attorney	\$805.00	2022	\$800.00
Thomas	Long	Attorney	\$840.00	2023	\$830.00
Trevor	Roycroft	Expert	\$350.00	2021	\$350.00

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Trevor	Roycroft	Expert	\$350.00	2022	\$350.00
Trevor	Roycroft	Expert	\$350.00	2023	\$350.00

(END OF APPENDIX)