



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

08/15/25

08:00 AM

A2303003

August 15, 2025

Agenda ID #23695
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 23-03-003:

This is the proposed decision of Administrative Law Judge Thomas J. Glegola. 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 September 18, 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 ALJ GLEGOLA** (Mailed 8/15/2025)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Bell Telephone Company d/b/a/ AT&T California (U1001C) for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations.

Application 23-03-003

**DECISION GRANTING COMPENSATION TO
THE UTILITY REFORM NETWORK
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 24-06-024**

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 24-06-024
Claimed: \$295,597.88	Awarded: \$270,859.25
Assigned Commissioner: John Reynolds	Assigned ALJ: Thomas J. Glegola

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.24-06-024 dismisses with prejudice AT&T California's (AT&T) application to relinquish Carrier of Last Resort (COLR) status for failure to meet the requirements of the Commission's COLR withdrawal rules.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	08/03/23	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	08/30/23	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:	A.21-12-007	Verified
6. Date of ALJ ruling:	5/31/22	Verified
7. Based on another CPUC determination (specify):		
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:	A.21-12-007	Verified
10. Date of ALJ ruling:	5/31/22	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.24-06-024	Verified
14. Date of issuance of Final Order or Decision:	06/25/24	Verified
15. File date of compensation request:	08/26/24	Verified
16. Was the request for compensation timely?		Yes

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

PART II: SUBSTANTIAL CONTRIBUTION**B. 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. Overview</p> <p>AT&T's application requested sweeping relief in the form of relinquishment of its Carrier of Last Resort (COLR) obligations across vast portions of its service territory. AT&T's application, if granted, would have caused a fundamental change in telecommunications regulation – the Commission's approach to its universal service policies – and would have had significant and possibly detrimental impacts on disadvantaged communities throughout California.</p> <p>AT&T concurrently filed its application for COLR relief with a separate application to relinquish its Eligible Telecommunications Carrier (ETC) status throughout its service territory (A.23-03-002), which, if granted in whole, would eliminate AT&T's obligation to offer federal Lifeline in California, along with other crucial service quality and high-cost area obligations. TURN recognized the connection between the two applications, the especially high stakes they presented when combined, and the need to coordinate advocacy – both internally and with other intervenors – in both proceedings. These concerns defined TURN's strategy, and the Commission's approach to these dockets, for what appeared would be a</p>		Verified

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<p>large-scale and fact-intensive proceeding.</p> <p>TURN and CforAT jointly protested AT&T's Application in this proceeding on multiple grounds, urging the Commission to reject the Application because AT&T failed to meet the requirements in the Commission's COLR universal service rules. TURN's joint protest with CforAT documented the significant and fundamental ways in which the Application was incomplete and did not properly demonstrate the impact of the requested relief on California consumers. After TURN's joint protest with the Center for Accessible Technology (CforAT), the ALJ issued a Ruling directing AT&T to amend its application to provide more information and analysis and directed parties to submit amended protests. TURN and CforAT submitted an amended protest to AT&T's amended application.</p> <p>The Scoping Memo directed parties to provide analysis and evidence on the impact of AT&T's application and the legal compliance of its request through testimony and scheduled evidentiary hearings. The Scoping Memo and subsequent ALJ Ruling reaffirmed the Commission's plans to comprehensively litigate this issue through discovery, public participation hearings and evidentiary hearings, thus spurring parties to prepare their cases.</p> <p>Public comment exemplifies the importance and potential magnitude of AT&T's application. The Commission held four sets of public participation</p>	<p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023.</p> <p>ALJ's Ruling Ordering Applicant to Amend Application due to Substantial Incompleteness, issued May 3, 2023.</p> <p>TURN And CforAT Protest of the Amended Application of AT&T California for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, filed June 30, 2023.</p> <p>Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at pp. 2-4.</p> <p>ALJ's Ruling Noticing PPHs and Additional Instructions for Applicant, issued Dec. 4, 2023.</p>	

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<p>hearings (PPHs) jointly for both AT&T's ETC and COLR applications in February and March 2024. Hundreds of commenters spoke at the PPHs, and the COLR docket card received over 8,000 public comments. The majority were consumers opposing AT&T's attempt to relinquish its COLR obligations.</p> <p>At several points in the proceeding, the ALJ requested additional information and feedback from all parties to understand the potential impacts from AT&T's request and determine compliance with the legal standards. TURN's contributions included work on notice to affected customers, descriptions of customer impact, mapping data and other crucial pieces of AT&T's case.</p> <p>At multiple times during the proceeding, the ALJ found that AT&T did not meet its legal obligations or burden of proof to support its application. Subsequently, often in response to concerns raised by TURN and other parties, the ALJ found AT&T's proposals, efforts, and submissions inadequate.</p> <p>The Commission ultimately granted the Public Advocates Office (Cal Advocate)'s Motion to Dismiss and dismissed AT&T's application with prejudice for failing to comply with the Commission's COLR withdrawal rules.</p> <p>The Commission also found that AT&T's request was improper because AT&T's requested relief – effectively an overhaul of the Commission's COLR rules – would only be appropriate after reconsideration of the rules on an</p>	<p><i>See Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at pp. 2-3. Attachment 6 (E-Mail from ALJ Glegola on Dec. 15, 2023 Inviting Parties to Submit Comments on Draft Notices via E-Mail). Attachment 7 (E-Mail from ALJ Glegola on Feb. 1, 2024 Inviting Parties to Submit Comments on Draft Notices via E-Mail)</i></p>	

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<p>industry-wide basis. This was a key point made by TURN and other intervenors, noting that AT&T was essentially asking the Commission to make findings and exceptions only appropriate in a broader policy context. Therefore, in D.24-06-024 (the Final Decision), the Commission also announced it would review its COLR in a separate rulemaking (which became R.24-06-012).</p>	<p>D.24-06-024 at p. 24.</p>	
<p>2. AT&T's Misinterpretation of COLR Rules</p> <p><u>Need for Replacement COLR</u> TURN immediately recognized that AT&T's application failed to comply with the Commission's existing COLR rules. In a protest filed jointly with CforAT (Joint Consumers' Protest), TURN argued that competition or potential competition does not eliminate the need for a COLR in an area nor the need for a COLR to receive Commission approval to relinquish its status.</p> <p>In light of AT&T's attempt to use wireless providers, non-facilities based resellers, VoIP providers, and other alternative providers as possible substitute COLRs, TURN cited a 2012 Commission decision stating that the Commission needed have a generic rulemaking to consider the viability of alternative technologies and the service quality of those alternatives. TURN argued that the Commission could not grant AT&T's application without a broader review of COLR-related issues.</p> <p>The ALJ issued a notice of AT&T's application to carriers that could have</p>	<p><u>Need for Replacement COLR</u> Application of AT&T California for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, filed Mar. 3, 2023, at pp. 16-21.</p> <p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 5-9, 11, 17.</p> <p>See Attachment D3 to the Third Declaration of Mark A. Israel, filed with AT&T's Amended Application on May 17, 2023.</p> <p>See also Opening Comments of TURN on the Proposed Decision, filed May 30, 2024, at pp. 2-4.</p>	<p>Verified</p>

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<p>been eligible to replace AT&T as COLR. None of these carriers volunteered to replace AT&T. In the Final Decision, the Commission dismissed AT&T's application for failing to follow the COLR rules. The Commission confirmed that it would have to identify and designate a replacement COLR in AT&T's service territory before it could allow AT&T to relinquish COLR status, consistent with TURN's (and CforAT's) position.</p> <p>The Final Decision also recognized the need to revisit COLR rules, in part due to "changes in the marketplace," such as the growth of wireless and VoIP and more general associated issues, and announced that the Commission would open a separate rulemaking (R.24-06-012) to do so.</p> <p><u>Vagueness of Application</u> In Joint Consumer's protest, TURN also recognized the simultaneously vague yet sweeping nature of AT&T's application and called into question the detail and accuracy of AT&T's evidence about the availability of other services. TURN highlighted the discrepancy between the geographic units used to determine AT&T's COLR obligations versus those AT&T used in its application (wire center exchanges versus census blocks) and argued that AT&T's application did not offer adequate information to determine who would be affected.</p> <p>The ALJ recognized these deficiencies and large scale of the application and ordered AT&T to amend and re-file its application with more information about the areas where it wanted to relinquish</p>	<p>D.24-06-024 at pp. 12-13; 16-17; 24.</p> <p><u>Vagueness of Application</u> TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 3-5,</p> <p>ALJ's Ruling Ordering Applicant to Amend Application Due to</p>	

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<p>COLR status and the providers it identified as alternatives. The ALJ Ruling explicitly called for AT&T to amend its application to include both wire center information and census blocks where it is requesting relief to facilitate the analysis and review of the impact to consumers in AT&T's service territory.</p> <p><u>Notice to Local Governments, Tribes, Affected Customers, and Potential Replacement COLRs</u></p> <p>In Joint Consumers' protest, TURN raised concerns that the vagueness of AT&T's application would result in insufficient notice to customers who could be affected by AT&T's application – and, by extension, also provide insufficient notice to their local governments and carriers that could have opportunities to step in as replacement COLRs in the exchanges where AT&T wished to relinquish status.</p> <p>In the Scoping Memo, the Assigned Commissioner recognized this problem raised by TURN (and CforAT) of lack of notice to potentially affected customers, governments, and other providers. The Scoping Memo found that AT&T provided insufficient notice and directed further notice to local governments, Tribes, consumers, and potential replacement COLRs about its application.</p> <p>Upon request of the ALJ to parties to provide feedback on this required notification process, TURN reviewed multiple versions of AT&T's draft notifications to affected customers, local</p>	<p>Substantial Incompleteness, issued May 3, 2023, at pp. 4-5.</p> <p>D.24-06-024 at p. 4, fn 2.</p> <p><u>Notice to Local Governments, Tribes, Affected Customers, and Potential Replacement COLRs</u></p> <p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 2-3 ("AT&T's Application fails to identify which customers, and which exchanges within its service territory, would lose the protections associated with being served by a COLR."). Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at p. 3. ALJ's Ruling Noticing Public Participation Hearings and Additional Instructions for Applicant, issued Dec. 4, 2023, at pp. 4-7.</p> <p>Attachment 6 (E-Mail from ALJ Glegola on Dec. 15, 2023 Inviting Parties to Submit Comments on Draft Notices via E-Mail). Attachment 7 (E-Mail from ALJ Glegola on Feb. 1, 2024 Inviting Parties to Submit Comments on Draft Notices via E-Mail)</p>	

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<p>governments, and Tribal leaders and the Commission's draft notice to other carriers. TURN offered feedback on the notice to AT&T's customers to make the language more accurate and on the draft notice to other carriers that would solicit more precise information about what areas alternative carriers would be capable of serving. For the customer notices, the ALJ agreed with TURN that VoIP customers should also receive notice, as they could also be affected by AT&T's application. The final notice to carriers adopted TURN's proposed language about a carrier's willingness to serve an entire exchange/exchanges associated with a census block.</p> <p>The Final Decision recognized a high level of interest in this proceeding from the public and local governments and discussed the contribution of public hearing participants and public comments on the docket card.</p>	<p>Attachment 8 (TURN Comments on Draft Notices Submitted via E-Mail on Dec. 20, 2023)</p> <p>Attachment 9 (TURN Comments on Draft Notices Submitted via E-Mail on Feb. 8, 2024)</p> <p>Attachment 10 (E-Mail from ALJ Glegola on Dec. 22, 2023 Regarding Feedback on AT&T Draft Notices)</p> <p>ALJ's Ruling on Noticing Potential Carriers of Last Resort, issued Feb. 28, 2024, Attachment A, at p. 1 fn 2.</p> <p>D.24-06-024 at p. 18, 24 ("There has also been considerable interest and engagement from elected officials through letters to the Commission and local initiatives. An overwhelming majority of public comments do not support AT&T's Application.").</p>	
<p>3. Deficiencies of the Alternative Providers AT&T Identified</p> <p><u>Alternative Providers are Not COLRs</u> In its joint protest, TURN argued that the providers AT&T identified as offering communications services that could replace AT&T's wireline service in its service territory, such as wireless and cable providers, were not COLRs. Because these alternative providers were not COLRs, none would be required to serve anyone in their service territory who requested service. TURN further questioned the capacity of these alternative providers to take on large numbers of new customers.</p>	<p><u>Alternative Providers are Not COLRs</u> TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 5-7.</p> <p>Opening Comments of TURN on the Proposed Decision, filed May 30, 2024, at pp. 4-5.</p> <p>ALJ's Ruling Ordering Applicant to Amend Application Due to</p>	Verified.

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<p>In response, the ALJ ordered AT&T to provide more information on the specific providers AT&T identified and whether they were COLRs. The Final Decision found that AT&T was the only COLR in its territory, none of the alternatives AT&T put forward were COLRs and no potential COLR volunteered to replace AT&T in response to a notice issued by the ALJ. Additionally, like TURN, the Final Decision questioned whether some alternatives would be capable of serving all customers in AT&T's service territory.</p> <p><u>Unreliability and/or Unavailability of Alternative Services</u></p> <p>TURN consistently highlighted the deficiencies and technical limitations of other services AT&T identified as alternatives to its landline service. TURN argued that the Commission should not consider AT&T's application until it had considered service quality requirements for the comparatively unregulated alternative services AT&T identified, citing Commission precedent that these other services may not be reliable enough to serve as COLRs. To support similar analysis and use of public comment in the Proposed Decision, TURN offered examples of other public comments about the limitations of alternative services, such as spotty wireless service in certain areas.</p> <p>The Final Decision kept the PD's quoted public comments who did not have reliable wireless service in their areas and highlighted the technical limitations of wireless service.</p>	<p>Substantial Incompleteness, issued May 3, 2023, at p. 5.</p> <p>D.24-06-024 at pp. 18-20, FOF 5, 6.</p> <p><u>Unreliability and/or Unavailability of Alternative Services</u></p> <p>Application of AT&T California for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, filed Mar. 3, 2023, at pp. 21-29.</p> <p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at p. 11.</p> <p>Opening Comments of TURN on the Proposed Decision, filed May 30, 2024, at pp. 4, fn 12, 10.</p> <p>D.24-06-024 at pp. 18-20, fn. 48-49 (noting that public comment from the PPHs and Commission precedent find mobile voice service to have inconsistent and inadequate coverage).</p>	

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<p><u>Market Exit of Other Residential Wireline Service Providers</u> TURN filed a Motion for Official Notice in this proceeding requesting that the Commission take official notice of the market exit of two wireline resellers operating in AT&T's service territory, MCI/Verizon and Blue Casa, who had both filed applications with the Commission in fall 2023 to discontinue residential service. These market exits decreased the number of wireline providers operating in AT&T's service territory, further weakening AT&T's claims about alternatives available to AT&T's customers. Moreover, both carriers will or have migrated some or all of their customers to AT&T, which increased the number of consumers potentially affected by AT&T's application.</p> <p>The application was dismissed before the Commission could consider TURN's Motion. But TURN's work resulted in a unique contribution to the record about the availability and viability of alternatives to AT&T, which was a central issue and finding of the Commission's Final Decision dismissing the application (see Findings of Fact 5-6, Conclusion of Law 1-2).</p>	<p><u>Market Exit of Other Residential Wireline Service Providers</u> Motion for Official Notice of TURN, filed Dec. 19, 2023.</p>	
<p>4. Rebutting AT&T's Claims about Network Modernization</p> <p><u>COLR Obligations do not Prevent AT&T from Investing in Broadband</u> Citing AT&T's earnings reports and patterns of advanced infrastructure deployment, TURN rebutted the claim that AT&T's COLR obligations</p>	<p><u>COLR Obligations do not Prevent AT&T from Investing in Broadband</u> Application of AT&T California for Targeted Relief from its Carrier of Last Resort Obligation and Certain</p>	Noted.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>prevented it from investing in broadband.</p> <p>AT&T further argued that granting its requested relief from COLR obligations would allow AT&T to increase investment in its broadband network to benefit consumers. However, TURN's joint protest demonstrated that AT&T made no specific commitments to network upgrades if its requested relief was granted and AT&T provided no evidence that the granted relief would boost investment. TURN argued that the application was incomplete without further demonstration that the COLR obligations prevented it from modernizing its network and, if the relief was requested, it would commit to network upgrades.</p> <p>In response, the Assigned Commissioner's Scoping Memo recognized the need to further explore AT&T's claim about the financial impact of its COLR obligations by adding an issue to the scope of the proceeding about how AT&T would change its spending and investment practices if the Commission granted its application.</p> <p>The Commission ultimately rejected AT&T's claims about network modernization. The Final Decision explicitly recognizes that AT&T's application and amended application "repeatedly use words like 'could' or 'would'" to describe its plans for upgrades and investment if its application was granted and "at no time does AT&T specifically commit to any</p>	<p>Associated Tariff Obligations, filed Mar. 3, 2023, at pp. 30-34.</p> <p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp.13-15.</p> <p>Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at p. 2.</p> <p>D.24-06-024 at pp. 7-8, fn. 16, 22-23 (finding that AT&T's application is not specific enough as to its claim of increased investments and public benefits and also finding that, as a COLR, AT&T does not need permission from Commission to retire copper or invest in new facilities).</p> <p>Application of AT&T California for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, filed Mar. 3, 2023, at p. 10, 14-15.</p> <p>D.24-06-024 at pp. 22-23.</p>	

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<p>activities” if granted its requested relief.”</p> <p>Additionally, the Final Decision points to information and data regarding AT&T’s service quality similar to that cited in TURN and CforAT’s protest to demonstrate that AT&T was significantly investing in broadband deployment even under its COLR obligations. The Final Decision cites to AT&T’s copper loop retirement practices, its service quality reporting, and its most recent Corrective Action Plan network investment figures while TURN and CforAT reference evidence of AT&T’s effort to decommission its copper network, the Commission’s Network Exam showing underinvestment in certain communities, and AT&T’s federal shareholder filings to demonstrate ongoing but inconsistent investment in its network.</p> <p><u>COLR Obligations are Technology Neutral</u></p> <p>TURN countered AT&T’s arguments that COLR obligations prevent it from deploying broadband. TURN provided an analysis of universal service rules and relevant Commission precedent indicating that existing rules are technology neutral – in other words, a COLR can fulfill its obligations with any technology, including broadband.</p> <p>In the Final Decision, the Commission expressly recognized that its COLR rules are technology neutral and apply to services offered over copper or fiber networks.</p>	<p>D.24-06-024 at p. 23, fn 54. TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 10, 14-15.</p> <p><u>COLR Obligations are Technology Neutral</u></p> <p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 13-14.</p> <p><i>See also</i> Reply Comments of TURN on the Proposed Decision, filed June 4, 2024, at pp. 4-5.</p> <p>D.24-06-024 at p. 23 (“Finally, it should be noted that the Commission defines a COLR as a local exchange carrier, the COLR Rules do not distinguish between the voice services offered (VoIP vs. POTS).”)</p>	

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<p>5. Demonstrating the Disproportionate Impact AT&T's Application Would Have on Low-Income Communities and Negative Impact on State's Digital Equity Goals</p> <p>Due to the lack of detail in AT&T's original application, it was initially unclear which customers or exchanges would potentially lose protections of a COLR if the application was granted. TURN questioned AT&T's claims that relief from its COLR obligations would enhance its efforts to address the digital divide. TURN noted that granting AT&T's relief would allow AT&T to pick and chose where it would serve. TURN's joint protest with CforAT advocated for the Commission to investigate how granting AT&T's application would impact disadvantaged and other historically underserved communities (including but not limited to rural communities) and whether it would further the attainment of the Commission's Environmental and Social Justice goals and work under its Environmental and Social Justice Action Plan.</p> <p>Without explicitly citing to TURN's joint protest, several key decision points in the proceeding reflect TURN's call for more information and analysis of the impact on disadvantaged communities. In the Ruling ordering AT&T to amend its application, the Commission required AT&T to provide more information about the areas where it was seeking to relinquish COLR status, including whether affected communities were in</p>	<p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 2-3, 17-18.</p> <p>ALJ's Ruling Ordering Applicant to Amend Application Due to Substantial Incompleteness, issued May 3, 2023, at pp. 3-5.</p>	<p>Verified.</p>

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<p>high-fire threat areas, or were disadvantaged communities.</p> <p>Following TURN and CforAT's discussion of digital equity and the ALJ's identification of these disadvantaged and at-risk communities, the Scoping Memo for this proceeding included the question of whether AT&Ts application would have any impact on environmental or social justice communities or the achievement of the Commission's Environmental and Social Justice Action Plan goals.</p> <p>As TURN and others urged the Commission to consider the impact on affordability, service quality and the digital divide in low-income and rural communities, and the Commission did carefully consider the potential impacts of AT&T's application on disadvantaged and other historically underserved communities. The Final Decision cited a number of public comments, including residents of rural areas and Tribal lands, about the lack of alternative communications services in their areas.</p>	<p>Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at pp. 2-3.</p> <p>D.24-06-024 at pp. 19-20.</p>	
<p>6. AT&T's Practice of Undermining COLR Obligations</p> <p>During the Prehearing Conference and in opening comments on the Proposed Decision, TURN raised concerns about AT&T's failure to maintain its landline infrastructure and poor service quality – a pattern of conduct that undermined AT&T's COLR obligations. TURN used its analysis of PPH comments to provide specific examples of AT&T denying landline service to customers and</p>	<p>Pre-Hearing Conference Transcript at 27:2-9 (Costa). Opening Comments of TURN on the Proposed Decision, filed May 30, 2024, at pp. 6-11.</p>	

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<p>recommended that the Commission open a separate investigation into these practices.</p> <p>The Commission did not directly address TURN's evidence of AT&T's poor service quality except to note that AT&T has the ability and authority to retire its copper landline infrastructure in the Final Decision. However, TURN's work enhanced the record by drawing attention to AT&T's failure to meet service quality obligations as a COLR and its failure to maintain the copper network as it moved away from its obligation to offer basic service and, instead, prioritized network upgrades in more profitable areas. TURN's work on this issue offered evidence of a serious, ongoing problem highly relevant to AT&T's application and the foundational matter of whether and how AT&T's customers would be served if the Commission were to grant AT&T's application. These issues also motivated the Commission, in part, to address ongoing market changes in a newly-opened proceeding.</p>	<p>D.24-06-024 at pp. 22-23.</p>	
<p>7. Support for Cal Advocates' Motion to Dismiss</p> <p>TURN coordinated with Cal Advocates to review and provide input on Cal Advocates' draft Motion to Dismiss prior to its filing on June 30, 2023. At that time, TURN was also focusing on a motion to dismiss in the related AT&T ETC docket. Given TURN's resource constraints, TURN deferred to Cal Advocates to finalize and sponsor the Motion to Dismiss in this docket.</p>	<p><i>Compare, e.g.,</i> TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 2-5 <i>with</i> Motion of Cal Advocates to Dismiss the Application of AT&T California, filed June 30, 2023, at pp. 10-14.</p>	<p>Verified.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>Even so, TURN's coordination work strengthened the Motion and incorporated TURN's key concerns regarding AT&T's application.</p> <p>In response to AT&T's advocacy opposing the Motion to Dismiss, TURN coordinated with Cal Advocates and other intervenors on robust ex parte work. This work took place at different times during the proceeding and included meeting with several Commissioner offices, drafting a letter, and addressing questions and concerns to support the Motion and the Proposed Decision that granted the Motion.</p> <p>TURN's ex parte work also served to directly rebut multiple ex parte meetings and filings by AT&T to convince Commissioners to reject the Motion and to revise or reject the Proposed Decision. It took the resources of all intervenors, collectively, to properly answer and rebut AT&T's advocacy.</p> <p>The Commission approved a Final Decision that had no changes from the Proposed Decision, which granted the Motion to Dismiss.</p>	<p><i>See, e.g.,</i> Cal Advocates and TURN Notice of Ex Parte Communication, filed Nov. 30, 2023; Cal Advocates, TURN, and CforAT Notice of Ex Parte Communication, filed June 17, 2024.</p> <p>TURN Ex Parte Letter RE: Compiled Letters Opposing AT&T California's Application for Relief from its Carrier of Last Resort Obligations, filed May 24, 2024.</p> <p><i>See, e.g.,</i> AT&T California Notice of Ex Parte Communication, filed Nov. 6, 2023; Notice of Ex Parte Communication of AT&T California, filed June 13, 2024.</p> <p>D.24-06-012 at p. 24.</p>	
<p>8. Public Participation Hearings</p> <p>TURN, writing with CforAT, strongly advocated for Public Participation Hearings (PPHs) and offered recommendations to make the PPHs more accessible to the public (i.e., having more than two days for hearings and scheduling them on different days of the week).</p>	<p>TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at pp. 21-22.</p> <p>ALJ Ruling Noticing Public Participation Hearings and Additional</p>	Noted.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>In February and March 2024, the Commission held a total of eight Public Participation Hearings (PPHs) spread out across four days. Half were held on Tuesdays, and half were held on Thursdays.</p> <p>The ALJ directed parties to develop a one-page, double-sided summary of their positions in accessible language to be distributed at the PPHs and posted on the Commission's website. Parties decided that one side of the one-page summary would be for AT&T's summary, and the other side would be for the intervenors' summary. TURN played a major coordinating role in the drafting of the intervenors' summary, participated in meet and confers with other intervenors and AT&T, and helped newer parties to the proceeding get up to speed. TURN drafted a proposed summary in consumer-friendly language and circulated it to other intervenors for review.</p> <p>These PPHs greatly contributed to the proceeding record and became the basis for other aspects of TURN's work in this proceeding, discussed below. Moreover, TURN's work on the one-page position summary, as directed by the ALJ, directly contributed to the creation of materials to help the public understand the issues and complexity of the issues raised by AT&T's application. While the ALJ did not use the exact issue-summary language crafted by the parties as part of the fact sheet distributed during the PPH, the final</p>	<p>Instructions for Applicant, issued Dec. 4, 2023, at pp. 1-2.</p> <p>D.24-06-024 at pp. 23-24.</p> <p><i>See also</i> ALJ Ruling Requiring AT&T to Amend Application, p. 4, (noting that more information is necessary to determine number and location of PPHs and lack of information denies the public opportunity to provide input).</p> <p>ALJ Ruling Noticing Public Participation Hearings and Additional Instructions for Applicant, issued Dec. 4, 2023, at p. 4.</p> <p><i>Compare</i> Summary of Party Positions for AT&T California and Intervenors, filed Jan. 16, 2024, <i>with</i> CPUC Fact Sheet: Public Participation Hearing AT&T's Applications for Targeted Relief from its Carrier of Last Resort Obligation and Relinquish its Eligible Telecommunications Carrier Designation (A.23-03-003 and A.23-03-002).²</p>	

² Available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/pao/pphs/2024/a2303002-a2303003-pph-fact-sheet_final.pdf.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>version of the PPH fact sheet reflects TURN's work with the other intervenors on the one-page position summary and includes the same issues and language to educate consumers on the role of a COLR and what might happen if the application is granted.</p>		
<p>9. Public Participation Hearing and Docket Card Comments</p> <p>AT&T's application raised factual questions about the impact of its potential abandonment of its COLR obligations on the Californians relying on AT&T's services. Customer experiences with AT&T and the potential alternative services AT&T identified were by necessity central to any thoughtful examination of AT&T's request. For this reason, TURN independently analyzed public comments from the proceeding docket card and public participation hearings. TURN coded these public comments by issues raised and was thus able to comprehensively identify and cite comments responsive to a particular issue.</p> <p>This work helped to guide TURN's plans for discovery, TURN's preliminary work towards the development of testimony, and TURN's initial preparation for evidentiary hearings, all of which TURN expected to occur based on the procedural schedule. This analysis further supported TURN's work in opening comments on the Proposed Decision, where TURN explained the value of public comments. TURN then used PPH and docket card</p>	<p>Opening Comments of TURN on the Proposed Decision, filed May 30, 2024, at pp. 4-11.</p> <p>Reply Comments of TURN on the Proposed Decision, filed June 4, 2024, at p. 4.</p> <p>D.24-06-024 at pp. 19-20, 23-24.</p>	<p>Verified.</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>comments to illustrate alternative service providers' refusal or inability to provide voice service to all customers and to advocate for further investigation into reports of AT&T pushing customers off copper landline service (see items 3 and 6, above). TURN also defended the Proposed Decision's use of PPH comments in its reply comments on the Proposed Decision.</p> <p>The Final Decision similarly cited public comments that demonstrate that the public does not believe that wireless providers can adequately replace COLR services, in contrast to AT&T's claims. The Final Decision recognized the large number of public comments on AT&T's application and the fact that most opposed AT&T's application. The Commission did not adopt the recommendations TURN made based on its analysis of public comments, but TURN's efforts elicited unique contributions to the proceeding and developed the record on multiple issues.</p>		

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

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?³	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties:		Verified

³ The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	Intervenor's Assertion	CPUC Discussion
The Center for Accessible Technology (CforAT), Cal Advocates, Rural County Representatives of California (RCRC), Tahoe Energy Ratepayers Group (Tahoe ERG)		
<p>d. Intervenor's claim of non-duplication:</p> <p>TURN was aligned and closely coordinated with other intervenors, including CforAT, Cal Advocates, and RCRC. From AT&T's original application, it was clear that this proceeding would raise issues of vital importance to consumers across the state, and intervenors recognized that opposing AT&T would be an "all hands on deck" effort. In a proceeding such as this, where many stakeholder groups were compelled to participate, some degree of duplication may be practically unavoidable. Nonetheless, TURN worked to avoid duplication when possible.</p> <p>Overall, TURN's coordination and cooperation with other intervenors reduced the total cost of intervenor participation. For example, TURN recognized the amount of work that would be required in protesting AT&T's application and divided drafting and research for its protests with its co-filer, CforAT. The development of these joint filings was an iterative process with both organizations involved in each step. CforAT took the lead in drafting the protest and amended protest. However, issue development, research, review, and editing were a collaborative effort, with TURN doing extensive research and with both organizations bringing their respective effort and expertise to bear. The result was a more efficient and effective final product than what either organization could create independently.</p> <p>TURN provides the following table, which lists its joint filings in this docket and describes the issues in each for which TURN was the main drafter or substantially contributed to:</p>		Noted
Filing Date	Filing Name	TURN's Issues
04/06/2023	TURN and CforAT Protest of the Application of Pacific Bell Telephone Company d/b/a AT&T California for Targeted Relief from its Carrier of Last Resport Obligation and Certain	AT&T's application not meeting Commission requirements including mapping and location data for impacted customers, the need to consider service quality for VoIP and wireless customers when considering alternative COLRs, the need for the Commission to investigate the effects of AT&T's requested relief

			Intervenor's Assertion	CPUC Discussion
	Associated Tariff Obligations	on consumers and competition, and the benefits of AT&T's COLR obligation to AT&T's earnings and dominance in the market		
6/30/2023	TURN and CforAT's Protest of the Amended Application of Pacific Bell Telephone Company d/b/a AT&T California for Targeted Relief from its Carrier of Last Resport Obligation and Certain Associated Tariff Obligations	AT&T's application not meeting Commission requirements, the need to consider service quality for VoIP and wireless customers, the need for the Commission to investigate the effects of AT&T's requested relief, and the benefits of AT&T's COLR obligation		
<p>TURN coordinated with Cal Advocates and CforAT in reaching the decision that TURN would defer to Cal Advocates to file a motion to dismiss in this docket, while TURN focused instead on co-filing a motion to dismiss in the related AT&T ETC docket.⁴ To avoid duplication of effort in this docket, TURN coordinated with and reviewed the drafts of Cal Advocates, who filed the Motion to Dismiss in this docket that the Commission granted in the Final Decision.</p> <p>TURN conducted ex parte meetings with CforAT and Cal Advocates, with representatives from all three parties participating to reduce demands on the Commission's time. All three parties coordinated talking points; Cal Advocates requested the ex parte meetings and prepared the notices for them. For meetings related to the Proposed Decision, TURN was responsible for discussing the purpose of COLR obligations, customer impact if AT&T's application were to be approved, and public comments in the proceeding docket.</p> <p>Where TURN and other intervenors discussed similar issues in separate filings, TURN offered unique research and analysis to support distinctive arguments and recommendations. For example, TURN and CforAT's protests of AT&T's application, like Cal Advocates', discussed the application's compliance with the Commission's COLR rules and AT&T's ability to invest in broadband, but TURN and CforAT offered unique analysis of the Commission's COLR rules</p>				

⁴ Motion to Dismiss of TURN and CforAT, filed in R.23-03-002, on May 15, 2023.

	Intervenor's Assertion	CPUC Discussion
and AT&T's earnings reports to support its arguments. In comments on the Proposed Decision, TURN defended the Proposed Decision's use of public comment and offered unique insights and recommendations based on its own review of public comment.		
TURN submits that under the circumstances, this information should suffice to address the non-duplication requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN respectfully requests that the Commission notify TURN and provide a reasonable opportunity for TURN to supplement this showing.		

D. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
1	<p><u>Issues Not Addressed in the Final Decision</u></p> <p>TURN devoted a significant amount of time and effort on 1) discovery concerning mapping and AT&T's plans for its infrastructure should its application be granted, 2) legal and policy research on COLR rules in other states, infrastructure retirement, and other topics for briefing and testimony, and 3) review of public comment in this docket and public comments in other CPUC dockets regarding AT&T wireline and wireless service quality to support briefing and testimony. TURN conducted much of this work in anticipation of calendared events and filings in this proceeding, including intervenor testimony, evidentiary hearings, and briefs. Many of these issues became moot when the Commission denied AT&T's application.</p> <p>Time spent acquiring and analyzing the mapping data AT&T used to support its application, coded "MAPS," was necessary to understand AT&T's application and would very likely have contributed to TURN's intervenor testimony.⁵ A large portion of the hours allocated to this code was work performed by TURN's outside consultants, Susan Baldwin and Timothy Howington, who</p>	Noted.

⁵ TURN included exhibits based on AT&T's mapping data in its intervenor testimony in the AT&T ETC docket. Testimony of Susan M. Baldwin on Behalf of TURN, filed in A.23-03-002 on Nov. 30, 2023, Exhibits SMB-9–SMB-16.

#	Intervenor's Comment	CPUC Discussion
	<p>have expertise in interpreting, analyzing, and creating exhibits with mapping data.</p> <p>Because of the amount of mapping data involved, Ms. Baldwin and Mr. Howington began their preliminary analysis of AT&T's mapping data relatively early in the proceeding.</p> <p>Time spent acquiring and analyzing information on what AT&T planned do with its infrastructure, coded as "INFRA," was intended to develop TURN's positions on an issue TURN addressed in its protest of AT&T's original application⁶ and that TURN planned to further explore in future filings and at evidentiary hearings.</p> <p>Research in preparation for testimony, evidentiary hearing, and briefs, coded as "RSCH", pertains to issues that did not appear in TURN's filings but was intended to prepare TURN to fully participate on other issues within the scope of the proceeding. For example, TURN conducted research on the COLR rules in other states to provide evidence in the record of best practices and wireline network investment under COLR frameworks, and to analyze other state's responses to similar concerns as those raised by AT&T in its application. As discussed below in more detail, TURN reasonably believed preparing for these events and filings was necessary at the time it undertook this work.</p> <p>The Commission has a long precedent of compensating intervenors for work on issues that the Commission did not address in a final decision because of events outside the control of the intervenor.⁷ The Commission explained the rationale behind this precedent in D.02-08-061:</p> <p style="padding-left: 40px;">Denying TURN any compensation in this proceeding simply because circumstances beyond its control led to dismissal of the application would be both unfair and inconsistent with the intent of the intervenor compensation statutes. Moreover, doing so could potentially discourage it</p>	

⁶ TURN and CforAT Protest of the Application of AT&T for Targeted Relief from its COLR Obligation and Certain Associated Tariff Obligations, filed Apr. 6, 2023, at p. 12 ("[T]he Commission should also investigate whether AT&T plans to repurpose any of the ratepayer-subsidized infrastructure it currently uses to provision POTS service and what benefits of doing so should accrue to customers").

⁷ See, e.g., D.19-10-017, issued in A.17-03-019 on Oct. 14, 2019; D.13-02-032, issued in A.10-01-022 on Mar. 5, 2013; D.06-06-008, issued in R.00-02-004 on June 16, 2006; D.03-05-029, issued in A.99-03-014 on May 8, 2003.

#	Intervenor's Comment	CPUC Discussion
	<p>from participating in future proceedings Finally, if we were to deny compensation here because there was no decision or order addressing the merits of TURN's substantive participation, <i>we could create an inappropriate incentive for intervenors to argue for the continued processing of cases even where discontinuation of the proceeding is the better outcome.</i>⁸</p> <p>Applying the four criteria that the Commission used in D.06-10-007, another instance of a proceeding "terminated for reasons that could not be reasonably foreseen by TURN and were beyond TURN's control," TURN believes it has made a substantial contribution to this proceeding.⁹ These criteria are:</p> <ul style="list-style-type: none"> • The circumstances that led to the proceeding's termination; The appropriateness of the intervenor's participation in the proceeding • The reasonableness of the amount of effort and resources expended by the intervenor; • If available, the intervenor's history of demonstrating substantial contributions to Commission decisions on similar subjects. <p>First, the circumstances that led to the proceeding's termination were beyond TURN's control. The Commission granted another party's Motion to Dismiss. Even though TURN supported that Motion to Dismiss by offering Cal Advocates feedback during the drafting process, TURN could not have predicted that the Commission would have granted it when it did.</p> <p>Second, TURN's level of participation in this docket was appropriate based on what it knew at the time.¹⁰ TURN took reasonable action to prepare for calendared events in this proceeding, including hiring consultants and conducting research for testimony, evidentiary hearings, and briefs. The Scoping Memo tentatively scheduled Evidentiary Hearings for April 2024 and indicated that briefing would take place at some point after.¹¹ Less than one month later, the ALJ revised the proceeding schedule to specify that intervenor testimony would be due February 29, 2024,</p>	

⁸ D.02-08-061, issued in A.00-01-009 on Aug. 27, 2002, at p. 7 (emphasis added).

⁹ D.06-10-007, issued in R.01-09-001 on Oct. 5, 2006, at p. 9.

¹⁰ D.06-10-007 at p. 9 ("The second criterion is whether the intervenor's work in the proceeding was appropriate based on what was known at the time the work was done.")

¹¹ Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at p. 2.

#	Intervenor's Comment	CPUC Discussion
	<p>evidentiary hearings would take place on April 23-25, and briefs would be due on May 24 and June 17.¹²</p> <p>With testimony, evidentiary hearings and briefs on the proceeding calendar, TURN had an obligation to continue to prepare for hearings and fully litigate its case, even when the schedule was suspended. TURN could not operate under the assumption that the Commission would act on Cal Advocates' Motion to Dismiss or dismiss AT&T's application for another reason. Nor could TURN anticipate that a ruling on Cal Advocates' Motion to Dismiss would come ten months after it was filed and end the entire proceeding.</p> <p>Moreover, the de-calendaring of these dates in the ALJ's March 12, 2024, ruling could not be reasonably interpreted as a sign that the proceeding would end abruptly – the ruling expressly stated that testimony, hearings, and other anticipated events would be re-calendared.¹³</p> <p>Third, the amount of effort and resources TURN expended were reasonable. The amount of time TURN spent on drafting filings, discovery, and conducting research and the resources expended to hire and onboard two consultants were proportional to the fact-intensive nature of the proceeding, scale and scope of AT&T's requested relief, and events and filings on the proceeding calendar. These expenditures were necessary to effectuate TURN's planned extensive participation in the docket and to allow TURN to provide data-driven testimony.</p> <p>Finally, TURN has a long and established history of demonstrating substantial contributions to Commission decisions on telecommunications matters. These contributions include work regarding the Commission's universal service policies and programs (D.08-04-037, D.13-12-051, D.14-06-008), service</p>	

¹² ALJ's Ruling Setting Evidentiary Hearing, Revising the Proceeding Schedule and Related Matters, issued Dec. 19, 2023, at p. 4.

¹³ ALJ's Ruling Revising Schedule, issued Mar. 12, 2024, at p. 2. ("The deadlines or dates for these activities and events will be determined after April 30, 2024.") As a point of comparison, the proceeding regarding AT&T's application to relinquish its ETC designation (A.23-03-002) is assigned to the same ALJ. In A.23-03-002, the ALJ stayed the proceeding schedule at the end of April 2024 and subsequently re-calendared briefs three months later. ALJ's Ruling on Motions to Compel and Staying Schedule to Resolve AT&T's Motion to Compel and Objection, issued in A.23-03-002 on Apr. 30, 2024, at p. 6; ALJ's Ruling Setting Briefing Schedule, issued July 31, 2024, at p. 1.

#	Intervenor's Comment	CPUC Discussion
	<p>quality (D.17-01-024), and an AT&T subsidiary's application for discontinuation of residential services (D.22-08-006).¹⁴</p> <p>TURN respectfully requests that the Commission recognize TURN's substantial contribution in this docket, consistent with its precedent. In the alternative, TURN respectfully requests permission to submit these hours with claims for the COLR Rulemaking Proceeding (R.24-06-012) and explains this request in more detail in Part III, Section A(b), below.</p>	

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>In this request for intervenor compensation, TURN seeks an award of \$295,597.88. Considering the scope and scale of the issues presented, TURN's planned participation, and the stakes of this proceeding, TURN respectfully requests that the Commission conclude that the amount requested is reasonable.</p> <p>In this docket, the Commission considered an application by AT&T to relinquish its COLR status in a large part of its service territory. AT&T's application called on the Commission to effectively overhaul its COLR rules and could have affected access to basic telephone service for an untold number of AT&T's customers. Granting this application could have impacted access by qualifying families to California LifeLine, could have worsened service quality for many consumers, and could have reduced the services available to consumers in AT&T's service territory.</p> <p>TURN's work in this proceeding safeguarded the access of many vulnerable consumers to basic telephone service at reasonable rates through AT&T's COLR obligation. TURN worked with the Commission and AT&T to ensure that all potentially impacted customers received proper notice of this application and could understand the impact of AT&T's requested relief.</p>	Noted.

¹⁴ See also D.06-10-007 at p. 10 for additional examples.

	CPUC Discussion
<p>As part of the Commission’s analysis of this application, TURN urged the Commission to scrutinize AT&T’s current service quality and lack of investment in its network, especially in disadvantaged communities, to determine the impact AT&T’s withdrawal of its COLR obligations would have on AT&T’s customers and environmental and social justice communities. In light of the incomplete and vague showing by AT&T in its application, TURN also successfully urged the Commission to require detailed mapping and analysis of the communities that would be impacted by this application if granted to determine if the relief would reveal patterns and trends of discriminatory investments, perpetuate the digital divide, and weaken digital equity efforts.</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 an outcome with clear and substantial benefits to Californians in AT&T’s service territory, though hard to quantify. TURN worked to oppose AT&T’s application, highlighted the many deficiencies of AT&T’s original and amended applications, and developed the record on alternative service providers, AT&T’s ability to invest in broadband, and public opposition to AT&T’s application. TURN’s work directly contributed to building the record, and preparing for a comprehensive and data-driven analysis, supporting the Commission’s rejection of the application and protection of COLR obligations.</p> <p>TURN strongly recommends that the Commission find TURN’s participation costs are reasonable, considering the consumer benefits.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>TURN’s attorneys, advocates, and consulting experts recorded a reasonable number of hours given the anticipated scale of this proceeding – as suggested by AT&T’s application, detailed protests, and the Assigned Commissioner’s Scoping Memo calling for multiple PPHs, testimony, and evidentiary hearings – before the Commission abruptly ended further proceedings by granting Cal Advocates’ Motion to Dismiss ten months after it was filed. The total hours of professional time included in this compensation request (approximately 474 hours of work, exclusive of compensation-related work) is equivalent to approximately <u>twelve</u> weeks of full-time work by a single person.</p> <p>TURN extensively reviewed its claimed hours for this proceeding and withheld hours spent on work that is arguably compensable. This cut</p>	Noted.

	CPUC Discussion
<p>time includes internal and external coordination, time reviewing other parties' filings, and time spent on drafting intervenor compensation-related filings. The hours that TURN includes in this claim have a clear connection to TURN's substantial contribution to this docket.</p> <p>TURN seeks compensation for approximately 333 hours that Regina Costa devoted to substantive issues in this proceeding. Ms. Costa was TURN's lead advocate on all issues for the duration of this proceeding. Ms. Costa participated in all aspects of the proceeding: she was the main drafter of almost all TURN's substantive filings, conducted the majority of TURN's substantive research, led TURN's policy development on all issues, and was typically TURN's representative before the Commission, and was a major contributor to TURN's advocacy on procedural issues. She led most of TURN's coordination with other parties, including TURN's ex parte work with CforAT and Cal Advocates.</p> <p>TURN seeks compensation for approximately 52 hours that Brenda D. Villanueva devoted to substantive issues in this proceeding. Mrs. Villanueva served as the supervising attorney for TURN's Telecom Team between March 2023 to July 2023 and again between mid-January 2024 and May 2024. Mrs. Villanueva assisted Ms. Costa in aspects of this proceeding, such as strategy development, and coordination with other parties, including the review of Cal Advocates' Motion to Dismiss. As TURN's attorney in this proceeding, Mrs. Villanueva also negotiated the non-disclosure agreement for this proceeding with AT&T on behalf of TURN. Mrs. Villanueva and conducted legal research to develop TURN's strategy and filings and contributed to drafting and editing multiple filings.</p> <p>TURN seeks compensation for approximately 19 hours that Ashley L. Salas devoted to substantive issues in this proceeding. Ms. Salas served as the supervising attorney for TURN's Telecom Team from July 2023 to January 2024. Acting as TURN's attorney in this proceeding between July 2023 and January 2024, Ms. Salas assisted with discovery (and appeared as TURN's main representative at the January 10, 2024, Status Conference), TURN's analysis of AT&T's draft notices, and the December 2023 motion to amend the procedural schedule. Ms. Salas also assisted Mr. Leo Fitzpatrick with the development of the one-page summary. Outside of her time as supervising attorney, Ms. Salas assisted Ms. Costa with TURN's first data request to AT&T and coordinated with Ms. Costa and Mrs. Villanueva on TURN's efforts and strategy in the related AT&T ETC proceeding, for which she is TURN's lead.</p>	

	CPUC Discussion
<p>TURN seeks compensation for approximately 48 hours that Alexandra Green devoted to substantive issues in this proceeding. Ms. Green contributed to multiple aspects of TURN's work on this proceeding. Ms. Green was the main drafter of TURN's December 19, 2023, Motion for Official Notice and TURN's intervenor compensation documents for this proceeding (the Notice of Intent and this claim). Ms. Green assisted Ms. Costa with legal and policy research and the review and analysis of public comment. In May 2024, Ms. Green became TURN's secondary lead for this proceeding and contributed to the strategy development and drafting of TURN's comments on the Proposed Decision. Ms. Green drafted the ex parte letter to the Commission and participated in most of TURN's joint ex parte meetings to speak on public comments in this docket.</p>	
<p>TURN seeks compensation for approximately 15 hours that Leo Fitzpatrick devoted to substantive issues in this proceeding. Mr. Fitzpatrick worked on three discrete issues in this proceeding. Mr. Fitzpatrick was TURN's main drafter and representative in the development of the ALJ-ordered one-page summary for this proceeding. Mr. Fitzpatrick assisted Ms. Costa with TURN's second data request to AT&T. Finally, Mr. Fitzpatrick assisted Ms. Costa with the review and analysis of public comment, which allowed TURN to develop its advocacy on a number of issues.</p>	
<p>TURN seeks compensation for approximately 3.0 hours that Thomas Long devoted to substantive issues in this proceeding. As a senior attorney with extensive experience practicing before the Commission, Mr. Long spent a small number of hours consulting with Ms. Costa, Mrs. Villanueva, and/or Ms. Salas on important strategic and legal matters in this proceeding, such as guidance on motion practice and TURN's ex parte strategy.</p>	
<p>TURN seeks compensation for approximately 15 hours that Susan Baldwin devoted to substantive issues in this proceeding. TURN initially hired Ms. Baldwin to consult on this proceeding, given Ms. Baldwin's expertise and prior experience working with TURN in the Telecommunications Competition docket (I.15-11-007). As a consulting expert, Ms. Baldwin reviewed AT&T's application, contributed to the research and issue analysis, including on economic and investment issues. Ms. Baldwin later reviewed AT&T's amended application materials and mapping data. Ms. Baldwin also reviewed discovery in preparation for potential intervenor testimony.</p>	

	CPUC Discussion
<p>TURN seeks compensation for approximately 3 hours that Timothy Howington devoted to substantive issues in this proceeding. As a consulting expert and Ms. Baldwin's colleague, Mr. Howington reviewed AT&T's amended application materials and mapping data. Had the proceeding continued, Mr. Howington may have conducted further analysis and prepared maps at Ms. Baldwin's direction for intervenor testimony.</p> <p>TURN seeks compensation for approximately 3.25 hours Christine Mailloux devoted to compensation-related work for this proceeding. Ms. Mailloux assisted in the drafting of TURN's intervenor compensation claim. She did no substantive work in this proceeding.</p> <p><u>Protests to AT&T's Original Application and AT&T's Amended Application</u></p> <p>TURN spent a relatively large amount of time on work related to the protests of AT&T's original application and AT&T's amended application. These protests were unusually substantive because of the sweeping scope of the relief AT&T requested and the extensive impact the application would have on some of AT&T's most vulnerable customers if the relief was granted; they were not preliminary pleadings to establish TURN and CforAT's rights to participate in the docket. AT&T's original application raised legal and policy issues concerning the Commission's long-standing Carrier of Last Resort rules, set up numerous factual disputes, and offered inadequate justification and support for the relief AT&T was requesting. TURN appropriately brought all relevant resources to bear to ensure that the application would either be dismissed out of hand or, in the alternative, would receive the proper level of scrutiny, given the high stakes for consumers. The resulting protest to AT&T's original application was a substantive pleading that demonstrated why AT&T's application lacked merit and raised a comprehensive set of issues that the Commission recognized in subsequent ALJ Rulings and the Scoping Memo. Indeed, in light of the many issues raised by TURN's joint protest and other protests, the ALJ rejected AT&T's application and ordered it to amend the application with specific information identified as missing or vague in TURN's protest.¹⁵</p>	

¹⁵ ALJ's Ruling Ordering Applicant to Amend Application due to Substantial Incompleteness, issued May 3, 2023, at pp. 3-4.

	CPUC Discussion
<p>Likewise, AT&T’s amended application included “extensive new information,”¹⁶ which TURN needed to review and analyze in order to update its protest. Ultimately, even with the amended application, during the proceeding the ALJ echoed many of the same concerns raised by TURN and other intervenors. In the Final Decision, the Commission found AT&T’s application did not meet its burden of proof and did not comply with the Commission’s COLR rules.</p> <p><u>Ex Parte-Related Time</u></p> <p>TURN devoted time of at least two advocates to ex parte-related work. A large portion of this time was necessary for TURN’s collaboration with other parties to directly defend Cal Advocate’s Motion to Dismiss and the Proposed Decision that grants the Motion. AT&T, as the applicant, conducted multiple ex parte meetings over the course of the proceeding, particularly after the issuance of the Proposed Decision.¹⁷ Intervenors, including TURN, were compelled to counter their efforts with comprehensive and coordinated presentations involving law, policy and factual arguments to not only demonstrate the deficiency in AT&T’s showing but to demonstrate the impact to California consumers. TURN worked efficiently by coordinating with other intervenors, as discussed above.</p> <p><u>Work in Anticipation of Evidentiary Hearings, Testimony, and Briefing</u></p> <p>TURN devoted a significant amount of claimed hours in this proceeding to work conducted in reasonable expectation of a comprehensive proceeding to review AT&T’s application with evidentiary hearings, testimony, and briefs. This work, coded as MAPS, INFRA, and RSCH, included research on topics raised in TURN’s protests, included in the Assigned Commissioner’s Scoping Memo, and anticipated to be covered in TURN’s testimony. This group of hours also includes time spent on discovery regarding issues raised in its protest and the Scoping Memo (including two data requests, one focused on AT&T’s mapping data of alternatives and defining customer impacted areas and a second request asking AT&T for more information on AT&T’s plans for its network and</p>	

¹⁶ Email Ruling Granting TURN’s Extension Request, and AT&T’s Request to File a Reply, issued June 6, 2023.

¹⁷ See, e.g., Notice of Ex Parte Communication of AT&T California, filed Feb. 16, 2024; Notice of Ex Parte Communication of AT&T California, filed June 3, 2024; Notice of Ex Parte Communication of AT&T California, filed June 13, 2024; Notice of Ex Parte Communication of AT&T California, filed June 17, 2024.

	CPUC Discussion
<p>infrastructure should its application be approved). This discovery was critical to development of TURN's planned participation in the hearings and further participation in the docket, including cross-examination of AT&T's witness(es).</p> <p>TURN also dedicated time to review the extensive amount of public input from the PPHs and submitted comments. This review was also in preparation for testimony and potential cross examination. The public comment process and statements by participants were directly related to the proceeding's outcome and cited to extensively in TURN's comments on the Proposed Decision and in the Final Decision itself. Commission precedent supports TURN receiving compensation for this work. (See Part II, Comment 1 for further detail.)</p> <p>From the beginning of this proceeding, and well into work on the docket, the ALJ and Assigned Commissioner clearly anticipated intervenor testimony and in-person, multi-day evidentiary hearings and directed parties to begin preparing for these hearings. The Scoping Memo called for hearings,¹⁸ an ALJ Rulings scheduled hearings,¹⁹ and the ALJ conducted a Status Conference with all parties on January 10, 2024, in part to prepare for and plan for hearings.²⁰</p> <p><u>Alternative Proposal for Work in Anticipation of Evidentiary Hearings, Testimony, and Briefing</u></p> <p>In the alternative, if the Commission does not find TURN's claim for all hours in this proceeding to reasonably lead to a substantial contribution, TURN requests that the Commission not reject this compensation request out of hand or significantly reduce the hours eligible for compensation.</p> <p>TURN requests leave to submit claims for hours worked in this proceeding that can be applied to issues pending in the COLR Rulemaking proceeding (R.24-06-012. TURN's work coded as RSCH and the proportion of hours coded as MAPS, ALTS, INFRA, SRVQ, DISC, and USRL include effort by TURN advocates that can be applied to broader issues pending in the COLR Rulemaking, as well as other hours that the Commission disallows for this claim that may be directly applicable to the OIR. TURN will use it work in this proceeding to make</p>	

¹⁸ Assigned Commissioner's Scoping Memo and Ruling, issued Nov. 21, 2023, at p. 2.

¹⁹ ALJ's Ruling Setting Evidentiary Hearing, Revising the Proceeding Schedule and Related Matters, issued Dec. 19, 2023, at p. 4.

²⁰ January 10, 2024 Status Conference Transcript at pp. 26-33.

	CPUC Discussion
<p>its contribution to the COLR Rulemaking more efficient and effective. Pursuant to the OIR, TURN has filed a Notice of Intent to Request Compensation in that proceeding and will file its first substantive filing on the OIR at the end of September.</p> <p>By reviewing its time sheets, TURN estimates that approximately 40% of its work on the issues discussed above, on average, can be repurposed for the COLR OIR. For some codes, such as RSCH, it may be substantially more. TURN is not requesting to import all of its work in this docket, for example work on procedural issues, work directly related to the review of AT&T's application in this docket, drafting and propounding data requests to AT&T, review specific AT&T's data request responses, or analysis of the legal sufficiency of AT&T's application itself would not be relevant to the COLR OIR and TURN requests that this hours be found as substantial contribution here even if other hours are allowed to be moved to the COLR Rulemaking.</p> <p>Many of the hours worked in this proceeding are directly relevant to the issues in the COLR OIR. TURN could rely on much of the work it did in this proceeding to efficiently develop its advocacy in the OIR. The Final Decision in this proceeding explicitly announces the Commission's intent to cover many of the issues from this docket in the anticipated OIR. The OIR does not explicitly reference this proceeding, but there is clear overlap in the issues raised and the potential impact on California's telecommunications consumers. TURN's research on alternative communications services providers (ALTS), legacy infrastructure retirement (INFRA), the COLR rules in other states (RSCH), the state of AT&T's network and service quality (SRVQ), the history and background of the Commission's COLR rules (USRL) in this docket pertain to issues that would be relevant to a more general proceeding on the Commission's COLR rules.</p> <p><u>Meetings or Discussions Involving Multiple TURN Advocates</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 particular knowledge and expertise to bear on the discussions. As a result, TURN can identify issues and angles</p>	

			CPUC Discussion
<p>that would almost certainly never come to mind but for the collaboration achievable in such settings.</p> <p>There were also meetings with other parties at which more than one advocate represented TURN on occasion. The Commission should understand that this is often essential in a case such as this one, with a wide range of issues that no single person is likely to master. TURN's requested hours do not include any for TURN advocates where their presence at 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.</p> <p>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>TURN is requesting compensation for 16.50 hours devoted to compensation-related matters. TURN's request for compensation for preparation of this claim is generally consistent with the number of hours found reasonable by the Commission in decisions addressing TURN's intervenor compensation requests in prior proceedings.</p>			
c. Allocation of hours by issue:			Noted.
PROT	Protest to AT&T's Application – Work related to the drafting of TURN and CforAT's co-filed protests to AT&T's original application and AT&T's amended application that cannot clearly be allocated to a specific issue.	4.90%	
DISC	Discovery – General work related to discovery, including drafting data requests, reviewing	4.85%	

			CPUC Discussion
	responses, and a 1/10 Status Conference primarily concerning discovery issues. This proceeding involved negotiating an NDA with AT&T and some technical issues with accessing AT&T's discovery responses.		
ALTS	Alternative Providers – Work related to determining the suitability and availability of services and providers that AT&T claimed as alternatives, including research and drafting comments on that issue.	15.64%	
PHC	Pre-Hearing Conference – Work related to preparing for and participating in the August 3, 2023, pre-hearing conference that cannot clearly be allocated to a specific, issue.	2.32%	
USRL	Universal Service Rules – Work related to how AT&T's application complies with the Commission's existing universal service rules, with an emphasis on legal research, analysis of AT&T's arguments in filings in comparison to the existing rules, and drafting comments on that issue.	8.06%	
BBND	Broadband Investment – Work related to analyzing and rebutting AT&T's claims about its COLR obligation preventing it from upgrading its network or investing in broadband; includes research, drafting comments on that issue.	3.42%	
SRVQ	Service Quality – Work related to the quality of AT&T's landline service, including failure to maintain its network.	6.69%	
PD	Proposed Decision – Work related to TURN's opening and reply comments on the Proposed Decision that cannot easily be allocated to a specific issue.	4.32%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Regina Costa, TURN Advocate	2023	168.50	\$680.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA plus 5% step increase. See Comment 1.	\$114,580.00	152.00 [1]	\$680.00 [2]	\$103,360.00
Regina Costa, TURN Advocate	2024	164.25	\$745.00	Res. ALJ-393, 2023 Rate plus 4.1% COLA plus 5% step increase. See Comment 3.	\$122,366.25	148.50 [3]	\$745.00 [4]	\$110,632.50
Brenda D. Villanueva, TURN Attorney	2023	31.50	\$465.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA plus 5% step increase. See Comment 3.	\$14,647.50	31.00 [5]	\$465.00 [6]	\$14,415.00
Brenda D. Villanueva, TURN Attorney	2024	20.10	\$510.00	Res. ALJ-393, 2023 Rate plus 4.1% COLA plus 5% step increase. See Comment 4.	\$10,251.00	18.35 [7]	\$505.00 [8]	\$9,266.75
Ashley Salas, TURN Attorney	2023	9.75	\$455.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA plus 5% step increase. See Comment 5.	\$4,436.25	9.75	\$455.00 [9]	\$4,436.25
Ashley Salas, TURN Attorney	2024	9.25	\$475.00	Res. ALJ-393, 2023 Rate plus 4.1% COLA. See Comment 6.	\$4,393.75	9.25	\$475.00 [10]	\$4,393.75
Alexandra Green, TURN Attorney	2023	4.50	\$220.00	Res. ALJ-393, 2022 Rate plus 4.5% COLA and 5% step increase. See Comment 7.	\$990.00	3.50 [11]	\$220.00 [12]	\$770.00
Alexandra Green, TURN Attorney	2024	30.75	\$240.00	Res. ALJ-393, 2023 Requested Rate plus 4.1% COLA and 5% step increase. See Comment 8.	\$7,380.00	29.5 [13]	\$240.00 [14]	\$7,080.00

CLAIMED						CPUC AWARD		
Leo Fitzpatrick, TURN Advocate	2023	3.50	\$300.00	Res. ALJ-393 - 2022 Rate plus 4.46% COLA for 2023. See Comment 9.	\$1,050.00	3.50	\$300.00 [15]	\$1,050.00
Leo Fitzpatrick, TURN Attorney [16]	2024	11.25	\$325.00	Res. ALJ-393, 2023 Rate plus 4.07% COLA plus 5% step increase. See Comment 10.	\$3,656.25	11.25	\$325.00 [17]	\$3,656.25
Thomas Long, TURN Attorney	2023	1.75	\$840.00	D.23-05-032	\$1,470.00	1.75	\$830.00 [18]	\$1,452.50
Thomas Long, TURN Attorney	2024	1.50	\$875.00	Res. ALJ-393, 2023 Rate plus 4.1% COLA. See Comment 11.	\$1,312.50	1.50	\$860.00 [19]	\$1,290.00
Susan Baldwin, TURN Expert	2023	15.00	\$370.00	Res. ALJ-393. See Comment 13.	\$5,550.00	15.00	\$370.00 [20, 23]	\$5,550.00
Timothy Howington, TURN Expert	2023	3.00	\$225.00	Res. ALJ-393. See Comment 14. +2	\$675.00	3.00	\$225.00 [21, 23]	\$675.00
Subtotal: \$292,758.50						Subtotal: \$268,028.00		
CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Alexandra Green	2023	1	\$110.00	Half of 2023 Rate. See Comment 7.	\$110.00	1	\$110.00	\$110.00
Alexandra Green	2024	12.25	\$120.00	Half of 2024 Rate. See Comment 8.	\$1,470.00	12.25	\$120.00	\$1,470.00
Christine Mailloux	2024	3.25	\$387.50	Half of 2024 rate. Res. ALJ-393, 2021 Rate plus 11.84% COLA, reduced to top of range for Attorney – Level V. See Comment 12.	\$1,259.38	3.25	\$385.00 [22]	\$1,251.25
Subtotal: \$2,839.38						Subtotal: \$2,831.25		
TOTAL REQUEST: \$295,597.88						TOTAL AWARD: \$270,859.25		
*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								

CLAIMED			CPUC AWARD
other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award. **Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate			
ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ²¹	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Brenda D. Villanueva	January 2021	334217	No
Ashley Salas	December 2015	308374	No
Alexandra Green	December 2022	346771	No
Thomas Long	December 1986	124776	No
Christine Mailloux	December 1993	167918	No

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

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Daily Time Records for TURN's Advocates
Attachment 3	TURN Hours Allocated by Issue
Attachment 4	Statement of Qualifications of Susan Baldwin
Attachment 5	Statement of Qualifications of Timothy Howington
Attachment 6	E-Mail from ALJ Glegola on Dec. 15, 2023 Inviting Parties to Submit Comments on Draft Notices via E-Mail
Attachment 7	E-Mail from ALJ Glegola on Feb. 1, 2024 Inviting Parties to Submit Comments on Draft Notices via E-Mail
Attachment 8	TURN Comments on Draft Notices Submitted via E-Mail on Dec. 20, 2023
Attachment 9	TURN Comments on Draft Notices Submitted via E-Mail on Feb. 8, 2024
Attachment 10	E-Mail from ALJ Glegola on Dec. 22, 2023 Regarding Feedback on AT&T Draft Notices
Comment 1	2023 Rate for Regina Costa

²¹ 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
	<p>TURN requests an hourly rate of \$680 for work conducted by Regina Costa in 2023. This rate is equal to the rate authorized by the Commission in D.23-05-031 for Ms. Costa’s work in 2022, \$620, adjusted by both (1) the annual escalation methodology adopted in Resolution (Res.) ALJ-393 and (2) the first 5% “step increase” for Ms. Costa in the Public Policy Analyst – Level V experience tier. Adjusting Ms. Costa’s 2022 authorized rate of \$620 in both of these regards yields a 2023 rate of \$680.</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). According to the Commission’s Hourly Rate Chart available at https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/icmp-materials/hourlyratechart-03182024-v2.xlsm, the maximum approved rate for a Public Policy Analyst – Level V is \$920.24 for work conducted in 2023. The requested 2023 rate for Regina Costa of \$680 is well below the maximum 2023 rate for an Public Policy Analyst – Level V.</p>
Comment 2	<p>2024 Rate for Regina Costa</p> <p>For Ms. Costa’s work in 2024, TURN requests that the Commission adjust her proposed 2023 rate of \$680 by both (1) the 4.07% escalation adjustment authorized by Resolution ALJ-393 for 2024; and (2) the second 5% “step increase” for Ms. Costa in the Public Policy Analyst – Level V experience tier. Adjusting Ms. Costa’s 2023 proposed rate of \$680 in both of these regards yields a 2024 rate of \$745 (when rounded to the nearest \$5 increment) if the two adjustments are applied separately [$\\$680 * 1.0407 = \\707.68; $\\$707.68 * 1.05 = \\743.06, which rounds to \$745]. TURN uses this calculation methodology because the Commission previously corrected TURN in D.23-10-013 when TURN combined the annual escalation adjustment and step increase in a single adjustment; the Commission instead applied the two adjustments separately as TURN does here. (See D.23-10-013, p. 32, CPUC Comments, Disallowances, and Adjustments #1).</p> <p>The requested 2024 rate for Regina Costa of \$745 is well below the maximum 2024 rate of \$948.83 for a Public Policy Analyst – Level V, per the Commission’s Hourly Rate Chart.</p>
Comment 3	<p>2023 Rate for Brenda D. Villanueva</p>

Attachment or Comment #	Description/Comment
	<p>For 2023, TURN requests that the Commission adopt an hourly rate of \$465 for Brenda D. Villanueva. This rate is equal to the rate authorized by the Commission in D.23-04-020 for Mrs. Villanueva’s work in 2022, \$425, adjusted by both (1) the annual escalation methodology adopted in Resolution (Res.) ALJ-393 and (2) the first 5% “step increase” for Mrs. Villanueva in the Attorney – Level III experience tier. Adjusting Mrs. Villanueva’s 2022 authorized rate of \$425 in both of these regards yields a 2023 rate of \$465.</p> <p>TURN previously requested this rate in an intervenor compensation claim filed in in R.20-02-008 on June 26, 2024. The Commission has yet to act upon that intervenor compensation claim.</p>
Comment 4	<p>2024 Rate for Brenda D. Villanueva</p> <p>For Mrs. Villanueva’s work in 2024, TURN requests that the Commission adjust her proposed 2023 rate of \$465 by both (1) the 4.07% escalation adjustment authorized by Resolution ALJ-393 for 2024; and (2) the second 5% “step increase” for Mrs. Villanueva in the Attorney – Level III experience tier.</p> <p>TURN first requested this rate in an intervenor compensation claim filed in in R.20-02-008 on June 26, 2024. The Commission has yet to act upon that intervenor compensation claim.</p>
Comment 5	<p>2023 Rate for Ashley L. Salas</p> <p>For 2023, TURN requests that the Commission adopt an hourly rate of \$455 for Ashley L. Salas. The requested rate is equal to the rate adopted by the Commission for Ms. Salas in 2022 in D.23-04-020 and D.23-05-031 (\$415), adjusted by both the annual escalation rate for 2023 of 4.5% and the first 5% step increase for Ms. Salas in the Attorney – Level III experience tier.</p> <p>TURN first requested this rate in an intervenor compensation claim filed in in R.11-11-007 on February 21, 2023. The Commission has yet to act upon that intervenor compensation claim.</p>
Comment 6	<p>2024 Rate for Ashley L. Salas</p> <p>For 2024, TURN requests that the Commission adopt an hourly rate of \$475 for Ashley L. Salas. TURN first requested this rate in an intervenor</p>

Attachment or Comment #	Description/Comment
	<p>compensation claim filed in in R.11-11-007 on February 5, 2024. The Commission has yet to act upon that intervenor compensation claim.</p> <p>The 2024 rate requested by TURN is equal to the requested rate for Ms. Salas' work in 2023, adjusted by the annual escalation methodology adopted in Resolution (Res.) ALJ-393. The annual escalation rate for 2024 is 4.1%.</p>
Comment 7	<p>2023 Rate for Alexandra Green</p> <p>For 2023, TURN requests that the Commission adopt an hourly rate of \$220 for Alexandra Green, who is a Level I Attorney admitted to the California bar in December 2022. TURN first requested a 2023 rate for Ms. Green in a still-pending intervenor compensation claim filed in R.11-11-007 on February 5, 2024 and does not repeat the same showing here.</p> <p>However, TURN notes that the rate requested here is lower than the rate requested in R.11-11-007 (\$245) because it reflects the Commission's very recent adoption of a 2022 hourly rate for Ms. Green, which changes TURN's calculation of Ms. Green's 2023 rate. In D.24-08-059, the Commission adopted an initial Attorney – Level I hourly rate of \$200 for Ms. Green's work at CforAT in December of 2022 (after she passed the bar), before she joined TURN.</p> <p>In TURN's February 2024 claim in R.11-11-007, TURN requested that the Commission apply the 2023 escalation rate of 4.46% and first 5% step increase to the 2022 rate requested by CforAT for Ms. Green (\$225) to produce a 2023 rate. Basing that calculation on a 2022 rate of \$225 produced a 2023 rate of \$245.</p> <p>Given the Commission's adoption of a lower 2022 rate for Ms. Green in D.24-08-059, TURN adjusts its 2023 rate request. TURN calculates Ms. Green's 2023 rate as \$220. This rate is equal to the rate authorized by the Commission for her work at CforAT in December of 2022, \$200, adjusted by both the 2023 escalation rate of 4.46% and the first 5% step increase for Ms. Green in the Attorney – Level I experience tier.</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 I in 2023 is \$317.95. The requested 2023 rate for</p>

Attachment or Comment #	Description/Comment
	<p>Alexandra Green of \$220 is well below the maximum 2023 rate for an Attorney – Level I and is in fact below the median rate of \$251.87.</p>
Comment 8	<p>2024 Rate for Alexandra Green</p> <p>By January 1, 2024, Ms. Green had been licensed to practice law for one year and one month. It is TURN’s understanding that she should still be considered a Level I Attorney, as Level II Attorneys must have 2-5 years of experience.</p> <p>TURN requests that the Commission adopt a 2024 hourly rate for Ms. Green that reflects both (1) the application of the 2024 escalation rate of 4.07% to her requested 2023 rate of \$220, as well as (2) the second 5% step increase in the Level I Attorney experience tier. These adjustments result in a 2024 hourly rate of \$240 for Ms. Green. This rate is well below the maximum 2024 rate for an Attorney – Level I of \$328.20 and is in fact below the median rate of \$262.12.</p> <p>TURN notes that the requested 2024 rate of \$240 is lower than the rate TURN requested in the still-pending intervenor compensation claim filed in R.11-11-007 on February 5, 2024. TURN calculated the 2024 rate requested in R.11-11-007 (\$270) by adjusting the 2022 rate of \$225 that CforAT had requested for Ms. Green. Here, TURN uses the 2022 rate of \$200 authorized by the Commission in D.24-08-059 as the basis for calculating Ms. Green’s 2023 and then 2024 hourly rates.</p>
Comment 9	<p>2023 Rate for Leo Fitzpatrick</p> <p>For 2023, TURN requests that the Commission adopt an hourly rate of \$300 for Leo Fitzpatrick. TURN first requested this rate in an intervenor compensation claim filed in in R.20-02-008 on June 26, 2024. The Commission has yet to act upon that intervenor compensation claim.</p>
Comment 10	<p>2024 Rate for Leo Fitzpatrick</p> <p>For 2024, TURN requests that the Commission adopt an hourly rate of \$325 for Leo Fitzpatrick. TURN first requested this rate in an intervenor compensation claim filed in in R.23-02-016 on July 15, 2024. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for</p>

Attachment or Comment #	Description/Comment
	Mr. Fitzpatrick, TURN refers the Commission to the showing TURN previously presented in R.23-02-016.
Comment 11	<p>2024 Rate for Thomas Long</p> <p>TURN requests an hourly rate of \$875 for TURN Legal Director Thomas Long. This rate is equal to the 2023 rate the Commission authorized for Mr. Long in D.23-05-032 (\$840), adjusted by the 2024 escalation rate of 4.07%.</p>
Comment 12	<p>2024 Rate for Christine Mailloux</p> <p>TURN requests an hourly rate of \$775 for work conducted by Christine Mailloux in 2024. This rate is equal to the rate authorized by the Commission in D.22-05-026 for Ms. Mailloux's work in 2021, \$700, (1) adjusted by the annual escalation methodology adopted in Resolution (Res.) ALJ-393 for 2022, 2023, and 2024, and (2) reduced to the top of the range for an Attorney - Level V in 2024. Applying the 2022, 2023, and 2024 escalation rates of 3.31%, 4.46%, and 4.07%, respectively, to Ms. Mailloux's authorized 2021 rate of \$700 yields a 2024 rate of \$785. This rate is higher than the top of the range for an Attorney – Level V in the Commission's Hourly Rate Chart of \$773.67. As such, TURN requests that the Commission authorize the maximum rate for an Attorney – Level V for Ms. Mailloux in 2024, which is \$773.67 rounded to the nearest \$5 increment, or \$775.</p>
Comment 13	<p>2023 Rate for Susan Baldwin</p> <p>This is TURN's first request for an hourly rate for outside expert consultant Susan Baldwin under the new hourly rate framework adopted by the Commission in Resolution ALJ-393.</p> <p>Susan M. Baldwin specializes in utility economics, regulation, and public policy, with a long-standing focus on telecommunications and a more recent focus on consumer issues in electric and gas markets. She received a Master's degree in Economics from Boston University, a Master's degree in Public Policy from Harvard University's Kennedy School of Government, and a Bachelor of Arts degree in Mathematics and English from Wellesley College.</p> <p>Ms. Baldwin has been actively involved in public policy for forty-five years, including thirty-nine years in telecommunications policy and</p>

Attachment or Comment #	Description/Comment
	<p>regulation, and thirteen years in energy policy and regulation. Ms. Baldwin has extensive experience both in government and in the private sector, as briefly summarized here and provided in greater detail in her Statement of Qualifications attached to this claim. She has testified before 24 public utility commissions in more than 75 state proceedings, including before this Commission. She has authored numerous comments and declarations submitted in various Federal Communications Commission proceedings.</p> <p>She has participated in projects multiple jurisdictions on behalf of consumer advocates, public utility commissions, and competitive local exchange carriers. She has also served in a direct advisory capacity to public utility commissions and testified before state legislatures.</p> <p>Since 2001, Ms. Baldwin has been consulting to public sector agencies, consumer advocates, and others as an independent consultant. In this capacity, Ms. Baldwin has consulted to and testified on behalf of consumer advocates on diverse matters including the electric retail market, consumer protection and consumer services issues in telecommunications, electric, and gas proceedings, broadband deployment, numbering resources, unbundled network element (UNE) cost studies, incumbent local exchange carriers' requests for competitive classification of services, mergers and spinoffs, rate cases, universal service, service quality, and state Triennial Review Order (TRO) proceedings. Previously, Ms. Baldwin worked with Economics and Technology, Inc. for twelve years (1984 to 1988 and 1992 to 2000), most recently as a Senior Vice President. There she worked on telecommunications matters on behalf of regulatory commissions and regulated telecommunications carriers. Ms. Baldwin also served four years (1988-1992) as the Director of the Telecommunications Division for the Massachusetts Department of Public Utilities (now the Department of Telecommunications & Cable), where she directed a staff of nine, and acted in a direct advisory capacity to the DPU Commissioners.</p> <p>The Market Rate Study Hourly Rate Chart describes an Economist as one who: "Conducts research and analyses on economic data/trends and provides recommendations based on expertise. Researches and develops new data statistical models and technological innovations. Organizes data into report format and arranges graphic illustrations of research findings. Interprets and predicts economic conditions and advises management on implications." A Level V Economist must have 15+ years of experience and a Master's Degree or MBA. The Market Rate Study Hourly Rate Chart describes a Public Policy Analyst as one who: "Reviews the impact of state government policies and regulations. Analyzes proposed legislative actions and determines the potential impact. Reviews policies, plans, and programs</p>

Attachment or Comment #	Description/Comment
	<p>to ensure consistency with corresponding government regulations and laws.” A Level V Public Policy Analyst must have a Bachelor’s Degree (although TURN believes this may be an error because a Level IV Public Policy Analyst must have a Master’s Degree or MBA). Given Ms. Baldwin’s 45 years of professional experience in utility economics, regulation, and public policy, as well as her two Master’s Degrees (in Economics and Public Policy), TURN believes that she could be classified as either an Economist or Public Policy Analyst – Level V.</p> <p>TURN requests a 2023 hourly rate of \$370 for Ms. Baldwin’s work in this proceeding, which is the rate charged by Susan M. Baldwin Consulting to TURN. This rate is in the top quartile of the Commission’s hourly rate range in 2023 for an Economist - Level V (\$209.82 - \$391.74). The requested rate is also below the bottom of the rate range for a Public Policy Analyst – Level V (543.52 – 920.24). Given Ms. Baldwin’s extensive professional experience and education, TURN submits that the Commission should find a 2023 hourly rate of \$370 reasonable for Ms. Baldwin under either Labor Role classification.</p>
Comment 14	<p>2023 Rate for Timothy Howington</p> <p>This is TURN’s first request for an hourly rate for outside expert consultant Timothy Howington under the new hourly rate framework adopted by the Commission in Resolution ALJ-393.</p> <p>Timothy Howington is an economist and geospatial analyst and independent consultant specializing in utility policy and industrial organization. He earned a Master’s degree in Geo-Information Science from Salem State University, a Master’s degree in Economics from Boston University, and a Bachelor’s degree in Near Eastern Languages and Civilizations from the University of Chicago.</p> <p>Since 2003, Mr. Howington has examined a variety of topics in the telecommunications and electric utility sectors, including: market concentration and industry consolidation, entry by competitive carriers, high-cost universal service support, intercarrier compensation reform, rate restructuring, deployment of broadband infrastructure, and net neutrality, as well as differentials in product availability, service quality, and pricing. He has contributed research, analysis, and text to testimony and comments in numerous regulatory proceedings, as detailed in his Statement of Qualifications attached to this claim. In addition, he has developed geospatial products serving the insurance and reinsurance industries.</p>

Attachment or Comment #	Description/Comment
	<p>From 2001 to 2003, Mr. Howington led research efforts at Massachusetts Development Finance Agency, Massachusetts’ quasi-public economic development authority. His duties in that position included creating location cost comparisons, evaluating tax structures and incentive programs for businesses, and contributing to economic impacts analyses. He was a Teaching Fellow in Economics at Boston University from 2000-2001, and a Visiting Lecturer in the Geography Department at Salem State University in 2011.</p> <p>The Market Rate Study Hourly Rate Chart describes an Economist as one who: “Conducts research and analyses on economic data/trends and provides recommendations based on expertise. Researches and develops new data statistical models and technological innovations. Organizes data into report format and arranges graphic illustrations of research findings. Interprets and predicts economic conditions and advises management on implications.” A Level V Economist must have 15+ years of experience and a Master’s Degree or MBA.</p> <p>Given Mr. Howington’s 22 years of professional experience as an economist and geospatial analyst primarily in the telecommunications and electric utility sectors, as well as his two Master’s Degrees (in Economics and Geo-Information Science), TURN believes that he is best classified as an Economist – Level V.</p> <p>TURN requests a 2023 hourly rate of \$225 for Mr. Howington’s work in this proceeding, which is the rate charged by Susan M. Baldwin Consulting to TURN for his work. This rate is in the bottom quartile of the Commission’s hourly rate range in 2023 for an Economist - Level V (\$209.82 - \$391.74). Given Mr. Howington’s professional experience and education, TURN submits that the Commission should find a 2023 hourly rate of \$225 reasonable for Mr. Howington.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
<p>[1] Disallowance of hours for Regina Costa in 2023</p>	<p><u>Excessive Ex- Parte Hours</u></p> <p>Ex parte meetings and reasonable preparation time are compensable. However, it is unclear how certain claimed efforts were necessary for the ex parte meeting or contributed meaningfully to the decision-making process—particularly given that the presentation</p>

Item	Reason																								
	relied solely on the existing record without introducing new findings or analysis.																								
	<table><tr><th>Description</th><th>Date</th><th>Time</th></tr><tr><td>Prepare material for COLR ex parte meeting</td><td>11/13/2023</td><td>1.50</td></tr><tr><td>Review notes and talking points to prepare for ex parte</td><td>11/15/2023</td><td>1.50</td></tr><tr><td>MW Cal Advocates (JC, AMJ, PP, MA, KT), AS, LF, AG, and CforAT (PG) to discuss ex parte</td><td>11/15/2023</td><td>0.50</td></tr><tr><td>MW Cal Advocates to discuss Ex parte presentations, confirm talking points, assign talking points</td><td>11/16/2023</td><td>1.50</td></tr><tr><td>Prepare for ex parte meeting, review notes</td><td>11/29/2023</td><td>0.50</td></tr><tr><td>MW Cal Advocates to debrief Ex parte meeting (AMJ, PP, MA, JC, KT)</td><td>11/29/2023</td><td>0.25</td></tr><tr><td>Review and edit ex parte filing</td><td>11/30/2023</td><td>0.25</td></tr></table>	Description	Date	Time	Prepare material for COLR ex parte meeting	11/13/2023	1.50	Review notes and talking points to prepare for ex parte	11/15/2023	1.50	MW Cal Advocates (JC, AMJ, PP, MA, KT), AS, LF, AG, and CforAT (PG) to discuss ex parte	11/15/2023	0.50	MW Cal Advocates to discuss Ex parte presentations, confirm talking points, assign talking points	11/16/2023	1.50	Prepare for ex parte meeting, review notes	11/29/2023	0.50	MW Cal Advocates to debrief Ex parte meeting (AMJ, PP, MA, JC, KT)	11/29/2023	0.25	Review and edit ex parte filing	11/30/2023	0.25
	Description	Date	Time																						
	Prepare material for COLR ex parte meeting	11/13/2023	1.50																						
	Review notes and talking points to prepare for ex parte	11/15/2023	1.50																						
	MW Cal Advocates (JC, AMJ, PP, MA, KT), AS, LF, AG, and CforAT (PG) to discuss ex parte	11/15/2023	0.50																						
	MW Cal Advocates to discuss Ex parte presentations, confirm talking points, assign talking points	11/16/2023	1.50																						
	Prepare for ex parte meeting, review notes	11/29/2023	0.50																						
	MW Cal Advocates to debrief Ex parte meeting (AMJ, PP, MA, JC, KT)	11/29/2023	0.25																						
	Review and edit ex parte filing	11/30/2023	0.25																						
	The 6 hours claimed here for preparation appear excessive for two 30-minute ex parte meetings. Furthermore, TURN’s prior experience with the Commission’s ex parte communication process should have minimized the preparation time required. Accordingly, we reduce 2 hours from Regina Costa for the above Ex Parte efforts in 2023.																								
	<u>Out of Scope Efforts</u>																								
	Service Quality (SRVQ) category tasks are not compensable, as SRVQ is not within the scope of this proceeding. Accordingly, we reduce 14.5 hours from Regina Costa for SRVQ related efforts in 2023.																								
	<table><tr><th>Description</th><th>Date</th><th>Time</th></tr><tr><td>Review TURN/CforAT protests to identify additional issues, per ALJ ruling</td><td>7/24/2023</td><td>0.50</td></tr><tr><td>Research re impact of COLR application on service quality for retail and wholesale service</td><td>7/31/2023</td><td>3.50</td></tr></table>	Description	Date	Time	Review TURN/CforAT protests to identify additional issues, per ALJ ruling	7/24/2023	0.50	Research re impact of COLR application on service quality for retail and wholesale service	7/31/2023	3.50															
	Description	Date	Time																						
Review TURN/CforAT protests to identify additional issues, per ALJ ruling	7/24/2023	0.50																							
Research re impact of COLR application on service quality for retail and wholesale service	7/31/2023	3.50																							

Item	Reason																				
	Review public comment in R.22-03-016 to identify concerns re need for reliable landline service	8/9/2023	3.50																		
	Research re poor wireless service quality and reliability, unsuitable as AT&T substitute	9/28/2023	2.50																		
	Research service quality issues related to desire to eliminate COLR obligation	10/26/2023	3.75																		
	Research R.22-03-016 PPH transcripts for statements related to Carrier of Last Resort	11/17/2023	0.75																		
	The sum of Regina Costa’s total disallowance is 16.5 hours in 2023.																				
[2] 2023 hourly rate for Regina Costa	TURN requests an hourly rate of \$680 for work conducted by Regina Costa in 2023. D.24-09-018 established a 2023 rate of \$680 for Reginal Costa, therefore we adopt this approved rate for Regina Costa.																				
[3] Disallowance of hours for Regina Costa in 2024	<u>Excessive Ex- Parte Hours</u> Ex parte meetings and reasonable preparation time are compensable. However, it is unclear how certain claimed efforts were necessary for the ex parte meeting or contributed meaningfully to the decision-making process—particularly given that the presentation relied solely on the existing record without introducing new findings or analysis. <table><tr><th>Description</th><th>Date</th><th>Time</th></tr><tr><td>MW AG, Cal Adv (KT) and Tahoe ERG (A T-R) to discuss strategy for Comments, ex partes</td><td>5/13/2024</td><td>1.00</td></tr><tr><td>MW Cal Advocates (KT) to discuss opening comments and ex partes</td><td>5/14/2024</td><td>0.50</td></tr><tr><td>Research for TURN ex parte</td><td>5/21/2024</td><td>2.00</td></tr><tr><td>Work on ex parte letter, locate and review letters opposing Application</td><td>5/22/2024</td><td>2.50</td></tr><tr><td>MW AG, Cal Adv (MA, KT), CforAT (PG) to discuss ex partes</td><td>5/29/2024</td><td>0.50</td></tr></table>			Description	Date	Time	MW AG, Cal Adv (KT) and Tahoe ERG (A T-R) to discuss strategy for Comments, ex partes	5/13/2024	1.00	MW Cal Advocates (KT) to discuss opening comments and ex partes	5/14/2024	0.50	Research for TURN ex parte	5/21/2024	2.00	Work on ex parte letter, locate and review letters opposing Application	5/22/2024	2.50	MW AG, Cal Adv (MA, KT), CforAT (PG) to discuss ex partes	5/29/2024	0.50
Description	Date	Time																			
MW AG, Cal Adv (KT) and Tahoe ERG (A T-R) to discuss strategy for Comments, ex partes	5/13/2024	1.00																			
MW Cal Advocates (KT) to discuss opening comments and ex partes	5/14/2024	0.50																			
Research for TURN ex parte	5/21/2024	2.00																			
Work on ex parte letter, locate and review letters opposing Application	5/22/2024	2.50																			
MW AG, Cal Adv (MA, KT), CforAT (PG) to discuss ex partes	5/29/2024	0.50																			

Item	Reason																	
	Ex parte prep meeting with Cal Advocates and CforAT (PG)	6/5/2024	0.75															
	Review notes for ex parte meetings, prepare for ex parte meetings	6/6/2024	2.00															
	MW Cal Advocates (KT, AMJ, PP, MA), CforAT (PG, RS) to discuss ex parte, possible revisions to talking points for future meetings	6/7/2024	0.75															
	MW Cal Adv, AG, Cfor AT (PG, RS) prep for ex parte with Caroline Chen	6/10/2024	0.50															
	MW Cal Advocates, CforAT, debrief following ex parte with Caroline Chen	6/10/2024	0.25															
	Prep for ex parte meeting	6/12/2024	0.25															
	The 11 hours claimed here for preparation appear excessive for four 30-minute ex parte meetings. Furthermore, TURN’s prior experience with the Commission’s ex parte communication process should have minimized the preparation time required. Accordingly, we reduce 3 hours from Regina Costa for the above Ex Parte efforts in 2024.																	
	<u>Out of Scope Efforts</u>																	
	SRVQ category tasks are not compensable, as SRVQ is not within the scope of this proceeding. Accordingly, we reduce 12.75 hours from Regina Costa for SRVQ related efforts in 2024.																	
	<table><tr><th>Description</th><th>Date</th><th>Time</th></tr><tr><td>Draft questions for potential additional discovery</td><td>2/6/2024</td><td>0.75</td></tr><tr><td>Review public comments to identify issues re quality of AT&T service for testimony and research</td><td>2/14/2024</td><td>2.50</td></tr><tr><td>Develop case strategy, including further issues for discovery</td><td>4/23/2024</td><td>0.50</td></tr><tr><td>Review public comments to identify points for PD comments</td><td>5/15/2024</td><td>1.00</td></tr></table>			Description	Date	Time	Draft questions for potential additional discovery	2/6/2024	0.75	Review public comments to identify issues re quality of AT&T service for testimony and research	2/14/2024	2.50	Develop case strategy, including further issues for discovery	4/23/2024	0.50	Review public comments to identify points for PD comments	5/15/2024	1.00
	Description	Date	Time															
	Draft questions for potential additional discovery	2/6/2024	0.75															
Review public comments to identify issues re quality of AT&T service for testimony and research	2/14/2024	2.50																
Develop case strategy, including further issues for discovery	4/23/2024	0.50																
Review public comments to identify points for PD comments	5/15/2024	1.00																

Item	Reason		
	draft comments re AT&T's effort to discourage subscription by not maintaining network	5/22/2024	1.00
	Write comments re AT&T deliberately not maintaining network contributing to decline in access lines	5/28/2024	2.25
	Draft comments re AT&T declining to repair or provide service	5/29/2024	4.00
	Draft recommended FOFs and COLs for PD comments	5/29/2024	0.75
	The sum of Regina Costa's total disallowance is 15.75 hours in 2024.		
[4] 2024 hourly rate for Reginal Costa	TURN requests we apply the 2024 escalation factor and step increase for Costa's 2024 rate. D.24-09-018 approved a 2023 rate of \$680.00. Per ALJ-393, we apply the 2024 escalation factor of 4.07% and 5% step increase, as requested, to the 2023 rate, resulting in a 2024 hourly rate of \$745.00. This is the second step increase that Regina Costa has adopted.		
[5] Disallowance of hours for Brenda Villanueva in 2023	SRVQ category tasks are not compensable, as SRVQ is not within the scope of this proceeding. Accordingly, we reduce 0.5 hours from Brenda Villanueva for SRVQ related efforts in 2023.		
	Description	Date	Time
	(Protest) revise references in joint protest to service quality proceeding comments	4/6/2023	0.50
[6] 2023 hourly rate for Brenda Villanueva	TURN requests an hourly rate of \$465 for work conducted by Brenda Villanueva in 2023. D.24-09-019 established a 2023 rate of \$465 for Brenda Villanueva, therefore we adopt this approved rate for Brenda Villanueva.		
[7] Disallowance of hours for Brenda Villanueva in 2024	<u>Out of Scope Efforts</u>		
	SRVQ category tasks are not compensable, as SRVQ is not within the scope of this proceeding. Accordingly, we reduce 1.75 hours from Brenda Villanueva for SRVQ related efforts in 2024.		

Item	Reason		
	Description	Date	Time
	(Proposed Decision) revise draft comments re: AT&T service quality	5/29/2024	1.75
	The sum of Brenda Villanueva's total disallowance is 1.75 hours in 2024.		
[8] 2024 hourly rate for Brenda Villanueva	TURN requests an hourly rate of \$510 for work conducted by Brenda Villanueva in 2024. D.24-11-020 established a 2024 rate of \$505 for Brenda Villanueva, therefore we adopt this approved rate for Brenda Villanueva.		
[9] 2023 hourly rate for Ashley Salas	TURN requests an hourly rate of \$455 for work conducted by Ashley Salas in 2023. D.24-09-018 established a 2023 rate of \$455 for Ashley Salas, therefore we adopt this approved rate for Ashley Salas.		
[10] 2024 hourly rate for Ashley Salas	TURN requests an hourly rate of \$475 for work conducted by Ashley Salas in 2023. D.24-09-018 established a 2024 rate of \$475 for Ashley Salas, therefore we adopt this approved rate for Ashley Salas.		
[11] Disallowance of hours for Alexandra Green in 2023	Description	Date	Time
	review Service Quality PPH Transcripts for potential use in intervenor testimony	11/27/2023	1.00
	SRVQ category tasks are not compensable, as SRVQ is not within the scope of this proceeding. Accordingly, we reduce 1 hour from Alexandra Green for SRVQ related efforts in 2023.		
[12] 2023 hourly rate for Alexandra Green	TURN requests an hourly rate of \$220 for work conducted by Alexandra Green in 2023. D.24-09-018 established a 2023 rate of \$220 for Alexandra Green, therefore we adopt this approved rate for Alexandra Green.		
[13] Disallowance of hours for Alexandra Green in 2024	<u>Out of Scope Efforts</u>		
	SRVQ category tasks are not compensable, as SRVQ is not within the scope of this proceeding. We reduce 1.25 hours from Alexandra Green for SRVQ related efforts in 2024.		

Item	Reason		
	Description	Date	Time
	review and analyze Ukiah PPH transcript	3/4/2024	0.50
	review and analyze Ukiah PPH transcript	3/6/2024	0.25
	(PD Opening Comments) revise draft opening comments re AT&T's service quality/refusal to serve customers	5/30/2024	0.50
	The sum of Alexandra Green's total disallowance is 1.25 hours in 2024.		
[14] 2024 hourly rate for Alexandra Green	TURN requests an hourly rate of \$240 for work conducted by Alexandra Green in 2024. D.24-09-018 established a 2024 rate of \$240 for Alexandra Green, therefore we adopt this approved rate for Alexandra Green.		
[15] 2023 hourly rate for Leo Fitzpatrick	TURN requests an hourly rate of \$300 for work conducted by Leo Fitzpatrick in 2023. D.24-11-020 established a 2023 rate of \$300 for Leo Fitzpatrick, therefore we adopt this approved rate for Leo Fitzpatrick.		
[16] Leo Fitzpatrick Title	A clerical error of Leo Fitzpatrick's role in 2024 is found. Leo Fitzpatrick worked as an advocate, not an attorney in 2024.		
[17] 2024 hourly rate for Leo Fitzpatrick	TURN requests an hourly rate of \$325 for work conducted by Leo Fitzpatrick in 2024. D.25-01-024 established a 2024 rate of \$325 for Leo Fitzpatrick, therefore we adopt this approved rate for Leo Fitzpatrick.		
[18] 2023 hourly rate for Thomas Long	TURN requests an hourly rate of \$840 for work conducted by Thomas Long. D.24-09-016 established a 2023 rate of \$830 for Thomas Long, therefore we adopt this approved rate for Thomas Long.		
[19] 2024 hourly rate for Thomas Long	TURN requests an hourly rate of \$875 for work conducted by Thomas Long. D.24-09-016 established a 2024 rate of \$860 for Thomas Long, therefore we adopt this approved rate for Thomas Long.		

Item	Reason
<p>[20] 2023 hourly rate for Susan Baldwin</p>	<p>TURN has confirmed that Susan Baldwin is an outside expert consultant. Pursuant to Commission policy, the rate requested by an intervenor must not 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.²² 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 has confirmed that it paid Ms. Baldwin's a 2023 hourly rate of \$370 for work in this proceeding. Based on Ms. Baldwin's experience, we find this rate reasonable and approve this rate 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>[21] 2023 hourly rate for Timothy Howington</p>	<p>TURN has confirmed that Timothy Howington is an outside expert consultant. Pursuant to Commission policy, the rate requested by an intervenor must not 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.²³ 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 confirmed that it paid Mr. Howington a 2023 hourly rate of \$225 for his work in this proceeding. Based on Mr. Howington's experience, we find this rate reasonable and approve this rate 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</p>

²² D.07-01-009, D.08-04-010, and ALJ Resolution ALJ-235.

²³ D.07-01-009, D.08-04-010, and ALJ Resolution ALJ-235.

Item	Reason
	<p>intervenor, as they are established in accordance with the Commission’s policy on consultant compensation.</p>
<p>[22] 2024 hourly rate for Christine Mailloux</p>	<p>TURN requests an hourly rate of \$775 for work conducted by Christine Mailloux in 2024. D.25-01-052 established a 2024 rate of \$770 for Christine Mailloux, therefore we adopt this approved rate for Christine Mailloux. Intervenor compensation claim preparation rate is based on 50% of the hourly rate, therefore, the rate is adjusted to \$385 an hour for claim preparation.</p>
<p>[23] Consultant Rates</p>	<p>In considering the intervenor’s request for compensation, the Commission reminds the intervenor of its ethical obligation of honesty in Rule 1.1: “Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law.”</p> <p>The Commission’s standard for evaluating Rule 1.1 violations is well established: “A Rule 1.1 violation occurs when there has been a ‘lack of candor, withholding of information, or failure to correct information or respond fully....’”²⁴ The Commission will deny any intervenor request founded in dishonesty. Further, the Commission possesses the statutory authority to impose fines for violations of Rule 1.1.²⁵ “In determining the amount of such penalty, ...the appropriateness of such penalty to the size of the business charged, the gravity of the violation, and the good faith of the person charged... shall be considered.”²⁶</p> <p>Under Rule 1.1, the intent to mislead is not required. Rather, “there is... a line of Commission decisions which holds that situations involving a failure to correctly cite a proposition of law, a lack of candor or withholding of information, and a failure to correctly inform and to correct the mistaken information, are actionable Rule 1 violations. (See D.93-05-020, D.92-07-084, D.92-07-078,</p>

²⁴ D.19-12-041, at *6.

²⁵ Pub. Util. Code, §§ 2107,2108.

²⁶ *Id.*, § 2104.5.

Item	Reason
	<p>D.90-12-038.)”²⁷ Such reckless or grossly negligent acts “can cause the Commission to expend additional staff resources in trying to resolve the misleading statement.”²⁸ “[T]he question of intent to deceive merely goes to the question of how much weight to assign to any penalty that may be assessed.”²⁹</p> <p>This is especially true in the context of intervenor compensation, where intervenor awards are drawn from ratepayers. To root out any inaccurate assertions in requests for compensation, the Commission has the statutory authority to examine intervenor’s records: “The commission may audit the records and books of the customer or eligible local government entity to the extent necessary to verify the basis for the award.”³⁰</p> <p>Intervenors therefore must be truthful in all their representations to the Commission, including, but not limited to, their contingency fee arrangements, the amounts billed by outside consultants, the amounts actually paid by the intervenors to outside consultants, that the intervenors will not derive any profit or retain any portion of an award given for outside consultants’ work, and that the intervenors have made their best efforts to work efficiently and minimize ratepayer costs.</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
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If so:

Party	Reason for Opposition	CPUC Discussion
AT&T	AT&T contended that TURN’s activities were largely duplicative and irrelevant to the Commission’s	California Public Utilities Code Section 1803(a) states that intervenors may receive compensation only if they make a

²⁷ D.15-04-021, at *180-182.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Pub. Util. Code, § 1804(d).

Party	Reason for Opposition	CPUC Discussion
	<p>ruling, as TURN's contributions were not materially distinct from those made by Cal Advocates. It emphasized that more than 75% of TURN's claimed time occurred after the dismissal motion was filed, rendering it ineligible for compensation. Moreover, TURN's assertion of collaboration with Cal Advocates was dismissed as insufficient to justify compensation since it lacked specific contributions to the dismissal arguments. AT&T California requested that the Commission deny TURN's claim entirely, or at least disallow compensation for activities conducted after June 30, 2023, when the motion to dismiss was filed. The case references the final decision from June 25, 2024, which concluded the proceedings by granting Cal Advocates' motion to dismiss.</p>	<p>substantial contribution to the Commission's order or decision. This contribution must involve presenting unique factual or legal contentions that materially assist the Commission. AT&T argues that TURN's activities were largely duplicative of Cal Advocates' arguments and that most of TURN's contributions were irrelevant to the Commission's ruling.</p> <p>AT&T highlights that a substantial portion of TURN's claimed time occurred after the motion to dismiss was filed, questioning the relevance of those activities. The Commission should carefully review TURN's contributions to ascertain their connection to the final decision.</p> <p>The Commission reviewed TURN's claim and reduced time for activities that did not materially assist in resolving the proceeding or where compensation was not justified under the statute.</p>
TURN	<p>TURN asserts that a substantial contribution to the Final Decision regarding AT&T's application is made, countering AT&T's narrow interpretation that TURN should only be compensated for direct involvement in the Motion to Dismiss. The Final Decision was not solely based on this motion but encompassed a broader assessment that identified significant flaws in AT&T's arguments. TURN's work included critical analyses that supported the dismissal and addressed procedural issues that influenced the outcome. Furthermore, TURN's contributions were distinct from those of other intervenors, providing unique insights rather than</p>	<p>TURN asserts that its efforts were pivotal in the decision-making process, countering AT&T's narrow interpretation that limits compensation solely to actions directly related to the Motion to Dismiss. TURN highlights that the Commission's determination was influenced by broader analyses, including challenges to AT&T's application and the significance of public comments.</p> <p>TURN's claim emphasizes the Commission's discretion in defining substantial contributions, as reflected in decisions such as D.19-10-019 and D.19-10-017. These rulings indicate that contributions may be acknowledged even if they do not directly correspond to specific procedural actions. TURN maintains that</p>

Party	Reason for Opposition	CPUC Discussion
	duplicating efforts. This distinct advocacy, alongside TURN's collaborative approach, justified its request for compensation as it significantly aided the Commission's decision-making process.	its advocacy directly linked to the Commission's findings warrants compensation. The Commission reviewed TURN's claim and reduced time for activities that did not materially assist in resolving the proceeding or where compensation was not justified under the statute.

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.24-06-024.
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. Tasks billed to the Service Quality (SRVQ) category should be disallowed, as SRVQ was not within scope of this proceeding.
4. The claimed costs and expenses are reasonable and commensurate with the work performed.
5. The total amount of reasonable compensation is \$270,859.25.

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 \$270,859.25.
2. Within 30 days of the effective date of this decision, AT&T shall pay The Utility Reform Network the total award, based on their California-jurisdictional telecommunication revenues for the 2023 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning November 6, 2024, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. Application 23-03-003 is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2406024		
Proceeding(s):	A2303003		
Author:	ALJ Glegola		
Payer(s):	AT&T		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
The Utility Reform Network	08/26/24	\$295,597.88	\$270,859.25	N/A	Some Attorney hourly rates exceeded Market Rate Study Maximum, preparation for ex parte were reduced. Service Quality Issues were disallowed.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Regina	Costa	Advocate	\$680	2023	\$680
Regina	Costa	Advocate	\$745	2024	\$745
Brenda	Villanueva	Attorney	\$465	2023	\$465
Brenda	Villanueva	Attorney	\$510	2024	\$505
Ashley	Salas	Attorney	\$455	2023	\$455
Ashley	Salas	Attorney	\$475	2024	\$475
Alexandra	Green	Attorney	\$220	2023	\$220
Alexandra	Green	Attorney	\$240	2024	\$240
Leo	Fitzpatrick	Advocate	\$300	2023	\$300
Leo	Fitzpatrick	Advocate	\$325	2024	\$325
Thomas	Long	Attorney	\$840	2023	\$830
Thomas	Long	Attorney	\$875	2024	\$860
Christine	Mailloux	Attorney	\$775	2024	\$770
Susan	Baldwin	Expert	\$370	2023	\$370
Timothy	Howington	Expert	\$225	2023	\$225

(END OF APPENDIX)