

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



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Application of Pacific Bell Telephone  
Company D/B/A AT&T California  
(U1001C) to Relinquish its Eligible  
Telecommunications Carrier Designation.

A.23-03-002  
(Filed March 3, 2023)

**PACIFIC BELL TELEPHONE COMPANY D/B/A  
AT&T CALIFORNIA'S (U 1001 C) RESPONSE TO  
THE INTERVENOR COMPENSATION CLAIM OF  
THE CENTER FOR ACCESSIBLE TECHNOLOGY**

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Pursuant to Rule 17.4 of the California Public Utility Commission’s (the “Commission”) Rules of Practice and Procedure, Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) (“AT&T California”) hereby submits its response to the Intervenor Compensation Claim of the Center for Accessible Technology (“CforAT”) for \$234,518.00 filed in the above-captioned proceeding on February 3, 2026.<sup>1</sup> For the reasons set forth below, AT&T California respectfully submits that CforAT has not met the statutory standard for intervenor compensation and requests that the Commission deny CforAT’s claim as described herein. In the alternative, AT&T California requests that the Commission defer ruling on CforAT’s claim until it has ruled on AT&T California’s Application for Rehearing in this proceeding.

## **I. SUMMARY AND BACKGROUND**

On March 3, 2023, AT&T California filed an Application to relinquish its Eligible Telecommunications Carrier (“ETC”) designation throughout its California service territory.<sup>2</sup> On April 6, 2023, CforAT and The Utility Reform Network (“TURN”) jointly protested the Application.<sup>3</sup> On December 4, 2025, the Commission issued Decision 25-12-004, which denied AT&T California’s Application in part and established a second phase of the proceeding for certain wire-center regions.<sup>4</sup>

On January 5, 2026, AT&T California filed an application for rehearing of the ETC Decision (“AFR”), demonstrating that rehearing is warranted to correct legal errors, align the

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<sup>1</sup> Intervenor Comp. Claim of The Ctr. for Accessible Tech. in the Application of Pac. Bell Tel. Co. d/b/a AT&T Cal. (U1001C) To Relinquish Its Eligible Telecomms. Carrier Designation (filed Feb. 3, 2026) (“CforAT’s Intervenor Compensation Claim”).

<sup>2</sup> Application of Pac. Bell Tel. Co. d/b/a AT&T Cal. (U1001C) To Relinquish Its Eligible Telecomms. Carrier Designation (filed Mar. 3, 2023).

<sup>3</sup> Protest of Ctr. for Accessible Tech. & The Util. Reform Network to Application of Pac. Bell Tel. Co. d/b/a AT&T Cal. (U1001C) To Relinquish Its Eligible Telecomms. Carrier Designation (filed Apr. 6, 2023); Motion to Dismiss of The Util. Reform Network & Ctr. for Accessible Tech. (filed May 15, 2023).

<sup>4</sup> *Application of Pac. Bell Tel. Co. d/b/a AT&T Cal. (U1001C) To Relinquish Its Eligible Telecomms. Carrier Designation*, D.25-12-004, 2025 Cal. PUC LEXIS 579 (Dec. 4, 2025) (“ETC Decision”).

ETC Decision with marketplace reality, and recognize that under controlling federal law, AT&T California’s ETC relinquishment application should be granted.<sup>5</sup> The AFR remains pending.

In its Intervenor Compensation Claim, CforAT fails to demonstrate that many of its activities substantially contributed to the Commission’s ETC Decision.<sup>6</sup> As an initial matter, CforAT’s records are simply insufficient to carry its burden of proof because they do not identify the time CforAT spent advocating on specific issues. In addition, CforAT repeats many of the errors that led the Commission to grant AT&T California’s application for rehearing of CforAT’s and TURN’s intervenor compensation claims in the COLR Application proceeding.<sup>7</sup> CforAT seeks compensation for large blocks of work to support contentions or recommendations that the Commission either rejected, found unpersuasive, or otherwise did not adopt—including among others, its *ex parte* advocacy, discovery, and administrative and procedural hours. Because none of this work substantially contributed to the Commission’s decision or appears in the findings or conclusions of the ETC Decision, CforAT cannot establish a demonstrable link between these efforts and the ETC Decision as required by *New Cingular Wireless II*.<sup>8</sup> By definition, hours spent to support positions that the Commission did not adopt, rely on, or credit cannot constitute a substantial contribution under Sections 1802(j) and 1803(a). CforAT is

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<sup>5</sup> Pac. Bell Tel. Co. d/b/a AT&T Cal.’s (U 1001 C) Application for Rehearing of Decision 25-12-004 (filed Jan. 5, 2026) (“AFR”).

<sup>6</sup> See Cal. Pub. Util. Code § 1803(a).

<sup>7</sup> *Application of Pac. Bell. Tel. Co. d/b/a AT&T Cal. (U 1001 C) for Targeted Relief from Its Carrier of Last Resort Obligations & Associated Tariff Obligations*, D.25-12-045, 2025 Cal. PUC LEXIS 608, at \*3–4 (Dec. 18, 2025) (“COLR Application IC Decision”).

<sup>8</sup> *New Cingular Wireless PCS, LLC v. Pub. Utils. Comm’n*, 21 Cal. App. 5th 1197, 1203 (2018) (“*New Cingular Wireless II*”).

therefore statutorily ineligible to receive intervenor compensation for a significant portion of its asserted work.<sup>9</sup>

At a minimum, the Commission should not grant CforAT's request for intervenor compensation before deciding AT&T California's AFR in this proceeding. If the Commission grants AT&T California's AFR, it may do so on legal grounds that would entirely vitiate CforAT's claimed efforts for compensation. The Commission should not therefore prematurely order AT&T California to compensate CforAT for activities that may ultimately have no contribution to a revised decision granting AT&T California's Application.

## II. LEGAL STANDARD

As the applicant, CforAT has the burden of proving its entitlement to intervenor compensation. The California Public Utilities Code provides for an award of intervenor compensation only where the intervenor "makes a substantial contribution to the adoption, in whole or in part, of the [C]ommission's order or decision."<sup>10</sup> A "substantial contribution" means that the intervenor "has substantially assisted the [C]ommission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the [intervenor]."<sup>11</sup> The Commission's awards of intervenor compensation must be

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<sup>9</sup> CforAT also has not made a sufficient showing of significant financial hardship such that it is entitled to intervenor compensation. *See* Cal. Pub. Util. Code §§ 1803(b), 1802(h). CforAT points to decisions in which the Commission has previously found CforAT eligible for compensation, but none of those decisions has been issued in the past year such that it would be entitled to a rebuttable presumption of qualification under Cal. Pub. Util. Code § 1804. *See* Notice of Intent To Claim Intervenor Comp. & If Requested, Admin. L. Judge's Ruling on Ctr. for Accessible Tech.'s Showing of Significant Fin. Hardship 7 (filed July 17, 2025), in *Ord. Instituting Rulemaking for Oversight of Energy Efficiency Portfolios, Policies, Programs, & Evaluation*, R.25-04-010.

<sup>10</sup> Cal. Pub. Util. Code § 1803(a).

<sup>11</sup> *Id.* § 1802(j).

“administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented.”<sup>12</sup>

As the California court of appeals made clear in *New Cingular Wireless II*, for an intervenor’s activities to have made a “substantial contribution” and therefore be eligible for compensation, “there must be some demonstrable link between a position the intervenor took and a specific ‘order or decision’ adopted by the CPUC.”<sup>13</sup> The Commission recently reaffirmed this standard in the proceeding on AT&T California’s application to relinquish its COLR obligation.<sup>14</sup> In granting AT&T California’s applications for rehearing of the intervenor compensation awards in that proceeding, the Commission found that “the linkages” between the intervenors’ work and the legal issues addressed in its order dismissing AT&T California’s application did not necessarily “reflect the specificity required by the *New Cingular Wireless* court.”<sup>15</sup> Thus, the Commission recognized that it is not enough for intervenors merely to identify a general link between their work and a Commission decision—they must do so with a level of specificity that allows for meaningful assessment and review.

### **III. THE COMMISSION SHOULD DEFER RULING ON THIS INTERVENOR COMPENSATION CLAIM PENDING RESOLUTION OF AT&T CALIFORNIA’S APPLICATION FOR REHEARING OF THE ETC DECISION.**

The pending AFR could reverse the ETC Decision. In its AFR, AT&T California explains that the ETC Decision rests on multiple legal errors—including misapplying the governing statute, imposing unlawful standards, and adopting an evidentiary burden that

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<sup>12</sup> *Id.* § 1801.3(f).

<sup>13</sup> *New Cingular Wireless II*, 21 Cal. App. at 1203 (cleaned up).

<sup>14</sup> *See* COLR Application IC Decision at \*3–4.

<sup>15</sup> *Id.* at \*7.

effectively nullifies the federal statutory framework—and that correction of those errors leads to the conclusion that the Commission legally must grant AT&T California’s Application.<sup>16</sup>

If the Commission grants rehearing to correct these legal errors, CforAT’s activities in this proceeding could not be said to have made a “substantial contribution” to “the ‘final’ resolution of the proceeding.”<sup>17</sup> Indeed, the positions that CforAT took in this proceeding run directly contrary to the correct legal standard that AT&T California urges the Commission to recognize and apply in its AFR. The Commission should not prematurely grant CforAT intervenor compensation when there is a distinct possibility that the Commission could issue a revised decision on rehearing.

#### **IV. CFORAT’S CLAIM DOES NOT MEET THE STANDARD FOR INTERVENOR COMPENSATION.**

If the Commission nonetheless proceeds to decide CforAT’s claim, the Commission should deny the claim as described below. As an initial matter, CforAT’s claim ignores the Commission’s prior directive that an intervenor compensation claim “reflect the specificity required by the *New Cingular Wireless* court.”<sup>18</sup> CforAT’s time is categorized using vague and overbroad descriptors such as “Law & Motion,” “Factual Issues,” and “Legal Issues” that do not indicate or explain how the work relates to a particular point the Commission adopted in the final decision. Indeed, CforAT effectively concedes that its compensation request lacks the specificity expected by the Commission, noting that it “do[es] not have a breakdown of time spent on individual issues.”<sup>19</sup> CforAT’s inability to comply with the statutory requirement that intervenors identify a link between their work and the final decision *with specificity* prevents the

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<sup>16</sup> See generally AFR.

<sup>17</sup> *New Cingular Wireless II*, 21 Cal. App. 5th at 1200.

<sup>18</sup> COLR Application IC Decision at \*7.

<sup>19</sup> CforAT’s Intervenor Compensation Claim at 27.

Commission from conducting a meaningful assessment of whether CforAT's efforts substantially contributed to the ETC Decision as required by the Court of Appeal. CforAT's inadequate recordkeeping by itself warrants denial of its Intervenor Compensation Claim in its entirety.

In addition, while generally falling well short of the showing required to satisfy *New Cingular Wireless II*, CforAT also seeks to recover for work that is specifically not compensable.

**A. CforAT's *Ex Parte* Work Did Not Substantially Contribute to the Decision.**

CforAT seeks compensation for *ex parte* preparations and meetings.<sup>20</sup> Commission precedent bars compensation for *ex parte* preparations. The Commission has explained that "time spent preparing for *ex parte* meetings is not part of the record and is not compensable,"<sup>21</sup> particularly where the intervenor's *ex parte* contributions do not provide any new analysis reflected in the Decision.<sup>22</sup> That is the case here.

First, according to the intervenors' *ex parte* notices, Mr. Goodman was not present for the meetings with President Reynolds and Commissioners Houck, Baker, and Douglas, yet CforAT is claiming compensation for his time. These inconsistencies alone warrant denial of Mr.

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<sup>20</sup> See *id.* at 28, 29 & attach. (claiming 7.9 hours for *ex parte* preparations and meetings).

<sup>21</sup> *Ord. Instituting Investigation on the Comm'n's Own Motion into the Planned Purchase & Acquisition by AT&T Inc. of T-Mobile USA, Inc. & Its Effects on Cal. Ratepayers & the Cal. Econ.*, D.15-01-014, 2015 Cal. PUC LEXIS 13, at \*25 (Jan. 15, 2015) (italics added).

<sup>22</sup> See *Application of S. Cal. Edison Co. (U 338-E) for Authorization To Recover 2021 Incremental Costs Related to Wildfire Mitigation & Vegetation Mgmt.*, D.25-06-065, 2025 Cal. PUC LEXIS 295, at \*2 (June 26, 2025) (disallowing *ex parte* preparation work where "the information presented was based on previously produced works and did not verifiably provide any new analysis that would otherwise reflect a substantial contribution to the underlying decision"); *Application of Pac. Gas & Elec. Co. (U39E) & Pac. Generation LLC for Approval To Transfer Certain Generation Assets, for a Certificate of Pub. Convenience & Necessity, for Authorization To File Tariffs & To Issue Debt*; et al., D.25-01-053, 2025 Cal. PUC LEXIS 76, at \*2 (Jan. 30, 2025) (same); *Ord. Instituting Rulemaking Regarding Microgrids Pursuant to Senate Bill 1339 & Resiliency Strategies*, D.25-05-020, 2025 Cal. PUC LEXIS 222, at \*2 (May 15, 2025) (same).

Goodman’s *ex parte* time.<sup>23</sup> However, if Mr. Goodman *was* present for these *ex parte* meetings, then CforAT also fails to show why his participation was necessary given that another CforAT representative also attended.<sup>24</sup> And given that three TURN representatives attended these meetings and there is nothing in either CforAT’s claim or the notice of *ex parte* communications demonstrating how CforAT made any unique contributions to those meetings, CforAT has not shown why its attendance was necessary. As explained further below, there is a statutory bar on awarding intervenor compensation for “unproductive or unnecessary participation.”<sup>25</sup>

Second, and more fundamentally, there can be no “demonstrable link”<sup>26</sup> between the ETC Decision and CforAT’s preparation for or participation in the November 5 and 6, 2025 *ex parte* meetings. All of these communications took place after the proposed decision was issued on September 25, 2025, and the Commission adopted the proposed decision without modification. *New Cingular Wireless II* requires CforAT to trace its efforts to the adopted decision. CforAT does not claim that it presented any new findings or analysis at any of the *ex parte* meetings that are reflected in the ETC Decision. Therefore, CforAT’s *ex parte* work does not meet the *New Cingular Wireless II* standard.

Finally, CforAT’s claim for compensation is legally foreclosed. Rule 8.2(m) states that “[t]he Commission shall render its decision based on the evidence of record. *Ex parte*

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<sup>23</sup> See *Ord. Instituting Rulemaking To Address the Needs of Telecomms. Customers Who Have Limited Eng. Proficiency*, D.09-07-015, 2009 Cal. PUC LEXIS 336, at \*25, 32 (July 10, 2009) (reducing time where there were inconsistencies between the requested hours and supporting documents).

<sup>24</sup> See CforAT’s Intervenor Compensation Claim attach. at 15, 22 (showing time entries for two CforAT representatives for work preparing for and attending *ex parte* meetings).

<sup>25</sup> Cal. Pub. Util. Code § 1801.3(f); see also *Ord. Instituting Rulemaking to Advance Demand Flexibility Through Elec. Rates*, D.25-07-032, 2025 Cal. PUC LEXIS 328, at \*2 (July 24, 2025) (disallowing time where “multiple representatives . . . participated in activities where only one representative would have been sufficient”); see *infra* Section IV.C.

<sup>26</sup> *New Cingular Wireless II*, 21 Cal. App. 5th at 1203.

communications, and any notice filed pursuant to Rule 8.3, are not a part of the evidentiary record of the proceeding.”<sup>27</sup> Because the Commission cannot base a decision on *ex parte* communications there cannot be the “demonstrable link between a position the intervener took and a specific ‘order or decision’ adopted by the CPUC” required for any *ex parte* work to be compensable under the “plain terms of the statute.”<sup>28</sup> The Commission should therefore disallow compensation to CforAT for its *ex parte* work, which amounts to \$5,687.

**B. CforAT’s Hours Are Not Compensable for Work on Other Positions the Commission Rejected or Did Not Adopt.**

**1. Motions To Compel**

CforAT seeks compensation for time spent filing its motions to compel,<sup>29</sup> the first of which was denied in part and the second was denied in its entirety.<sup>30</sup> There is no statutory basis or public benefit for compensating CforAT for engaging in unnecessary motions practice. Hours spent on motions to compel that were denied do not advance the Commission’s decision and cannot constitute a substantial contribution. CforAT should not be compensated for discovery motion practice that was unnecessary, unsuccessful, and unrelated to any adopted outcome.<sup>31</sup>

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<sup>27</sup> Cal. Pub. Utils. Comm’n Rule of Prac. & Proc. 8.2(m) (italics added).

<sup>28</sup> *New Cingular Wireless II*, 21 Cal. App. 5th at 1203.

<sup>29</sup> CforAT’s Intervenor Compensation Claim at 20, 25, 26 & attach. (claiming 16.7 hours for work on motions to compel).

<sup>30</sup> See Email Ruling Partially Granting the Ctr. for Accessible Tech.’s Motion to Compel, With Additional Instructions (filed Mar. 21, 2024) (denying in part CforAT’s first motion to compel) (“First MTC Ruling”); Admin. L. Judge’s Ruling on Motions to Compel & Staying Schedule to Resolve AT&T’s Motion to Compel & Objection 1, 6–7 (filed Apr. 30, 2024) (denying CforAT’s second motion to compel).

<sup>31</sup> *Joint Application of San Diego Gas & Elec. Co. (U902G), S. Cal. Gas Co. (U904G), & Pac. Gas & Elec. Co. (U39G) To Reallocate the Costs of Nat. Gas Pub. Purpose Programs & Other Mandated Soc. Programs Among Customer Classes*, D.09-11-030, 2009 Cal. PUC LEXIS 584, at \*13–14 (Nov. 20, 2009) (discounting “time spent advocating positions that the Commission ultimately rejected,” which included 26 hours on motions to compel that were denied, because such efforts did not substantially contribute to the Commission’s decision) (“SDG&E/SCG/PG&E 2009 IC Decision”); see also *Application of Pac. Gas & Elec. Co. (U39M), San Diego Gas & Elec. Co. (U902E), & S. Cal. Edison Co. (U338E) for Auth. to Increase Elec. Rates & Charges to Recover Costs of Rsch. & Dev. Agreement with*

Accordingly, the Commission should disallow CforAT's claim for intervenor compensation for this work, which totals \$6,653.<sup>32</sup>

## 2. Discovery Matters

CforAT also seeks compensation for “time spent on drafting discovery requests, responding to discovery requests, and meeting and conferring with responding parties about discovery disputes.”<sup>33</sup> Yet CforAT makes no attempt to even show how the time it spent on its discovery efforts substantially contributed to the Commission's decision. For instance, CforAT sought voluminous discovery about AT&T California's expert witness. But CforAT only cross-examined Dr. Israel on a single draft of his report that AT&T California produced in advance of the evidentiary hearing.<sup>34</sup> And there is nothing in the ETC Decision that referencing this questioning.<sup>35</sup> Instead, CforAT defends the “significant amount of time” it spent on discovery-related matters by blaming AT&T California for legitimate objections to CforAT's discovery requests.<sup>36</sup> But this justification is simply irrelevant to the statutory standard, which requires an intervenor to show that its efforts *substantially contributed* to a final decision.<sup>37</sup> Because CforAT

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*Lawrence Livermore Nat'l Lab'y for 21st Century Energy Sys.*, D.14-03-015, 2014 Cal. PUC LEXIS 126, at \*7, \*9 (Mar. 13, 2014) (disallowing all time spent on a failed motion to recuse where “[t]he Commission found the arguments unpersuasive”).

<sup>32</sup> Because the ALJ granted half of CforAT's requests in its first motion to compel, AT&T California seeks a disallowance of only 50 percent of CforAT's claim for its work on the first motion to compel. *See* First MTC Ruling (granting CforAT's motion to compel further responses to four out of eight requests).

<sup>33</sup> CforAT's Intervenor Compensation Claim at 25, 26–28 & attach. (claiming 36.4 hours for work on discovery matters).

<sup>34</sup> April 9, 2024 Hearing Tr. at 855:14–859:13.

<sup>35</sup> *See* ETC Decision at \*33–55.

<sup>36</sup> *See id.* at 25–26; *see also* First MTC Ruling (referencing AT&T California's objections and responses in denying two of CforAT's requests to compel).

<sup>37</sup> Cal. Pub. Util. Code § 1803(a).

does not tie its discovery efforts to any part of the decision, the Commission should disallow all of CforAT's claimed compensation for its discovery-related work (*i.e.*, \$23,600).<sup>38</sup>

### 3. Procedural Matters

CforAT claims time for procedural matters, which it defines as “procedural matters such as scheduling, and includes activities that do not neatly fit into another category,” and for coordination matters, which it defines as “time spent conferring and collaborating with other parties, coordinating filings, and otherwise avoiding duplication.”<sup>39</sup> CforAT, however, fails to show how these activities contributed to the ETC Decision. Nowhere does CforAT explain what specific legal theories it developed as a result of these activities. Therefore, none of CforAT's costs were “incurred . . . in preparing or presenting” a qualifying “contention or recommendation,” and its work does not satisfy the “substantial contribution” requirement under Section 1802(j).<sup>40</sup> Administrative and other procedural tasks—without a direct, adopted outcome—do not constitute a substantial contribution and warrant reduction or disallowance (totaling \$14,844).<sup>41</sup>

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<sup>38</sup> *Application of Pac. Gas & Elec. Co. for Approval of Its Elec. Vehicle Charge 2 Program*, D.24-04-027, 2024 Cal. PUC LEXIS 234, at \*1 (Apr. 18, 2024) (disallowing time spent on discovery efforts that did not provide a substantive contribution to the final decision); *id.* (“There was no substantial contribution to the final decision that resulted from this discovery. As such, it is not compensable.”).

<sup>39</sup> CforAT's Intervenor Compensation Claim at 26–29 & attach. (claiming 25.2 hours for “Procedural” and “Coordination” efforts).

<sup>40</sup> Cal. Pub. Util. Code § 1802(j).

<sup>41</sup> See *Application of San Diego Gas & Elec. (U902E) for Authorization to Recover Costs Related to the 2007 S. Cal. Wildfires Recorded in the Wildfire Expense Memorandum Account (WEMA)*, D.25-08-021, 2025 Cal. PUC LEXIS 393, at \*1 (Aug. 14, 2025) (“The Commission does not compensate for routine clerical and administrative work.”); see also SDG&E/SCG/PG&E 2009 IC Decision at \*14–15 (discounting time spent on “clerical or administrative work”); *Application of AT&T Corp. (U5002C) to Discontinue Providing Residential Serv. in Frontier Territory & Relinquish Eligible Telecomms. Carrier Designation*, D.24-08-021, 2024 Cal. PUC LEXIS 424, at \*2–3 (Aug. 1, 2024) (deducting time CforAT spent on issues related to general participation, procedural, coordination, and the proposed decision because “the Commission . . . disallows inefficient participation that is not contributory to the underlying issues”).

#### 4. Alternative ETCs

CforAT also seeks compensation for advocacy against various alternative ETCs including ConnectTo<sup>42</sup> even though the Commission found ConnectTo and cable ETCs are adequate alternatives in certain areas and they will be the focus of its analysis in the Phase 2 proceeding.<sup>43</sup> CforAT admits that the ETC Decision did not “explicitly accept” its argument that wireless and IP-enabled networks could not be adequate alternative ETCs because they did not “function” in the same way as AT&T California’s copper network.<sup>44</sup> CforAT also fails to explain how its advocacy related to ConnectTo led the Commission to determine that ConnectTo was a relevant ETC in certain portions of Los Angeles where it had facilities.<sup>45</sup> Because CforAT fails to identify the causal link between its advocacy related to particular ETCs and the specific determinations made in the ETC Decision, CforAT has failed to carry its burden, and the Commission should reject CforAT’s claim for compensation related to this work totaling at least \$2,062.50.

#### 5. Blue Casa

CforAT’s claimed work related to Blue Casa similarly fails to meet the statutory standard for compensation.<sup>46</sup> As the ETC Decision states, “[a]t the December 13, 2023 Status Conference, AT&T [California’s] attorneys informed the assigned ALJ that AT&T [California] had removed Blue Casa from its analysis of replacement ETCs, in light of Blue Casa’s application to exit the

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<sup>42</sup> CforAT’s Intervenor Compensation Claim at 14–15 & attach. (claiming 1.2 (ConnectTo), and 2.1 (general alternative ETCs work) for a total of 3.3 hours for working regarding alternative ETCs, including ConnectTo).

<sup>43</sup> ETC Decision at \*105–106 (finding “[t]he evidence in the record indicates that cable ETCs may have the practical ability to serve some current customers in the relinquishment area at the individual customer level” and initiating Phase Two to investigate certain AT&T California wire centers served by Cox California Telecom, LLC, Time Warner Cable Information Services, ConnectTo Communications, Inc. and Consolidated Communications Enterprise Services, Inc.).

<sup>44</sup> CforAT’s Intervenor Compensation Claim at 14.

<sup>45</sup> *Id.* at 15.

<sup>46</sup> CforAT’s Intervenor Compensation Claim at 15, 19 & attach. (claiming 0.9 hours for work related to Blue Casa).

California market.”<sup>47</sup> Thus, the record shows Blue Casa exited the market, and AT&T California removed it from its filing for that reason. CforAT’s arguments that Blue Casa was not an adequate alternative ETC. Therefore, the Commission should disallow CforAT’s claim for compensation for this work, which totals \$562.

**C. Melissa Kasnitz’s Time Is Not Compensable.**

CforAT seeks \$42,352 in compensation for the 57.6 hours Melissa W. Kasnitz spent working on issues that purportedly contributed to the ETC Decision.<sup>48</sup> However, Ms. Kasnitz’s time entries reveal that nearly all of her time was spent on coordination and/or procedural matters—meeting with other CforAT representatives, reviewing and editing the work of other CforAT representatives, reviewing filings and/or correspondence that other CforAT representatives also reviewed, and the like.<sup>49</sup> Commission precedent bars compensation for work by more people than necessary to complete a task,<sup>50</sup> and CforAT does not explain why Ms. Kasnitz’s involvement was necessary. Further, CforAT fails to show how Ms. Kasnitz’s duplicative work substantially contributed to the ETC Decision.<sup>51</sup> The Commission should therefore disallow CforAT’s claim for compensation for Ms. Kasnitz’s work.

**V. CONCLUSION**

AT&T California respectfully requests that the Commission defer ruling on CforAT’s claim pending resolution of AT&T California’s Application for Rehearing of the ETC Decision,

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<sup>47</sup> See ETC Decision at \*60 (citing Reporter’s Transcript, Virtual Status Conference, December 13, 2023, at 57:14–23).

<sup>48</sup> See CforAT’s Intervenor Compensation Claim at 28–29 & attach. at 16–22.

<sup>49</sup> See *id.* attach. at 16–22.

<sup>50</sup> *Ord. Instituting Rulemaking to Advance Demand Flexibility Through Elec. Rates*, D.25-07-032, 2025 Cal. PUC LEXIS 328, at \*2 (July 24, 2025) (disallowing time where “multiple representatives . . . participated in activities where only one representative would have been sufficient”); see also Cal. Pub. Util. Code § 1801.3(f).

<sup>51</sup> See *supra* Sections IV.A–B.

or, in the alternative and consistent with the statute, *New Cingular Wireless II*, and Commission precedent, deny CforAT's claim in its entirety for insufficient documentation or, at a minimum, disallow all *ex parte* hours; reduce the award for motion to compel, discovery, procedural hours, Blue Casa, and duplicative work; and apply appropriate discounting in the amount of \$81,179.

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Respectfully submitted,

AT&T California

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