BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

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Joint Application of Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc. for Approval Pursuant to Public Utilities Code Section 854 of the Indirect Transfer of Control of Cox California Telcom, LLC (U5684C).	Application 25-07-016

CHARTER'S RESPONSE TO INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY

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I. INTRODUCTION AND SUMMARY

Pursuant to Rule 17.4(g) of the California Public Utilities Commission's ("CPUC" or "Commission") Rules of Practice and Procedure ("Rules"), Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox California Telcom, LLC ("Cox California") (collectively, "Charter") respectfully submit this response to the Intervenor Compensation Claim of Center for Accessible Technology ("CforAT") (the "IComp Claim"),[1] which seeks $304,238.50 for CforAT's claimed contributions to Decision ("D.") 26-08-033 (the "Decision") in this proceeding on the joint application of Charter Communications, Inc., Charter Communications Holdings, LLC, and Cox Enterprises, Inc. ("Joint Applicants") for Approval Pursuant to Public Utilities Code Section 854 of the Indirect Transfer of Control of Cox California (the "Transfer").[2] Charter respectfully requests that the Commission limit any award to CforAT to $19,387.50 and, in any event, not more than $152,569.

Charter does not dispute that California precedent provides that interim rulings can support an award of intervenor compensation; however, in *New Cingular Wireless PCS, LLC v. Public Utilities Commission* (2016) 246 Cal.App.4th 784 (*New Cingular Wireless I*) and *New Cingular Wireless PCS, LLC v. Public Utilities Commission* (2018) 21 Cal.App.5th 1197 (*New Cingular Wireless II*) (together, the "*New Cingular Wireless* cases"), the Court of Appeal of the State of

[1] Intervenor Compensation Claim of Center for Accessible Technology and Decision on Intervenor Compensation Claim of Center for Accessible Technology ("IComp Claim") (Oct. 14, 2026).

[2] *Id.* at 40–41.

California made clear that "by the plain terms of the statute there must be some *demonstrable* link between a position the intervenor took and a *specific 'order or decision' adopted by the CPUC*."[3] Although the Commission retains discretion to award compensation for a "substantial contribution" to a proceeding, the Court of Appeal has rejected Commission awards that did not sufficiently link intervenor compensation claims to advocacy "adopted" in an "order or decision" as part of the final resolution of a proceeding.[4] CforAT has not made that showing here. Where time is not adequately traceable, as is true for much of CforAT's IComp Claim, "the CPUC must make an effort to discount the claimed amount for that lack of precision . . . ."[5]

In this proceeding, the "specific []order or decision'" is the Decision, which adopted the Alternate Proposed Decision of Commissioner Matthew Baker and approved the Transfer, subject to Charter's settlement agreements (the "Settlements" or "Settlement Agreements") with the Public Advocates Office at the California Public Utilities Commission ("Cal Advocates") and the California Emerging Technology Fund ("CETF").[6] According to CforAT itself, CforAT played no part in shaping the Settlements, stating that "[n]o details of the settlements were provided until after the hearings were complete," and pleading to the Commission that the Settlements "do not address the majority of the issues raised in this proceeding."[7]

Indeed, the proposed decision of the assigned Administrative Law Judge ("ALJ")[8]—on which substantially all of CforAT's IComp Claim depends—accepts CforAT's account, stating in relevant part, "[n]or is there any indication that Joint Applicants invited input on the ongoing settlement process from parties to the proceeding outside of their single party settlement collaborator," and that the Commission had before it "only the two single party settlements that

[3] *New Cingular Wireless II*, 21 Cal.App.5th at 1203 (emphasis added).

[4] *Id.* at 1202–03.

[5] *Id.* at 1204.

[6] Alternate Proposed Decision of Commissioner Matthew Baker Granting Indirect Transfer of Control Subject to the Settlement Agreements and Mitigation Measures ("APD") (July 9, 2026); Decision at 82, Ordering Paragraph ("OP") 2; *id.* at 84, OP 3.

[7] CforAT's Comments on Joint Motion of Charter and Public Advocates Office for Adoption of Settlement Agreement and Joint Motion of Charter Communications, Inc. and California Emerging Technology Fund for Adoption of Settlement Agreement ("CforAT Settlement Comments") at 1–2 (June 1, 2026).

[8] Proposed Decision Granting Indirect Transfer of Control Subject to the Terms of the Joint Settlement ("ALJ PD") (July 9, 2026).

craft agreements around individual party areas of concern."[9] Notwithstanding Charter's disagreement with CforAT's characterization of both the Settlements and settlement process, CforAT cannot now claim that it "substantially contributed" to matters resolved by the Settlements—which were formally submitted pursuant to Rule 12.1 and adopted in the Decision—when it previously represented to the Commission that it had "[n]o details of the settlements," and that they "did not consider issues raised by non-settling parties" such as CforAT "or issues raised at the evidentiary hearing."[10]

The ALJ PD never became an order or decision of the Commission.[11] The IComp Claim nonetheless relies principally on portions of the ALJ PD that are not reflected in the APD the Commission ultimately adopted, tying at least six of its twelve substantive "contributions" only to the ALJ PD, which, as CforAT acknowledges, "the Commission declined to adopt."[12] CforAT also seeks compensation for six motions it filed or joined that were denied.[13]

Under controlling California precedent,[14] CforAT may be compensated only for its work on the motions the Commission granted and for any advocacy it can tie with sufficient specificity to a contention or measure the Decision adopted based on CforAT's advocacy, and any claim that does not meet those criteria must be rejected or discounted.[15] CforAT cannot claim credit for making any contribution to the Settlements about which, by its own account, CforAT had "[n]o details" until after the hearings. The mitigation measures the Decision adopted "to address concerns of the non-settling parties in areas not addressed by the Settlement Agreements," accordingly, are the only measures in the final resolution of this proceeding to which CforAT could

[9] ALJ PD at 87.

[10] CforAT Settlement Comments at 1; IComp Claim at 21–22.

[11] Cal. Pub. Util. Code § 311(d). Unless otherwise noted, all section references are to the California Public Utilities Code.

[12] IComp Claim at 2, 16–29; *see* Section III.A, *infra*.

[13] Decision at 4–9 & n.11; *id.* at 92, OP 13; *see* Section IV.B, *infra*.

[14] *New Cingular Wireless,* 21 Cal. App. 5th at 94 ("[T]here must be some demonstrable link between a position the intervenor took and a specific 'order or decision' adopted by the CPUC.")

[15] D. 05-02-005, Opinion Granting Intervenor Compensation to Utility Consumer's Action Network, at 11 (Feb. 10, 2005) (disallowing time UCAN spent on two opposition motions because "UCAN's position did not prevail and its effort did not advance [the Commission's] decisionmaking in any way.").

plausibly claim a substantial contribution.[16] CforAT's compensable work therefore consists of its motions to compel, the joint motion for evidentiary hearings, its contention that Section 854(b) and (c) apply—which the Decision adopted—and its advocacy on service quality, the only substantive issue on which the Decision adopted a mitigation measure that CforAT can credibly claim was based, in part, on its advocacy.[17] Even crediting all of the hours CforAT's own estimates allocate to "[s]ervice quality" measures in its hearing time, which cover more than that measure, CforAT's compensable time totals 27.5 hours of Paul Goodman's 2026 work, and the Commission should limit any award to CforAT to $19,387.50.[18] CforAT provides no time records at all for $76,523 of its IComp Claim,[19] and much of the rest of its time went to the ALJ PD, to Settlements it did not shape, to issues the Decision did not adopt, and to motions the Commission denied.

In the alternative, even if the Commission were to credit CforAT's contributions to the record more broadly, CforAT's own estimates of its time would limit any award to $104,622.[20] And if the Commission determines that CforAT's time cannot be tied with sufficient specificity to the Decision, it should disallow the $76,523 in unsupported time and reduce the remaining $227,715 by at least 33 percent because of excessive and duplicative claims, for an award of no more than $152,569.[21]

II. THE COMMISSION MAY AWARD INTERVENOR COMPENSATION ONLY FOR WORK LINKED TO THE DECISION IT ADOPTED, AND CFORAT HAS NOT SHOWN THAT LINK FOR MOST OF ITS REQUEST.

The Commission's intervenor compensation program exists to facilitate "the effective and efficient participation" of groups that have a stake in public utility regulation.[22] The "core eligibility criteria" for an award of compensation are "twofold."[23] An intervenor must demonstrate both: (1) that it made a "substantial contribution to the adoption, in whole or in part, of the

[16] CforAT Settlement Comments at 1–2; Decision at 46.

[17] Decision at 54–60.

[18] *See* Section III.E, *infra.*

[19] *See* Section IV.A, *infra*.

[20] *See* Section IV.C, *infra*.

[21] *See* Section V, *infra*.

[22] Cal. Pub. Util. Code § 1801.3(b).

[23] *New Cingular Wireless I*, 246 Cal.App.4th at 796.

commission's order or decision"; and (2) that its "[p]articipation or intervention without an award of fees or costs imposes a significant financial hardship."[24]

To the extent CforAT is determined eligible for compensation, the governing principle for the amount of any award is reasonableness.[25] An intervenor bears the "burden of proof" to show the "reasonableness of its hours" for all time for which compensation is sought.[26] Further, the intervenor compensation program is to be "administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding."[27] As the Commission has previously explained, ratepayers should not be expected to "pay costs related to inefficiency or duplication by an intervenor any more than they should pay the costs of inefficient operations or duplications that utilities may seek to charge,"[28] and "[i]ntervenors should be aware of the need to coordinate their efforts to avoid duplication of effort and thus avoid overpayment by ratepayers."[29]

Where, as here, an intervenor seeks compensation for its participation across an entire proceeding, controlling precedent requires that there be "some demonstrable link between a position the intervenor took and a specific 'order or decision' adopted by the CPUC"; that the Commission make "an effort to trace the amounts of fees and costs incurred to the specific orders or decisions so identified"; and that, "[i]f it is not feasible to trace time and costs . . . with precision to an 'order or decision,' the CPUC must make an effort to discount the claimed amount for that lack of precision . . . ."[30]

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[24] Cal. Pub. Util. Code §§ 1803(a)-(b).

[25] Cal. Pub. Util. Code § 1803; *New Cingular Wireless II*, 21 Cal.App.5th at 1201–03.

[26] *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 4, 2025 Cal. PUC LEXIS 138, at *2.

[27] Cal. Pub. Util. Code § 1801.3(f); *see also id.* § 1802.5 ("Participation by a customer that materially supplements, complements, or contributes to the presentation of another party, including the commission staff, may be fully eligible for compensation if the participation makes a substantial contribution to a commission order or decision, consistent with Section 1801.3.").

[28] *Application of Pacific Gas & Electric Co.*, D.93-04-048, 1993 Cal. PUC LEXIS 225, at *8.

[29] *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 3, 2025 Cal. PUC LEXIS 138, at *2.

[30] *New Cingular Wireless II*, 21 Cal.App.5th at 1203–04.

Indeed, the Commission recently granted rehearing of, and vacated, compensation awards to CforAT and The Utility Reform Network ("TURN") because the reasoning of those award decisions was "inconsistent with *New Cingular Wireless I* and *II*."[31] The assigned Administrative Law Judge in that proceeding then directed CforAT to refile, to "identify each order, decision or ruling adopted by the Commission . . . that adopted a contention or recommendation made by intervenors," to "[s]pecifically identify all costs and fees associated with" those contentions, and, if it could not do so, to "discount the claimed amount for that lack of precision" and "fully justify their suggested discount."[32] Seven months after that direction, CforAT filed this IComp Claim *without* any time records for more than a quarter of the amount it requests,[33] with *after-the-fact* percentage "estimate[s]" by issue for only four of Mr. Goodman's time categories,[34] and without proposing any discount for imprecision.

Although CforAT's IComp Claim relies on its assertion that "contribution to an ALJ's PD . . . is evidence of a substantial contribution even if the Commission does not adopt the PD's recommendations,"[35] CforAT ignores both the California Court of Appeal's and the Commission's more-recent precedent, citing instead only Commission decisions that predate the *New Cingular Wireless* cases.[36] In vacating CforAT's award, the Commission faulted the decision granting it for "rely[ing] primarily on Commission decisions that predate the *New Cingular Wireless* cases and which therefore should not be considered."[37] Those decisions credit participation that "enriched the Commission's deliberations and the record," which CforAT offers here in asserting that its

[31] *Application of Pacific Bell Telephone Co.*, D.25-12-045 at 3–5, 2025 Cal. PUC LEXIS 608, at *4–7.

[32] A.23-03-003, *In re 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* ("*AT&T COLR Proceeding*"), ALJ's Ruling Ordering Refiling of Intervenor Compensation Requests of TURN and CforAT at 4 (Mar. 16, 2026).

[33] IComp Claim at 39–41; *id.*, Attachment 2.

[34] IComp Claim at 37–39.

[35] *Id.* at 15 (quoting *New Regulatory Framework Rulemaking*, D.06-08-007 at 15, 2006 Cal. PUC LEXIS 303, at *20–21).

[36] *Id.* at 14–15 (citing *Rulemaking for the Purpose of Amending General Order 156*, D.04-08-020 at 8, 2026 Cal. PUC LEXIS 451 at *11–12; *New Regulatory Framework Rulemaking*, D.06-08-007 at 15, 2006 Cal. PUC LEXIS 303, at *20–22; and *Joint Application of Verizon Communications, Inc.*, D.06-09-008 at 10, 15, 2006 Cal. PUC LEXIS 312 at *13–14, 20–21).

[37] *Application of Pacific Bell Telephone Co.*, D.25-12-045 at 3, 2025 Cal. PUC LEXIS 608, at *4–5.

participation "enhanced the Commission's deliberations and the overall record,"[38] and which *New Cingular Wireless II* found insufficient standing alone. Although the Court was "prepared to accept the CPUC's discretionary determination" that the intervenors there "contributed substantially to the overall record-making mission," it nonetheless rejected the awards at issue because the Commission made "no serious attempt to link with any specificity the fees and costs incurred" to rulings "adopted as part of the final resolution" of the proceeding.[39] Even accepting, *arguendo*, that CforAT's contributions to the ALJ PD show that it contributed to the record, they do not establish a substantial contribution to the Commission's "order or decision" that was "adopted as part of the final resolution" of the proceeding,[40] nor do they relieve CforAT of its obligation to tie its time to the decision the Commission adopted.

Moreover, CforAT's claims would still fail to meet this burden even if "substantial contribution" were interpreted to credit intervenors for merely offering "a unique perspective that enhanced the Commission's comprehension of a complex issue," even if such perspective was "ultimately not adopted."[41] Even under that reading, which would be inconsistent with precedent established in the *New Cingular Wireless* cases, an intervenor's perspective must have assisted the Commission in reaching the order or decision it adopted.[42] The IComp Claim identifies no passage in the adopted Decision crediting a perspective unique to CforAT. Where the ALJ PD's own analysis addresses CforAT's concerns, it generally does so jointly with TURN or the Joint Advocates,[43] and CforAT concedes that the Decision contains no discussion of impacts on

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[38] IComp Claim at 14 (quoting *Rulemaking for the Purpose of Amending General Order 156*, D.04-08-020 at 8–9, 2026 Cal. PUC LEXIS 451, at *12).

[39] *New Cingular Wireless II*, 21 Cal.App.5th at 1202.

[40] Cal. Pub. Util. Code § 1802(j); *New Cingular Wireless II*, 21 Cal.App.5th at 1202.

[41] CPUC, Intervenor Compensation Program – Program Reports (last visited Oct. 19, 2026), available at: https://www.cpuc.ca.gov/proceedings-and-rulemaking/intervenor-compensation ("Intervenor Compensation Presentation") at 20; *see also Application of Southern California Edison Co.* (U338-E), D.08-04-004 at 5, 2008 Cal. PUC LEXIS 136, at *7 ("if a[n intervenor] provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution.").

[42] *See Application of Southern California Edison Co.* (U338-E), D.08-04-004 at 5, 2008 Cal. PUC LEXIS 136, at *7 ("if a[n intervenor] provided a unique perspective that enriched the Commission's deliberations and the record, the Commission *could find* that the customer made a substantial contribution." (emphasis added)).

[43] ALJ PD at 52, 57, 87–88.

consumers with disabilities.[44] For these reasons, CforAT fails to provide "detailed and specific references to the record" that are necessary to successfully demonstrate "substantial contributions," under *any* interpretation of that term under California law.[45]

Moreover, setting aside the fact that CforAT relies on outdated Commission decisions and ignores current, controlling Court of Appeal precedent, the prior decisions CforAT cites *do not* support full compensation here for work reflected only in a proposed decision. For example, in one proceeding cited in support by CforAT,[46] the Commission in fact reduced the hours of TURN's lead attorney by 25 percent because the "decision rejected most of TURN's recommendations."[47] Likewise, another decision on which CforAT relies allowed TURN compensation for "all effort on the service quality issue" only because of "the unique circumstances of this case," in which the Commission's departure from the proposed decision "was not attributable" to the intervenor's conduct, but to an analysis the Commission performed after hearings and briefing that no party "could have anticipated."[48] Although no party opposed TURN's request in that proceeding,[49] the Commission nonetheless held that it "must have the discretion to reduce an award" and disallowed time on issues on which TURN did not prevail.[50] Here, by contrast, the Commission adopted the APD on the merits, after evidentiary hearings, full briefing, and development of a robust and comprehensive record.

CforAT nonetheless claims it made "substantial contributions" based largely on its unsuccessful opposition to the Transfer, its opposition to the Settlements, its advocacy for "additional mitigation measures" that the Decision did not adopt, and the ALJ PD, which the Commission *did not* rely on to resolve this proceeding.[51] Unsuccessful efforts, or even interim

[44] IComp Claim at 25 ("D.26-08-033 contains no discussion of impacts on consumers with disabilities.").

[45] Intervenor Compensation Presentation at 20.

[46] IComp Claim at 15.

[47] *Joint Application of Verizon Communications, Inc.*, D.06-09-008 at 15, 2006 Cal. PUC LEXIS 312 at *19.

[48] *New Regulatory Framework Rulemaking*, D.06-08-007 at 17–18, 2006 Cal. PUC LEXIS 303, at *25–26.

[49] *Id.* at 5 n.5, 2006 Cal. PUC LEXIS 303, at *6 n.5.

[50] *Id.* at 46–50, 2006 Cal. PUC LEXIS 303, at *66–72.

[51] IComp Claim at 2, 16, 21-23.

rulings that were not adopted as part of the final resolution of the proceeding,[52] are not "substantial contributions" and cannot be compensated. Accordingly, California precedent requires the Commission to reject the IComp Claim except to the extent stated in Section III.E, *infra*.[53]

III. THE "SUBSTANTIAL CONTRIBUTION" STANDARD DOES NOT INCLUDE ADVOCACY THAT IS NOT ADOPTED INTO A DECISION OR ORDER OF THE COMMISSION.

California law requires a finding of a "substantial contribution" to be supported by the intervenor's demonstration that it "substantially assisted the commission 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.[54] The Court of Appeal has further held that the "'order or decision'" must be "part of the 'final' resolution of the proceeding," "whether or not the proceeding is resolved on the merits."[55] Where a proceeding was resolved by a decision on the merits, that decision is the final resolution to which the intervenor must link its time, and Section 1802(j) "plainly limit[s] the awardable compensation to 'all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.'"[56] Indeed, as the Court explained in *New Cingular Wireless II*, "compensable work must be traceable to some 'order or decision'" reflecting "some degree of advocacy success," because the Legislature "confined the discretion it conferred by tethering the amounts awardable to objectively successful advocacy."[57] Any award must therefore be limited to the time CforAT spent on a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on CforAT's advocacy.

A. Substantially all of CforAT's IComp Claim relies on the ALJ PD and CforAT fails to establish any substantial contribution to the Decision.

California law permits a compensation request only "[f]ollowing issuance of a final order or decision" and directs the Commission to determine whether the customer made a "substantial

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[52] Cal. Pub. Util. Code § 1802(j); *see also New Cingular Wireless II*, 21 Cal.App.5th at 1202.

[53] *New Cingular Wireless II*, 21 Cal.App.5th at 1202–04.

[54] Cal. Pub. Util. Code § 1802(j).

[55] *New Cingular Wireless I*, 246 Cal.App.4th at 819; *see New Cingular Wireless II*, 21 Cal.App.5th at 1200.

[56] *New Cingular Wireless I*, 246 Cal.App.4th at 819 (emphasis omitted).

[57] *New Cingular Wireless II*, 21 Cal.App.5th at 1202–03.

contribution to the final order or decision."[58] Indeed, both *New Cingular Wireless* cases identified this link in the final decision resolving the proceeding; in *New Cingular Wireless I*, the Commission's final order "expressly adopts all interim procedural rulings,"[59] and in *New Cingular Wireless II*, the rulings that could have supported an award were those the record showed "were adopted as part of the final resolution."[60] CforAT, by contrast, links substantially all of its time to the ALJ PD, which the Commission did not adopt as the final resolution of this proceeding.

Moreover, the ALJ PD was never an "order or decision" of the Commission. Although, under Section 311(d), an assigned commissioner or ALJ must prepare and file an "opinion" that "is the proposed decision," the Commission "may, in issuing its decision, adopt, modify, or set aside the proposed decision or any part of the decision," and a proposed decision's findings and orders become those of the Commission only "upon that approval or confirmation."[61] In that respect, a proposed decision is substantially similar to a motion, which, as CforAT itself has acknowledged, "is in no way an order or decision of the Commission,"[62] and neither a proposed decision nor a motion becomes part of the final resolution of a proceeding unless the Commission adopts or grants it. California law makes clear that compensation claims must be premised on contribution to "the *commission's* order or decision" and assistance to "*its* order or decision."[63]

The Commission resolved this proceeding by adopting Commissioner Baker's APD,[64] which identified the interim actions that became part of the final resolution by "affirm[ing] all rulings made by the ALJ and assigned Commissioner in this proceeding" and denying "[a]ll outstanding motions filed in this proceeding that have not yet been ruled on."[65] Accordingly, while the March 13, 2026 ruling granting CforAT's motions to compel may reasonably be considered part of the final resolution, and Charter does not dispute that CforAT may be compensated for that

[58] Cal. Pub. Util. Code § 1804(c), (e).

[59] *New Cingular Wireless I*, 246 Cal.App.4th at 795.

[60] *New Cingular Wireless II*, 21 Cal.App.5th at 1202.

[61] Cal. Pub. Util. Code § 311(d).

[62] *AT&T COLR Proceeding*, Reply to Pacific Bell Telephone Company d/b/a AT&T California's (U 1001 C) Response to the Intervenor Compensation Claim of CforAT at 4–5 (Oct. 10, 2024), refiled as Attachment A to Intervenor Compensation Claim of CforAT (May 8, 2026).

[63] Cal. Pub. Util. Code §§ 1803(a), 1802(j) (emphasis added).

[64] Decision at 63–72; *id.* at 92, OP 14.

[65] Decision at 61–63; *id.* at 92, OP 13.

work,[66] the ALJ PD by contrast was not adopted and did not become part of the final resolution of this proceeding.

The final resolution of this proceeding also incorporates the Settlements, explicitly recognizing that "the settlement agreements are based on the record developed by the Joint Applicants, Cal Advocates, and CETF"[67] and adopting mitigation measures only "to address concerns of the non-settling parties in areas not addressed by the Settlement Agreements."[68] In CforAT's account, CforAT did not have "a meaningful opportunity . . . to ask questions or provide input" at the settlement conference, did not "receive a copy of the settlements until after evidentiary hearings concluded," and concluded that the Settlements "do not address the majority of the issues raised in this proceeding."[69] The ALJ PD accepted that account,[70] but CforAT now asserts in its IComp Claim that its participation nonetheless "resulted in CETF's reaching a settlement agreement that was more favorable th[an] it would have been absent CforAT's engagement in this proceeding."[71] Charter disagrees with CforAT's characterization of the settlement process, but CforAT cannot have it both ways. If CforAT had no meaningful opportunity to provide input into the Settlements, as it told the Commission and as its IComp Claim still maintains, it cannot now claim credit for them; and if it *did* make a substantial contribution to shaping the Settlements, its account to the Commission was not accurate. Either way, CforAT cannot credibly claim a substantial contribution to the Settlements.

Moreover, although *New Cingular Wireless II* rejected awards "purporting to decide hypothetically whether [an intervenor's] contributions 'would have' influenced rulings or decisions that were never made,"[72] CforAT's IComp Claim describes what the ALJ PD "would have" done at least a dozen times. For example, CforAT asserts that the ALJ PD "would have imposed additional mitigation measures" and "would have adopted many of the factual and legal

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[66] *See* Section III.E, *infra*.

[67] Decision at 48.

[68] *Id.* at 46.

[69] CforAT Settlement Comments at 2, 4 n.2, 29.

[70] ALJ PD at 87; *see* Section I, *supra*.

[71] IComp Claim at 36.

[72] *New Cingular Wireless II*, 21 Cal.App.5th at 1202.

arguments raised in CforAT's testimony and briefs."[73] The ALJ PD's resolution of those issues is a decision that was "never made." While CforAT may be compensated for a contention the ALJ PD adopted *if the Decision adopted it as well*, such as the applicability of Section 854(b) and (c), the ALJ PD cannot supply a substantial contribution where the Decision reflects none.[74] Accordingly, the time CforAT devoted to issues reflected only in the ALJ PD and to opposing the Settlements is not compensable and, at a minimum, must be discounted under *New Cingular Wireless II*.[75]

B. CforAT's request includes all of its time in this proceeding, much of which went to unsuccessful opposition to the Transfer and to the Settlements the Commission approved and is not "traceable" to "advocacy success."

CforAT's IComp Claim may not be granted for advocacy that the Commission did not adopt[76] or that merely repeated other parties' advocacy.[77] Such advocacy formed the greater part of CforAT's work in this proceeding, yet CforAT seeks compensation for all of it, an approach *New Cingular Wireless II* expressly rejected in holding that a finding of substantial contribution to some order does not justify "awarding every penny. . . CforAT claimed for [its] work in connection with the proceeding as a whole."[78]

In particular, CforAT relies upon multiple suggested "contributions" to support an award, including: (1) its advocacy for the Commission to "deny the transaction";[79] (2) its arguments that the Transfer was against the public interest;[80] (3) its advocacy for the inclusion of "mitigation measures" that were not incorporated into the Decision and, thus, implicitly rejected;[81] and (4) its argument that the Settlements "were not reasonable"[82]—among others. Many of these claimed "contributions" reflect only CforAT's failed effort to oppose the Transfer. To the extent CforAT

[73] IComp Claim at 2, 15–16, 24–28.

[74] *New Cingular Wireless II*, 21 Cal.App.5th at 1202–03.

[75] *Id.* at 1204.

[76] *Id.* at 1202–03.

[77] Cal. Pub. Util. Code § 1801.3(f).

[78] *New Cingular Wireless II*, 21 Cal.App.5th at 1201.

[79] IComp Claim at 16.

[80] *Id.* at 17.

[81] *Id.* at 20.

[82] *Id.* at 21.

can claim credit for the standard of review the Commission applied, it was one of several parties advocating the same reading of Section 854(b) and (c).

An intervenor compensation award is not justified for the time CforAT spent unsuccessfully opposing the Transfer.[83] Indeed, CforAT's IComp Claim highlights largely unsuccessful efforts, labeling as "substantial contributions" its work to support positions it admits the Commission did not ultimately adopt.[84] CforAT similarly suggests positions that were adopted by the ALJ PD but nowhere addressed by the APD justify a "substantial contribution."[85] Further, CforAT attempts to identify *implicit* rulings in its favor on issues it admits "[t]he final decision did not address,"[86] or "does not include a specific finding about."[87] Yet the statutory definition requires that the Commission's "order or decision *has adopted*" the intervenor's advocated "factual contentions, legal contentions, or specific policy or procedural recommendations . . . ."[88] It does not permit an award of compensation based on unsuccessful advocacy, unaddressed contentions, or *sub silentio* holdings.

Notwithstanding the legal standard, CforAT requests $44,119.50 for its briefing,[89] and by its own estimates, approximately 90 percent of Mr. Goodman's briefing time was spent on issues on which the Decision did not adopt CforAT's position, including "Sufficiency" (40 percent) and "Economic Benefits" (10 percent).[90] Likewise, CforAT asks for $35,442 under the category of

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[83] *See* Opening Brief of CforAT, California Alliance for Digital Equity, Digital Equity Los Angeles, East Bay Broadband Consortium, and Fresno Coalition for Digital Inclusion ("CforAT Opening Brief") at 13–36 (May 22, 2026); Reply Brief of CforAT, California Alliance for Digital Equity, Digital Equity Los Angeles, East Bay Broadband Consortium, Fresno Coalition for Digital Inclusion, and Media Alliance at 9–22 (June 5, 2026).

[84] *See, e.g.*, IComp Claim at 16 (noting "CforAT argued that the Commission should deny the transaction" but admitting "the Commission did not deny the transaction").

[85] *Id.* at 17–19, 23–28; *see* Section III.A, *supra*.

[86] *Id.* at 19.

[87] *Id.* at 23.

[88] Cal. Pub. Util. Code § 1802(j) (emphasis added).

[89] CforAT requests 51.1 hours of Mr. Goodman's time at $705 per hour, 8.3 hours of Melissa Kasnitz's time at $780 per hour, and 5.4 hours of Rachel Sweetnam's time at $300 per hour for "Briefing," for a total of $44,119.50. IComp Claim at 38–40. Though detailed time entries are not presented for Ms. Kasnitz or Ms. Sweetnam, CforAT describes "Briefing" as "time spent preparing opening and reply briefs." *Id.* at 38.

[90] IComp Claim at 38–39 (allocating Mr. Goodman's briefing time to "Sufficiency" (40 percent), "Affordability" (20 percent), "Public Safety" (10 percent), "Workforce" (10 percent), "DEI" (10 percent), and "Economic Benefits" (10 percent)).

"Law and Motion,"[91] much of which went to its own motions that the Commission denied,[92] and $51,619.50 for its "Settlement" efforts[93] on agreements to which it was not a party, about which it asserts it had "[n]o details" until after the hearings, and which it opposed.[94] In short, many of the "contributions" CforAT cites serve only to highlight the absence of any contention or recommendation adopted by the Decision, rather than showing that "the order or decision *has adopted in whole or in part*" specific "factual contentions, legal contentions, or specific policy or procedural recommendations presented" by CforAT.[95] Time spent on advocacy the Commission rejected is not a "substantial contribution," and it is not compensable.[96] All such time must be excluded from any award to CforAT.

C. CforAT does not identify with particularity any "mitigation measures" that its advocacy secured.

Nor can CforAT be compensated for mitigation measures that reflect the Settlements or that cannot be tied to its advocacy. The Decision adopted mitigation measures only "to address concerns of the non-settling parties in areas not addressed by the Settlement Agreements."[97] CforAT references "additional mitigation measures" generically and ties specific measures to its advocacy in only two places, the outage credit and the requirements for Public, Educational, and Government-Access ("PEG") channels.[98] In fact, *none* of the other mitigation measures proposed by CforAT was adopted, including its unsuccessful advocacy for (1) a mandatory 0.5 percent revenue contribution from Charter towards a statewide capacity building pooled fund;[99] (2) an

[91] Under this category, CforAT requests 4.2 hours of Mr. Goodman's 2025 time at $680 per hour, 36.4 hours of his 2026 time at $705 per hour, 6.3 hours of Ms. Kasnitz's time at $780 per hour, and 6.7 hours of Ms. Sweetnam's time at $300 per hour, for a total of $35,442. IComp Claim at 37–40.

[92] Decision at 92, OP 13 ("All outstanding motions filed in this proceeding that have not yet been ruled on are denied."); *see* Section IV.B, *infra*.

[93] Under this category, CforAT requests 59.5 hours of Mr. Goodman's time at $705 per hour and 12.4 hours of Ms. Kasnitz's time at $780 per hour, for a total of $51,619.50. IComp Claim at 38–40.

[94] CforAT Settlement Comments at 1–2.

[95] Cal. Pub. Util. Code § 1802(j) (emphasis added).

[96] Cal. Pub. Util. Code § 1802(j); *see also New Cingular Wireless II*, 21 Cal.App.5th at 1202–03.

[97] Decision at 46.

[98] IComp Claim at 20, 22, 26, 28.

[99] CforAT Opening Brief at 38.

annual $5 million contribution from Charter to support PEG channels;[100] (3) the creation of a post-disaster service restoration protocol and associated customer commitments;[101] (4) the establishment of additional low-income service offerings and associated reporting;[102] (5) diversity, equity, and inclusion-based hiring commitments and associated brick-and-mortar retail store commitments;[103] or (6) diversity, equity, and inclusion-based contracting, hiring, and monitoring commitments.[104]

In fact, the other mitigation measures that *were* adopted into the Decision arose from the advocacy of others. For example, CforAT claims credit for the Decision's inclusion of PEG-related commitments.[105] However, in the Decision's discussion of the PEG mitigation measure, the Commission references the advocacy of Media Alliance, *not* CforAT.[106] Indeed, CforAT itself states that it "requested minimal hours addressing the merger impacts on PEG channels because Media Alliance had far more experience and expertise regarding those issues."[107] In any event, CforAT cannot take credit for vague and overly broad claims of contribution to mitigation measures when the record of this proceeding reflects that its efforts were mostly unsuccessful. Indeed, the other commitments the Decision adopted were either commitments Charter made in other states or arose from others' advocacy, not CforAT's.[108]

D. CforAT's argument that Section 854(b) and (c) apply overlapped with the positions of Cal Advocates and TURN and occupied little of CforAT's time.

CforAT claims a "substantial contribution" in advocating that Section 854(b) and (c) applied to the Transfer. CforAT shared that position with Cal Advocates and TURN, and Cal Advocates made the same argument about Cox's revenues that the Decision adopted.[109] The Decision's finding on Cox's California revenues cites the opening brief CforAT filed jointly with

[100] *Id.* at 38–39.

[101] *Id.* at 39–40.

[102] CforAT Opening Brief at 40–41.

[103] *Id.* at 41–42.

[104] *Id.* at 42–45.

[105] IComp Claim at 28–29; Decision at 56–58.

[106] Decision at 56–57 & nn.142–47.

[107] IComp Claim at 32–33.

[108] Decision at 54–55 & nn.137–38; *id.* at 56–59 & nn.142–49.

[109] *Id.* at 15–18.

four other organizations,[110] but CforAT allocates only 5 percent of Mr. Goodman's 29.9 testimony hours (1.5 hours), and none of its briefing time, to "Jurisdiction," which is the only category reasonably tied to the appropriate standard of review.[111] Further, the Commission found Section 854 to be satisfied, when paired with the Settlements and additional mitigation measures, calling "the Joint Applicants and Cal Advocates arguments in this regard compelling."[112]

Where an intervenor's participation overlaps that of other parties with similar interests, the intervenor must show that its participation "materially supplemented, complemented, or contributed to the presentation" of those parties.[113] Compensation for that contribution must, at a minimum, be limited to the time CforAT actually spent on it. CforAT's records do not identify that time.[114] At most, the Commission should allow the 1.5 hours CforAT allocates to "Jurisdiction," which Charter includes in the maximum award in Section III.E, not a share of its time on the proceeding as a whole.

E. CforAT may be compensated, at most, for a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on CforAT's advocacy, and only for the time it actually spent on them.

The Commission granted CforAT's motions to compel and held the evidentiary hearings that multiple intervening parties jointly requested.[115] Mr. Goodman's records show 2.9 hours on the motions to compel and 1.4 hours on the joint motion for evidentiary hearings.[116] Beyond those

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[110] *Id.* at 17–18 & n.33.

[111] IComp Claim at 37 (estimating that 5 percent of Mr. Goodman's 29.9 hours of 2026 "Testimony" time went to "Jurisdiction"); *id.* at 38–39 (listing no "Jurisdiction" share of his "Briefing" time). Five percent of 29.9 hours is 1.495 hours, which Charter rounds to 1.5 hours.

[112] Decision at 31.

[113] Rule 17.4(f) (requiring a showing "that the participation materially supplemented, complemented, or contributed to the presentation of any other party with similar interests, or that the participation did not overlap the presentation of other intervenors"); *see also* Cal. Pub. Util. Code § 1801.3(f) (requiring Article 5 to be "administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented" in a proceeding).

[114] IComp Claim at 37–39 (allocating 5 percent of Mr. Goodman's 2026 "Testimony" time, and none of his "Briefing" time, to "Jurisdiction"). Although CforAT also cites its protest and its response to Joint Applicants' motion to amend the scoping memo for this contention, it does not allocate any of its time on either filing to "Jurisdiction." *Id.* at 16, 37.

[115] Decision at 6–7 ("On March 13, 2026, the assigned ALJ granted CforAT's motions to compel discovery."); *id.* at 63.

[116] Mr. Goodman's entries on the motions to compel are dated February 4 (0.5 hour), February 9 (0.5 and 0.2 hour), February 19 (1.5 hours), and March 13, 2026 (0.2 hour), which total 2.9 hours. IComp Claim, Attachment 2 at 3–5, 7. His entries relating to the joint motion for evidentiary hearings are dated February

motions and the Section 854(b) and (c) contention discussed in Section III.D, the only substantive issue on which CforAT can plausibly claim a contribution reflected in the Decision is service quality.[117] CforAT does not identify the time it spent on that issue; however, it estimates that 25 percent of Mr. Goodman's 66.4 hours in its "Hearings" category, which covers preparing for and attending status conferences and evidentiary hearings, went to "[s]ervice quality," and that 10 percent of his 51.1 hours of "Briefing" time went to a category that CforAT groups with service quality in its claim. Charter credits both shares, 16.6 hours (25 percent of 66.4 hours) and 5.1 hours (10 percent of 51.1 hours), as a proxy for CforAT's contribution regarding service quality, even though those hours cover *all* of CforAT's hearing time on service quality and all of its briefing time in that category (rather than only the outage credit in OP 6, which is the measure for which the Decision cites CforAT's opening brief).[118]

Adding the 1.5 hours CforAT allocates to its Section 854(b) and (c) contention brings CforAT's compensable time to 27.5 hours, or $19,387.50 at Mr. Goodman's 2026 rate of $705.[119] That is the only time the IComp Claim can link to a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on CforAT's advocacy:

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5 (0.1 hour), February 10 (0.5 and 0.1 hour), February 27 (0.4 hour), and March 2, 2026 (0.3 hour), which total 1.4 hours. *Id.* at 3–4, 6.

[117] Decision at 55–56 & nn.139–40; *id.* at 88, OP 6.

[118] IComp Claim at 38 (estimating that 25 percent of Mr. Goodman's 66.4 hours of 2026 "Hearings" time went to "Service quality"). Twenty-five percent of 66.4 hours is 16.6 hours. CforAT allocates the remaining 75 percent to "Diversity, equity, and inclusion" (30 percent), "Competition and economic benefits" (30 percent), "Workforce" (10 percent), and "Compliance" (5 percent). *Id.* CforAT's settlement category combines "Public Safety and Service Quality." *Id.* Charter excludes those settlement hours because CforAT had no part in the Settlements. *See* Section III.A, *supra*. CforAT labels the 10 percent briefing share as "Public Safety," and does not include in its briefing estimate a separate entry for service-quality share. IComp Claim at 38–39. CforAT groups the two elsewhere, in its settlement category, *id.* at 38, and in its claimed contribution on "Public Safety and Service Quality," for which it cites the outage credit as the measure the Decision adopted, *id.* at 26. Charter therefore counts that 10 percent of Mr. Goodman's 51.1 hours of 2026 "Briefing" time with his service-quality hearing time. Ten percent of 51.1 hours is 5.11 hours, which Charter rounds to 5.1 hours.

[119] The Commission cannot credit any of CforAT's remaining time, such as its discovery, coordination, and *ex parte* hours, because CforAT does not even attempt to tie that time to any issue; instead, CforAT assigns each entry only to one of ten time categories, such as "Discovery" or "Law and Motion," and only offers after-the-fact percentage estimates by issue for only four of them. IComp Claim at 37–39; *id.*, Attachment 2; *see* Section IV.D, *infra*.

Compensable item	Hours	Amount[120]
Motions granted by the Commission		
Motions to compel (granted March 13, 2026)[121]	2.9	$2,044.50
Joint motion for evidentiary hearings (filed February 12, 2026; hearings held)[122]	1.4	$987.00
Subtotal: motions granted	**4.3**	**$3,031.50**
CforAT advocacy addressed in final resolution of the proceeding		
Applicability of Section 854(b) and (c) (all "Jurisdiction" testimony hours, according to CforAT's estimates)[123]	1.5	$1,057.50
Service quality ("Service quality" hearing hours, according to CforAT's estimates)[124]	16.6	$11,703.00
Service quality (briefing hours CforAT allocates to "Public Safety")[125]	5.1	$3,595.50
Subtotal: CforAT advocacy addressed in final resolution	**23.2**	**$16,356.00**
Maximum award	**27.5**	**$19,387.50**

Consistent with the *New Cingular Wireless* cases and Section 1802(j), any award of intervenor compensation to CforAT should not include its advocacy opposing the Transfer, its opposition to the Settlements, its advocacy on issues reflected only in the ALJ PD, or its claimed contributions to mitigation measures other than its service-quality advocacy. Such efforts cannot be traced to any specific order or decision adopted and do not reflect a "substantial contribution," as defined by Section 1802(j). That time must be excluded even if any "substantial contribution" is found in any other respect.

IV. CFORAT HAS NOT CARRIED ITS BURDEN FOR MOST OF ITS REQUEST, AND ANY AWARD SHOULD NOT EXCEED $19,387.50 OR, BASED ON CFORAT'S OWN ESTIMATES, $104,622.

CforAT must demonstrate that (1) all time for which it claims compensation was productive and necessary, (2) its time entries do not reflect duplicative efforts among its staff or

[120] Each amount multiplies the hours in that row by the 2026 hourly rate of $705 that CforAT requests for Mr. Goodman. IComp Claim at 40. The five rows total 27.5 hours (2.9 + 1.4 + 1.5 + 16.6 + 5.1) and $19,387.50 ($2,044.50 + $987.00 + $1,057.50 + $11,703.00 + $3,595.50). The table includes only Mr. Goodman's 2026 time because CforAT provides time records only for that work. *See* Section IV.A, *infra*.

[121] Decision at 7.

[122] *Id.* at 6–7.

[123] *Id.* at 78, Conclusion of Law ("CoL") 1.

[124] *Id.* at 88, OP 6.

[125] *Id.* at 55–56 & n.140; IComp Claim at 26, 38–39.

overlap with other parties, and (3) its time is adequately supported in its IComp Claim.[126] Rule 17.4(b) further requires that a request for compensation include "time records of hours worked that identify: (1) the name of the person performing the task; (2) the specific task performed; (3) the issue that the task addresses, as identified by the intervenor; and (4) the issue that the task addresses, as identified by the scoping memo, if any."[127] And, as discussed above, *New Cingular Wireless II* requires the Commission to make "an effort to trace" the fees and costs claimed to the orders or decisions to which the intervenor contributed and, where that is not feasible, to "discount the claimed amount for that lack of precision."[128]

A. CforAT provides no time records for $76,523 of its request, and that amount should be disallowed.

CforAT provides no time records at all for Melissa Kasnitz (65.1 hours, $50,645.50), Rachel Sweetnam (20.3 hours, $6,090), Mr. Goodman's 2025 work (23.1 hours, $15,708), or its claim preparation (12.0 hours, $4,079.50).[129] For Ms. Kasnitz and Ms. Sweetnam, who together account for about 19 percent of the IComp Claim, CforAT offers only generic categories, such as "Procedural," "Coordination," "Discovery," "Settlement," and "Briefing," with a number of hours in each, and not even modestly detailed time entries. CforAT has not carried its burden for any of that time, and the $76,523 should be disallowed.[130]

Ms. Kasnitz's time also independently warrants disallowance as "unnecessary, redundant, and inefficient."[131] Although CforAT describes her role here as supervising Mr. Goodman's and Ms. Sweetnam's work and "developing overall strategy,"[132] on the same day it adopted the

[126] *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 4, 2025 Cal. PUC LEXIS 138, at *2 (requiring a showing "that time spent did not duplicate efforts of other intervenors and that each hour was spent productively"); Rule 17.4(b), (f).

[127] Rule 17.4(b).

[128] *New Cingular Wireless II*, 21 Cal.App.5th at 1204.

[129] IComp Claim at 39–41; *id.*, Attachment 2.

[130] Even if Ms. Sweetnam's time were allowed, it should be compensated at $285 per hour rather than the $300 CforAT requests. CforAT acknowledges that, in D.26-08-028, the Commission "applied the 2026 COLA to establish a 2026 rate of $285 per hour for Ms. Sweetnam." IComp Claim at 42; *see* Cal. Pub. Util. Code § 1806.

[131] *Joint Application of TracFone Wireless, Inc. (U4321C)*, D.26-08-020 at 17, 2026 Cal. PUC LEXIS 451.

[132] IComp Claim at 36.

Decision, the Commission disallowed all of Ms. Kasnitz's hours on CforAT's compensation claim in the Verizon/TracFone proceeding, finding that:

> [W]e find that Kasnitz's participation in this proceeding was unnecessary as CforAT had two attorneys in Goodman and Sweetnam already working in this proceeding. CforAT's level of staffing resulted in unnecessary, redundant, and inefficient participation that did not provide added value to the proceeding. Accordingly, we find that the involvement of multiple representatives in these instances was not justified and resulted in excessive hours.[133]

Accordingly, the Commission disallowed Ms. Kasnitz's remaining hours "to ensure that only reasonable and non-duplicative efforts are compensated."[134] Because CforAT staffed this proceeding with the same three attorneys and submits no time records for Ms. Kasnitz, her 65.1 hours ($50,645.50) should likewise be disallowed here.

B. CforAT's IComp Claim includes significant time reflecting "unproductive participation."

To be compensable, all activities for which compensation is sought must be both "productive and necessary,"[135] yet much of CforAT's time was unproductively spent, as discussed in Section III, including on its own motions that the Commission denied.

The Commission denied each of the following motions CforAT filed or joined: (a) the joint motion to amend the scoping memo and proceeding schedule;[136] (b) the motion requiring Joint Applicants' witnesses to remain available throughout the evidentiary hearings;[137] (c) the motion to bar Joint Applicants' testimony on their responses to the ALJ's March 18, 2026 ruling directing the filing of additional information;[138] (d) the June 9, 2026 motion to strike portions of Joint Applicants' briefs and the entirety of CETF's and Cal Advocates' briefs;[139] (e) the June 29, 2026

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[133] *Joint Application of TracFone Wireless, Inc. (U4321C)*, D.26-08-020 at 17, 2026 Cal. PUC LEXIS 451.

[134] *Id.*

[135] *Application of Southern California Edison Co. (U338E)*, D.24-09-048 at 37, 2024 Cal. PUC LEXIS 552.

[136] E-Mail Ruling Denying Motion as Amended at 3 (Mar. 27, 2026).

[137] CforAT's Motion Requiring Availability of Joint Applicant's Witnesses Throughout Evidentiary Hearing (Apr. 1, 2026); Decision at 92, OP 13.

[138] Decision at 8 & n.11 (denied on the record); ALJ's Fifth Ruling Directing Filing of Additional Information Within 10 Days (Mar. 18, 2026).

[139] Decision at 9; *id.* at 92, OP 13.

motion for a ruling setting dates for further testimony and evidentiary hearings;[140] and (f) the July 24, 2026 motion supporting adoption of the ALJ PD's "Joint Settlement" terms.[141] Mr. Goodman's records show 24.6 hours ($17,343) on those motions, of which 9.5 hours fall within the four time categories CforAT allocates by issue and 15.1 hours ($10,645.50) do not.[142]

More broadly, CforAT has not sufficiently tied the time spent by its attorneys to particular issues where it claims to have made a "substantial contribution." In fact, CforAT concedes that it does "not have a specific breakdown of time spent on individual issues," and it offers only *after-the-fact* percentage "estimate[s]" for four of Mr. Goodman's ten time categories, covering 206.9 of his 323.0 hours in 2026.[143] Those estimates confirm that the vast majority of that time was spent on issues that were not a part of the final resolution of the proceeding. Applying CforAT's percentages, 159.5 of the 206.9 hours (77.1 percent), or $112,447.50, went to issues on which CforAT did not prevail or shape the final decision, including diversity, equity, and inclusion (about 49 hours), competition and economic benefits, affordability, workforce, customer service, and the "sufficiency" of the application, while only 38.1 hours (18.4 percent) went to issues the Decision reflects and the remaining 9.3 hours (4.5 percent) cannot be classified.[144]

Because CforAT carries the "burden of proof" to show "each hour was spent productively to make a substantial contribution,"[145] the Commission must hold CforAT to its burden and deny its compensation request except to the extent it has tied its time to a specified "substantial contribution." Any award should therefore exclude the time CforAT spent opposing the Transfer

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[140] CforAT's Motion for Ruling Setting Dates for Testimony and Evidentiary Hearings (June 29, 2026); Decision at 92, OP 13.

[141] Motion to Support Adoption of Terms of Joint Settlement in Proposed Decision Granting Indirect Transfer of Control Subject to the Terms of the Joint Settlement as Mitigation Measures (July 24, 2026); Decision at 82, CoL 17 ("Any pending motions that are not expressly ruled upon by the assigned Commission or ALJ should be denied."); *id.* at 92, OP 13 ("All outstanding motions filed in this proceeding that have not yet been ruled on are denied.").

[142] IComp Claim, Attachment 2 at 7–10, 16–18, 20.

[143] IComp Claim at 37–39.

[144] *Id.* Applying CforAT's percentages, the hours on issues the Decision did not adopt are diversity, equity, and inclusion (48.9), competition and economic benefits (25.0), affordability (22.1), sufficiency (20.4), workforce (17.7), lack of verifiable benefits (11.9), customer service (6.0), public interest harms (4.5), and community investment (3.0). The 9.3 hours that cannot be classified are CforAT's estimates for compliance and the standard of review.

[145] *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 4, 2025 Cal. PUC LEXIS 138, at *2.

or the Settlements, as well as all time for which CforAT has not carried its burden to prove the submitted time was both "productive and necessary."

C. Even if the Commission credits CforAT's broader contributions to the record, CforAT's own estimates would limit any award to $104,622.

As demonstrated in Section III.E, the only time the IComp Claim can link to a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on CforAT's advocacy totals 27.5 hours, or $19,387.50.[146] Even *if* the Commission were to credit CforAT's contributions to the record more broadly, CforAT's own estimates would limit any award to $104,622. CforAT's failure to provide time records limits reviewable time to Mr. Goodman's 323.0 hours in 2026($227,715). Further, 159.5 of those hours ($112,447.50) went to issues that were not adopted o in the Decision. Another 15.1 hours ($10,645.50), billed outside the categories CforAT allocates by issue, went to its own motions that the Commission denied.[147] Removing that time leaves 148.4 hours, or $104,622, which would *still include* every hour CforAT allocated to an issue that is actually contemplated by the Decision, the 9.3 hours that cannot be classified under CforAT's estimates, and all 101.0 of Mr. Goodman's other hours, including his discovery work, his comments on the proposed decisions, and his *ex parte* meetings. Further, that does not account for the duplication discussed below.[148]

D. CforAT's IComp Claim reflects both internal and external duplication of efforts that must reduce any award.

Likewise, any award to CforAT should be reduced to avoid both the duplication of effort among CforAT staff and CforAT's duplication of advocacy that was already provided by other parties in the proceeding.[149]

With respect to CforAT's significant internal duplication of efforts billed, CforAT's time records appear to reflect the same work billed multiple times. Curiously, Mr. Goodman's records include six entries, totaling 1.5 hours, for calls, conferences, and exchanges with "P. Goodman,"

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[146] *See* Section III.E, *supra*.

[147] *See* Sections IV.A–IV.B, *supra*.

[148] IComp Claim at 37–39; *id.*, Attachment 2.

[149] *See, e.g.*, Cal. Pub. Util. Code § 1801.3(f); *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 3–4, 2025 Cal. PUC LEXIS 138, at *2.

that is, apparently, with Mr. Goodman himself.[150] Five of these match the date, subject, and length of *separate* entries in the same records for a call, conference, or exchange with Ms. Kasnitz.[151] For example, on January 29, 2026, Mr. Goodman billed 0.2 hour to "Meet w/ M. Kasnitz re: NDA" and another 0.2 hour to "Meet w/ P. Goodman re: NDA," and on April 14, 2026, he billed 0.3 hour to "Conf. w/ M. Kasnitz re: witness list and cross estimates" and another 0.3 hour to "Conf. w/ P. Goodman re: witness list, cross estimates."[152] CforAT offers no explanation for these entries, which on their face bill the same communication twice at Mr. Goodman's $705 hourly rate. Mr. Goodman's records also include 37 entries (11.6 hours), including those five Kasnitz entries, for calls, conferences, e-mails, and memoranda with Ms. Kasnitz or Ms. Sweetnam,[153] whose own time CforAT bills separately and without any time records. Likewise, CforAT billed 65.1 hours (or $50,645.50) for Legal Director Melissa Kasnitz, whose role it describes as supervision,[154] and 81.1 hours (or $56,646) spread across three attorneys for hearing preparation and attendance.[155] Because CforAT has not carried its burden of demonstrating that it avoided non-compensable duplication, any award should exclude Ms. Kasnitz's and Ms. Sweetnam's time.[156]

As to external duplication, CforAT acknowledges that it filed jointly with other parties throughout the proceeding, but declines to allocate that work, asserting that "it would be disingenuous for CforAT to claim that it was responsible, or 'took the lead' in, drafting any particular section of joint filings," while acknowledging that the Commission has "on several occasions" reduced awards on that basis.[157] TURN, by contrast, coded each of its time entries by issue or activity and identified the joint filings it led, including the joint motion for evidentiary hearings that CforAT lists as one of its own contributions.[158] Likewise, CforAT's claimed

[150] IComp Claim, Attachment 2 at 2 (Jan. 29, 2026); *id.* at 10 (Apr. 14, 2026); *id.* at 17 (June 9, 2026); *id.* at 21 (July 29 and Aug. 3, 2026); *id.* at 22 (Aug. 4, 2026).

[151] *Id.* at 2, 10, 17, 21.

[152] IComp Claim, Attachment 2 at 2, 10.

[153] *Id.* at 1–11, 13–15, 17, 19–22.

[154] IComp Claim at 36, 39–40.

[155] *Id.* at 38–40.

[156] *See* Section IV.A, *supra*.

[157] IComp Claim at 33.

[158] *See* Intervenor Compensation Claim of TURN and Decision on Intervenor Compensation Claim of TURN at 25–26, 33–38 (Oct. 15, 2026).

contribution on the application of Section 854(b) and (c) overlapped with the positions of Cal Advocates and TURN,[159] reflecting that CforAT's advocacy "duplicate[d] the participation of similar interests otherwise adequately represented" in the proceeding.[160] Similarly, the PEG requirements CforAT highlights are plainly credited in the Decision to another party, Media Alliance.[161]

E. CforAT's IComp Claim contains misstatements that cannot be accepted at face value.

Beyond the material issues addressed above, the IComp Claim is unreliable in other respects as well. For example, the IComp Claim represents that CforAT "does not request compensation for any time spent" assisting the community organizations that joined its filings with Commission procedures,[162] when Mr. Goodman's records include 3.3 hours billed on other parties' motions for party status, 2.2 hours of which involve the motions of organizations that joined CforAT's filings, including an e-mail exchange with East Bay Broadband Consortium about its motion.[163] In addition, it incorrectly cites the Decision as "D.26-08-023" ten times, calls the ALJ PD the "ALJ's APD," and identifies this proceeding in its appendix as "R.25-07-016";[164] it dates CforAT's witness-availability motion to July 30, 2025, eight months before CforAT filed it, and CforAT's motion to strike Joint Applicants' briefs to June 9, 2022;[165] it states a total of $304,238.50 for line items that total $304,238.00;[166] and it refers to settlement negotiations "between CETF and Verizon," text apparently carried over from a claim in another proceeding.[167] Even if those are scrivener's errors, when taken together with the "P. Goodman" entries, which on

[159] Decision at 15–18.

[160] Cal. Pub. Util. Code § 1801.3(f).

[161] Decision at 56–58; *see* Section III.C, *supra*.

[162] IComp Claim at 34.

[163] IComp Claim, Attachment 2 at 7–16 (entries on the motions of East Bay Broadband Consortium, Digital Equity Los Angeles, California Alliance for Digital Equity, and Fresno Coalition for Digital Inclusion are dated Mar. 17 and 27 and Apr. 2, 7, 9, 10, 14, and 20).

[164] IComp Claim at 17–29 (decision number); *id.* at 16, 21 ("ALJ's APD"); *id.*, Appendix (proceeding number).

[165] IComp Claim at 10, 12.

[166] *Id.* at 40–41.

[167] *Id.* at 36.

their face bill the same communications twice, these material inaccuracies and misstatements cannot be accepted by the Commission at face value.

V. AT A MINIMUM, THE COMMISSION SHOULD DISALLOW CFORAT'S UNDOCUMENTED TIME AND REDUCE THE REMAINDER OF ITS REQUEST BY AT LEAST 33 PERCENT.

In the alternative, if the Commission determines that CforAT's time cannot be tied with sufficient specificity to successful outcomes that were adopted in the Decision,[168] the Commission should, at a minimum, disallow the $76,523 for which CforAT provides no time records and apply an across-the-board reduction of at least 33 percent to the remaining $227,715, for an award of no more than $152,569.[169] Such a reduction is necessary to render any award "reasonable" in light of the above concerns.

The Commission has broad discretion to reduce awards on a percentage basis in determining the reasonableness of an award,[170] and *New Cingular Wireless II* requires as much, holding that "[i]f it is not feasible to trace time and costs . . . with precision to an 'order or decision,'

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[168] Charter proposes this alternative without waiving, and expressly reserving, its rights under the *New Cingular Wireless* cases, including its position that any award must be linked to an order or decision adopted as part of the final resolution of this proceeding.

[169] *See, e.g.,* D.24-09-048 at 38 (reducing requested hours 25 percent as "excessive and duplicative" and another 5 percent because the intervenor's hearing participation "did not materially supplement existing information"), *modified by* D.25-03-030 at 6–7 (limiting the 5 percent reduction to testimony and hearing hours). D.24-09-048, as modified, reduced compensation for testimony and hearing hours by a total of 30 percent based on (1) excessive and duplicative hours, and (2) participation that did not materially supplement the record. CforAT's IComp Claim presents both, together with other flaws identified above, including time spent opposing the Transfer and the Settlements the Commission approved, positions supported only by the ALJ PD, and misstatements that cannot be accepted at face value. *See* Sections III and IV, *supra*. A reduction of at least 33 percent is therefore warranted, and is conservative given that, by CforAT's own estimates, over 75 percent of the hours it allocates by issue were spent advocating for issues or positions the Decision did not adopt.

[170] *See, e.g.*, *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 2, 6–7, 2025 Cal. PUC LEXIS 138, at *1–3 (upholding a reduction for excessive and duplicative hours, as modified to 30 percent of testimony and hearing hours and 25 percent of the remaining hours, and noting that "[e]xercising our discretion, we routinely reduce awards where we find intervenors have charged excessive or duplicative hours"); *see also The Util. Consumers' Action Network v. MCI Metro Access Transmission Servs., Inc.*, D.00-07-048 at 16–17, § 6.2, 2000 Cal. PUC LEXIS 588, at *21–22 (reducing an award by 20 percent based in part on the intervenor's "failure to submit time records which allocate time by issue and task," which made it "difficult to determine the amount of time spent . . . on issues which were later found without merit").

the CPUC must make an effort to discount the claimed amount for that lack of precision . . . ."[171] The Commission has also applied a percentage reduction where an intervenor's positions found support largely in proposed decisions the Commission did not adopt.[172] As explained above, significant portions of the time submitted by CforAT were spent in opposition to the Transfer, overlap with advocacy adequately provided by other intervenors, or otherwise reflect duplicative or inadequately documented efforts, and by CforAT's own estimates, 77 percent of the hours it allocates by issue went to issues the Decision did not adopt.[173] CforAT bears the burden of proof in establishing that each hour it has submitted is compensable under the law.[174] Because that burden has not been met here, any award that does not exclude CforAT's time issue by issue requires a reduction of at least 33 percent of CforAT's documented time to be "reasonable" as the law requires.[175]

VI. CONCLUSION

The Commission's discretion to award intervenor compensation for "substantial contribution[s]" to an "order or decision" extends only to those efforts the Commission "adopted" in its final "order or decision."[176] CforAT's compensable work consists of its motions to compel, the joint motion for evidentiary hearings, its Section 854(b) and (c) contention, and its service-quality advocacy, and the Commission should limit any award to CforAT to $19,387.50. Even if the Commission credits CforAT's broader contributions to the record, CforAT's own estimates would limit any award to $104,622, and in no event should the award exceed $152,569.

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[171] *New Cingular Wireless II*, 21 Cal.App.5th at 1204; *see Application of Pacific Bell Telephone Co.*, D.25-12-045 at 4, 2025 Cal. PUC LEXIS 608, at *5–6.

[172] *Joint Application of Verizon Communications, Inc.*, D.06-09-008 at 15, 2006 Cal. PUC LEXIS 312 at *19–20 (reducing TURN's lead attorney's hours by 25 percent).

[173] IComp Claim at 37–39; *see* Section IV.B, *supra*.

[174] *Application of Southern California Edison Co. (U338-E)*, D.25-03-030 at 4, 2025 Cal. PUC LEXIS 138, at *2.

[175] Cal. Pub. Util. Code § 1803; *see also Application of Southern California Edison Co. (U338-E)*, D.24-09-048, 2024 Cal. PUC LEXIS 552.

[176] Cal. Pub. Util. Code § 1802(j).

Respectfully submitted,

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