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 THE UTILITY REFORM NETWORK

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CHARTER'S RESPONSE TO INTERVENOR COMPENSATION CLAIM OF THE UTILITY REFORM NETWORK

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 The Utility Reform Network ("TURN") (the "IComp Claim"),[1] which seeks $401,731.25 for TURN'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 TURN to $41,106.25 and, in any event, not more than $180,630.

Charter does not dispute that California precedent provides that interim rulings can support an award of intervenor compensation, or that TURN contributed to the Decision in certain respects.[3] 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*

[1] Intervenor Compensation Claim of The Utility Reform Network and Decision on Intervenor Compensation Claim of The Utility Reform Network ("IComp Claim") (Oct. 15, 2026).

[2] *Id.* at 1, 41.

[3] *See New Cingular Wireless I*, 246 Cal.App.4th at 819; *New Cingular Wireless II*, 21 Cal.App.5th at 1200, 1202; see also Section III.C, *infra*.

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 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*."[4] 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.[5] TURN has not made that showing here. Where time is not adequately traceable, "the CPUC must make an effort to discount the claimed amount for that lack of precision . . . ."[6]

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") and to five additional mitigation measures.[7] TURN's IComp Claim attempts to sidestep the fact that the Decision rejected TURN's opposition to the Transfer, as well as its recommendation that the Commission reject the Settlements and "propose alternative terms for the portions that would harm the public interest."[8] Indeed, TURN's own IComp Claim acknowledges that the Decision did not adopt many of its requested conditions,[9] and the final resolution in this proceeding approved the Settlements with only the clarifications identified in the Decision.[10]

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

[5] *Id.* at 1202–03.

[6] *Id.* at 1204.

[7] Alternate Proposed Decision of Comm'r Baker Granting Indirect Transfer of Control Subject to the Settlement Agreements and Mitigation Measures ("APD") (July 9, 2026); Decision at 53–60; *id.* at 82, Ordering Paragraph ("OP") 2; *id.* at 84, OP 3.

[8] Opening Comments of The Utility Reform Network on the Joint Motion of Charter and Public Advocates Office for Adoption of Settlement Agreement at 2 (June 1, 2026) (recommending that the Commission "(1) reject this settlement, (2) propose alternative terms for the portions that would harm the public interest, and (3) adopt additional conditions and mitigation measures"); *see* Decision at 52 & n.131 (describing TURN's recommendation that the Commission "reject the proposed settlements").

[9] *See, e.g.*, IComp Claim at 7, 10–12, 14–15.

[10] Decision at 46–48, 53; *id.* at 82, OP 2; *id.* at 84, OP 3.

Under controlling California precedent, TURN 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 TURN's advocacy, and any claim that does not meet those criteria must be rejected or discounted.[11] TURN cannot claim credit for influencing the Settlements, which TURN urged the Commission to reject, nor can it claim compensation for its advocacy for mitigation measures that the Commission declined to adopt as part of the final resolution of this proceeding.[12] TURN's compensable work therefore includes its position that Section 854(b) and (c) apply to the Transfer,[13] as well as measures TURN advanced on outage credits, battery backup, and Tribal consultation, and two other mitigation measures based on commitments Charter made in Connecticut and New York.[14] Thus, TURN's claim should be reduced to remove or discount the time that TURN spent on tasks that do not reflect any "substantial contribution" to the final Decision resolving this proceeding. Further, to ensure that any award is "reasonable," the Commission should reduce any award to exclude unrecoverable categories of time and further adjust TURN's claimed time entries for the reasons detailed below.[15]

TURN's time allotment (with issue codes) to motions the Commission granted, and to contentions and measures the Decision adopted, totals 111.75 hours, or $38,777.50. With half of TURN's documented claim preparation time,[16] the Commission should limit any award to TURN to $41,106.25.[17] Even if the Commission were to credit a share of TURN's general time, almost none of which TURN assigned to any issue, TURN's own estimates would limit any award to

[11] *New Cingular Wireless II*, 21 Cal.App.5th at 1202–03; *New Cingular Wireless I*, 246 Cal.App.4th at 819; Cal. Pub. Util. Code § 1802(j). Unless otherwise noted, all section references are to the California Public Utilities Code.

[12] Decision at 52 & n.131; *compare* Opening Brief of TURN ("TURN Opening Br."), Attachment A ("Proposed Conditions and Mitigation Measures"), A-1–A-6 (May 22, 2026) (recommending over 50 mitigation measures and conditions), *with* Decision at 53–60.

[13] As discussed in Section III, *infra*, TURN's advocacy on Section 854 (b) and (c) should be discounted.

[14] Decision at 17–18, 55–56 & n.139, 58–59 & nn.148–49, 71; *id.* at 88–90, OPs 6, 9–11; IComp Claim at 11.

[15] Cal. Pub. Util. Code § 1803; Cal. Pub. Util. Code § 1806.

[16] *Joint Application of TracFone Wireless, Inc. (U4321C)*, D.26-08-020, Decision Granting Compensation to CforAT for Contributions to Resolution T-17849 and Decision 25-07-015 at 14 (Aug. 14, 2026) ("Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate.").

[17] *See* Section III.C, *infra*.

$72,635.14.[18] Should the Commission decline to discount TURN's general time consistent with Commission precedent,[19] it must still disallow[20] TURN's time on positions the Commission did not adopt, its internal communications, duplicative hearing attendance by staff other than its presenting attorney, and its remaining work on the proposed decision of the assigned Administrative Law Judge ("ALJ"), which the Commission did not adopt,[21] for an award of no more than $180,630.[22]

II. THE COMMISSION MAY AWARD INTERVENOR COMPENSATION ONLY FOR WORK LINKED TO THE DECISION IT ADOPTED, AND TURN 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.[23] The "core eligibility criteria" for an award of compensation are "twofold."[24] An intervenor must demonstrate both: (1) that it made a "substantial contribution to the adoption, in whole or in part, of the 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."[25]

To the extent TURN is determined eligible for compensation, the governing principle for the amount of any award is reasonableness.[26] An intervenor bears the "burden of proof" to show

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

[19] *See Application of Pacific Bell Telephone Co.*, D.25-12-045, Order Granting Rehearing and Vacating Decisions 25-07-031 and 25-09-029 at 3–5 (Dec. 19, 2025); *New Cingular Wireless II*, 21 Cal.App.5th at 1204; *Application of Southern California Edison Co. (U338-E)*, D.25-03-030, Order Modifying Decision 24-09-048 and Denying Rehearing of the Decision, as Modified at 4 (Mar. 14, 2025).

[20] *See* Cal. Pub. Util. Code §§ 311(d), 1801.3(f), 1802(j); *New Cingular Wireless II*, 21 Cal.App.5th at 1202–03; *Joint Application of TracFone Wireless, Inc. (U4321C)*, D.26-08-020, at 17 (disallowing time for duplicative staffing); IComp Claim at 32–33 (acknowledging that "the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation").

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

[22] *See* Section VI, *infra*.

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

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

[25] Cal. Pub. Util. Code § 1803(a) & (b).

[26] Cal. Pub. Util. Code § 1803; *New Cingular Wireless II*, 21 Cal.App.5th at 1202–03.

the "reasonableness of its hours" for all time for which compensation is sought.[27] 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."[28] 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,"[29] and "[i]ntervenors should be aware of the need to coordinate their efforts to avoid duplication of effort and thus avoid overpayment by ratepayers."[30]

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 . . . ."[31]

Indeed, the Commission recently granted rehearing of, and vacated, compensation awards to TURN and the Center for Accessible Technology ("CforAT") because the reasoning of those award decisions was "inconsistent with *New Cingular Wireless I* and *II*."[32] The assigned ALJ in that proceeding then directed TURN to refile, to "identify each order, decision or ruling adopted by the Commission . . . that adopted a contention or recommendation made by intervenors," to

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

[28] 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.").

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

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

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

[32] *Application of Pacific Bell Telephone Co. (U1001C)*, D.25-12-045 at 3–5, 2025 Cal. PUC LEXIS 608, at *4–7.

"[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."[33]

Moreover, TURN'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."[34] 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.[35] The IComp Claim identifies no passage in the adopted Decision crediting a perspective unique to TURN, despite TURN's claims that it "continued to bring a unique perspective to the proceeding."[36] Where the ALJ PD's own analysis addresses TURN's concerns, it generally does so jointly with CforAT or the Joint Advocates,[37] and TURN concedes that on certain topics such as fairness to employees, the Decision "ultimately did not see the need to propose TURN's recommended mitigation measures in addition to the terms of the settlements."[38] For these reasons, TURN fails to provide the "detailed and specific references to the record" necessary to successfully demonstrate "substantial contributions" under

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[33] 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).

[34] 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 [intervenor] made a substantial contribution.").

[35] *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 [intervenor] made a substantial contribution." (emphasis added)).

[36] IComp Claim at 26.

[37] ALJ PD at 52, 57, 87–88.

[38] IComp Claim at 15. ("TURN recommended multiple conditions to ensure that the proposed transaction benefitted Joint Applicants' employees in California. The Commission benefitted from this record development, though it ultimately did not see the need to propose TURN's recommended mitigation measures in addition to the terms of the settlements.").

any interpretation of that term under California law.[39] Unsuccessful efforts, or even efforts reflected in interim rulings that were not then adopted as part of the final resolution of the proceeding,[40] 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.C, *infra*.[41]

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.[42] 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."[43] 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.'"[44] 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."[45] Any award must therefore be limited to the time TURN spent on a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on TURN's advocacy.

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[39] Intervenor Compensation Presentation at 20.

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

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

[42] Cal. Pub. Util. Code § 1802(j).

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

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

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

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."[46] 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."[47]

The Commission resolved this current proceeding by adopting Commissioner Baker's APD, which in turn 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."[48] As such, the ALJ PD was not adopted and did not become part of the final resolution of this proceeding, and TURN may not be compensated for work reflected only in the proposed decision of the assigned ALJ.[49]

A. TURN'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."

Nor may TURN be compensated for advocacy that the Commission did not adopt,[50] or that merely repeated other parties' advocacy.[51] Such advocacy formed the greater part of TURN's work in this proceeding. Although TURN codes its time by issue or activity, it does not use those codes to account for time that cannot be traced to an adopted order or decision, and instead seeks compensation for all of it. That approach cannot be reconciled with *New Cingular Wireless II*, which cautioned that a finding of substantial contribution to some order does not justify "awarding every penny TURN … claimed for [its] work in connection with the proceeding as a whole," and directed that, where claimed time cannot be traced with precision to an order or decision, the

[46] Cal. Pub. Util. Code § 311(d).

[47] *Id.* §§ 1803(a), 1802(j) (emphasis added).

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

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

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

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

Commission "must make an effort to discount the claimed amount for that lack of precision."[52] Time TURN cannot trace to the Decision is therefore not compensable and, at a minimum, must be discounted.

In particular, TURN relies upon multiple suggested "contributions" to support an award, including: (1) its positions that the Transfer would harm competition and the public interest; (2) its arguments that the Transfer lacked sufficient economic benefits for ratepayers and would affect the financial condition of the resulting entity; and (3) its advocacy for the inclusion of mitigation measures that were not incorporated into the Decision and, thus, implicitly rejected.[53] Many of these claimed "contributions" reflect only TURN's failed effort to oppose the Transfer.[54]

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 . . . ."[55] It does not permit an award of compensation based on unsuccessful advocacy, unaddressed contentions, or *sub silentio* holdings. Notwithstanding TURN's claims of a "substantial contribution" for the additional mitigation measures as a general matter[56] and its efforts to establish the Commission's *implicit* agreement with its positions,[57] the IComp Claim much more frequently demonstrates that the Decision *did not* accept TURN's advocacy.

Indeed, TURN's IComp Claim labels as "substantial contributions" work to support positions opposing the Transfer or proposing mitigation conditions even though it admits that: (1) "despite TURN's recommendation for further analysis and mitigation measures to address competitive harms, the Commission found that combined with the two settlements and additional mitigation measures it imposed, the proposed transaction met the overall standard in Section 854(b)";[58] (2) the Commission "did not impose such conditions" on low-income broadband

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[52] *New Cingular Wireless II*, 21 Cal.App.5th at 1201, 1204.

[53] IComp Claim at 5–7, 11–13; TURN Opening Br. at 4–5; *compare id.*, Attachment A, A-1–A-6, *with* Decision at 21, 26, 54–60, 76, 81, Finding of Fact ¶ 34 & Conclusion of Law ("CoL") 15.

[54] *See, e.g.*, Decision at 25–26, 31.

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

[56] IComp Claim at 11, 21.

[57] *Id.* at 6 (arguing that "the Final Decision *implied that TURN's interpretation* . . . is correct") (emphasis added).

[58] IComp Claim at 7.

offerings;[59] (3) the Decision "found that the Application, along with the unmodified settlements and the Commission's additional mitigation measures, met the standard in Section 854(b)," rejecting TURN's proposed Commission-mandated network investment and its recommendation to "impose additional conditions related to certain settlement terms";[60] (4) TURN recommended adding various additional conditions from other state approval orders, "which the Final Decision declined to do";[61] (5) the Commission adopted outage credits "instead" of the bill credit TURN proposed for all California customers;[62] (6) "the Final Decision does not discuss TURN's concerns in detail" with respect to the quality of Charter's management;[63] and (7) the Commission "did not see the need to propose TURN's recommended mitigation measures in addition to the terms of the settlements" related to Charter's employees, including a bar on closing any California call centers or retail stores for five years.[64]

Aside from the limited mitigation measures discussed below, the Decision did not adopt any of TURN's litany of recommendations beyond the Settlements.[65] Further, the assigned ALJ denied the schedule change that TURN and other parties requested in their joint motion to amend the scoping memo and proceeding schedule.[66] Nor can TURN be compensated for mitigation measures that reflect the Settlements or that cannot otherwise be tied to its advocacy, given that the Decision adopted mitigation measures only "to address concerns of the non-settling parties in areas not addressed by the Settlement Agreements."[67] Nevertheless, TURN's overbroad requests

[59] *Id.* at 10; TURN Opening Br., Attachment A ("Proposed Conditions and Mitigation Measures"), A-2–A-3.

[60] IComp Claim at 10–11; TURN Opening Br., Attachment A, A-3.

[61] IComp Claim at 11.

[62] *Id.* at 12; TURN Opening Br., Attachment A, A-1.

[63] IComp Claim at 14.

[64] *Id.* at 15; TURN Opening Br., Attachment A, A-3–A-4.

[65] *See, e.g.*, Decision at 25–26, 31, 35–36, 54–60; IComp Claim at 7–11, 15–19; TURN Opening Br., Attachment A, A-1.

[66] E-Mail Ruling Denying Motion as Amended at 3 (Mar. 27, 2026); IComp Claim at 18–19.

[67] Decision at 46.

include $49,106.25 for its opening brief,[68] $18,525.00 for its reply brief,[69] and $14,632.50 for the 40.25 hours it coded to the "settlements" when TURN was not a party to the Settlements and the Decision did not accept its request to reject them.[70] Similarly, TURN billed $12,795.00, more than half of it assigned to the "SETT" code, to comments opposing the Settlements that were approved by the Decision.[71] TURN also seeks compensation for 23.0 hours it coded to conditions and mitigation measures generally.[72] Apart from the 2.5 hours counted in Section III.C, TURN's entries in those two codes do not identify any contention or measure the Decision adopted, and 7.0 of the "SETT" hours are for entries on TURN's comments on the ALJ PD.[73] Because TURN cannot trace the remaining 60.75 hours, or $21,126.25, to the Decision, that time should be excluded from any award and, at most, counted only in the alternatives discussed in Sections IV.C and VI, *infra*.

The Decision did adopt measures TURN advanced on the outage credit,[74] Tribal consultation,[75] and the two measures based on commitments Charter made in Connecticut and New York,[76] and it addressed TURN's comments on the battery backup measure, which TURN coded as "public safety."[77] TURN also recommended the locations of two public participation

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[68] IComp Claim, Attachment 2. Charter calculated 55.25 hours for Alexandra Green, 15.75 hours for David Brevitz, 33.5 hours for Kori Cordero, and 28.5 hours for Ryan Johnston related to drafting, researching, or communicating about TURN's opening brief in entries dated through May 22, 2026, other than entries TURN coded "SETT." Those entries include $10,151.25 in codes or entries counted in Section III.C.

[69] IComp Claim, Attachment 2. By Charter's calculations, TURN requests 27.0 hours for Ms. Green, 8.25 hours for Mr. Brevitz, 5.25 hours for Mx. Cordero, and 13.0 hours for Mr. Johnston for its reply brief, in entries dated May 23 through June 5, 2026 that refer to TURN's brief. Those entries include $2,778.75 in codes or entries counted in Section III.C.

[70] IComp Claim at 37; *id.*, Attachment 3 (code "SETT").

[71] IComp Claim, Attachment 2. By Charter's calculations, TURN requests 25 hours for Ms. Green, 11 hours for Mx. Cordero, and 0.5 hours for Leo Fitzpatrick, for both Opening Comments and Reply Comments on the Settlements, in entries dated May 4, 2026 through June 11, 2026. TURN coded more than half of those hours to "SETT." *Id.*, Attachment 3.

[72] IComp Claim, Attachment 3 (code "C&MM").

[73] *Id.*, Attachment 2 (entries by Ms. Green and Mx. Cordero dated July 10 through August 3, 2026 that name the "Ormond PD").

[74] Decision at 55–56 & n.139; *id.* at 88, OP 6.

[75] *Id.* at 71; *id.* at 90, OP 11.

[76] *Id.* at 58–59 & nn.148–49 (citing TURN Exhibits 43 and 28); *id.* at 89–90, OPs 9–10.

[77] *Id.* at 64–65 & nn.150–52.

hearings and addressed the Commission's jurisdiction.[78] At most, Sections 1802(j) and 1802.5 permit credit for TURN's time on those issues, as discussed further in Section III.C, *infra*, even though TURN shares several of these "contributions" with other parties and the Decision adopted others only in part.[79] The Commission added Tribal consultation after comments from TURN and other parties and adopted a narrower requirement than the measures TURN proposed.[80] Similarly, the assigned ALJ set the hearing locations.[81] The figures in Sections III.C and IV.C, *infra*, count that time in full, including the few entries on the ALJ PD, to avoid disputes over how to divide shared work (for example, CforAT seeks compensation for the same outage-credit and Section 854 work[82]), although Section 1801.3(f) would permit a further reduction for that overlap.[83]

Although TURN seeks compensation for 37.25 hours it coded to public safety,[84] the Decision adopted a narrower battery backup measure than TURN requested, declining to require that it be offered at no cost.[85] More damaging is that the CPUC credits evidence developed by Cal Advocates in the discussion of that measure.[86] Accordingly, TURN may be compensated for no more than the 22.5 hours, or $9,612.50, that TURN's entries assign to its public safety briefing, cross-examination, comments, and related work, while the remaining 14.75 hours, or $8,083.75, should be disallowed. TURN's itemized time entries show that those hours went to: (1) discussing Charter's network resiliency plans, Invincible WiFi, disaster-relief advice letters, and other

[78] *Id.* at 7; IComp Claim at 5, 22–23.

[79] Cal. Pub. Util. Code §§ 1802(j) (decision that "has adopted in whole or in part" the intervenor's contention or recommendation), 1802.5. By contrast, the Public, Educational, and Government-Access channel management measures are credited on Media Alliance's advocacy, and Commission precedent precludes an award for the 1.75 hours TURN coded to them. Decision at 56–58; IComp Claim, Attachment 3 (code "PEG"); *see* Cal. Pub. Util. Code § 1801.3(f).

[80] Decision at 71; *id.* at 90, OP 11; IComp Claim at 17–18.

[81] Decision at 7 & n.10.

[82] Intervenor Compensation Claim of Center for Accessible Technology and Decision on Intervenor Compensation Claim of Center for Accessible Technology ("CforAT IComp Claim") at 16, 26 (Oct. 14, 2026); Decision at 55–56 & nn.139–40.

[83] Cal. Pub. Util. Code §§ 1801.3(f), 1802.5.

[84] IComp Claim, Attachment 3 (code "PUBSAF").

[85] Decision at 64–65 & n.152.

[86] *Id.* at 54–55 & nn.137–38.

subjects that TURN does not tie to any measure the Decision adopted;[87] (2) reviewing and analyzing the testimony of Cal Advocates' witness on which the battery backup measure is based, which duplicates that showing rather than supplementing it;[88] and (3) drafting comments on the ALJ PD, which did not become part of the final resolution of this proceeding.[89]

In short, compensation for the measures TURN did advance must be limited to the time TURN's own records assign to them.[90]

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

TURN also claims a "substantial contribution" in advocating that Sections 854(b) and (c) applied to the Transfer. TURN shared that position with Cal Advocates and CforAT, and Cal Advocates made the same argument about Cox's revenues that the Decision adopted.[91] The Decision's finding on Cox's California revenues cites the opening brief CforAT filed jointly with four other organizations, rather than TURN's,[92] and TURN allocated only 30.75 of its 1,142.5 hours, or about 2.7 percent, to "Section 854."[93] 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."[94] 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.[95] Compensation for that contribution must, at a minimum, be limited to the time

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[87] IComp Claim at 19–20; *id.*, Attachment 2 (the entries dated October 3, 2025 and March 25–26, April 12, and April 15–19, 2026 that address those subjects and not backup power) (9.25 hours, $4,660.00).

[88] IComp Claim, Attachment 2 (entries dated February 21 and March 2–3, 2026) (4.0 hours, $2,932.50); Cal. Pub. Util. Code §§ 1801.3(f), 1802.5.

[89] IComp Claim, Attachment 2 (entries dated July 27–28, 2026) (1.5 hours, $491.25).

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

[91] IComp Claim at 6–16; Decision at 15–18.

[92] Decision at 17–18 & n.33.

[93] IComp Claim at 33–34; *id.*, Attachment 3 (code "854").

[94] Decision at 31.

[95] 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).

TURN actually spent on it. At most, the Commission should allow the 30.75 hours, or $9,555.00, that TURN allocated to "Section 854,"[96] which are counted in full in Section III.C.

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

The Commission held the evidentiary hearings that multiple intervening parties, including TURN, jointly requested,[97] and it granted TURN's minor procedural motions (such as motions to seal portions of its briefs or comments).[98] TURN's records appear to show 5.5 hours on the joint motion for evidentiary hearings—not counting a 1.25-hour entry TURN coded to "Section 854," which is counted with that contention below—and 1.5 hours on the two sealing motions the Decision granted, including TURN's comments on the APD asking that such motions be granted, for a total of 7 hours, or $2,471.25.[99] Beyond those motions and the Section 854(b) and (c) advocacy discussed in Section III.B, *supra* (30.75 hours), the only substantive issues on which TURN can credibly claim a "substantial contribution" relate to outage credits (16.25 hours coded "SQ"), Tribal consultation (23.25 hours coded "TRIBAL"), public safety (battery backup; 22.5 of the hours coded "PUBSAF"), and the Connecticut and New York measures (5.25 hours coded "STATES" and 1.75 hours coded "C&MM") discussed in Section III.A, *supra*, along with the locations of the public participation hearings (3.25 hours coded "PPH") and the Commission's jurisdiction (1 hour coded "JX"). Together with an entry of 0.75 hour coded "SETT" on a clarification of the Settlements (which the Decision does not attribute to TURN), that time totals 104.75 hours, or $36,306.25.[100]

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[96] IComp Claim at 33–34; *id.*, Attachment 3.

[97] Decision at 6–7.

[98] *Id.* at 74-75; *id.* at 81–82, CoL 16.

[99] IComp Claim, Attachment 2 (entries by Ms. Green dated February 9–12, 2026 and by Mx. Cordero dated February 5 and 10–12, 2026, which total 5.5 hours and $2,021.25, not counting Ms. Green's 1.25-hour entry of February 9, 2026 coded "854"); *id.* (Ms. Green's entries dated June 1 and 4, 2026 on the two motions to file under seal that the Decision granted, and dated July 10, 20, and 23, 2026 on TURN's APD comments seeking that ruling, which total 1.5 hours and $450.00); *see* IComp Claim at 23 (motions to file under seal), 26 (stating that "TURN was the main drafter" of the joint motion).

[100] IComp Claim, Attachment 2. The 0.75 hour coded "SETT" is Ms. Green's May 25, 2026 entry ("draft Charter/PAO settlement comment re CETF settlement being controlling"), and the 1.75 hours coded "C&MM" are the entries by Ms. Green dated March 24 and 26 and April 9, 2026 and by Mx. Cordero dated April 9, 2026 on the New York and Connecticut decisions.

Thus, even counting in full the work TURN shares with other parties, the time and the motions total 111.75 hours, or $38,777.50. Accordingly, the only time TURN's IComp Claim can link to a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on TURN's advocacy is as follows, with half of TURN's claim preparation added to reach the maximum award:

Compensable item	Hours	Amount[101]
Motions granted by the Commission		
Motions to file under seal[102]	1.50	$450.00
Joint motion for evidentiary hearings (filed February 12, 2026; hearings held; entries outside code "854")[103]	5.50	$2,021.25
Subtotal: motions granted	**7.00**	**$2,471.25**
TURN advocacy addressed in final resolution of the proceeding		
Applicability of Section 854(b) and (c) (code "854")[104]	30.75	$9,555.00
Outage credit (code "SQ")[105]	16.25	$4,645.00
Tribal consultation (code "TRIBAL")[106]	23.25	$9,120.00
Public safety (battery backup; 22.5 of the 37.25 hours coded "PUBSAF")[107]	22.50	$9,612.50
Connecticut and New York commitments (5.25 hours coded "STATES" and 1.75 hours coded "C&MM")[108]	7.00	$1,980.00
Clarification of the Settlements (0.75 hour of "SETT")[109]	0.75	$225.00
Public participation hearing locations (code "PPH")[110]	3.25	$893.75

[101] Each amount multiplies the hours TURN assigns to a code or entry by the hourly rate TURN requests for the person who billed them. IComp Claim at 38–41; *id.*, Attachment 3. *See* Section V, *infra*.

[102] Decision at 61, 63; *id.* at 81–82, CoL 16.

[103] *Id.* at 6–7.

[104] *Id.* at 17–18; *id.* at 78, CoL 1.

[105] *Id.* at 55–56; *id.* at 88, OP 6.

[106] *Id.* at 71; *id.* at 90, OP 11.

[107] *Id.* at 64–65; *see* Section III.A, *supra*.

[108] Decision at 58–59; *id.* at 89–90, OPs 9–10.

[109] *Id.* at 46–48.

[110] *Id.* at 7.

Compensable item	Hours	Amount[101]
Commission jurisdiction (code "JX")[111]	1.00	$275.00
Subtotal: TURN advocacy addressed in final resolution	**104.75**	**$36,306.25**
Total	**111.75**	**$38,777.50**
Half of TURN's claim preparation, excluding the 0.5-hour Securus entry (half of 25.75 hours and $4,657.50; Section V)	12.88	$2,328.75
Maximum award	**124.63**	**$41,106.25**

Consistent with the *New Cingular Wireless* cases and Section 1802(j), any award of intervenor compensation to TURN 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 those identified above. 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. TURN HAS NOT CARRIED ITS BURDEN FOR MOST OF ITS REQUEST, AND ANY AWARD SHOULD NOT EXCEED $41,106.25 OR, BASED ON TURN'S OWN ESTIMATES, $72,635.14.

TURN 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 overlap with other parties, and (3) its time is adequately supported in its IComp Claim.[112] 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."[113] 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

[111] IComp Claim at 5.

[112] *Application of S. Cal. 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).

[113] Rule 17.4(b).

which the intervenor contributed and, where that is not feasible, to "discount the claimed amount for that lack of precision."[114]

A. TURN'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,"[115] yet much of TURN's time was unproductively spent, as discussed in Section III. Because TURN bears the "burden of proof" to show "each hour was spent productively to make a substantial contribution,"[116] the Commission must hold TURN to its burden and deny its compensation request except to the extent it has tied its time to a specified "substantial contribution." According to TURN's own billing codes, 470.5 hours, or $153,723.75, were spent developing positions the Decision did not adopt or that otherwise duplicated another party's showing.[117] That 470.5 hours includes 185.25 hours[118] of Mr. Brevitz's time billed as TURN's expert witness on competition.[119] TURN seeks compensation for Mr. Brevitz's time, yet supports that request with two invoices covering only 15.5 hours, each showing a 50% deferral the claim never explains.[120] TURN also did not submit its contract with David Brevitz despite the fact that an intervenor must be "forthcoming about engaging consultants and *the terms of the contract*" and provide the appropriate documentation with its initial claim.[121] Without this information, it is even more difficult to determine if Mr. Brevitz's time was "productive" or "necessary" and what his compensable rate should be. Any award should therefore exclude the time TURN spent

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

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

[116] D.25-03-030 at 4; Cal. Pub. Util. Code § 1802(j).

[117] IComp Claim, Attachment 3 (codes "AFFORD_PRICING," "AFFORD_SAVING," "COMMBEN," "COMPET," "CUSTBEN," "DEI," "EMP," "ENTER," "ESJ," "FIN," "INFRA," "LIO," "LL," "M&C," "MGMT," and "PEG," totaling 452.00 hours, plus 14.75 of the 37.25 hours coded "PUBSAF"); *see* Section III.A, *supra*.

[118] Of those hours, 2.5 hours were clerical time that Mr. Brevitz apparently spent downloading password-protected documents. The Commission has previously disallowed 2.5 hours of clerical work and should do so here. *Application of Southern California Edison Co. (U338E)*, D.24-09-048 at 37, 2024 Cal. PUC LEXIS 552.

[119] IComp Claim at 30 & Attachment 2.

[120] IComp Claim at 30 & Attachments 4-5.

[121] *Application of Southern California Edison Co. (U338E)*, D.24-09-048 at 38, 2024 Cal. PUC LEXIS 552 (emphasis in original).

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

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

Likewise, any award to TURN should be reduced to avoid both the internal duplication of effort among TURN staff and TURN's external duplication of advocacy that was already provided by other parties in the proceeding.[122]

As to internal duplication, TURN's time entries reflect overlapping work among its staff and consultant. Apart from the time that the Commission must disallow on other grounds, *see* Section VI, *infra*, TURN appears to have billed 120.25 hours, or $45,151.25, to calls, meetings, and e-mails among its own staff and consultant, often with three or four of them billing the same meeting.[123] TURN acknowledges that, "[i]n past compensation decisions, the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation," but it asks the Commission to compensate them anyway.[124] Further, Ms. Green billed to represent TURN on each day of the evidentiary hearings, yet three other TURN representatives also billed to attend them. Mr. Johnston billed 10.0 hours to attend two hearing days, Mr. Brevitz billed 15.0 hours to attend when he was not testifying, and Mx. Cordero billed 14.5 hours to participate as a second attorney, for a total of 39.5 hours, or $14,917.50.[125] The Commission recently disallowed time for duplicative staffing, finding that "the involvement of multiple representatives in these instances was not justified and resulted in excessive hours."[126] TURN has not carried its burden of demonstrating that it has avoided non-compensable duplication. Accordingly, the award sought should be reduced to remove such duplication.

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[122] *See, e.g.*, Cal. Pub. Util. Code § 1801.3(f).

[123] IComp Claim, Attachment 2. Charter identified these entries from their descriptions, which show calls, meetings, e-mails, or teleconferences among only TURN's staff and consultant, and did not count any entry included in another disallowance in Section VI. On March 10, 2026, for example, Ms. Green, Mx. Cordero, Mr. Johnston, and Mr. Brevitz each billed 1.0 hour to the same meeting on rebuttal testimony, and on March 26, 2026, the same four each billed 0.75 hour to one call on the ALJ's ruling and supplemental testimony. Of the 120.25 hours, 7.25 hours ($2,457.50) are in codes or entries that Section III.C counts in full.

[124] IComp Claim at 32–33.

[125] IComp Claim, Attachment 2 (entries dated April 20–23, 2026).

[126] D.26-08-020 at 17.

As to external duplication, TURN's primary argument seems to be that, while it opposed the Transfer, it should be credited with a "substantial contribution" for its alternative position that the Transfer be approved only with additional mitigation measures, even though most of the measures it proposed were not adopted.[127] Such a generic "contribution" necessarily underscores the lack of a unique, non-duplicative contribution by TURN. Indeed, among the measures adopted, two drew expressly on other parties' showings; the Public, Educational, and Government-Access channel management conditions attributed to Media Alliance,[128] and the battery backup measure based on Cal Advocates' evidence.[129] Likewise, TURN claims that a "substantial contribution" reflected in the Decision itself is the Commission's application of review under Section 854(b) and (c). Yet that advocacy significantly overlapped with the positions of Cal Advocates, CforAT, and others,[130] demonstrating that TURN's advocacy merely "duplicate[d] the participation of similar interests otherwise adequately represented" in the proceeding.[131]

C. Even if the Commission credits a share of TURN's general time, TURN's own allocation of its time would limit any award to $72,635.14.

As demonstrated in Section III.C, the only time the IComp Claim traces to a motion the Commission granted, a contention the Decision adopted, or a measure the Decision adopted on TURN's advocacy totals no more than 111.75 hours, and any award should not exceed $41,106.25. Apart from the time addressed in Section III, TURN's remaining 499.5 hours, or $183.371.25, appear to be general time for hearings, discovery, testimony, briefs, comments, and procedural matters, which TURN concedes is time that "cannot easily be allocated to a specific issue."[132] Because TURN has not traced any of that time to the Decision, and proposes no discount for it,[133]

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[127] IComp Claim at 5–21 (reflecting, as its claimed contribution, the adoption of "mitigation measures" across multiple claims).

[128] Decision at 56–58.

[129] *Id.* at 54–55 & nn.137–38.

[130] *Id.* at 15–18.

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

[132] IComp Claim at 33–38; *id.*, Attachment 3 (the general codes, including "BRFS," "coord," "DISC," "EH," "EH_DB," "EXPA," "GEN," "JCMS," "PD," "PHC," "PROC," "PROT," and "TEST"). This general time excludes the 7.0 hours counted in Section III.C for the motions the Commission granted. Those categories include 120.5 hours of evidentiary hearing time, 88.75 hours of discovery, and 84.75 hours of testimony. *Id.*, Attachment 3 (codes "EH," "DISC," and "TEST").

[133] IComp Claim at 33, 38–41; *see* Section III.A, *supra*; *New Cingular Wireless II*, 21 Cal.App.5th at 1203.

the Commission has no basis to credit any of it. Even if the Commission were to discount TURN's general time for imprecision rather than exclude it,[134] TURN's own allocation would limit any award to $73,031.38.[135] TURN's traceable issue fees ($36,306.25) are about 17.3 percent of its fees on the issues addressed in Section III ($209,930.00), and the same share of its general time is $31,528.89.[136] Adding that share to the $38,777.50 counted in Section III.C and half of TURN's claim preparation time ($2,328.75) yields $72,635.14.

V. IN ANY EVENT, THE COMMISSION SHOULD REDUCE ANY AWARD TO REMOVE EXCESSIVE HOURS, INCLUDING TURN'S CLAIM PREPARATION.

In any award, the Commission should also make appropriate downward adjustments to reduce excessive rates and excessive hours, including, but not limited to, TURN's claim preparation. The computation of any compensation awarded must be reasonable and "take into consideration the market rates paid to persons of comparable training and experience who offer similar services."[137] Moreover, it "may not, in any case, exceed the comparable market rate for services paid by the commission or the public utility, whichever is greater, to persons of comparable training and experience who are offering similar services."[138] To facilitate a determination of fair market rates, the Commission performs periodic market analyses of rates charged by comparable professionals, which is embodied in Resolution ALJ-393.[139] As to Mr. Brevitz, TURN has not submitted the contract that would establish his compensable rate, as

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[134] *New Cingular Wireless II*, 21 Cal.App.5th at 1204; D.25-12-045 at 4. That 499.5 hours also includes 102.5 hours of Mr. Brevitz's time that TURN did not provide complete documentation for as discussed in Section III.A, *supra*.

[135] Were the Commission also to credit all 63.25 hours TURN spent on the Settlements and on conditions generally, which *New Cingular Wireless II* does not permit for the reasons discussed in Section III.A, the same method would limit any award to $112,107.74, *i.e.*, $57,432.50 in credited issue fees counting all "SETT" and "C&MM" time (about 27.2 percent of $209,930.00), the same share of TURN's general time ($50,502.05), $2,471.25 for the motions the Commission granted, and $2,328.75 for half of TURN's claim preparation.

[136] The share is $36,306.25 divided by $211,156.25, or 17.19 percent, applied to $184,597.50. The $209,930.00 is the sum of the traceable issue fees ($36,306.25), the fees on positions the Decision did not adopt or that duplicated another party's showing ($152,497.50), and the remaining Settlement and conditions fees ($21,126.25).

[137] Cal. Pub. Util. Code §§ 1802(a), 1806.

[138] *Id.* § 1806.

[139] Res. ALJ-393; *see also* Hourly Rate Chart available at: https://www.cpuc.ca.gov/proceedings-and-rulemaking/intervenor-compensation (accessed Nov. 3, 2026).

discussed in Section IV.A, *supra*. Several of the hourly rates TURN requests are still pending in other proceedings, and any award here should apply only the rates the Commission adopts there.[140]

Here, at the least, the amount of time TURN spent pursuing "fees-on-fees" for preparing its IComp Claim should be reduced as excessive. Indeed, the Commission recently found CforAT's request for 10.90 hours of claim preparation "excessive for the work produced and for breadth of this claim" and reduced it to 7.00 hours.[141] TURN, also an experienced intervenor, requests 26.25 hours,[142] more than twice the 12.0 hours CforAT claims for preparing its claim on the same Decision.[143] Most egregiously, TURN's request includes a 0.5-hour entry to "research Securus iComp reply" that appears to relate to another proceeding.[144] To the extent the Commission awards TURN any fees, it should cut the amount of time allowed for TURN's claim preparation by at least 50 percent to more closely align with CforAT's claimed hours on the same task.[145]

VI. AT A MINIMUM, THE COMMISSION SHOULD DISALLOW TURN'S UNADOPTED, DUPLICATIVE, AND UNPRODUCTIVE TIME, FOR AN AWARD OF NO MORE THAN $180,630.

In the alternative, if the Commission declines to discount TURN's general time,[146] it should still disallow the 470.5 hours TURN devoted to positions the Commission did not adopt or that duplicated another party's showing, as discussed in Sections III and IV.A, *supra*, together with the 120.25 hours of internal communications and the 39.5 hours of duplicative hearing attendance discussed in Section IV.B. It should also disallow the remaining 15.25 hours, or $4,905.00, that

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[140] IComp Claim at 42–43.

[141] *Order Instituting Ratemaking to Investigate and Design Clean Energy Fin. Options for Elec. And Nat. Gas Customers*, D.26-08-022, 2026 Cal. PUC LEXIS 419; *see also* D.26-08-020 at 17 (reducing claim preparation time "[g]iven the experience of CforAT, and its representative Goodman, as intervenors").

[142] IComp Claim at 40–41.

[143] CforAT IComp Claim at 41. Charter separately has requested that the Commission disallow CforAT's $4,079.50 request for claim preparation because CforAT provides no time records supporting this request. *See* Charter Response to CforAT at 19.

[144] IComp Claim, Attachment 2 (Ms. Green's September 18, 2026 entry, billed under A.25-05-016).

[145] Intervenor Compensation Claim of Center for Accessible Technology and Decision on Intervenor Compensation Claim of Center for Accessible Technology at 41 (Oct. 14, 2026).

[146] 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.

TURN billed to comments and other work on the ALJ PD,[147] which was never an order or decision of the Commission.[148] Disallowing that time, and allowing half of TURN's claim preparation, yields an award of no more than $180,630:

Item	Hours	Amount
Total fees requested[149]	1,142.50	$396,998.75
Positions not adopted or duplicative (Section IV.A)	(470.5)	($153,723.75)
Internal communications (Section IV.B)	(120.25)	($45,151.25)
Hearing attendance by staff other than TURN's presenting attorney (Section IV.B)	(39.50)	($14,917.50)
Remaining ALJ PD time	(15.25)	($4,905.00)
Claim preparation, reduced by 50 percent (Section V)	12.88	$2,328.75
Maximum award	**509.88**	**$180,630**

VII. 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."[150] TURN's compensable work consists of the motions the Commission granted and the contentions and measures the Decision adopted, together with half of its claim preparation, and the Commission should limit any award to TURN to $41,106.25. Even if the Commission credits a share of TURN's general time, TURN's own allocation would limit any award to $72,635.14, and in no event should the award exceed $180,630.

[147] IComp Claim, Attachment 2 (entries dated July 9 through August 5, 2026 that name the "Ormond PD").

[148] Cal. Pub. Util. Code § 311(d); *New Cingular Wireless II*, 21 Cal.App.5th at 1203.

[149] The total fees requested do not include the $4,732.50 requested for claim preparation.

[150] Cal. Pub. Util. Code § 1802(j).

Respectfully submitted,

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