Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion Into the Planned Purchase and Acquisition by AT&T Inc. of T-Mobile USA, Inc., and its Effect on California Ratepayers and the California Economy.	Investigation 11-06-009 (Filed June 9, 2011)

DECISION GRANTING COMPENSATION TO THE GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-08-025

Claimant: The Greenlining Institute (Greenlining)	**For contribution to Decision (D.) 12-08-025**
Claimed ($): $165,633.75	**Awarded ($): $154,100.50 (6.7% reduction)**
Assigned Commissioner: Catherine J.K. Sandoval	**Assigned Administrative Law Judge: ALJ Division[1]**

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.12-08-025 grants the motion to dismiss as moot this investigation into the proposed purchase and acquisition of T-Mobile USA, Inc. by Pacific Bell d/b/a AT&T California and New Cingular Wireless PCS, LLC. The Decision also finds it reasonable for parties otherwise eligible to request intervenor compensation to do so in this case, despite the fact that the Commission will not be making a final determination on the merits of the merger.

B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	n/a	N/A
2. Other Specified Date for NOI:	Sept. 28, 2011	Yes, according to the deadline specified in Ordering Paragraph 18 of the Order

[1] Investigation 11-06-009 was previously assigned to ALJ Hecht.

		Instituting Investigation (OII) and later extended as explained in Part I.C below.
3. Date NOI Filed:	Sept. 6, 2011	Correct
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking 10-02-005	Correct
6. Date of ALJ ruling:	March 29, 2010	Correct
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	Application 10-11-015	Correct
10. Date of ALJ ruling:	June 3, 2011	Correct. A rebuttable presumption pursuant to Section 1804(b)(1) is applied to Greenlining's participation because a substantive finding on significant financial hardship was issued within a year of the commencement of this proceeding.
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-08-025	Correct
14. Date of Issuance of Final Order or Decision:	Aug. 23, 2012	D.12-08-025 was effective August 23, 2012 but issued August 29, 2012.
15. File date of compensation request:	Oct. 25, 2012	Correct
16. Was the request for compensation timely?		Yes. The request was filed within 60 days of the issuance of D.12-08-025.

C. Additional Comments on Part I:

#	Claimant	CPUC	Comment
2	X		No prehearing conference was held in this proceeding. The OII, filed on June 9, 2011 and issued on June 15, 2011, stated that notices of intent were due no later than 30 days after the deadline for filing Reply Comments, or by September 6, 2011. The original deadline for Reply Comments was August 5, 2011. It was later extended to August 29, 2011. Being filed on September 6th, Greenlining's NOI was timely filed according to either the original or the extended deadline.

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant's description of its claimed contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
A. Market Definition and Concentration		Correct
Greenlining submitted that the relevant market in this proceeding was local retail value-conscious wireless services, and not the overall retail wireless market, which includes distinct categories of high average revenue per user (ARPU) customers and value-conscious customers.	Opening Comments (7/6/2011), at 2-3, 10-17; Opening Brief Regarding Market Competition (8/5/2011), at 2-9; Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 2; Reply Comments and Reply Brief (8/29/2011), at 5-17.	
Greenlining also argued that the local high-band spectrum market	Opening Brief Regarding Market Competition (8/5/2011), at 10-20;	

would be a relevant market in considering the proposed merger, as AT&T is a buyer of spectrum in that market. The OII set forth market definition and concentration as key issues to be answered in the proceeding.	Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 2-3. OII, at 13.	
B. Merger Effects on Competition Greenlining argued that the merger would adversely impact competition in the retail value-conscious wireless services market, resulting in higher prices and lower quality of service for low income and other value-conscious customers. Greenlining also argued that the merger would adversely impact competition in the wholesale markets, by eliminating the dominant value-conscious provider (T-Mobile). This would give AT&T the incentive and ability to engage in anticompetitive conduct in the backhaul and roaming markets. This would also result in higher prices in both the value-conscious and high ARPU markets in most counties in California. The OII raised issues of market consolidation as concerns to be addressed in the proceeding, both in the retail market and in the inter-carrier market for backhaul and special access facilities. The OII set forth a workshop to further explore these issues.	Opening Comments (7/6/2011), at 17-19; Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 3-7; Reply Comments and Reply Brief (8/29/2011), at 17. Opening Comments (7/6/2011), at 19-26; Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 7-10. OII, at 1-3, 14, 17.	Correct

C. Public Interest Effects Greenlining argued that the applicants failed to demonstrate how the merger would create economic benefits in California.	Opening Comments (7/6/2011), at 6.	Correct
Greenlining also argued that the applicants failed to demonstrate that the merger would be in the public interest, per Public Utilities Code section 854. Greenlining argued that the merger would be against the public interest because it would degrade quality of service for value-conscious customers, result in job losses, delay access by low income communities to long term evolution (LTE) services, reduce the amount of spectrum available to serve value conscious customers, widen the digital divide, and leave some customers without access to a local wireless retail store. Greenlining contended that the merger as proposed contained no mitigation against these negative impacts. Rather, the proposal made promises about achieving lofty goals in these areas, but failed to substantiate them with any data, facts, or concrete strategy for achieving them.	Opening Comments (7/6/2011), at 27-35; Reply Comments and Reply Brief (8/29/2011), at 18-19.	
The OII noted that the proposed merger would impact the public interest, and as such the Commission needed to review those public interest impacts specific to California, including pricing for customer plans, innovation, service quality, and the extent to which efficiencies may result from the proposed merger. The OII set forth workshops to address innovation	OII, at 8-10, 13-15, 17. D.12-08-025 noted Greenlining's workshop participation, at 10.	

issues and customer issues. Greenlining's Enrique Gallardo participated as a panelist in the workshop examining customer issues.		
D. Conditions Greenlining submitted that the Commission would have legal authority to implement mitigation measures as a condition of approval of the proposed merger, if it chose to approve.	Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 10-13; Reply Comments and Reply Brief (8/29/2011), at 2-5.	Correct
Greenlining argued that the Commission should impose, or recommend to the FCC, any conditions necessary to ensure that low income customers have access to value-conscious wireless plans with national coverage in each local market in California. Greenlining also urged conditions to ensure that AT&T lived up to its promise to deploy LTE to an additional 17% of Americans in a timely and equitable manner.	Opening Comments (7/6/2011), at 26-27; Reply Comments and Reply Brief (8/29/2011), at 22-23.	
Greenlining further submitted that if the Commission chose to approve the merger, it should impose conditions to ensure that AT&T passed through its cost savings to its customers, particularly those who were T-Mobile value-conscious customers. Greenlining also urged the creation of a Digital Divide Fund to help close the digital divide in low income communities, and for retraining workers whose jobs would be eliminated by the merger.	Opening Comments (7/6/2011), at 35-37; Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 15-16; Reply Comments and Reply Brief (8/29/2011), at 21.	
Other conditions for approval recommended by Greenlining	Opening Comments (7/6/2011), at 39; Response to ALJ's Ruling Requesting	

include restrictions on closure of retail stores, and protections allowing T-Mobile customers to decline services from the merged company. Greenlining also recommended conditions related to transparency, both before and after approval of the merger, should it be approved. AT&T should be required to submit data detailing the outcomes of various promises and selling points of the merger – better service, service to more customers, job losses, store closures, customer churn, and customer satisfaction. Greenlining also recommended that the expanded post-merger AT&T be held to its commitments to diversity, through an increased commitment to procurement from Minority Business Enterprises as defined in General Order 156. The OII asked specifically whether the Commission should consider conditions or mitigation measures, and if so, what they should be.	Additional Information (8/22/2011), at 18. Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 14-15. Opening Comments (7/6/2011), at 37-39; Response to ALJ's Ruling Requesting Additional Information (8/22/2011), at 16-17. OII, at 15.	
E. Economic Model At the outset, much time was spent simply trying to get access to the economic model, which consisted of password protected documents and proprietary software, which neither the Commission nor the intervenors had access to. After that, the information contained in the economic model was used to analyze a number of issues, including job gains/losses and	Response to AT&T *Ex Parte* Communication Regarding Jobs (11/1/2011).	Correct. But *see* Section III.C below for adjusted hours.

AT&T's ability to predict them. Greenlining (as well as others) argued that the economic model was based on incomplete data, faulty calculations, and erroneous assumptions, and that they were designed to reach conclusions biased in AT&T's favor. Greenlining argued that as such, they cannot be used to calculate efficiencies that would result from the merger. It should be noted that many arguments made based on the economic model were also about other issues Greenlining raised – job effects, public interest effects, competition, customer churn, etc. Greenlining's Comments on Merger-Related Economic and Engineering Analyses are about the economic model, but they are also about what that model reveals about AT&T's position on these and other issues described herein. D.12-08-025 noted that Greenlining "spent time analyzing complex computer models submitted by the merger proponents in support of their transaction. The analysis of these economic and engineering models required a great deal of time and effort to understand and evaluate the models."	Comments on Merger-Related Economic and Engineering Analyses, at 2-20 (12/12/2011). D.12-08-025, at 10.	
F. Job Effects Greenlining argued that the merger would cause extensive job losses by closing retail stores and customer call centers, and that the Applicants had failed to demonstrate that job losses would	Opening Comments (7/6/2011), at 6-10; Response to AT&T *Ex Parte* Communication Regarding Jobs (11/1/2011).	Correct

not occur. The OII asked specifically about potential job impacts resulting from the proposed merger.	OII, at 15.	

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

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?[2]	Yes	Yes
b. Were there other parties to the proceeding with similar positions?	Yes	Yes
c. If so, provide name of other parties: Verizon Select Services, Inc.; MCI Communications Services, Inc.; Free Press; Verizon Wireless; MetroPCS, Inc.; Nextel Boost of California LLC; Latino Business Chamber of Greater Los Angeles; National Hispanic Media Coalition; UCAN; Cricket Communications, Inc.; Phillip Moskal; National Asian American Coalition; Communications Workers of America District 9; DRA; The Utility Reform Network (TURN), AT&T Mobility Wireless Operations Holding Inc.; New Cingular Wireless PCS, LLC; Santa Barbara Cellular Systems, Ltd.; TCG S.F.; TCG L.A.; TCG San Diego; Verizon California, Inc.; Sprint Communications Company, LP; New Cingular Wireless PCS, LLC, and Affiliated Wireless Entities; (CALTEL) California Association of Competitive Telecommunications Companies; Sprint Telephony PCS, L.P.; Black Economic Council; Media Alliance; Center for Accessible Technology; Pac-West Telecomm, Inc.; T-Mobile West Corporation.		Correct
d. Claimants description of how it coordinated with ORA and other parties to avoid duplication or how its participation supplemented, complemented, or contributed to that of another party: Greenlining's work in this proceeding was fundamentally different from that of DRA or the other consumer advocates, in that it focused specifically on the proposed merger's impacts on communities of color and low income communities. This perspective influenced many of the positions we took in the proceeding. Some of the issues, like the potential loss of T-Mobile's program to incentivize Latino franchise ownership in the greater Los Angeles area were unique to Greenlining and our constituency. Throughout the proceeding, we were in regular contact with advocates from		Correct. We do not make deductions for duplication with the work of other parties. We note that Greenlining's work in the federal proceedings

[2] The Division of Ratepayer Advocates (DRA) was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013; public resources), which was approved by the Governor on September 26, 2013.

TURN and other highly active parties to ensure that our work was not duplicative, and that where we agreed we were coordinating rather than merely echoing each other. In many instances, we had a different view of a particular issue than did other active parties, thus offering the Commission several viewpoints and supporting rationales to evaluate. Additionally, Greenlining was active in the federal proceedings examining this merger, which to the best of our knowledge most other parties (with the exception of Free Press) were not. While the proceedings overlapped substantially in the issues they covered, this provided a broader point of view from which Greenlining argued.	are not compensable in this proceeding, but Greenlining does not appear to seek compensation for its federal work here.

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
II(A)	X		There was no decision on the merits in this proceeding because the applicants withdrew their application after deciding not to pursue the merger. However, at the time the work was being done, Greenlining's work was done in good faith, responded to questions propounded by the Commission and addressed other relevant issues, and as such substantially contributed to the record. D.12-08-025 notes that "given the extensive of [sic] work and effort by parties to review the merger proponent's transaction, it is reasonable for parties otherwise eligible to request intervenor compensation to do so in this case." (at 9). This is, of course, not determinative of the outcome of this request, but rather simply indicates that it is appropriate for Greenlining to file this request for consideration.
	X		Greenlining engaged in much work prior to the issuance of the OII in this proceeding. For example, on April 18, 2011, Greenlining joined with TURN in convening a public forum in Oakland to receive input from community leaders regarding the potential impacts in California from the proposed merger. Greenlining examined the merger, including the input received. Greenlining drafted a letter to Communications Director John M. Leutza, copied to all Commissioners, asking the Commission to open an investigation into the merger. None of this work is claimed in this Request for Intervenor Compensation, but demonstrates Greenlining's long-standing commitment to this proceeding.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

A. Claimant's explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through Claimant's participation:	**CPUC Verified**
Much of Greenlining's information presented in this proceeding on the cost impacts – either positive or negative – resulting from the merger if it was approved is confidential. Greenlining did file comments under seal that discussed cost impacts from a variety of perspectives, from jobs lost to pricing for individual service plans. However, given the sheer volume of the transaction, which would have given the merged company 47% of the California wireless customer base, even if each of these customers only saved one dollar each by avoiding store closures, avoiding higher priced plans, lost cell tower maintenance jobs, etc., the total amount of savings would vastly exceed the amount Greenlining claims here. Indeed, confidential evidence in the record indicates that the amount of savings achieved by this merger not taking place is orders of magnitude higher than the amount Greenlining claims here. As such, Greenlining asserts that the cost of our participation is reasonable in light of the benefits realized as a result of participation.	Verified
b. Reasonableness of Hours Claimed. Greenlining's hours were reasonable given the immense volume of information, much of it highly technical or legally complex, that was being considered in this proceeding. Greenlining sought to maintain a streamlined process of work assignments internally, with minimal supervisory involvement, which allowed the key expertise to reside in the two active advocates, Mr. Gallardo and Goodman. Each came into the proceeding possessing different, complementary areas of expertise, and each stuck to these areas throughout the proceeding, which eliminated overlapping efforts and ensured that each person was efficient, by working on the areas of his expertise. Because of this proceeding's complexity and potentially large impact on California consumers, many workshops and Public Participation Hearings were conducted. These added a certain amount of time that would not be present in a strictly on-paper proceeding. However, quite a substantial amount of time was spent sifting through the massive volume of documents filed by AT&T and other parties in response to numerous data requests, to determine what was relevant. *See* Response to TURN Motion for Extension of Time, filed August 17, which discusses the huge volume of discovery and lack of any order, organization, or oftentimes relevance. Discovery included	After some reductions as set forth in Section III.C below, the remainder of Greenlining's request for compensation is reasonable and worthy of compensation.

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<tr>
<td>not only information requested in this proceeding, but respondents were also required by the OII and the ALJ's Ruling on 8/11/2011 to file and serve all information provided to the FCC in its docket, which increased the volume of information active parties needed to sift through. D.12-08-025 noted that "[p]arties' filings in this proceeding were voluminous and, in many cases, highly technical" (at 5).

Because of the extraordinary volume of data request responses in this proceeding, many of which were not relevant or responsive to the requests issued, Greenlining staff recorded an unusual amount of time in the General category. Where personnel were analyzing data request responses that were relevant to issues discussed above, the time was recorded in the appropriate issue category. However, time spent sorting through thousands of pages of discovery to find the relevant information was recorded in the General category. Greenlining submits that this time was necessary, even though it was general, in order to find the relevant information. AT&T did not use any system for identifying or sorting the information it submitted, which would have substantially reduced the time parties needed to go through its responses.

Further, many of the documents and models distributed were password protected or in proprietary formats not accessible through standard programs, despite Commission instructions in multiple rulings that all information be made accessible. This too resulted in ordinary document review tasks, which were necessary for thorough participation, taking longer than they should.</td>
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<td>B. Allocation of Hours by Issue

Greenlining's time is allocated by issue category as follows:

<table>
<tr><td>A. Market Definition and Concentration</td><td>15.68%</td></tr>
<tr><td>B. Merger Effects on Competition</td><td>6.86%</td></tr>
<tr><td>C. Public Interest Effects</td><td>8.42%</td></tr>
<tr><td>D. Mitigation Measures</td><td>5.33%</td></tr>
<tr><td>E. Economic Model</td><td>18.59%</td></tr>
<tr><td>F. Job Effects</td><td>5.80%</td></tr>
<tr><td>G. General/Multiple Issues</td><td>39.31%</td></tr>
<tr><td>Total</td><td>100%</td></tr>
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<td>Greenlining has properly allocated its time by major issue as required by Rule 17.4.[3]</td>
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[3] *See* D.98-04-059 and D.85-08-012.

C. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Enrique Gallardo	2011	120.9	$370	D.12-04-043	$44,733.00	107.8	$370	$39,886.00
Enrique Gallardo	2012	11.3	$370	D.12-04-043	$4,181.00	8.7	$380	$3,306.00
Paul Goodman	2011	366.4	$310	*See* Attachment B	$113,584.00	363	$300	$108,900.00
				Subtotal:	**$162,498.00**		***Subtotal:***	**$152,092.00**
OTHER FEES **Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):**								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Enrique Gallardo (travel)	2011	13.0	$185	D.12-04-043	$2,405.00	6.8	$185	$1,258.00
				Subtotal:	**$2,405.00**		***Subtotal:***	**$1,258.00**
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate**	**Basis for Rate***	**Total $**	**Hours**	**Rate**	**Total $**
Stephanie Chen	2012	7.9	$92.50	D.12-04-043	$730.75	7.9	$95[4]	$750.50
				Subtotal:	**$730.75**		***Subtotal:***	**$750.50**
				TOTAL REQUEST $:	**$165,633.75**		**TOTAL AWARD:**	**$154,100.50**

* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

** Travel and reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

[4] Adopted by D.13-10-067.

ATTORNEY INFORMATION			
Attorney	**Date Admitted to CA BAR[5]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation**
Enrique Gallardo	December 9, 1997	191670	No
Paul Goodman	April 24, 2002	219086	No
Stephanie Chen	August 23, 2010	270917	No

D. Attachments Documenting Specific Claim and Comments on Part III

Attachment or Comment #	Description/Comment
Attachment A	**Recorded Hours for Greenlining Attorneys**
Attachment B	**Justification for Rate Claimed for Paul Goodman**

E. CPUC Disallowances and Adjustments:

#	Reason
1. Adoption of Enrique Gallardo's 2012 hourly rate.	We increase Gallardo's hourly rate for 2012 to $380 to reflect the amount awarded to Gallardo for his 2012 work in D.14-02-038.
2. Adoption of Paul Goodman's hourly rate(s).	This is the first time the Commission has set an hourly rate for Paul Goodman. Goodman is currently Legal Counsel for the Greenlining Institute. He was admitted into the California State Bar in 2002, and received his LL.M in Intellectual Property from Santa Clara Law School in 2010. According to Greenlining, while at Santa Clara, Goodman worked as a Research Fellow for the Broadband Institute of California, working on issues including net neutrality, deceptive internet service provider terms and conditions, and the regulation of broadcast television and radio. Greenlining states that Goodman also has experience in issues of Municipal Internet, Vertical Price Fixing in the eBook industry, Hate Speech and Mass Media, and broadcaster liability for knowingly broadcasting false statements. Greenlining states that Goodman has worked extensively on telecommunications and antitrust issues, and in this proceeding he provided extensive input on the effects of the merger on low-income communities and

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

	communities of color, the effects of the merger on jobs, and the economic and engineering models provided by the applicants. Greenlining states that given Goodman's experience and the high quality of his work in this proceeding, a rate of $310 per hour is consistent with Resolution ALJ-267 and with awards to other similarly situated attorneys. We set Goodman's 2011 hourly rate at $300, which is the low range of an attorney with 13 or more years of experience, according to Resolution ALJ-281. We select the low end of the range because it appears from Greenlining's description of Goodman's experience that although Goodman has been an attorney since 2002, his relevant experience to utility law began in 2010. We note that Goodman may be eligible for step increases pursuant to Resolution ALJ-281, Ordering Paragraph 2 and D.08-04-010.
3. Travel time disallowances.	We deduct the hours claimed traveling to and attending PPHs, as that time is generally non-compensable. *See* D.11-06-034 at 9, citing D.10-04-025. This is a reduction for Gallardo of 7 hours for 2011 and a reduction of 6.2 travel hours for 2011, and a reduction of 2.5 hours for Goodman for 2011.
4. Disallowance for unproductive efforts.	We reduce the hours claimed by Goodman for Category E (economic model) to reflect some of the time spent to gain access to the economic model. This is a reduction of 3.4 hours for 2011.
5. Disallowance for unproductive efforts.	We reduce the time spent by Gallardo for 2012 by 1.7 hours for reviewing the revisions to the proposed decision, as the time records do not reflect activity on the case in chief after this point; this activity did not result in a substantial contribution to the decision.
6. Disallowance for unproductive efforts.	After making the above reductions, we reduce the hours claimed in the General/Multiple Issues category by 10 % as irrelevant and internally duplicative, noting that Greenlining states that some of the time was spent on reviewing irrelevant and nonresponsive responses to the data requests. This results in a reduction for Gallardo of 6.1 hours for 2011 and 0.9 hours for 2012, and a reduction for Goodman of 7.4 hours for 2011.

PART IV: OPPOSITIONS AND COMMENTS

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

If so:

Party	Reason for Opposition	CPUC Disposition
New Cingular Wireless PCS, LLC and Affiliated Wireless Entities	Because D.12-08-025 dismissed this case based on withdrawal of the merger application at the FCC, and was not based on the contributions of Greenlining, the statutory requirement for Greenlining to make a "substantial contribution" was not met.	New Cingular Wireless PCS, LLC's opposition is rejected. D.12-08-025 granted the authority to award intervenor compensation in this proceeding.

B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. The Greenlining Institute has made a substantial contribution to D. 12-08-025.
2. The requested hourly rates for the Greenlining Institute's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is $154,100.50.

CONCLUSION OF LAW

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

ORDER

1. The Greenlining Institute is awarded $154,100.50.

2. Within 30 days of the effective date of this decision, T-Mobile West LLC dba T-Mobile (U3056C) (T-Mobile) and New Cingular Wireless PCS, LLC (U3060C), AT&T Mobility Wireless Operations Holdings Inc. (U3021C), Santa Barbara Cellular Systems, Ltd. (U3015C) and AT&T Mobility Wireless Operations Holdings, LLC (U3014C) (collectively referred to as "AT&T Mobility") shall pay the Greenlining Institute their respective shares of the award, based on their California-jurisdictional telecommunications revenues for the 2011 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 8, 2013, the 75th day after the filing of the Greenlining Institute's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision? No**
Contribution Decision(s):	D1208025	
Proceeding(s):	I1106009	
Author:	ALJ Division	
Payer(s):	T-Mobile West LLC dba T-Mobile (U3056C) (T-Mobile) and New Cingular Wireless PCS, LLC (U3060C), AT&T Mobility Wireless Operations Holdings Inc. (U3021C), Santa Barbara Cellular Systems, Ltd. (U3015C) and AT&T Mobility Wireless Operations Holdings, LLC (U3014C) (collectively referred to as "AT&T Mobility")	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
The Greenlining Institute	10/25/2012	$165,633.75	$154,100.50	N/A	Adjustment in hourly rates; reductions for time spent at PPHs, internal duplication and for activity that did not result in a substantial contribution.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	The Greenlining Institute	$370	2011	$370
Enrique	Gallardo	Attorney	The Greenlining Institute	$370	2012	$380
Paul	Goodman	Attorney	The Greenlining Institute	$310	2011	$300
Stephanie	Chen	Attorney	The Greenlining Institute	$185	2011	$95/$190

(END OF APPENDIX)