

Decision \_\_\_\_\_

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

Order Instituting Rulemaking Regarding Revisions to the California High Cost Fund B Program	Rulemaking 09-06-019 (Filed June 18, 2009)
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**DECISION GRANTING COMPENSATION TO CENTER FOR ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-12-038**

<b>Claimant: Center for Accessible Technology (CforAT) for itself and its predecessor, Disability Rights Advocates (DisabRA)</b>	<b>For contribution to Decision (D.) 12-12-038</b>
<b>Claimed (\$): \$107,789.20</b>	<b>Awarded (\$): \$102,689.70 (4.7 % reduction)</b>
<b>Assigned Commissioner: Michael Peevey</b>	<b>Assigned ALJ: ALJ Division</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Decision adopts revisions to the definition of basic telephone service to apply on a technology-neutral basis to all forms of communications technology that may be utilized to provide telephone service.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	None held	Verified
2. Other Specified Date for NOI:	<i>See comments below.</i>	
3. Date NOI Filed:	DisabRA: March 19, 2010. <i>See comments below.</i>  CforAT: November 5, 2011. <i>See comments below.</i>	Yes for Disability Rights Advocates (DisabRA) ruling. The date of the Center for Accessible Technology (CforAT) ruling is December 5, 2011.

4. Was the NOI timely filed?		Yes, based on intervenors' comments below.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	<p>DisabRA: As described in the comments below, no ruling was ever issued on DisabRA's NOI in this proceeding. DisabRA's showing of Category 3 customer status has been accepted in numerous proceedings; <i>see</i> e.g. the ALJ's Ruling in A.10-03-014, issued on October 31, 2011 <i>See</i> comments below.</p> <p>CforAT: As described in the comments below, no ruling was ever issued on CforAT's NOI in this proceeding. CforAT's showing of Category 3 customer status has been accepted in other proceedings; <i>See</i> e.g. the ALJ's Ruling in A.11-05-017, issued on October 20, 2011.</p>	<p>For DisabRA: Yes based on the comment in Part I.C below.</p> <p>For CforAT: Verified</p>
6. Date of ALJ ruling:	<p>DisabRA: <i>See</i> ALJ Ruling in A.10-03-014, issued on October 31, 2011.</p> <p>CforAT: <i>See</i> ALJ Ruling in A.11-05-017, issued on October 20, 2011.</p>	<p>For DisabRA, <i>see</i> June 14, 2007 ruling in Rulemaking (R.) 07-04-015 and comment in part I.C below. The Administrative Law Judge (ALJ) ruling in A.10-03-14 issued on October 31, 2011 applies to CforAT.</p> <p>For CforAT: Verified</p>
7. Based on another CPUC determination (specify):	As set forth above. <i>See</i> also comments below.	Verified
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of "significant financial hardship" (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	DisabRA: As with its showing of customer status, no ruling on DisabRA's showing of significant financial hardship was issued in this proceeding. DisabRA has previously shown significant financial hardship in multiple other proceedings, including,	Yes, based on comment in Part I.C below.

	for example, A.10-03-014. CforAT: As with its showing of customer status, no ruling on CforAT’s showing of significant financial hardship was issued in this proceeding. CforAT has previously shown significant financial hardship in multiple other proceedings, including, for example, A.09-08-020 in an Assigned Commissioner’s Amended Scoping Memo and Ruling issued on September 29, 2011	
10. Date of ALJ ruling:	DisabRA: <i>See</i> ALJ Ruling in A.10-03-014, issued on October 31, 2011.  CforAT: <i>See</i> Assigned Commissioner’s Amended Scoping Memo and Ruling issued in A.09-08-020, on September 29, 2011	CforAT: October 31, 2011  DisabRA: <i>See</i> November 30, 2010, Ruling in Application (A.) 10-03-014.
11. Based on another CPUC determination (specify):	As set forth above. <i>See</i> also comments below.	<i>See</i> Comment in Part I.C below.
12. Has the Claimant demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-12-038	Verified
14. Date of Issuance of Final Order or Decision:	December 20, 2012	December 24, 2012
15. File date of compensation request:	February 22, 2013	Verified
16. Was the request for compensation timely?		Yes

**C. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
	CforAT/DisabRA		In its Motion for Party Status, filed on December 5, 2011, CforAT requested authorization to act as the successor to DisabRA, and to adopt DisabRA’s prior filings as its own. While the ruling granting CforAT’s Motion for Party Status does not address the request to serve as DisabRA’s successor, the Commission has previously permitted the same transfer of authority. <i>See, e.g.,</i> the ruling granting CforAT party status and recognizing it as DisabRA’s successor, issued in A.08-12-021 on October 7, 2011. This Request generally refers jointly to CforAT/DisabRA, since compensation is being requested for the work performed by each organization.

	DisabRA		<p>As noted in its Notice of Intent (NOI), DisabRA’s participation in this proceeding prior to a ruling issued by former Assigned Commissioner Bohn on February 11, 2010 was limited to monitoring the predecessor B Fund proceeding, R.06-06-028, and participation beyond that extent had not been anticipated. As such, DisabRA had not filed an NOI in accordance with the timeline as set forth by Rule 17.1(a)(3) of the Commission’s Rules of Practice and Procedure. However, in light of new issues brought forth in Commissioner Bohn’s ruling as well as ALJ Pulsifer’s March 5, 2010 ruling, DisabRA determined that the interests of its constituency were at issue in the proceeding to an extent that would warrant more active participation and thus support a request for compensation for its involvement in this stage of the proceeding. DisabRA’s NOI was filed concurrently with its comments on the Assigned Commissioner’s Ruling.</p> <p>No action was ever taken on DisabRA’s NOI. Except for a ruling issued on October 10, 2011 regarding a request by The Utility Reform Network (TURN) to transfer certain time for work performed the predecessor docket to this proceeding, it appears that no action was ever taken on any NOI submitted by any party in this proceeding.</p> <p>Notwithstanding the fact that no ruling was issued on DisabRA’s NOI in this proceeding, DisabRA has previously been found to be an eligible intervenor on numerous occasions, including the proceedings noted above.</p>
	CforAT		<p>CforAT did not file its NOI at the time of the original deadline because it was not a party to the proceeding at that time. On December 5, 2011, CforAT concurrently filed a Motion for Party Status and its NOI. The Motion for Party Status was granted in a Ruling by the ALJ on December 9, 2011. As noted above, no ruling was issued on CforAT’s NOI (or on any other pending NOI), but CforAT has been found eligible to claim compensation in other proceedings, including A.10-03-014.</p>
5		X	<p>The October 31, 2011 ruling in A.11-05-017 cited by intervenors to support DisabRA’s customer status is cited in error to support customer status as this ruling addresses CforAT’s showing of significant financial hardship in that proceeding. However, a ruling dated June 14, 2007 in R.07-04-015 found DisabRA to satisfy the requirements of a Category 3 customer. Based on the June 14, 2007 ruling, we find DisabRA a Category 3 customer here as well.</p>
9-11		X	<p>Pub. Util. Code Section 1804(b)(1) states in relevant part that a finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding.</p> <p>With respect to DisabRA’s statement above, DisabRA uses an incorrect decision. A ruling issued on November 30, 2010 in A.10-03-014 finds DisabRA has shown significant financial hardship.</p>

**PART II: SUBSTANTIAL CONTRIBUTION**

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

<b>Intervenor’s Claimed Contribution(s)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p>DisabRA initially was not an active party in the proceeding, but took a more active role following the issuance of an Assigned Commissioner’s Ruling on the Status of Reverse Auction Process because it noted that the interests of its constituency would be affected by proposed changes to the definition of basic service set forth in the draft language regarding bidding protocols set forth in an attachment to the ACR.</p>	<p>Assigned Commissioner’s Ruling on the Status of Reverse Auction Process and Attachment A, issued on February 11, 2010 (Reverse Auction ACR).</p> <p>DisabRA set out its reasoning for becoming a more active party following the issuance of the Reverse Auction ACR in its NOI, filed on March 19, 2010 and in its comments on the Reverse Auction ACR, filed on the same date.</p>	<p>Yes</p>
<p>In the Comments of Disability Rights Advocates on the Assigned Commissioner’s Ruling on the Status of Reverse Auction Process (DisabRA Comments on Reverse Auction ACR), filed on March 19, 2010, DisabRA sought review of the definition of basic service in a forum with greater visibility than the Rulemaking addressing reforms to the High Cost Fund B program had at that time, noting the importance of basic service for vulnerable consumers and the need for a full vetting of any changes by a broad spectrum of stakeholders.</p>	<p>DisabRA Comments on Reverse Auction ACR at p. 2, pp. 3-5; <i>See</i> also DisabRA’s Reply Comments on the Reverse Auction ACR, filed on April 2, 2010 at p.7.</p> <p>While the Commission declined to adopt DisabRA recommendation that the discussion of basic service be moved into a new proceeding or into the then-pending rulemaking broadly reviewing the Commission’s various public purpose telecommunications programs, R. 06-05-028, the Commission’s subsequent Amended Scoping Memo and Solicitation of Comments Regarding Revisions to the “Basic Telephone Service” Requirements (Amended Scoping Memo), issued on May 10, 2010, was also issued in R.06-05-028 (though the proceedings were not consolidated), and parties in R.06-05-028 were invited to participate in this proceeding. Amended Scoping Memo at pp. 1-5.</p> <p>While DisabRA was not specifically identified, the Amended Scoping Memo noted that parties had proposed addressing changes to the definition of basic service in R.06-05-028, Amended Scoping Memo at p. 3, and that its broad solicitation of participation by parties in that proceeding was done to protect the due process rights of</p>	<p>Yes</p>

	<p>potentially affected parties. Amended Scoping Memo at p. 5.</p>	
<p>In expressing concern about potential changes to basic service, DisabRA specifically identified the need to avoid having any such changes result in a “lowest common denominator” that would lead to global degradation of service. The Commission took pains through the entire remainder of the proceeding to stress that it wanted to avoid any action that would result in such a “lowest common denominator.”</p>	<p>DisabRA Reply Comments on Reverse Auction ACR at p. 6 (noting concerns that a stripped down definition of basic service would become “the lowest common denominator to which all basic service obligations in the state [would] ultimately fall”).</p> <p><i>See</i> D.12-12-038 at p. 13 (“At the same time, a technology-neutral definition does not mean settling for the lowest common denominator of service standards. Allowing such degradation in standards would undermine principles of universal service.”) This language was included in the very first version of the proposed decision issued on November 15, 2011 (Initial PD), and remained in place through every revision. <i>See</i> Initial PD at p. 11. Identical language was also included in each version of the Alternate Proposed Decision, first issued on July 18, 2012 (Initial Alternate). <i>See e.g.</i> Initial Alternate at p. 13.</p>	<p>Yes</p>
<p>In the Amended Scoping Memo, the Assigned Commissioner substantially broadened the scope of the proceeding, gave notice to parties in R. 06-05-028, and made clear the Commission’s intent to solicit broad input (including from the public) before adopting changes to the definition of basic service. This is all consistent with DisabRA’s recommendations of an expanded forum for review of this important question.</p>	<p><i>See</i> generally Amended Scoping Ruling as issued in both this proceeding and R.06-05-028 (not consolidated). In the Amended Scoping Ruling, the Assigned Commissioner for the first time set forth a “straw proposal” expressly regarding revisions to the definition of basic service in order to serve the broad goal of “competitive neutrality.” Amended Scoping Memo at p. 5. Previously, all proposals had been couched in terms of protocols for a reverse auction.</p> <p>In addition to expressly expanding the scope of this proceeding and providing direct notice to parties in R.06-05-028, the Amended Scoping Memo indicated that public participation hearings would be held, <i>id.</i> at p. 6, and comments would be broadly solicited from parties in both proceedings regarding “the broader scope of all basic service offered within the ILEC service territories,” not just with regard to reverse auction pilot programs. <i>Id.</i> at p. 5. The Amended Scoping Memo further gave notice to parties in both proceedings that the Commission intended to</p>	<p>Yes</p>

	issue a decision revising the definition of basic service Id. at p. 7.	
In response to the Amended Scoping Memo, DisabRA submitted opening comments and reply comments in conjunction with TURN and NCLC. Greenlining was not yet a party to this proceeding at that time. Opening Comments were filed on May 28, 2010, and Reply Comments were filed on June 18, 2010. During this comment round, the consumer advocates raised multiple issues that remained important topics for Commission review for the extended duration of the proceeding, as set forth in detail below.	<i>See generally</i> Comments of The Utility Reform Network (TURN), Disability Rights Advocates (DisabRA) and the National Consumer Law Center (NCLC) on the Assigned Commissioner’s Amended Scoping Memo and Solicitation of Comments Regarding Revisions to the “Basic Telephone Service” Requirements (Consumer Comments on Amended Scoping Memo), filed on May 28, 2010 and Reply Comments of The Utility Reform Network (TURN), Disability Rights Advocates (DisabRA) and the National Consumer Law Center (NCLC) on the Assigned Commissioner’s Amended Scoping Memo and Solicitation of Comments Regarding Revisions to the “Basic Telephone Service” Requirements (Consumer Reply Comments on Amended Scoping Memo), filed on June 18, 2010.	Yes
Consumers advocates supported the need for broad public input regarding any changes to the definition of basic service	Consumer Comments on Amended Scoping Memo at p. 4.  In a ruling issued on December 24, 2010, as discussed further below, a schedule was set for seven public participation hearings to be held throughout the state regarding basic service.  In all versions of the decision from the Initial PD through to the final decision, the Commission cited to information obtained at the PPHs to support its general conclusion existing basic service features remain important for the majority of consumers. D.12-12-038 at p. 14.	Yes, except to correct citation Decision (D.)12-12-038 is to page 15.
Consumer advocates conducted a detailed review of key elements of basic service. Certain elements, such as directory issues, were raised jointly by the consumers, but were not the focus of the CforAT/DisabRA. Certain elements that were important for CforAT/DisabRA, such as effective 911 access, are discussed separately below.	<i>See generally</i> Consumer Comments on Amended Scoping Memo at pp. 12-31; Consumer Reply Comments on Amended Scoping Memo at pp. 16-43.	Yes
In reviewing the elements of basic service, consumer advocates addressed the importance of avoiding per-minute charges	Consumer Comments on Amended Scoping Memo at pp. 15-18 (unlimited incoming calls) and p. 29 (free 8YY calling), Consumer	

<p>as a key aspect of affordability.</p>	<p>Reply Comments on Amended Scoping Memo at pp. 19-25 (unlimited incoming calls) and pp. 38-41 (free 8YY Toll-Free services).</p> <p>Throughout all the iterations of the PD and AD and in the final decision, the Commission devoted substantial attention to the question of how to effectively provide affordability and predictability of charges, while still allowing flexibility. This issue was finally resolved by requiring basic service providers to offer an option through which customers can receive incoming calls with no additional charges, as “a necessary feature of basic service.” D.12-12-038 at p. 26; <i>See</i> also extended discussion re: unlimited incoming calls at no additional charge at p. 26-28 and discussion of access to toll-free services at pp. 38-39.</p>	<p>Yes</p>
<p>In reviewing the elements of basic service, consumer advocates addressed the importance of access to local emergency services, particularly for vulnerable consumers.</p>	<p>Consumer Comments on Amended Scoping Memo at pp. 19-20; Consumer Reply Comments on Amended Scoping Memo at pp. 26-29.</p> <p>Throughout all the iterations of the PD and AD and in the final decision, the Commission focused substantial attention on how to effectively ensure that all consumers have access to effective local emergency response to 911/E911 calls, consistent with the recommendations of the consumers.</p> <p>After substantial additional comment and discussion, described below, the final decision recognized that carriers can utilize different technologies, and declined to dictate use of any particular technology for access to emergency services, but still addressed the concerns raised by consumers regarding the need for local responses by requiring all carriers other than traditional wireline providers to make s showing via Tier 3 Advice Letter that its 911/E911 capability “provides location accuracy and reliability that is at least reasonable comparable but not necessarily identical to that offered by the existing COLR.” D.12-12-038 at p. 23.</p> <p>The final decision continues, consistent with</p>	<p>Yes</p>



	the concerns raised by consumers, by requiring carriers to certify that they are compliant with federal 911/E911 standards, and states that a carrier “will not be deemed to provide basic service if it has obtained a waiver from such federal laws and regulations.” D.12-12-038 at p. 24.	
With regard to minimum service quality standards, consumer advocates argued that competition cannot substitute for the commission’s obligation to ensure adequate service quality, particularly for vulnerable customers. Consumer advocates further noted the importance of ensuring that any carrier receiving state subsidies provide a reasonable level of service to its customers.	<p>Consumer Reply Comments on Amended Scoping Memo at pp. 44-47.</p> <p>The Commission agreed on the importance of service quality standards, though it did not reach a final conclusion on how best to pursue and implement such standards.</p> <p>Following extensive discussion on this issue in comments and the various iterations of the decision, the final decision recognizes the Commission’s “universal service obligations to ensure that all Californian’s have access to essential telecommunications services necessary for them to interact and participate in modern society,” and demands additional proceedings to develop a further record to set appropriate standards and enforcement tools. D.12-12-038 at pp. 45-47. Until alternative standards are adopted for non-traditional carriers, basic service providers must identify any deviations from the existing GO in an advice letter and must show how its efforts are functionally equivalent to the existing standards. <i>Id.</i> at p. 47.</p>	Yes
In their Reply Comments on the Amended Scoping Memo, consumers provided a detailed discussion of the way in which consumers continue to rely on elements of basic service, and provided data showing that customers who can afford both services do not view wireless services as a substitute for wireline. This analysis was taken to heart by the Commission, and a discussion of how the services are not interchangeable appeared in all versions of both the PD and AD, and was included in the final decision.	<p>Consumer Reply Comments on Amended Scoping Memo at pp. 6-11.</p> <p><i>See e.g.</i> the discussion of the needs of diverse consumer groups in the initial PD at pp. 12-14, the Initial Alternate at pp. 15-17, and D.12-12-038 at pp.14-16.</p>	Yes
Additional substantial procedural activity took place through the remainder of 2010 and into the spring of 2011, including, as noted above, seven public participation	PPHs were set in an Assigned Commissioner’s Ruling Regarding Plans to Address Basic Telephone Service Revision, issued on December 24, 2010.	

<p>hearings (PPHs) held in locations throughout the state during March of 2011. DisabRA encouraged participation of people with disabilities at these PPHs to present their perspective on potential impacts from changes in the definition of basic service.</p>		<p>Yes, insofar as public participation hearings (PPHs) were scheduled as set forth in this item.</p>
<p>In describing the needs of vulnerable consumers, specifically including disabled customers, who still rely on heavily on wireline basic service, the Commission in the final decision cited to feedback received from such customers at the PPHs.</p>	<p>“The principles of universal service extend to all segments of the public, not just the technologically sophisticated whose calling needs may be met by wireless or other alternative technologies. In particular, many among the elderly, disabled, economically disadvantaged, or non-English-speaking sectors may exhibit different needs compared to younger, technologically sophisticated, or more affluent sectors. As expressed by speakers at the PPHs held during March 2011, more vulnerable sectors of the public are not prepared or equipped to forfeit current protections offered through wireline basic service.” D.12-12-038 at p. 15.</p>	<p>Yes</p>
<p>On April 27, 2011, a new ruling was issued offering parties an opportunity to refresh the record on basic service issues.</p>	<p>ALJ’s Ruling Providing for Comments on Proposed Basic Telephone Service Revisions (ALJ’s Ruling Seeking Comments), filed on April 27, 2011.</p> <p>In response to concerns articulated by consumers including DisabRA in the earlier round of comments, the ALJ’s Ruling Seeking Comments expressly noted that “the essential needs, particularly among the most vulnerable segments of the customer base (e.g. the elderly, those with disabilities, low-income segments, etc.) must be met consistent with the Commission’s universal service policies.” ALJ’s Ruling Seeking Comments at p. 3. It further noted that “technology-neutral standards must not degrade or diminish essential service needs.” <i>Id.</i></p>	<p>Yes</p>
<p>In response to the ALJ’s Ruling Seeking Comments, DisabRA submitted comments and reply comments in conjunction with Greenlining and NCLC (TURN and DRA each submitted separate comments and reply comments, though all consumer representatives coordinated their efforts). In</p>	<p><i>See generally</i> Comments of Disability Rights Advocates, the National Consumer Law Center and the Greenlining Institute on the ALJ’s Ruling Providing for Comments on Proposed Basic Telephone Service Revisions (Consumer Comments on ALJ Ruling), filed on May 16, 2011 and Reply Comments of</p>	<p>Yes the opening and reply comments were filed as stated.</p>

<p>their opening and reply comments, DisabRA and the other consumer advocates again highlighted issues that remained central to the decision from the initial proposed decision through to the final issuance of D.12-12-038.</p>	<p>Disability Rights Advocates, the National Consumer Law Center and the Greenlining Institute on the ALJ’s Ruling Providing for Comments on Proposed Basic Telephone Service Revisions (Consumer Reply Comments on ALJ’s Ruling), filed on May 31, 2011.</p>	<p>This comment is otherwise too general to substantiate substantial contribution.</p>
<p>In the second substantive round of comments, the consumer advocates, including DisabRA continued to argue against any degradation of standards for basic service, stressing the need to avoid a “lowest common denominator.”</p>	<p><i>See</i> Consumer Comments on ALJ’s Ruling at p. 2.  As noted above, the recognition of the need to avoid having a revised definition of basic service become a lowest common denominator was set forth in the initial PD and remained in every revision, every version of the Alternate, and the final decision.</p>	<p>Yes</p>
<p>The consumer advocates, including DisabRA, provided substantial discussion of the need to incorporate both specific terms and additional guidance for carriers in a single document in order to effectively lay out basic service obligations for carriers, including potential new entrants to the California market who might not have experience with the previously scattered guidance in various Commission regulations and decisions.</p>	<p><i>See</i> Consumer Comments on ALJ’s Ruling at pp. 2-3; Consumer Reply Comments on ALJ’s Ruling at pp. 1-2.  The initial PD, each revision, and each version of the AD, as well as the final decision, all incorporate the revisions to basic service in a stand-alone Appendix, with the Appendix as the effective document containing the revised basic service requirements. In keeping with the consumers’ recommendations, each version of this Appendix includes both the revised elements of basic service and a discussion of what providers must do to ensure that the service elements are offered appropriately.</p>	<p>Yes</p>
<p>The consumer advocates, including DisabRA, continued to stress the importance of ensuring affordability of basic service, including the need for providers to offer stand-alone basic (both to provide an affordable option compared to bundles and to allow for an “apples to apples” comparison of price) and the need for flat-rate service to ensure predictability of charges.</p>	<p><i>See</i> Consumer Comments on ALJ’s Ruling at pp. 3-6; Consumer Reply Comments on ALJ’s Ruling at pp. 9-10.  The issue of stand-alone basic service remained a focus of the Commission through the remaining duration of the proceeding, with substantial attention focused on balancing consumer needs with technological capabilities of various providers. After going through multiple options, the final decision requires basic service providers to offer service that includes all of the elements of basic set forth in the decision and provides the option of including additional features without additional charge. D.12-12-038 at p. 11. It further prohibits bundling of video or data services as a condition of providing</p>	<p>Yes</p>

	basic, and prohibits any bundled service from being represented as “basic service.” Id.	
The consumer advocates, including DisabRA, again argued that any limitation on minutes, including charging 8YY (“toll-free”) calls against a bucket of minutes and any option that does not provide for a reasonable priced flat-rate standard would have harmful impacts on affordability. Consumers also took the position that customers need unlimited free access to emergency response services and customer service, but these elements did not generate substantial discussion.	<p><i>See</i> Consumer Reply Comments on ALJ’s Ruling at pp. 10-12.</p> <p>As noted above, the final decision addresses consumer concerns regarding the need for unlimited calling capability by requiring all basic service carriers to include an unlimited calling option. <i>See</i> D.12-12-038 at pp. 26-28 (unlimited incoming calls), pp. 28-31 (unlimited local outgoing calls) and pp. 38-39 (access to toll-free services).</p>	Yes
The consumer advocates, including DisabRA, continued to focus on key elements of basic service that are most important to vulnerable consumers, including access to local 911/E911 service. DisabRA also specifically addressed the importance of maintaining obligations for all basic service providers to support use of the California Relay service.	<p><i>See</i> Consumer Comments on ALJ’s Ruling at pp. 6-8, 12; Consumer Reply Comments on ALJ’s Ruling at pp. 6-7, 13.</p> <p>As noted above, the final decision requires basic service providers to offer “location accuracy and reliability that is at least reasonable comparable but not necessarily identical to that offered by the existing COLR.” D.12-12-038 at p. 23.</p> <p>While not the subject of substantial discussion after this round of comments, the final decision also requires any basic service carrier to offer access to the California Relay Service. D.12-12-038 at p. 39.</p>	Yes
The consumer advocates, including DisabRA, continued to stress the importance of maintaining service quality standards, including the need to ensure that basic service customers have access to telecommunications service from within their residence, even from non-traditional providers. This focus on service within the residence was opposed by wireless carriers, but was retained through the duration of the proceeding and incorporated in the final decision.	<p><i>See</i> Consumer Comments on ALJ’s Ruling at pp. 13-14; Consumer Reply Comments on ALJ’s Ruling at pp. 2-5.</p> <p>The final decision recognizes the importance of basic as a residential service, requires service from the customer’s residence, sets forth disclosure requirements and sets forth requirements for allowing a customer to discontinue service without penalty if residential service fails. D.12-12-038 at pp. 20-22.</p>	Yes
Ongoing issues concerning service quality, while not yet resolved, remain areas of focus for ongoing proceedings. Consumer advocates argued that it is not sufficient to rely on market forces to protect service	<p><i>See</i> Consumer Reply Comments on ALJ’s Ruling at pp. 4-5.</p> <p>The final decision recognizes that the Commission “cannot necessarily assume that</p>	

<p>quality, particularly in areas of the state where there is limited competition, and that carriers who receive subsidies can be required to meet specified standards.</p>	<p>competitive forces ensure that wireless providers serving in the capacity of COLR will make the necessary commitment to quality standards for all of customers [sic],” and directs additional activity on service quality standards in an alternative docket. D.12-12-038 at pp. 45-47.</p>	<p>Yes</p>
<p>As described above, the Initial PD was first issued on November 15, 2011. Comments on the Initial PD were submitted on December 5, 2011, and reply comments were submitted on December 12, 2011.</p> <p>Following several revisions to this Initial PD, further comments were invited on a revised PD. Such comments were submitted on February 24, 2012.</p> <p>On July 18, 2012, the Initial Alternate was first issued. Several additional revisions to the PD had also taken place by that time. Comments on the Alternate were submitted on August 7, 2012 and reply comments were submitted on August 13, 2012.</p> <p>On October 9, 2012, a revised alternate was issued and further comments were invited. Such comments were submitted on October 16, 2012.</p> <p>Both the PD and the Alternate were revised further, and substantial ex parte communication and review continued until the final decision was issued on December 28, 2012.</p> <p>Throughout the extensive process described above, consumer advocates, including CforAT (which joined as DisabRA’s successor after the Initial PD was issued), continued their focus on the issues previously identified.</p>	<p>Consumer Comments on PD were submitted jointly by CforAT, Greenlining and NCLC. TURN and DRA coordinated with the other consumer groups but each submitted separate comments.</p> <p>Reply Comments on PD were submitted jointly by CforAT and NCLC. Other consumer groups coordinated their response, but submitted separate reply comments.</p> <p>Comments on the Revised PD were submitted jointly by CforAT and TURN.</p> <p>Consumer Comments on AD were submitted jointly by CforAT, TURN, Greenlining and NCLC. The consumer groups coordinated with DRA, but DRA filed separately.</p> <p>CforAT filed separate Reply Comments on AD, though all consumer groups coordinated.</p> <p>Comments on the Revised Alternate were submitted jointly by CforAT, TURN, Greenlining and NCLC.</p> <p>As appropriate, the comments to which CforAT was a party are referenced below.</p>	<p>This item adds historical context but does not specifically document substantial contribution.</p>
<p>CforAT (in conjunction with the various other consumer groups) continued its focus on ensuring that basic service must be robust, and must avoid becoming a “lowest common denominator.”</p>	<p>Consumer Comments on PD at pp. 1-2. Consumer Comments on AD at p. 1.  D.12-12-038 at p. 13.</p>	<p>Yes</p>
<p>CforAT (in conjunction with the various other consumer groups) continued its focus on the importance of ensuring affordability of basic service, including avoiding per-</p>	<p>Consumer Comments on PD at pp. 7-10, 11. Reply Comments on PD at pp. 4-5. Comments on Revised PD at pp. 5-7.</p>	

minute costs.	Consumer Comments on AD at pp. 7-8, 11. Reply Comments on AD at pp. 3-4.  D.12-12-038 at pp. 26-28 (option for unlimited incoming calls), 28-31 (option for unlimited local outgoing calls); 38-39 (option to avoid per-minute costs for 8YY calls).	Yes
CforAT (in conjunction with the various other consumer groups) continued its focus on the need to ensure effective and affordable Lifeline service following the adoption of a revised definition of basic service.	Consumer Comments on PD at pp. 5-6 Comments on Revised PD at pp. 4-5.  D.12-12-038 at pp. 3-4, 24-26.	Yes
CforAT (in conjunction with the various other consumer groups) continued its focus on the need to ensure affordability by preventing customers from being forced to purchase bundles including services they may not want or need.	Consumer Comments on PD at pp. 4-5. Consumer Comments on AD at p. 8. Comments on Revised Alternate at p. 5-6.  D.12-12-038 at pp. 11-12.	Yes
CforAT (in conjunction with the various other consumer groups) continued its focus on the importance of local emergency response.	Consumer Comments on PD at p. 7. Consumer Comments on AD at pp. 9-10. Reply Comments on AD at pp. 1-3. Comments on Revised Alternate at p. 4.  D.12-12-038 at pp. 22-24.	Yes
CforAT (in conjunction with the various other consumer groups) continued its focus on the need for service quality standards for any basic service carrier.	Consumer Comments on PD at p. 12. Reply Comments on PD at p. 5. Consumer Comments on AD at pp. 14-15. Comments on Revised Alternate at p.3.  D.12-12-038 at pp. 45-47.	Yes
CforAT (in conjunction with the various other consumer groups) continued its focus on the importance of consumers having access to service within their residence.	Consumer Comments on PD at p. 12. Comments on Revised PD at pp. 7-8. Consumer Comments on AD at pp. 8-9. Comments on Revised Alternate at pp. 2-3.  D.12-12-038 at pp. 20-21.	Yes

<p>Throughout the decision-making process, CforAT (in conjunction with the various other consumer groups) also focused on the need to clearly delineate which carriers would be subject to any revised definition of basic service.</p>	<p>Reply Comments on PD at p.1.                  Comments on Revised PD at pp. 2-4.                  Consumer Comments on AD at pp. 4-7.</p> <p>From the issuance of the initial PD through all revisions and all versions of the AD, the Commission grappled with how to effectively articulate the applicability of the revised definition of basic service, concluding finally that “The basic service obligation applies on a statewide basis to all telecommunications carriers wishing to offer basic residential telephone service. Accordingly, the basic service obligation applies, not just in regions subject to high-cost support, but throughout California. . . . Any carrier that seeks Lifeline support even if they are not a COLR, must offer the basic service elements as specified in Appendix A.” D.12-12-038 at pp. 3-4. See also Ordering Paragraph 2 at p. 56.</p> <p>While the final decision does not provide the level of clarity sought by consumers, the Commission’s deliberation on the issue was clearly influenced by the concerns raised by the consumers.</p>	<p>Yes</p>
<p>Overall, the key issues highlighted by CforAT and the other consumers were the subject of great deliberation by the Commission in the lengthy decision-making process. Even where the final result was not the outcome preferred by CforAT and the consumers, the input of the consumer advocates was critical in supporting the deliberations of the Commissioners.</p>		<p>This is a general summary comment and not a specific citation of substantial contribution.</p>

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

	<b>Claimant</b>	<b>CPUC Verified</b>
<p><b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b></p>	<p>Yes</p>	<p>Verified</p>

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	<p>Yes</p>	<p>Verified</p>
<p><b>c. If so, provide name of other parties:</b></p> <p>DRA, The Utility Reform Network (TURN), Greenlining Institute (Greenlining), National Consumer Law Center (NCLC).</p> <p>In addition to these consumer groups with positions similar to those of CforAT/DisabRA, the proceeding also included numerous parties representing various categories of industry participants including incumbent GRC LECs , URF carriers, competitive local exchange carriers, wireless carriers (prepaid and otherwise), and VoIP carriers.</p>		<p>Verified</p>
<p><b>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b></p> <p>CforAT/DisabRA coordinated closely with DRA, TURN, Greenlining, and NCLC, often preparing joint filings, participating in joint ex parte meetings, and otherwise participating jointly to avoid duplication of effort. This coordinated consumer activity was particularly clear during the lengthy period between the distribution of the initial proposed decision (first issued on November 15, 2011) and the issuance of the final decision in December of 2012. This period included multiple revisions to the proposed decision, issuance of an alternate proposed decision, and multiple revisions to the alternate, four rounds of comments (and initial round and a following round on versions of the PD and an initial round and a following round on versions of the AD), as well as substantial ex parte activity.</p> <p>During this period (in which CforAT was the representative of the disability community), virtually all consumer representation was coordinated for effectiveness and efficiency. CforAT prepared almost every filing with one or more of the other intervening consumers groups, TURN, Greenlining, and/or NCLC, and coordinated with DRA. However, the consumer groups also coordinated closely in earlier stages of the proceeding in which the definition of basic service was at issue, including both rounds of comments on draft proposals for revised definitions of basic service, submitted in May of 2010 and then “refreshed” in May of 2011 (when DisabRA was the representative of the disability community). The only separate comments submitted by the disability community were the first comments filed by DisabRA in April of 2010 regarding concerns about use of a reverse auction mechanism and the impact on the definition of basic service and reply comments on the Alternate Proposed Decision in August of 2012, at which time CforAT coordinated closely with the other consumer groups, but filed separately.</p> <p>Finally, following issuance of the first proposed decision and the subsequent activity, CforAT engaged in substantial ex parte activity, always in coordination with the other consumer groups.</p> <p>In addition to the effective work with other consumer groups, there was no duplication or inefficiency between the two groups representing the disability community. When CforAT sought party status, it requested to adopt DisabRA’s prior filings as its own so that it would not duplicate the work previously contributed by DisabRA. While this request was never formally addressed by the Commission, DisabRA ceased to participate as an active party when CforAT obtained party status. CforAT was represented by Melissa Kasnitz, who had previously led all work in this proceeding for DisabRA before she moved her Commission</p>		<p>Verified</p>



<p>practice to CforAT. Because the actual lead advocate representing the interests of the disability community did not change, notwithstanding the formal substitution of parties, there was no inefficiency or duplication of effort between DisabRA and CforAT.</p>	
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**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<b>a. Intervenor’s Claim of Cost Reasonableness</b>	<b>CPUC Verified</b>
<p>It is difficult to assign a dollar value to the consumer benefits obtained through CforAT/DisabRA’s participation in this proceeding, but the overall benefits substantially outweigh the cost of participation. Looking strictly at economic benefits, CforAT/DisabRA worked to preserve affordability of basic service (among other goals) in this proceeding. To the extent that basic service will remain more affordable to consumers, including disabled consumers, virtually any such monetary benefit spread over all basic service customers will dwarf the compensation requested here. In addition, by seeking to ensure that the elements of basic service relied upon by vulnerable consumers, such as effective access to local emergency response, are not diminished, and by working to ensure that all basic service customers have appropriate service quality, the non-economic benefits also substantially outweigh the cost of participation.</p>	<p>Verified</p>
<p><b>b. Reasonableness of Hours Claimed</b></p> <p>Disability advocates did not participate in the aspects of this proceeding that specifically relate to the administration of the High Cost Fund B, notwithstanding that questions concerning this fund were the initial focus of the Rulemaking. In its NOI, DisabRA initially anticipated playing only a modest role based on the question that was pending at the time: “whether reform of the definition of ‘basic service’ and the LifeLine program shall occur in this proceeding or a separate proceeding.” Subsequent to the modest estimates made by DisabRA for responding to that question, the scope of this proceeding was revised, and it became the forum for a substantial overhaul of the definition of basic service for the first time since it was adopted in 1996. Given the change in focus of the proceeding and the substantial task taken up for review, the actual time spent by DisabRA was a reasonable response.</p> <p>The substantive review of the definition of basic service was well underway, with two rounds of detailed comments submitted and numerous other issues raised by other parties when Melissa Kasnitz, lead counsel for DisabRA, moved her Commission practice to CforAT. Prior to that time, DisabRA (in conjunction with other consumer groups) participated in both rounds of comments. Following issuance of a proposed decision on November 15, 2011, CforAT moved for party status as the successor to DisabRA, asked to have all prior DisabRA filings treated as its own, and filed an NOI to ensure that the disability community had input on the pending revisions to the definition of basic service. In its NOI, which was filed on December 5, 2011 (in conjunction with opening comments on the PD), CforAT estimated that it would spend 45 hours of time for such work. This is a substantial amount of time to spend after issuance of a proposed decision. In fact, the actual amount of time spent was substantially greater (over 100 hours). However, this time was reasonable given the</p>	<p>After some reductions as set forth in Section III.C below, the remainder of this request for compensation is reasonable and worthy of compensation.</p>

<p>level of work necessary in the period of over a year between the initial proposed decision and the adoption of a final decision. This extended period of time saw ten revisions to the Initial PD, the release of an Alternate and multiple revisions to the alternate, six sets of written comments, and substantial ex parte advocacy (including an all-party meeting). Given the extraordinary procedural activity following release of the Initial PD, the hours expended by CforAT were reasonable.</p>	
<p><b>c. Allocation of Hours by Issue</b></p> <p>As described in CforAT’s NOI, disability advocates in this proceeding have worked to “address the needs of the disability community to have reliable and affordable basic telecommunications service.” This involved work on multiple overlapping issues, which CforAT has broadly categorized as “Affordability,” “Service Quality,” and “Elements” (referring to the specific elements that collectively constitute the definition of basic service).</p> <p>“Affordability” includes questions regarding the interplay between basic service and LifeLine, as well as focused attention on the need for stand-alone basic service (to avoid paying for unneeded bundled services and to allow for an “apples to apples” price comparison. CforAT notes, however, that some aspects of its advocacy that it characterizes as “Affordability” could also be addressed as elements of the definition of basic service.</p> <p>“Service Quality” includes the need to ensure that any carrier receiving subsidies provide reliable service to all customers. This would incorporate CforAT’s concern that standards for basic service should not be degraded. It also incorporates CforAT’s advocacy to ensure that customers have access to service from within their residence, though this too could be characterized as an issue focused on the elements of service.</p> <p>“Elements” includes specifically the revisions to the definition of basic service. In addition to the items identified as aspects of Affordability and Service Quality, “Elements” of key concern to CforAT/DisabRA included access to local emergency response via 911/E911 and adequacy of relay service.</p> <p>For the substantial majority of the substantive work in this proceeding, each of these issue areas were directly relevant. Virtually every set of comments, every ex parte meeting, and every strategy session among consumer groups, incorporated aspects of each of these issues. Thus, CforAT/DisabRA have identified many time entries with the umbrella term “Policy,” which incorporates Affordability, Service Quality, and Elements. Broadly speaking, over the course of the proceeding CforAT/DisabRA would break down time spent on the separate Policy issues as follows:</p> <p>Elements: 40% of Policy          Affordability: 35% of Policy          Service Quality: 25% of Policy</p> <p>In addition to the work on policy issues, CforAT/DisabRA separately identified time spent on General Participation/Procedural Issues, including reviewing filings on issues in which the disability advocates did not take an active role, scheduling meetings, reviewing revisions when comments were not invited, and other similar activity.</p>	<p>Verified</p>

Finally, due to the importance of ensuring that the Commission had feedback from affected communities as part of its decision-making process, DisabRA actively encouraged participation from the disability community in the Public Participation Hearings that were held in 2011. Time spent on outreach regarding the PPHs is separately identified.

Overall, between CforAT and DisabRA, the time entries recorded can be broken down by issue as follows:

Policy

DisabRA: 37%%

CforAT: 77%%

Elements:

DisabRA: 7% of separate entries, as well as largest component of Policy

CforAT: 5% of separate entries, as well as largest component of Policy

Affordability:

DisabRA: 14% of separate entries as well as component of Policy

CforAT: <1% of separate entries as well as component of Policy

Service Quality:

DisabRA: 6% of separate entries as well as component of Policy

CforAT: No separate entries, but component of Policy

GP/Procedural Issues:

DisabRA: 16%

CforAT: 17%

Outreach:

DisabRA: 20 %

CforAT: 0%

**B. Specific Claim:**

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2010	70.7	\$420	D.10-07-013	\$29,694	70.7	\$420.00 <sup>2</sup>	\$29,694.00
Karla Gilbride	2010	15.3	\$200	D.10-07-013	\$3,060	15.3	\$200.00 <sup>3</sup>	\$3,060.00
Kara	2010	14.7	\$150	D.12-03-051	\$2,205	14.7	\$150.00 <sup>4</sup>	\$2,205.00

<sup>2</sup> Approved in D.10-07-013.

<sup>3</sup> Approved in D.10-07-013.

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Werner								
Rebecca Williford	2010	10.1	\$150	D.11-01-022	\$1,515	10.1	\$150.00 <sup>5</sup>	\$1,515.00
Dmitri Belser (Expert)	2010	3.75	\$140	See Comment 6, below	\$575	3.75	\$140.00	\$525.00
Melissa W. Kasnitz (DisabRA)	2011	33.0	\$420	D.11-10-012	\$13,860	28.2	\$420.00 <sup>6</sup>	\$11,844.00
Kara Werner (DisabRA)	2011	23.0	\$160	D.12-03-051	\$3,680	21.3	\$160.00 <sup>7</sup>	\$3,408.00
Melissa W. Kasnitz (CforAT)	2011	26.8	\$420	D.13-02-014	\$11,256	26.8	\$420.00 <sup>8</sup>	\$11,256.00
Melissa W. Kasnitz (CforAT)	2012	76.7	\$445	See Comment 7, below.	\$34,131.50	76.7	\$430.00 <sup>9</sup>	\$32,981.00
<i>Subtotal:</i>					<b>\$99,976.50</b>	<i>Subtotal:</i>		<b>\$96,488.00</b>

OTHER FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Paralegal (DisabRA)	2010	4.1	\$110	D.10-07-013	\$451	4.1	\$110.00	\$451.00
Paralegal (DisabRA)	2011	16.00	\$110	D.12-06-012	\$1,760	16	\$110.00	\$1,760.00

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<sup>4</sup> Approved in D.14-06-021.

<sup>5</sup> Approved in D.11-01-022.

<sup>6</sup> Approved in D.11-10-012.

<sup>7</sup> Approved in D.12-03-051.

<sup>8</sup> Approved in D.11-10-012.

<sup>9</sup> Approved in D.13-12-026.

Alicia Reyes (Outreach, DisabRA)	2011	13.3	\$110	D.12-06-012	\$1,463	0	\$110.00	\$0.00
<i>Subtotal:</i>					<b>\$3,674.00</b>	<i>Subtotal:</i>		<b>\$2,211.00</b>
<b>INTERVENOR COMPENSATION CLAIM PREPARATION **</b>								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz (DisabRA)	2010	.3	\$210	½ approved rate	\$63	.3	\$210.00	\$63.00
Paralegal (DisabRA)	2010	2.5	\$55	½ approved rate	\$137	2.5	\$55.00	\$137.50
Melissa W. Kasnitz	2011	2.2	\$210	½ approved rate	\$462	2.2	\$210.00	\$462.00
Melissa W. Kasnitz (CforAT)	2013	15.4	\$222.50	½ approved 2012 rate; See Comment 6, below.	\$3,426.50	15.4	\$215.00	\$3311.00
<i>Subtotal:</i>					<b>\$4,088.50</b>	<i>Subtotal:</i>		<b>\$3,973.50</b>
<b>COSTS</b>								
#	Item	Detail	Amount		Amount			Amount
	Postage (DisabRA)	DisabRA's costs for mailing hard copies of service documents to the ALJ and Assigned Commissioner	\$2.78					\$2.78
	Printing/Copying (DisabRA)	DisabRA's costs include in-house printing and copying costs for documents that were relevant to issues of concern for its constituency.	\$150					\$0
	Dmitri Belser: Expert Fees	3.75 hours at \$140 per hour. Invoice attached, but compensation is addressed above as an expert fee.	\$0					\$0
	Postage (CforAT)	CforAT's costs for mailing hard copies of service documents to the ALJ and Assigned Commissioner	\$14.42					\$14.42
	Travel (CforAT)	Round trip travel from CforAT's offices to the Commission for ex parte meetings and similar activities. CforAT can provide the exact dates of each trip, which increased from \$7.00 per round trip to \$7.10 per round trip while this proceeding was pending, upon request.	\$36.10			\$0		\$0
<i>Subtotal:</i>					<b>\$50.20</b>	<i>Subtotal:</i>		<b>\$17.20</b>
<b>TOTAL REQUEST \$:</b>					<b>\$107,789.20</b>	<b>TOTAL AWARD \$:</b>		<b>\$102,689.70</b>

\* 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. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

\*\*Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>10</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Melissa W. Kasnitz	December 24, 1992	162679	No; please note that from January 1, 1993 to January 25, 1995 and then from January 1, 1996 to February 19, 1997 Ms. Kasnitz was inactive
Karla Gilbride	July 17, 2009	264118	No
Kara Werner	December 20, 2010	274762	No
Rebecca Williford	June 2, 2010	269977	No

**C. CPUC Disallowances & Adjustments:**

#	Reason
2012 hourly rate for Kasnitz	We set an hourly rate for Melissa W. Kasnitz for 2012 at \$430, consistent with D.13-12-026 and D.14-06-026.
2010 hourly rate for Belser	CforAT seeks a 2010 hourly rate for Belser of \$140. CforAT states that Belser was first awarded an hourly rate of \$125 for 2006 in D.08-01-033 and retained that rate through 2008. The Commission made a major adjustment to Belser’s hourly rate in 2011 in D.13-12-026, awarding him \$225. CforAT states that the hourly rate of \$140 for work done in 2010 is below the minimum rate approved for experts in Resolution ALJ-247 (the rate range for experts with 13+ years of experience in 2010 was \$155-\$390). CforAT states that the \$140 hourly rate requested for Belser’s 2010 work is the rate actually billed by Belser to CforAT. Based on the above justification, we grant Belser an hourly rate of \$140 for his 2010 work in the proceeding. We also correct a typographical error in the request. Belser’s requested hours (3.75) times his approved 2010 hourly rate (\$140) is \$525, not \$575.
Time spent on PPH outreach matters	We disallow time spent organizing the community to attend PPHs, etc. (categorized as outreach) as that time is generally not compensable. See D.11-06-034 at 9. However, we do compensate intervenors for the time spent reviewing and summarizing PPH transcripts and for further work in the proceeding based on the review of the PPH transcripts. This results in the following deduction of hours for 2011: 4.8 hours for Kasnitz; 1.7 hours for Werner; and 13.3 hours for Reyes.

<sup>10</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Printing Costs	The claimed printing costs also appear to be for community outreach. As such, they are not compensable as set forth in the PPH section above.
Travel Expenses	CforAT requests reimbursement of \$36.10 for round trip fare to attend ex parte meetings and other similar activities taking place at the Commission. We disallow this expense as it is incurred during “routine” commuting and is not compensable. <i>See</i> D.10-11-032.
Correct Mathematical Error	We correct a mathematical error so that the claim for paralegals for 2010 is compensated at \$137.50 instead of \$137.00.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(C)(6))?</b>	Yes

**FINDINGS OF FACT**

- Center for Accessible Technology has made a substantial contribution to Decision 12-12-038.
- The requested hourly rates for Center for Accessible Technology’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$102,689.70.

**CONCLUSION OF LAW**

- The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

- Center for Accessible Technology is awarded \$102,689.70.
- Within 30 days of the effective date of this decision, the Commission’s Fiscal Office shall disburse the awarded compensation from the Commission’s Intervenor Compensation Fund. 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 May 8, 2013, the 75<sup>th</sup> day after the filing of the Center for Accessible’ Technology’s request, and continuing until full payment is made.

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

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.



**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D1212038		
<b>Proceeding(s):</b>	R0906019		
<b>Author:</b>	ALJ Division		
<b>Payer(s):</b>	Commission's Intervenor Compensation Fund		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
Center for Accessible Technology and Disability Rights Advocates	02/22/13	\$107,789.20	\$102,689.70	No	N/A

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Melissa	Kasnitz	Attorney	DisabRA	\$420	2010	\$420
Melissa	Kasnitz	Attorney	DisabRA	\$420	2011	\$420
Melissa	Kasnitz	Attorney	CforAT	\$420	2011	\$420
Melissa	Kasnitz	Attorney	CforAT	\$445	2012	\$430
Karla	Gilbride	Attorney	DisabRA	\$200	2010	\$200
Kara	Werner	Attorney	DisabRA	\$150	2010	\$150
Kara	Werner	Attorney	DisabRA	\$160	2011	\$160
Rebecca	Williford	Attorney	DisabRA	\$150	2010	\$150
Dmitri	Belser	Expert	DisabRA	\$140	2010	\$140

**(END OF APPENDIX)**