

Decision 15-06-019 June 11, 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAOrder Instituting Rulemaking Regarding Revisions
to the California High Cost Fund B ProgramRulemaking 09-06-019
(Filed June 18, 2009)Order Instituting Rulemaking Regarding Revisions
to the California Universal Telephone Service
(LifeLine) ProgramRulemaking 11-03-013
(Filed March 24, 2011)CONSOLIDATED FOR
PURPOSES OF THIS DECISION**DECISION GRANTING COMPENSATION TO CENTER FOR ACCESSIBLE
TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO
DECISION 14-01-036**

Claimant: Center for Accessible Technology for itself and its predecessor, Disability Rights Advocates or (CforAT)	For contribution to Decision (D.) 14-01-036
Claimed: \$80,093.18¹	Awarded: \$78,923.73 (reduced 1.5%)
Assigned Commissioners: Catherine J.K. Sandoval, Liane M. Randolph	Assigned ALJ: Katherine MacDonald; ALJ Division

PART I: PROCEDURAL ISSUES

A. Consolidation:	The Center for Accessible Technology filed intervenor compensation requests in Rulemaking (R.) 09-06-019 and R.11-03-013 on the issue of “affordability of basic telephone service.” This issue was identified in the scoping memo in R.09-06-019. (April 23, 2013 Assigned Commissioner’s Ruling and Amended Scoping Memo.) However, D.14-06-008 in R.09-06-019 deferred the issue to R.11-03-013, ² where the issue was resolved by
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¹ CforAT originally requested \$75,120.68 in this proceeding. This new claimed amount includes \$4,982.50 claimed in an Intervenor Compensation Claim filed in R.09-06-019 on July 30, 2014.

² D.14-06-008 (at 17-18) states, “By ruling dated April 2013, we also previously solicited comments on the findings regarding the affordability of basic telephone service, issued on September 30, 2010, entitled: “Staff Report to the California Legislature: Affordability of Basic Telephone Service.” In view of subsequent proceedings in the Lifeline docket (R.11-03-013)

	D.14-01-036. We therefore consolidate R.09-06-019 and R.11-03-013 for the limited purpose of addressing the Center for Accessible Technology’s and The Utility Reform Network’s (TURN’s) intervenor compensation requests on the same issue in both of these proceedings. TURN’s request for compensation on the same issue in both of these proceedings is addressed in a separate decision.
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B. Brief Description of Decision:	The decision adopted revisions to modernize and expand the California LifeLine Program.
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C. 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:	R.11-03-013: None held. R. 09-06-019: None held.	Verified
2. Other Specified Date for NOI:	R.11-03-013: See below. R. 09-06-019: See below.	
3. Date NOI Filed:	See below.	R.11-03-013: August 11, 2006. R. 09-06-0019: November 5, 2011
4. Was the NOI timely filed?		Yes, the NOI was timely filed.

where we have taken steps to provide for the affordability of Lifeline telephone service, we will not pursue further study of the affordability issue in this docket.”

Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	<p style="text-align: center;">R.11-03-013: CforAT: R.13-03-008 DisabRA: R.06-05-028</p> <p style="text-align: center;">R.09-06-019: 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 routinely been accepted in other proceedings; see e.g. Administrative Law Judge’s Ruling Regarding Notice of Intent to Claim Compensation issued on June 14, 2013 in R. 13-03-008. On February 22, 2013, CforAT also filed a compensation request in an earlier phase of this proceeding, including a showing of customer status; at this time, the earlier request remains pending.</p>	Verified
6. Date of ALJ ruling:	<p style="text-align: center;">R.11-03-013: CforAT: June 14, 2013 DisabRA: October 17, 2006</p> <p style="text-align: center;">R.09-06-019: 6/14/13 (in R.13-03-008)</p>	Verified
7. Based on another CPUC determination (specify):	N/A	N/A
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:	<p style="text-align: center;">R.11-03-013: CforAT: R.13-03-008 DisabRA: R.06-05-028</p> <p style="text-align: center;">R.09-06-019:</p>	Verified

	R.13-03-008	
10. Date of ALJ ruling:	<p>R.11-03-013: CforAT: June 14, 2013 DisabRA: October 17, 2006</p> <p>R.09-06-019: 6/14/13 (in R.13-03-008)</p>	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Claimant demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	<p>R.11-03-013: D.14-01-036</p> <p>R.09-06-019: D.14-06-008</p>	Verified.
14. Date of Issuance of Final Order or Decision:	<p>R.11-03-013: January 27, 2014</p> <p>R.09-06-019: June 17, 2014</p>	Verified.
15. File date of compensation request:	<p>R.11-03-013: March 28, 2014</p> <p>R.09-06-019: July 30, 2014</p>	Verified.
16. Was the request for compensation timely?		Yes, the request for compensation was timely filed.

B. Additional Comments on Part I:

#	Claimant	CPUC	Comment
	X R.11-03-013		In the Order Instituting Rulemaking (OIR) for R.11-03-013, the Commission closed R.06-05-028, the predecessor to this proceeding, and automatically made all parties of record in R.06-05-028 into parties in R.11-03-013. OIR at p. 15. The OIR further stated that “all intervenor compensation filings and findings will be transferred to the new rulemaking and parties need take no further action to transfer these findings.” Id. Disability Rights Advocates (DisabRA), the predecessor of Center for Accessible Technology (CforAT) was a party to R.06-05-028, and had an NOI on file in that proceeding, which was

			<p>timely filed on August 11, 2006. A ruling finding DisabRA eligible for compensation in the predecessor proceeding was issued on October 17, 2006. Thus, at the time this proceeding was initiated, DisabRA automatically became a party with an appropriate showing that it was eligible for compensation.</p> <p>On September 20, 2011, CforAT filed a Motion for Party Status in this proceeding, asking to be recognized as the successor to DisabRA and to adopt all of DisabRA’s pleadings as its own. Specifically, CforAT stated in its Motion for Party Status that: “In making this request, CforAT seeks to act as the successor to Disability Rights Advocates (DisabRA), and adopt prior filings prepared by DisabRA as its own, including filings from the predecessor proceeding to this one, R.06-05-028, as well as work done on the resolution process regarding GO 153 resulting in Resolution T-17321, adopted on July 28, 2011.” CforAT further stated: “Assuming that this request for party status is granted and CforAT is recognized as DisabRA’s successor, DisabRA will cease its active participation in this proceeding.”</p> <p>CforAT was subsequently granted party status via an e-mail from the Administrative Law Judge (ALJ) to the docket office issued on July 6, 2012. No formal ruling was ever issued. At the time that the e-mail directing the docket office to list CforAT as a party was sent, however, (as was the case when the Motion for Party Status was filed), there was no scope or schedule set for the proceeding, which remained inactive until a Scoping Memo was issued on April 10, 2013. Once activity began in the proceeding, CforAT participated as a party throughout.</p> <p>While separately meeting all standards of eligibility for compensation, as identified above, no separate NOI was ever filed by CforAT in this docket (nor were any NOIs separately filed by any other intervening party). Instead, as DisabRA’s successor, CforAT has relied on the NOI submitted by DisabRA in the predecessor docket.</p> <p>This Request refers jointly to CforAT/DisabRA, since compensation is being requested for the work performed by each organization.</p>
	X R.09-06-019		<p>CforAT became a party in this proceeding late in 2011, when we filed a Motion for Party Status in which we also requested authorization to act as the successor to Disability Rights Advocates (DisabRA), and to adopt DisabRA’s prior filings as our own. CforAT’s NOI was filed at the same time as our Motion for Party Status, which was granted in a Ruling by the ALJ on December 9, 2011. No separate ruling was issued regarding CforAT’s NOI.</p> <p>In CforAT’s earlier compensation request, which remains pending, CforAT also addressed time spent by DisabRA. Because DisabRA ceased active participation in this proceeding after CforAT obtained party status, there is no such time in this request.</p>
		X R.09-06-019	CforAT and DisabRA are eligible for intervenor compensation.
		X	This Intervenor Compensation Decision addresses a claim filed by

		<p>Center for Accessible Technology in R. 11-03-013 on March 28, 2014, and a claim in R. 09-06-019 on July 30, 2014. The ALJ in R. 09-06-019 had asked parties to comment on findings made in a 2010 study regarding the affordability of basic telephone service. D.14-06-008, however, decided not to address the issue in R.09-06-019, noting that R. 11-03-013 would address the issue as it analyzed Lifeline service in California. We therefore have decided to analyze the intervenor compensation claim from R. 09-06-019 in conjunction with CforAT’s intervenor compensation claim in R. 11-03-013.</p>
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PART II: SUBSTANTIAL CONTRIBUTION

A. Description of Claimant’s 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
<p><u>Overview for R.11-03-013:</u></p> <p>This proceeding covered a wide range of issues, though at any particular time there was generally only a single area of focus. The proceeding also had periods of inactivity, in which it essentially was dormant while awaiting activity in other dockets or forums.</p> <p>Throughout the proceeding, issues concerning the LifeLine program were addressed in the ongoing Working Group, and related issues were addressed through the Resolution process. While CforAT/DisabRA did not participate regularly in the Working Group, its activities were monitored from time to time to stay aware of activity regarding the program, and CforAT/DisabRA participated more actively on occasion when direct issues that needed to be addressed were under review. Similarly, CforAT/DisabRA participated in the Resolution process where issues affecting the disability community were</p>	<p>Relevant written submissions, referenced below, include:</p> <ul style="list-style-type: none"> • Opening Comments of DisabRA and Greenlining on Resolution T-17321, submitted on June 28, 2011 (GO 153 Comments); • CforAT’s Opening Comments on Resolution T-17351, submitted on November 30, 2011 (DDTP Comments); • Opening Comments of Joint Consumers, submitted on June 6, 2012, and Reply Comments of Joint Consumers, submitted on June 11, 2012 on Resolution T-17366 (Federal Reform Comments); • Joint Response of consumers (other than TURN) to TURN Motion on rate freeze, filed on June 27, 2012; • Joint Response of consumers to Sprint/Nextel motion on prequalification, filed on April 22, 2013; • Joint Comments and Reply Comments from consumer groups on Scoping Memo, filed on May 28, 2013 and June 12, 2013; • Joint Motion and Reply from consumers seeking to supplement the record on 911 location accuracy, filed on September 6, 2013 	<p>Verified.</p>

<p>concerned.</p> <p>In addition to these activities which addressed issues relevant to the LifeLine program, the activity leading to D.14-01-036 focused on changes to the LifeLine program that explore appropriate service elements, consumer protections, and administrative processes, each of which were addressed at length by CforAT/DisabRA in conjunction with other consumer groups.</p>	<p>and October 3, 2013;</p> <ul style="list-style-type: none"> • CforAT’s separate comments on the Proposed Decision, focused on issues of concern to people with disabilities, filed simultaneous to (and coordinated with) joint comments from the other consumer groups on November 19, 2013; • CforAT’s separate reply comments on the PD, coordinated with comments from the other consumer groups, filed on November 25, 2013; • Joint Comments on the Revised PD, filed on January 6, 2014. 	
<p><u>GO 153 (Resolution T-17321):</u></p> <p>In 2011, the Commission considered Resolution T-17321, which adopted changes to GO 153 regarding the administration of the LifeLine Program. DisabRA participated in the process of considering revisions to the GO in conjunction with the other consumer groups; in particular, DisabRA submitted comments in conjunction with Greenlining, and coordinated with TURN and NCLC who also submitted comments jointly.</p> <p>The consumer groups, including DisabRA, provided detailed review of the draft changes and substantially contributed to the revision process, including recommendations adopted as definitions in the GO, notification requirements, clarification of the definitions of “household” and “residence,” language regarding LifeLine rates, input on the claims process for carriers, and other administrative changes to the GO.</p>	<p>Resolution T-17321, issued on July 29, 2011; <i>see also</i> GO 153 Comments, submitted on June 28, 2011. DisabRA also participated at the workshop held prior to the release of the draft Resolution addressing necessary modifications to the General Order to reflect changes to the LifeLine program.</p> <p>While not all input from the consumer groups was adopted (for example, Res. T-17321 notes that certain changes regarding consumer protection recommended by DisabRA and Greenlining and certain issues regarding disconnection were not addressed because the Resolution process was not the correct forum for such modifications), it is impossible to separate out the time spent on these matters. Moreover, while consumer protection and disconnection issues were not resolved through Res. T-17321, they remained relevant to the proceeding at large, positions on these issues developed during the Resolution process were incorporated into later stages of the proceeding. Thus compensation for all time spent during the resolution process is appropriate.</p>	<p>Verified.</p>
<p><u>DDTP Program:</u></p> <p>In late 2011, the Commission considered Resolution T-17351 regarding DDTP and CTAP’s</p>	<p>Resolution T-17351, issued on January 12, 2012, adopting many of CforAT’s recommendations from the DDTP Comments:</p>	<p>Verified.</p>

<p>wireless program. CforAT addressed multiple issues raised in the resolution process:</p> <ul style="list-style-type: none"> • Customers should not be required to return equipment with virtually no value • Open distribution of wireless devices to all eligible DDTP customers • Provide appropriate and accessible information on device accessibility features 	<ul style="list-style-type: none"> • “We find merit to CforAT’s comments that the potential costs to have customers return wireline equipment before they obtain wireless devices might be more than the savings to the program. . . we provide staff the flexibility to address and resolve this concern as part of program implementation. Res. T-17351 at p. 13. • While declining to do away with any system of prioritization, the Resolution provides staff “the flexibility to adjust the order of priorities as needed given the uptake to the program among the targeted communities. Res.T-17351 at p. 14. • The Resolution restates its commitment in selection of equipment to providers that support DDTP/CTAP customers. Res. T-17351 at p. 15. 	
<p>GO 153 – Federal Reform (Resolution T-17366): In 2012, the Commission adopted further changes to GO 153 in compliance with an order issued by the FCC. CforAT, in conjunction with other consumer groups (TURN, NCLC and Greenlining), participated in the resolution process, including submission of opening and reply comments addressing issues of concern to LifeLine customers including (among other issues):</p> <ul style="list-style-type: none"> • Changes to the definition of “household” to clarify that more than one household can share a single residence; • Addressing de-enrollment rules; • Addressing consumer privacy interests regarding personal information; 	<p><i>See generally</i> Resolution T-17366, issued on July 13, 2012; <i>see also</i> Federal Reform Comments and Reply Comments, submitted on June 6, 2012 and June 11, 2012 by the Joint Consumer Groups.</p> <p>The final Resolution clarifies the definition of “household;” clarifies what steps require documentation and what can be done via self-certification; updates forms; calculates support amounts; modifies de-enrollment rules; specifies reimbursement/recovery matters; and specifically calls out additional issues (such as collection of sensitive customer data) for future action.</p> <p>While not every recommendation made by the Consumer Groups was adopted into the final resolution, the input from consumers informed all aspects of the resolution process and provided for revisions to the GO that better reflect the interests and needs of CforAT/DisabRA’s constituency.</p> <p>Issues regarding a direct application process, which was also addressed in the Resolution, are discussed below.</p>	<p>Verified.</p>

<ul style="list-style-type: none"> • Addressing the need for an on-line application process and simplified consumer applications; • Clarifying appropriate processes for program modifications 		
<p><u>Direct Application/Prequalification/Preregistration:</u></p> <p>Consumers, including CforAT/DisabRA, have long been concerned that customers without existing telecommunications service could not obtain a determination of eligibility prior to selecting a carrier. Consumers have argued that such customers should be able to obtain a direct determination from the TPA, so they could then select a service while knowing with certainty whether they are LifeLine-eligible. In a similar manner, many wireless carriers, particularly those who provide prepaid service, were concerned about the obligation to provide immediate service to customers at full price, prior to obtaining a determination of LifeLine eligibility. In this context too, direct application for eligibility determinations and direct determinations of eligibility by carriers were raised multiple times.</p> <p>In addressing the multitude of issues regarding prequalification/preregistration/direct applications, CforAT (in conjunction with the other consumer groups) advocated as follows:</p> <ul style="list-style-type: none"> • CforAT and the other consumers have been generally supportive of the concept of allowing carriers to 	<p>CforAT’s position (in coordination with the other consumer groups) was set forth in the Joint Response to Sprint/Nextel’s Motion regarding prequalification, filed on April 22, 2013, and was addressed again in Comments on the Scoping Memo and comments on the proposed decision.</p> <p>The Final Decision eliminates prequalification for prepaid wireless carriers and customers and agrees to monitor and audit carriers enrollment processes. It also identified the possibility of an alternative application process as an issue for further consideration in Phase 2 of this proceeding. Final Decision at pp. 115-116.</p> <p>The Commission earlier adopted a Direct Application process in Resolution T-17666 and directed staff to work with stakeholders to implement the process.</p>	<p>Verified, although citation should be to Resolution T-17366.</p>

<p>submit eligibility documentation to the third-party administrator on behalf of the customer (direct application), an issue that was raised in Resolution T-17366.</p> <ul style="list-style-type: none"> • CforAT has opposed the Prequalification requirement adopted by the Commission in 2008 and requiring customers to sign up for standard-rate service while awaiting a finding of eligibility for LifeLine. This issue was included for comment in the Scoping Memo. • CforAT and other consumers have supported an alternative process, referred to as pre-registration, which would allow customers who do not have any service to apply directly to the TPA for an eligibility determination, and then select a carrier only after receiving confirmation of LifeLine eligibility status. This too was put up for comment in the Scoping Memo. 		
<p><u>Expanded LifeLine:</u></p> <p>Decision (D.)14-01-036 (the Final Decision) expands the LifeLine program beyond wireline service, and sets forth detailed service elements for the LifeLine program. CforAT, together with the other consumer groups, worked throughout the proceeding to ensure that expanded LifeLine services and LifeLine service elements would meet the needs of the low-income customers who rely on LifeLine for affordable and reliable telecommunications.</p> <p>Many of the service elements and issues addressed by CforAT and other consumers focused on</p>	<p>CforAT’s position (coordinated with the other consumer groups) on necessary components of expanded LifeLine and formulation of appropriate service elements are set out in the Joint Consumer Comments and Reply Comments on the Scoping Memo, filed on May 28, 2013 and June 12, 2013.</p> <p>CforAT’s position is articulated further in its separate comments on the PD, as well as the joint comments of the other consumer groups on which CforAT collaborated, each of which were filed on November 19, 2013, and in CforAT’s Reply Comments on the PD, filed on November 25, 2013.</p> <p>CforAT’s final input on these issues, in conjunction with the other consumer groups, was set forth in the Joint Consumer Comments on the Revised PD, filed</p>	<p>Verified.</p>

<p>consumer protections, which are described separately below. Expanded LifeLine elements that are not direct forms of consumer protection include:</p> <ul style="list-style-type: none"> • Ability to place and receive voice-grade calls regardless of technology used; • Inclusion of text messages for wireless service; • Adequate levels of service for affordable rates (including incoming calls, local calls; number of minutes available for wireless plans; access to family plans; free blocking for information services; free access to customer service; availability of LifeLine as a standalone service). 	<p>on January 6, 2014.</p> <p>The Final Decision addresses plan features for wireless service at pp. 50-62, 86, 89, and Attachment D, D6-10.</p> <ul style="list-style-type: none"> • The Final Decision requires carriers to offer voice-grade calls regardless of the technology used. • The Final Decision allows providers to offer text messaging. • The Final Decision requires a minimum of 500 minutes to qualify for a subsidy and an incentive for carriers to offer over 1000 minutes. • The Final Decision requires wireless carriers to offer at least one plan that is not part of a bundle, and prohibits required bundling of voice and video or data service. • The Final Decision supports affordable access to N11 minutes by encouraging the provision of unlimited calling plans and providing incentive for plans with substantial allocations of minutes (>1000). 	
<p><u>Consumer Protections:</u></p> <p>Elements of LifeLine expansion that directly relate to consumer protections include:</p> <ul style="list-style-type: none"> • Ensuring that LifeLine maintains minimal standards so that service for low-income customers does not become “second-class service” • Effective access to 911 Emergency Services (discussed below as a unique issue); • Access to 8XX numbers, particularly as used by medical providers, social services, and government agencies; • Protection from early termination penalties, adequate cancellation periods for new service and changed circumstances; 	<p>In conjunction with the development of service elements for LifeLine, and in all the same filings, CforAT and the other consumer groups, directly addressed the need for various consumer protections.</p> <p>The Final Decision addressed consumer protections at pp. 88 (no second-class service), 104-111 and Attachment D, D6-10, as well as in the review of service elements that are relevant to consumer protections. Many of the consumer protections take the form of detailed disclosures which were retained over the objection of carriers following the release of the proposed decision.</p> <ul style="list-style-type: none"> • The Final Decision allows for two-year contracts but requires disclosure of risks regarding early termination. The Final Decision also requires carriers to offer a monthly rate plan without contract or early termination penalties. • The Final Decision allows rescission in certain circumstances, including where the service does not work in a customer’s home. While declining to adopt consumer recommendations for longer grace periods, the Final Decision rejected carrier efforts to eliminate this item. 	<p>Verified.</p>

<ul style="list-style-type: none"> • Access to relay services; • Effective customer communication (accessible communication and in-language communication); • Effective disclosures of necessary information from carriers; • Social Security Numbers. 	<ul style="list-style-type: none"> • The Final Decision provides equivalent handsets and rate for LifeLine customers compared to non-LifeLine customers. • The Final Decision requires substantial additional disclosures in formats that are accessible to customers to ensure that education is adequate to protect consumer interests. • The Final Decision requires carriers to provide access to relay services. • The Final Decision provides an option for eligible customers who do not have a Social Security Number to obtain LifeLine service in California. 	
<p><u>Public Safety/911:</u></p> <p>While an issue of general concern regarding consumer protection, and an issue specifically included in the Scoping Memo, public safety and particularly the effectiveness of location data for wireless 911 also became a separate area of unique focus in the proceeding, with consumers advocating for the importance of effective access to the emergency response system from wireless lifeline.</p> <p>While carriers urged the Commission to adopt federal standards, the Final Decision retains higher standards in California and requires carriers to effectively disclose limitations in wireless emergency responses to wireless Lifeline customers.</p>	<p>In addition to addressing 911 issues in comments on the Scoping Memo and comments on the Proposed Decision, CforAT and the other consumer groups moved to supplement the record with developing information on 911 location accuracy. Motion & Reply in Fall of 2013.</p> <p>The Final Decision addresses Public Safety/911 issues at Attachment D, D6-10</p>	<p>Verified.</p>
<p><u>Affordability/Rate Cap:</u></p> <p>CforAT supported efforts led by TURN to maintain rate and subsidy caps. This included filing the Joint Response of consumers (other than TURN) to TURN Motion on rate freeze, on June 27, 2012 as well as addressing these issues in comments on the Scoping Memo and the proposed decision.</p>	<p>The Final Decision maintains the caps and indicates the Commission’s intent to monitor the impact of the caps on the size of the Fund. Final Decision at pp. 41-44.</p>	<p>Verified.</p>

<p><u>General:</u></p> <p>While CforAT and the other consumer groups did not prevail on every issue in this proceeding in that the Final Decision did not adopt all of the positions advocated by the Consumers, the ongoing participation of a wide array of consumer groups without question enhanced the record of the proceeding and provided valuable information that allowed the Commission to consider multiple points of view when developing a final decision. If the consumer groups had not actively participated, the record in this proceeding would be substantially less robust, and the Commission’s ability to develop sound policy would have been reduced.</p> <p>Because the consumer groups, including CforAT, enhanced the process, even where their positions were not adopted, CforAT submits that all of the time spent in this proceeding is appropriate for compensation within the parameters of the Intervenor Compensation statute.</p>	<p>The standard for an award of intervenor compensation is whether the intervenor made a substantial contribution to the Commission’s decision, not whether the intervenor prevailed on a particular issue. The Commission has recognized that it “may benefit from an intervenor’s participation even where the Commission did not adopt any of the intervenor’s positions or recommendations.” D.08-04-004 (awarding compensation to TURN in a generation proceeding in which TURN opposed the need and cost-effectiveness of a generation resource. While rejecting the opposition, the decision in that proceeding stated: “The opposition presented by TURN and other intervenors gave us important information regarding all issues that needed to be considered in deciding whether to approve SCE’s application. As a result, we were able to fully consider the consequences of adopting or rejecting the LBG PPA. Our ability to thoroughly analyze and consider all aspects of the proposed PPA would not have been possible without TURN’s participation.”)</p> <p>As in that proceeding, the information presented here by CforAT and the other consumer groups enhanced the Commission’s to thoroughly analyze and consider a broad array of issues relevant to the LifeLine Program expansion in a way that would not have been possible but for these contributions.</p> <p>See also D.09-10-051, containing similar analysis.</p>	<p>Verified.</p>
<p>R. 09-06-019: CforAT coordinated with other consumer representatives to address the findings of the affordability study and filed reply comments directly in response to the request for comments included in the Amended Scoping Memo.</p>	<p>Reply Comments of the Center for Accessible Technology on the Assigned Commissioner’s Ruling and Amended Scoping Memo, filed on June 24, 2013. See also detailed time records demonstrating coordination with other consumer groups regarding both opening and reply comments.</p>	<p>Verified</p>

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?³	Yes	ORA was a party in both R.11-03-013 and R.09-06-019.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	There were similar parties in both R.11-03-013 and R.09-06-019.
c. If so, provide name of other parties: R.11-03-013: ORA, TURN, National Consumer Law Center (NCLC), The Greenlining Institute (Greenlining) R. 09-06-019: On the narrow issue of the affordability study, which is all that CforAT addresses in this request, CforAT held similar positions to TURN, the Greenlining Institute and ORA (then known as DRA).		Verified.
d. Intervenor’s Claim of non-duplication: R.11-03-013: Throughout this proceeding and its predecessor, CforAT/DisabRA worked closely with the other consumer groups, generally preparing joint filings and allocating responsibility for various issues among the groups, in order participate efficiently and avoid duplication of effort. Where the consumer groups did not file jointly, they still coordinated their input to avoid duplication of effort. Similarly, while the intervening consumer groups did not file joint documents with ORA/DRA, the consumer groups frequently conferred with them when preparing filings in order to coordinate efforts. In addition to the effective work with other consumer groups, there was no duplication or inefficiency between the two groups representing the disability community. As noted above, 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. 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 practice to CforAT. When Ms. Kasnitz moved to CforAT, she was already familiar with the parties and issues, and did not have to incur duplicate effort in coming up to speed on the proceeding. R.09-06-019: CforAT coordinated with the other consumer representatives to avoid duplication of effort. Rather than file opening comments, CforAT coordinated with TURN and TURN’s expert, who prepared a detailed analysis of the affordability study. CforAT further coordinated with TURN		Verified, but some duplication in R.09-06-019.

³ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates (ORA) 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>and Greenlining, and responded to the analysis done by ORA, in preparing reply comments. CforAT’s separate reply comments specifically focused on the hardship faced by low-income, vulnerable communities, including people with disabilities, in maintaining phone service. Other consumer groups did not focus on this issue.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

<p>a. Intervenor’s claim of cost reasonableness</p> <p>R.11-03-013: CforAT and its predecessor DisabRA have been actively involved in a sequence of proceedings addressing changes to the LifeLine program and working to maximize the accessibility and effectiveness of California LifeLine for people with disabilities, who are more likely than average to be low income and who are also highly dependent on reliable and affordable telecommunications services. While it is difficult to calculate a financial benefit to individual customers based on CforAT/DisabRA’s participation in this proceeding and the related Resolutions, as the latest in the succession of Commission actions regarding LifeLine, the benefits to customers of having access to an effective program are substantial. All efforts to update and improve the program (including changes to the rules set forth in the relevant General Order) as well as work to expand the program beyond wireline service, with appropriate safeguards to ensure that customers understand the benefits and limitations of various options, will allow a vulnerable population to have better access to necessary telecommunications services. This broad benefit far outweighs the costs of DisabRA/CforAT’s participation.</p> <p>R 09-06-019: CforAT addressed issues of affordability and its relationship to telecommunications access because affordability concerns are extremely important to our constituency of people with disabilities, many of whom are low-income or on fixed incomes. While there was no substantive decision on affordability issues in this phase of the proceeding, CforAT’s input was directly responsive to a request for comments set out in the Amended Scoping Ruling, and the extremely modest costs were incurred by CforAT to provide information on the record regarding an issue of concern to a vulnerable population. The fact that there was no decision on the merits of this issue in this proceeding was outside of the parties’ control.</p>	<p style="text-align: center;">CPUC Verified</p> <hr/> <p style="text-align: center;">Verified.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>R.11-03-013: This compensation request covers multiple issues raised over a span of years for a program that is extremely important to CforAT/DisabRA’s constituency. Because of the broad range of issues, the complex proceedings in which the issues were addressed, and the significance of the program, CforAT/DisabRA participated actively in all relevant matters. In light of this longstanding and active participation as well as the significance of the changes adopted to the LifeLine program, the hours spent on this proceeding are reasonable. CforAT/DisabRA worked efficiently and coordinated with other</p>	<p style="text-align: center;">Verified.</p>

<p>consumers. The transition between representatives of the disability community was handled smoothly. Time that may have been spent on issues and activities that were not directly discussed in the Final Decision (such as limited participation in the ongoing Working Group process, as discussed below) still allowed for counsel to maintain a broad and deep understanding of concerns regarding the program and to participate effectively in an ongoing manner, and thus should be considered appropriate and eligible for compensation.</p> <p>R.09-06-019: CforAT’s total amount of time claimed on the merits is only 8 hours and reflects CforAT’s focused effort to provide relevant input on an issue of concern to our constituency, in direct response to a request for comments by the Commission. This limited expenditure of time to address a direct request for input is reasonable.</p>	
<p>c. Allocation of Hours by Issue</p> <p>R.11-03-013: Because this proceeding spanned a number of years and because it focused on different issues at different times. CforAT/DisabRA address the issues and issue allocation separately for each year. If the Commission would prefer to see all issues and issue allocation combined, CforAT/DisabRA request an opportunity to reformat the information provided below.</p> <p>In 2011, DisabRA spent time on the following issues (28.7 hours total):</p> <ul style="list-style-type: none"> • GO 153 (80% of recorded time): Work regarding revisions to General Order 153, culminating in Resolution T-17321. • Working Group (WG) (12% of recorded time): Participation in Working Group calls regarding ongoing issues raised in implementing changes to the LifeLine Program • General Participation (GP) (8% of recorded time): Time necessarily spent to engage in the proceeding that cannot be directly tracked to other issue areas. <p>Counsel for CforAT spent time on the following issues (10.7 hours total):</p> <ul style="list-style-type: none"> • DDTP (8.2 hours, for 77% of recorded time): Work regarding the wireless equipment program within DDTP, culminating in Resolution T-17351. • General Participation (2.1 hours for 20% of recorded time) • GO 153: One time entry (0.2 hours for <2% of recorded time) reviewing the final revisions to GO 153 as provided by Resolution T-17321 • Working Group: One time entry (0.2 hours for <2% of recorded time) <p>Also in 2011, Dmitri Belser of CforAT spent a modest number of hours (2.8) working on comments to the DDTP Resolution (tracked as DDTP).</p>	<p>Verified.</p>

In 2012, CforAT spent time on the following issues (23.1 hours total):

- GO 153 (9.1 hours, for 39% of recorded time): This issue includes time spent working on issues arising in the context of Resolution T-17366, which made further revisions to GO 153 (separate from those adopted in 2011) in accordance with FCC requirements.
- Direct Application/Prequalification/Preregistration (7.1 hours for 31% of recorded time):
- Rate Cap (3.0 hours for 13% of recorded time):
- Working Group (2.3 hours for 10% of recorded time):
- General Participation (1.2 hours for 5% of recorded time)
- DDTP (0.4 hours, for 2% of recorded time):

In 2013, the year in which the substantial bulk of the work leading to the Final Decision took place, CforAT spent time on the following issues (102.6 hours total):

- General Participation (67.5 hours for 66% of time entries): Unlike earlier time records which included only minimal time spent on “general participation” primarily to track activity necessary for management of the proceeding, in 2013 this category is used as a catch-all to include time necessarily spent covering a broad range of issues, such as time at all-party meetings, preparing broad-ranging comments on the Scoping Memo, and participating in ex parte meetings that covered multiple topics. In these entries, the general classification covers time spent on LifeLine expansion, rate/affordability issues, outreach and effective communication issues, other consumer protection issues, public safety issues and issues concerning program administration (such as the third party administrator, the application process etc.). It also includes coordination with other consumers to address these issues effectively.

Where it was possible to break these out into separate categories, the time records do so, but a substantial number of entries cannot be separately categorized. CforAT’s best estimate is that 25% of this time was spent on LifeLine expansion issues; 30% on consumer protection issues, 25% on rate/affordability issues, and smaller amounts on all the remaining categories.

- Expanded LifeLine (1.3 hours for 1% of time entries): This issue addresses various proposed service elements for LifeLine customers, particularly as they may vary for non-wireline options. All aspects of work in this proceeding to expand LifeLine beyond wireline service, except for those separately identified below as “Customer Protection” are grouped together in “Expanded LifeLine.” While few entries were expressly identified exclusively as “Expanded LifeLine,” CforAT

<p>estimates that this is the largest component of the general time entries addressed collectively above.</p> <ul style="list-style-type: none"> • Consumer Protection (13.4 hours for 13.1% of time entries): Issues grouped as consumer protection include effective outreach and communication to LifeLine customers, [more]. In addition to the entries identified exclusively as “consumer protection,” CforAT estimates that this is the second-largest component of the general time entries addressed collectively above. • 911/Safety (9.5 hours for 9.3% of time entries): This entry primarily includes work by the consumer groups addressing the reliability of wireless location data when calling 911. • Direct Application/Prequalification/Preregistration (8.1 hours for 7.9% of time entries): • Affordability (2.2 hours for 2% of time entries) : This issue includes a small number of entries that specifically address LifeLine rates and the rate cap. • Working Group (0.4 hours for <1% of time entries) <p>In 2014, CforAT spent a small number of hours working in conjunction with the other consumer groups to provide additional comments on a revised version of a pending proposed decision and responding (also in conjunction with the other consumer groups) to AT&T’s Application for Rehearing. Virtually all of this time was spent addressing multiple issues, and thus it is almost all classified as General Participation. More specifically, the key issues addressed by consumers in the comments on the revised PD included issues concerning expansion of LifeLine beyond wireline (in particular to VoIP), procedural and jurisdictional issues, and concerns regarding implementation. CforAT has allocated this time as follows:</p> <ul style="list-style-type: none"> • General Participation (7.5 of 9.2 hours for 82% of time entries) • Expanded LifeLine (1.2 of 9.2 hours for 13% of time entries) • Direct Application/Prequalification/Preregistration (0.5 hours for 5% of time entries): A single time entry addressing the direct application process. <p>R.09-06-019: CforAT’s limited request for compensation (8 hours of time on the merits) includes only time spent on addressing the affordability study and minimal time tracking the progress of the proceeding (recorded as “general participation”). The time is allocated as follows:</p> <p>Affordability: 6.5 of 8 hours (81%)</p> <p>General Participation: 1.5 of 8 hours (19%)</p>	
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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 (DisabRA)	2011	10.1	\$420	D.11-06-035	\$4,242	10.1	\$420.00	\$4,242.00
Kara Werner (DisabRA, now known as Kara Janssen)	2011	18.6	\$160	D.12-03-051	\$2,976	18.6	\$160.00	\$2,976.00
Melissa W. Kasnitz (CforAT)	2011	10.7	\$420	D.11-10-012	\$4,494	10.7	\$420.00	\$4,494.00
Melissa W. Kasnitz (CforAT)	2012	23.1	\$430	D.13-04-008	\$9,933	23.1	\$430.00	\$9,933.00
Melissa W. Kasnitz (CforAT)	2013	102.6	\$440	D.13-11-017	\$45,144	102.60	\$440.00	\$45,144.00
Melissa W. Kasnitz (R. 09-06-019)	2013	7.8	\$440	D.13-11-017	\$3,432	6.9 ^[3]	\$440.00 ₄	\$3,036.00
Melissa W. Kasnitz	2014	9.2	\$450	See below	\$4,140	9.2	\$450.00 [1]	\$4,140.00
Melissa W. Kasnitz (R. 09-06-019)	2014	0.2	\$440	D.13-11-017	\$88	0.2 ^[3]	\$450.00 [1]	\$88.00
Dmitri Belser	2011	2.8	\$225	D.13-02-014	\$630	2.8	\$225.00	\$630.00
Subtotal: \$75,079.00						Subtotal: \$74,683.00		

⁴ Approved in D.14-12-066.

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2014	15.1	\$225	½ requested rate	\$3,397.50	15.1	\$225.00	\$3,397.50
Melissa W. Kasnitz (R.09-06-019)	2014	3.3	\$440	While this compensation request was prepared in 2014, CforAT is seeking compensation for time spent on the request at ½ of counsel's approved rate for 2013, due to the limited scope and time at issue.	\$1452	3.3	\$225.00	\$742.50
Subtotal: \$4,849.50						Subtotal: \$4,140.00		
COSTS								
#	Item	Detail			Amount	Amount		
	Printing/Copying	See attached expense report showing printing costs for selected documents			\$112.50	\$46.55 [2]		
	Postage	See attached expense report + an additional \$5.88 to mail hard copies of this compensation request			\$13.28	\$13.28		
	Postage (R. 09-06-019)	See attached expense report			\$10.50	\$10.50		
	Transportation	See attached expense report			\$28.40	\$28.40		
Subtotal: \$164.68						Subtotal: \$98.73		
TOTAL REQUEST: \$80,093.18						TOTAL AWARD: \$78,923.73		
<p>*We remind all intervenors that Commission staff may audit its 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, fee 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.</p> <p>**Approved Travel and Reasonable Claim preparation time compensated ½ of preparer's approved hourly rate.</p>								

Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Melissa W. Kasnitz	December 24, 1992	162679	No. Inactive: January 1, 1993-January 25, 1993 and January 1, 1996-February 19, 1997.
Kara Werner/Janssen)	December 20, 2010	274762	No.

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission applied the 2014 cost-of-living adjustment of 2.58% to Kasnitz’s 2013 rate. This produced, after rounding, a 2014 rate of \$450, which the Commission now adopts.
[2]	In D.13-05-031 at 33, the Commission noted that the market rate for photocopying is considerably lower than 25 cents per page and that volume discounts for photocopying can reduce charges to 10 cents per page. The Commission adjusted CforAT’s printing charges on June 05, 2013 (195 pages) and December 17, 2013 (224 pages) to reflect a fee of 10 cents per page. The copying on April 15, 2013 consisted of 31 pages and a bulk rate would not apply. The Commission applied a 15 cent per page rate to this item.
[3]	Reduction in R. 09-06-019 for duplicative work. 0.9 hours out of 8 total hours were spent simply coordinating comments or contacting the Commission and other intervenors regarding additional time to file comments. Additionally, a portion of the submitted comments simply supported arguments presented by TURN, DRA, and Greenlining and was duplicative.

PART IV: OPPOSITIONS AND COMMENTS

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

FINDINGS OF FACT

- Center for Accessible Technology has made a substantial contribution to D.14-01-036.
- 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.

⁵ This information may be obtained at: <http://www.calbar.ca.gov/>

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$78,923.73.
5. These rulemakings are quasi-legislative proceedings with no named respondents. The proceedings broadly impact communications utilities.

CONCLUSIONS OF LAW

1. R.09-06-019 and R.11-03-013 should be consolidated for the limited purpose of addressing the Center for Accessible Technology's and The Utility Reform Network's intervenor compensation requests on the same issue in both of these proceedings.
2. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.
3. Comments on today's decision should be waived and the decision should be made effective immediately.

ORDER

1. Rulemaking (R.) 09-06-019 and R.11-03-013 are consolidated for the limited purpose of addressing the Center for Accessible Technology's and The Utility Reform Network's intervenor compensation requests on the same issue in both of these proceedings. No other filings will be accepted as a consolidated proceeding, except for rehearing applications or petitions for modification of this decision or Decision 15-06-019.
2. Center for Accessible Technology is awarded \$78,923.73.
3. Within 30 days of the effective date of this decision, the California Public Utilities Commission Intervenor Compensation Fund shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 11, 2014, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.
4. The comment period for today's decision is waived.

5. This decision is effective today.

Dated June 11, 2015, at San Francisco, California.

MCHAEL PICKER
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
CARLA J. PETERMAN
Commissioners

Commissioner Liane M. Randolph, being
necessarily absent, did not participate.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:	D1506019	Modifies Decision?	No
Contribution Decision(s):	D1401036		
Proceeding(s):	R.1103013; R0906019		
Author:	ALJ MacDonald; ALJ Division		
Payer(s):	The CPUC Intervenor Compensation Fund		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Center for Accessible Technology (CforAT)	March 28, 2014	\$80,093.18	\$78,923.73	N/A	See CPUC Disallowances and Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$420	2011	\$420.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$420	2011	\$420.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$430	2012	\$430.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$440	2013	\$440.00
Melissa	Kasnitz	Attorney	Center for Accessible Technology	\$450	2014	\$450.00
Kara	Werner	Attorney	Disability Rights Advocates	\$160	2011	\$160.00
Dmitri	Belser	Expert	Center for Accessible Technology	\$225	2011	\$225.00

(END OF APPENDIX)