

Decision 15-06-018 June 11, 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Revisions to the California High Cost Fund B Program.	R.09-06-019 (Filed June 18, 2009)
Order Instituting Rulemaking Regarding Revisions to the California Universal Telephone Service (LifeLine) Program.	R.11-03-013 (Filed March 24, 2011)
CONSOLIDATED FOR PURPOSES OF THIS DECISION	

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS 14-01-036 AND 12-07-022 AND RESOLUTIONS T-17321 AND T-17366

Claimant: The Utility Reform Network (TURN)	For contribution to Decision (D.) D.14-01-036; D.12-07-022; Resolution T-17321; Resolution T-17366
Claimed: \$ 211,656.81¹	Awarded: \$194,683.20 (~8.02% reduction)
Assigned Commissioner: Catherine J.K. Sandoval, Liane M. Randolph	Assigned ALJ: Katherine MacDonald; ALJ Division

PART I: PROCEDURAL ISSUES

A. Consolidation	The Utility Reform Network (TURN) filed intervenor compensation requests in Rulemaking (R.) 09-06-019 and R.11-03-013 on the issue of “affordability of basic telephone service.” ² 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, ³ where the issue
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¹ The Utility Reform Network’s original claim in this proceeding requested \$192,314.31. This new amount includes an additional \$19,342.50 carried over from participation regarding the affordability of basic telephone service in R.09-06-019.

² TURN’s request in R.09-06-019 claimed substantial contributions on other issues in addition to the issue of affordability of basic telephone service. Except for the issue of affordability of basic telephone service, TURN’s request in R.09-06-019 will be resolved in R.09-06-019.

³ 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

	was resolved by D.14-01-036. We therefore consolidate R.09-06-019 and R.11-03-013 for the limited purpose of addressing TURN's and the Center for Accessible Technology's intervenor compensation requests on the same issue in both of these proceedings. The Center for Accessible Technology'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:	Final Decision D.14-01-036 completes Phase 1 of this docket and adopts significant revisions to the LifeLine program, including changes to accommodate alternative technologies such as wireless and VoIP. D.14-01-036 builds upon the ongoing implementation work adopted by the Commission in T-17321 and T-17366. Further, this Final Decision addresses the Rehearing of D.10-11-033, as ordered in D.12-07-022.
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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:	N/A	Yes.
2. Other Specified Date for NOI:	August 11, 2006	Yes.
3. Date NOI Filed:	August 11, 2006	Yes.
4. Was the NOI timely filed?		Yes, TURN timely filed the NOI.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.06-05-028	Yes.
6. Date of ALJ ruling:	August 29, 2006	Yes.
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes, TURN demonstrated appropriate customer status.

of subsequent proceedings in the Lifeline docket (R.11-03-013) 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 “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.04-04-003; A.05-02-027	Yes.
10. Date of ALJ ruling:	July 27, 2004; November 4, 2005	Yes.
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes, TURN demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-01-036	Yes.
14. Date of Issuance of Final Order or Decision:	January 27, 2014	Yes.
15. File date of compensation request:	March 28, 2014	Yes.
16. Was the request for compensation timely?		Yes, TURN timely filed the request for compensation.

B. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
B.2	TURN relies on its NOI from R.06-05-028 to satisfy its showing here. The Commission explicitly opened R.11-03-013 as a continuation to the work performed on LifeLine issues in R.06-05-028. In comments on the OIR, intervenors requested that the Commission make an explicit finding that compensation filings and finding be transferred to this docket in light of the linked issues. The OIR at pg. 15 found, “All intervenor compensation filings and finding will be transferred to the new rulemaking and parties need take no further action to transfer these findings.” This situation is analogous to the Commission’s transition on CHCF-B work from R.06-06-028 to R.09-06-019 where the Commission allowed TURN to rely on its NOI from the earlier docket, and to include hours from work in the earlier docket in a future compensation request. (<i>See</i> , D. 13-12-015)	Verified.
B.13	This compensation request covers work performed to support the Commission’s efforts to update its LifeLine telephone program. The last major Commission decision on this issue was D.10-11-033. Since that decision, TURN and multiple stakeholders have dedicated significant resources to implementing the changes ordered in 2010 and to moving forward with new analysis and changes to the program. This work has resulted in two resolutions (T-17399, T-17321), a Commission Decision (D.12-07-022) on rehearing and, finally, D.14-01-036. Consistent with its past practices in similar proceedings, TURN has included time representing its work on these LifeLine issues since the 2010 decision as a package in this compensation request.	Verified.

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>1. To demonstrate its substantial contribution, TURN highlights several examples of its impact on multiple issues covered by various Commission resolutions and decisions regarding the LifeLine program. Because of the length and complexity of this process, it is difficult to provide an exhaustive analysis of its contribution from the hundreds of pages of comments, hours of workshops, and multiple coordination discussions, including those where TURN’s work maybe incorporated or represented but not explicitly described. TURN has not cited to each and every filing, Commission ruling, or decision involved in this compensation claim. The list below covers the most significant issues and demonstrates TURN’s substantial contribution to each issue it raises.</p> <p>Overall, TURN, along with the other intervenors, was a critical consumer voice in this docket, lending its expertise and resources to the development of thoughtful implementation rules, a complete record and, ultimately, a strong LifeLine program. TURN was directly involved in several major work efforts leading to changes in the LifeLine Program:</p> <p>T-17321 – multi-workshop process ordered by the Commission resulting in redlines to the General Order (G.O.) 153 and changes to staff process and procedures.</p> <p>T-17366 – Comment cycle on a Draft Resolution initiated by staff to implement changes to the program as ordered by the FCC and analysis of impacts on the program. This process created an entirely new eligibility process. Several issues from this resolution were deferred to R.11-03-013.</p> <p>D.12-07-022: Decision on TURN’s Application</p>		<p>Verified.</p>

<p>for Rehearing of D.10-11-033. Rehearing was granted, with the rehearing ordered taking place in R.11-03-013.</p> <p>D.14-01-036: only major decision to come from R.11-03-013. The process included a TURN Motion to Freeze Rates, extensive comments on the April 2013 Scoping Memo, attendance at two all-party meetings and a workshop, and work during the Proposed Decision phase.</p> <p>As the above demonstrates, this was a complex proceeding with multiple parts and phases covering several years, and issues carried over from previous Commission proceedings. TURN's participation undeniably contributed to the overall value and effectiveness of the proceeding.</p>		
<p><i>2. Implementation Work</i></p> <p>In early 2011, TURN worked closely with other stakeholders and staff in the Phase 1 implementation process as ordered in D.10-11-033. This work included attendance at three workshops and significant work redlining G.O. 153.</p> <p>Some examples of issues TURN raised during the workshops and in its proposed comments and redlines, jointly sponsored with other consumer groups, include revising the process to accommodate the new SSA mechanism, the definition of "household," revising the G.O. to accommodate wireless services that do not have tariffs or are not classified as "residential" service, and numerous clean up items requested by staff.</p> <p>The work presented by TURN through its letters and redlining was reflected in Draft Resolution T-17321 proposing changes to G.O. 153. Much of the work occurred during workshops and redlining that preceded the draft resolution. Since the outcomes proposed in the draft resolution reflected that work, there was no need for TURN and the other groups to revisit in comments many of the proposals and positions addressed in the</p>	<p>Letter to Ben Schein from Consumer Groups, March 8, 2011.</p> <p>Resolution T-17321, adopted July 28, 2011 at p. 5 (roommate rule); 5-6 (SSA), p. 7 (clean up and admin changes)</p>	<p>Verified.</p>

<p>draft resolution.</p>		
<p><i>3. Implementation Work</i></p> <p>Once the draft resolution was issued, TURN continued to work with staff on revisions to the GO allowing alternative technology providers to participate but avoiding undue advantage vis-à-vis wireline services. Further, TURN advocated for rules to protect consumers of these alternative technologies.</p> <p>TURN, along with the other consumer groups, provided comments on the draft resolution and draft revisions to the G.O. These comments focused on aligning the definitions in the G.O. to ensure proper application to alternative technology providers. We also addressed sections of the G.O. relating to the required service offering to ensure customers receive adequate service at the proper discount. We also urged an explicit requirement for filing rates and charges. Finally, we dedicated resources to defending certain changes against opposition by mostly wireline carriers, especially on areas of subsidy and carrier reimbursement.</p> <p>While not all of TURN’s proposals or requests for changes were adopted, several of the above issues were addressed in the Resolution and redlined in the General Order.</p>	<p>Opening Comments of TURN and NCLC on Draft Resolution T-17321, submitted June 28, 2011.</p> <p>Reply Comments of Joint Consumers on Resolution T-17321, submitted July 5, 2011.</p> <p>Resolution T-17321, adopted July 28, 2011 at p. 8 (noting most of the comments were administrative and adding clarity and that “most of these have been adopted.”)</p>	<p>Verified.</p>
<p><i>4. FCC Work- Program Administration</i></p> <p>In February 2012, the FCC substantially revised its Lifeline program and required states to make significant changes to their state programs or risk losing federal funding. In May 2012, the Commission staff issued a draft resolution and requested comment on a substantial number of issues.</p> <p>TURN, along with other consumer stakeholders, filed detailed comments on the draft resolution including issues relating to the definition of household, eligibility documentation, and third party administration processes. Further we</p>	<p>Opening Comments of Joint Consumers on Draft Resolution T-17366, submitted June 6, 2012</p> <p>Reply Comments of Joint Consumers on Draft Resolution T-17366, June 11, 2012</p> <p>Resolution T-17366, issued July 13, 2012 at p. 6-12.</p>	<p>Verified.</p>

<p>requested clarification on the role of staff and the breadth of their authority to implement program changes.</p> <p>The Final Resolution addressed each of these issues, including corroborating the rules with the FCC rules, clarifying eligibility documentation requirements and directing which specific issues must be subject to resolution and those that can be implemented by staff less formally.</p>		
<p><i>5. FCC Work- NRC</i></p> <p>The FCC made major changes to the subsidy mechanisms for the federal program, thereby impacting the discount offered to California LifeLine customers. In particular the FCC eliminated discounts for the non-recurring charges for installation and initiation of service. These charges can be significant.</p> <p>In response to the draft resolution, TURN urged the Commission to maintain the \$10 cap on these NRCs until the issue was further explored in the upcoming LifeLine docket. Other carriers, concerned about competitive neutrality and size of the Fund, urged elimination of the subsidy at the state level, thus exposing LifeLine customers to high nonrecurring charges.</p> <p>T-17366 agreed with TURN and other consumer groups and maintained the cap on these NRCs for customers and on the subsidy for these NRCs for carriers. Also as we requested, the issue was slated for further review regarding the impact on Fund size in R.11-03-013.</p>	<p>Opening Comments of Joint Consumers on Draft Resolution T-17366, submitted June 6, 2012</p> <p>Reply Comments of Joint Consumers on Draft Resolution T-17366, June 11, 2012</p> <p>Resolution T-17366, issued July 13, 2012 at p. 13</p>	<p>Verified.</p>
<p><i>6. FCC Work-- SSN</i></p> <p>In its February 2012 ruling, the FCC required Lifeline providers to collect the date of birth and the last four digits of an applicant's Social Security Number. This requirement has proven controversial and the Draft Resolution requested comment.</p> <p>TURN and others expressed concerns regarding privacy and identify theft and urged the Commission to interpret the new federal requirement very narrowly and to incorporate this process carefully so as to limit collection of the</p>	<p>Opening Comments of Joint Consumers on Draft Resolution T-17366, submitted June 6, 2012</p> <p>Resolution T-17366, issued July 13, 2012 at p. 9, 14-15.</p>	<p>Verified.</p>

<p>data.</p> <p>The Final Resolution agreed with TURN and consumer groups that while the FCC requires this data, there was additional work to be done to address the issues of data collection and those issues would not be left to informal staff implementation. It ordered further work on this issue in R.11-03-013.</p>		
<p><i>7. FCC Work- Direct Application</i></p> <p>Some of the FCC’s changes required related changes to the Commission’s eligibility process. Prepaid carriers argued these changes served as a barrier for their participation in the program and requested the Commission add a “direct application” process to allow carriers to directly submit eligibility documentation to the TPA on behalf of the customer.</p> <p>While supportive of the concept, TURN and others urged the Commission to delay consideration of this significant change until R.11-03-013.</p> <p>While, T-17366 ordered staff to move forward with the direct application process, TURN spent considerable time with carriers and staff to understand the proposal and work through potential customer-impacting elements of the proposal prior to the Commission’s adoption.</p>	<p>Reply Comments of Joint Consumers on Draft Resolution T-17366, June 11, 2012</p> <p>Resolution T-17366, issued July 13, 2012 at p. 16 (adopting Direct Application process and ordering staff to work with stakeholders to implement)</p>	<p>Verified.</p>
<p><i>8. Rate and Subsidy Caps</i></p> <p>Throughout this process, the related issues of the LifeLine rate and the carrier subsidies have been front-and-center. TURN has addressed this issue at every opportunity. TURN urged the Commission to cap LifeLine rates and subsidies in a Motion it filed on June 12, 2012. Building off of its Motion, it took the lead, relying on its economic expert Trevor Roycroft, to file extensive comments, along with the other consumer groups, on the issue of rates and subsidy levels in response to the April 2013 Scoping Ruling and October 2013 Proposed Decision.</p>	<p>Motion of the Utility Reform Network to Extend the Rate Freeze for California LifeLine Service and a Corresponding Freeze to Subsidy Mounts Granted to Carriers, filed June 12, 2012.</p> <p>Scoping Memo, R.11-03-013, April 10, 2013 at p. 13</p> <p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint</p>	<p>Verified.</p>

<p>TURN, along with the other consumer groups, expressed concern that the design of the Set Support Amount allows the customer rate for LifeLine to fluctuate along with the basic service rate, thus creating unpredictability and a risk to affordability. TURN urged a cap on the LifeLine rate similar to the cap imposed in 2010. TURN also urged a cap on the carrier subsidy in light of concerns over the Fund size and customer surcharge levels to support the Fund.</p> <p>After the Assigned Commissioner explicitly requested comment on the TURN Motion in the April 2013 Scoping Memo, D.14-01-036 imposes a cap on LifeLine rates for wireless service and caps the subsidy for all LifeLine providers until June 30, 2015. It states that based on “comments from the parties and from the public...we find that caps on the rate ...are reasonable and should be extended through June 30, 2015.” It also found that the increasing basic service rates and SSA raised concerns about affordability if no caps were in place. The Commission imposed these rate and subsidy caps despite strong opposition from wireline carriers.</p>	<p>Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>Reply Comments of TURN on the Proposed Decision, filed November 25, 2013.</p> <p>D.14-01-036, issued January 27, 2014 at FOF 15, OP 5, 6, p. 37-38</p>	
<p><i>9. Rate and Subsidy Caps- NRC</i></p> <p>Following from T-17366 and implementation of the FCC’s elimination of the Link up discount, TURN continued to urge the Commission to maintain its cap on the nonrecurring installation and service initiation charges. As discussed above, the Commission initially agreed with TURN to maintain these caps despite elimination of the federal subsidy.</p> <p>In response to questions in the April 2013 Scoping Memo, TURN and consumer groups, with input from Dr. Roycroft, advocated for maintenance of the cap. TURN also expressed concern that subsidy levels may put pressure on the Fund due to fraud and over-earning, and urged a cap and close monitoring.</p> <p>In the Final Decision, the Commission agreed to maintain the cap stating that it has “not found</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>D.14-01-036, issued January 27, 2014 at COL 28-29, OP 10, 25, p. 41-44.</p>	<p>Verified.</p>

<p>sufficient data to justify discontinuing ...these discounts on non-recurring charges at this time.” It also agreed to cap the subsidy level in light of concerns regarding fraud and over-earning and ultimate pressure on the Fund.</p> <p>The Commission further agreed to monitor the impact of the rate and subsidy cap on the Fund.</p>		
<p><i>10. Wireless Service- Plan Features</i></p> <p>A major focus of the Assigned Commissioner’s April 2013 Scoping Memo concerned the design and implementation of a wireless LifeLine product and included requests for comment on specific features and functions of the service that would qualify for LifeLine subsidy reimbursement.</p> <p>TURN worked with the other consumer groups to provide detailed comments on issues related to N11 calling, 800# calling, number of minutes, service quality, hand set availability, in-language customer service and stand-alone offerings.</p> <p>The Final Decision requires a wireless LifeLine product that incorporates many of the elements advocated by TURN, despite arguments by the wireless industry to weaken many of these protections:</p> <ul style="list-style-type: none"> - <u>Minimum of 500 minutes to qualify for subsidy</u>: TURN advocated for a requirement of unlimited minutes and opposed plans with “minimal” minutes. In response, the Final Decision set a floor of 500 minutes and created an incentive for carriers to offer over 1,000 minutes. It recognized that customers cannot afford to lose their service when they run out of minimal minutes. - <u>Stand-alone service</u>: Final Decision agrees with TURN and others that wireless LifeLine must have at least one plan per carrier that is stand-alone and not required to be part of a bundle - <u>Free N11 minutes</u>: TURN advocated for free 800# minutes as part of any plan. The Final Decision notes that by encouraging plans with 1,000 or more minutes, 800# will not be a 	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>Reply Comments of TURN on the Proposed Decision, filed November 25, 2013.</p> <p>D.14-01-036, issued January 27, 2014 at p. 50-62, , 86, 89, Attachment D, D6-10</p>	<p>Verified.</p>

<p>significant portion of the total minutes. It also required carriers to offer N11 calling that does not use up minutes</p> <p>- <u>In language customer service</u>: TURN and others advocated for broad in-language customer service and the Final Decision reflects that position despite carrier opposition.</p>		
<p><i>11. Wireless Service- Consumer Protections</i></p> <p>In addition to the features and functions of the service, TURN focused its advocacy on the terms and conditions and consumer protections necessary to protect vulnerable LifeLine customers. In many instances, the Final Decision adopts TURN’s position and in others it adopts a compromise reflecting the positions taken by TURN with its consumer group partners.</p> <p><u>Contract Terms</u>: the Final Decision limits LifeLine contract terms to two years. TURN advocated for a one year term. The Final Decision ordered two years but required carriers to disclose the risk of a two year term for LifeLine</p> <p><u>Cancellation</u>: The Final Decision allows for a right of rescission, including in situations where the service does not work in the house. The discussion is well-supported in the Final Decision and addresses TURN’s request for a longer grace period but the right remains in place despite strong carrier opposition.</p> <p><u>Equivalent handsets and rates for additional minutes</u>: The Final Decision clearly states the expectation that LifeLine customers will be afforded the opportunity to purchase handsets and minutes that are equivalent to full-rate services. This is in response to requests by TURN and others to address this issue</p> <p><u>Disclosure</u>: The Final Decision requires a significant level of disclosure to LifeLine customers covering many of the issues we raised as concerns, even though TURN did not prevail on all of its requests for specific protections.</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>Reply Comments of TURN on the Proposed Decision, filed November 25, 2013.</p> <p>D.14-01-036, issued January 27, 2014 at p. 104-111, Attachment D, D6-10</p>	<p>Verified.</p>

<p><i>12. Wireless Service- Application for Rehearing and D.12-07-022</i></p> <p>On December 22, 2010, TURN filed an Application for Rehearing of D.10-11-033 charging the Commission with failure to support its finding that wireless carriers have met previously-stated preconditions to offer LifeLine service. TURN also questioned the use of a study that it argued was not properly in the record. In D.12-07-022, the Commission granted rehearing and found that “more issues should be factored into our analysis” and that it “should explicitly consider and resolve certain questions that parties believe were omitted from the Decision.”</p> <p>In the Scoping Memo issued April 2013, the Assigned Commissioner requested comment from parties on the issues raised by TURN’s Rehearing Application and D.12-07-022. In D.14-01-036, the Commission addressed TURN’s request for rehearing and finds the issues have been resolved based on the comments on the record and with comment from Public Participation Hearings.</p>	<p>TURN Application for Rehearing, filed December 22, 2010 (R.06-05-028).</p> <p>Order Modifying Decision 10-11-033, Granting Limited Rehearing, and Denying Rehearing in all other Respects, Issued July 16, 2012 at p. 2-3; 3-9.</p> <p>Scoping Memo, R.11-03-013, April 10, 2013 at p. 13</p> <p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>D.14-01-036, January 27, 2014, at p. 126-127, FOF 18</p>	<p>Verified.</p>
<p><i>13. Wireless Service – 911</i></p> <p>Public safety has been a high priority for TURN’s advocacy throughout this docket on LifeLine issues. Following its work in the Basic Service docket, TURN urged the Commission to adopt strong 911 rules for wireless LifeLine providers. Further, after CALNENA issued a report documenting problems with location accuracy and wireless calling, TURN supplemented the quasi-legislative record by introducing the report and urging the Commission to further investigate this key issue.</p> <p>The Scoping Memo requested comments specifically on 911 and next generation 911. Although the carriers urged the Commission to default to FCC rules and standards, the Commission did not roll back California rules on 911. It required carriers to abide by federal and state rules and required disclosure of 911 functions to LifeLine customers. TURN’s advocacy ensured that 911 issues were not weakened or lost among the many issues being</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>D.14-01-036, issued January 27, 2014, Attachment D, D6-10</p>	<p>Verified.</p>

<p>considered for this Final Decision.</p>		
<p><i>14. Wireless Service-Prequalification/Preregistration</i></p> <p>The Commission adopted a policy of prequalification in 2008 requiring carriers to sign customers up for regular-rate service while waiting for an eligibility determination from the TPA. Along with TURN and other consumer groups, prepaid wireless carriers have expressed opposition to this requirement due to unique issues regarding their business model.</p> <p>Although the Commission adopted the direct application process in July 2012 to mitigate prequalification, several prepaid carriers filed a Motion on April 5, 2013 requesting that the Commission revise the prequalification model for prepaid carriers. Shortly thereafter, the April 2013 Scoping Memo requested comment on the issue of prequalification.</p> <p>TURN has been an active opponent of prequalification since 2008. TURN has also been an active proponent, along with the other consumer groups, of the alternative process it calls “pre-registration.” Therefore, TURN supported the prepaid carrier’s Motion to eliminate prequalification, except that TURN urged broader relief beyond that sought by the prepaid carriers. It also filed comments in response to the Scoping Memo urging the Commission to eliminate prequalification and adopt pre-registration.</p> <p>The Assigned Commissioner directly addressed the issue of pre-registration as an alternative to prequalification. She held a workshop on pre-registration and requested comment on the issue in the Scoping Memo. TURN also worked with consumer groups and CBOs to provide a detailed ex parte filing outlining a pre-registration process as an alternative to requalification.</p> <p>D.14-01-036 eliminates prequalification for prepaid wireless carriers and customers. It also agreed to monitor and audit carriers’ processes in enrolling customers through alternative technologies after concerns expressed by TURN</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>D.14-01-036, issued January 27, 2014, pp. 115-116, 129, OP 19</p>	<p>Verified.</p>

<p>and others of fraudulent eligibility practices.</p> <p>Finally, regarding pre-registration the Final Decision states, “Joint Consumers in its Opening Comments at page 9-10 urged the Commission to adopt an alternative application process . . . The Commission will explore the creation of an alternative application in a subsequent decision” and lists it as an issue for Phase 2.</p>		
<p><i>15. Social Security Numbers</i></p> <p>TURN has opposed the use of Social Security numbers for LifeLine eligibility since 2005 when it was first proposed and rejected by the Commission. As discussed above, the Commission agreed to address the FCC’s new SSN requirement in R.11-03-013, instead of through a staff or administrative process, due to concerns of identity theft and privacy raised by TURN and other groups. The Scoping Memo requested comment on SSN issues and in Opening and Reply comments, TURN’s comments urged the Commission to limit collection and distribution of SSNs and noted the discriminatory impact of the SSN requirement on the LifeLine program. We urged the Commission to “push the FCC to eliminate this requirement.”</p> <p>In D.14-01-036, the Commission took a huge step when it ordered the staff to develop a “California Only” LifeLine program that would not require a SSN to participate and to seek a waiver from the FCC on the SSN requirement. The issue has also been explicitly added as a Phase 2 issue for implementation. The Final Decision agrees with consumers that privacy, identity theft and discrimination, access and equity issues all support elimination of the SSN requirement. The Final Decision states, “We note too that Joint Consumers have argued that requiring an SSN is discriminatory, not necessary to protect program integrity, and undermines the Moore Act’s objectives...”</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>D.14-01-036, issued January 27, 2014, pp. 120, 117-124, FOF 30, COL 46.</p>	<p>Verified.</p>
<p><i>16. VoIP</i></p> <p>The issue of VoIP jurisdiction within the LifeLine program began with the Commission’s 2010 Decision that VoIP and other alternative providers</p>	<p>Opening Comments of Joint Consumers on the Scoping Memo, filed May 28, 2013.</p> <p>Reply Comments of Joint</p>	<p>Verified.</p>

<p>could participate in the program if they complied with G.O. 153. In comments on the Scoping Memo, TURN urged the Commission impose additional rules and consumer protections before allowing significant VoIP participation due to concerns over preemption and jurisdiction. TURN also argued that the Commission has jurisdiction to adopt rules for participation in its LifeLine program regardless of statutory limitations on its jurisdiction over VoIP.</p> <p>The Assigned Commissioner’s Proposed Decision set out detailed rules and policy discussion allowing VoIP providers to participate under certain conditions. The Proposed Decision agreed with TURN and other consumer groups that VoIP must meet certain standards to receive the subsidy. To serve the most vulnerable consumers, the Proposed Decision imposed tariffing and authorization requirements as well as put forward strong legal arguments about the classification of LifeLine providers as telephone corporations. TURN supported these provisions in three rounds of comments on the Proposed Decision.</p> <p>Ultimately, D.14-01-036 did not include the detailed policy and procedure discussion regarding VoIP carriers. Instead, it contained a simple, short discussion clarifying that only VoIP providers with CPCNs and tariffs can participate in LifeLine, thus maintaining the status quo.</p> <p>Although it did not forge ahead and allow VoIP participation, nor does it reject the prospect for additional VoIP protections, but defers the discussion until Phase 2.</p>	<p>Consumers on the Scoping Memo, filed June 12, 2013.</p> <p>Opening Comments of Joint Consumers on the Proposed Decision, November 19, 2013.</p> <p>Reply Comments of TURN on the Proposed Decision, filed November 25, 2013.</p> <p>Joint Consumers Supplemental Comments on PD Revisions, January 6, 2014.</p> <p>D.14-01-036, issued January 27, 2014, p.5, 129</p>	
<p><i>17. Affordability</i>-addresses participation in R. 09-06-019⁴</p> <p>In April 2013, the Commission amended the scope of the docket in R. 09-06-019 to request comments “on the findings regarding the</p>	<p>Affordability ACR, April 23, 2013.</p> <p>TURN Opening Comments on Affordability, June 10, 2013.</p>	<p>Verified.</p>

⁴ This issue was addressed in R. 09-06-019. In that proceeding, parties were asked to comment on a 2010 Commission Affordability Report. After parties had commented on the issue, it was later decided in D.14-06-008 that any further discussion on that issue should occur in this proceeding, R. 11-03-013. D. 14-06-008 also did not make any findings or come to a decision regarding the issue. We therefore address in this intervenor compensation claim TURN’s contribution in that proceeding on that specific issue.

<p>affordability of basic telephone service published in the CD report...particularly in view of the current environment in which basic telephone service rates ...are no longer subject to rate caps.” (4/23/2013 ACR) The Scoping Memo was not only requesting comment on the Report itself, but urging parties to provide further analysis of the issues of affordability “in view of the current environment.”</p> <p>TURN had repeatedly and consistently requested that the Commission review affordability issues in this docket. In 2008, the Commission ordered the Commission to review affordability as part of LifeLine. In 2010 the Commission staff issued an Affordability Report in the LifeLine docket. TURN filed an Application for Rehearing on the Commission’s use of that Report to support the Final Decision in the LifeLine docket. The Commission granted TURN’s Application, in part, and ordered the Commission to provide further opportunity to comment on the 2010 Report.</p> <p>The Commission provided parties two opportunities to provide further comments on the 2010 Report. In response to the April 2013 ACR in this docket, TURN filed opening and reply comments, including an affidavit by Dr. Roycroft, providing a detailed analysis of the 2010 Report discussing useful findings from the Report, flaws in the Report’s methodologies, and the need for further investigation and review into both affordability and competitive alternatives.</p> <p>At the same time, the Commission also asked for comments regarding the use of the 2010 Staff Report in the LifeLine proceeding. (<i>R.11-03-013 Scoping Memo 4/10/2013</i>) In January 2014, the Commission adopted its final decision in the LifeLine proceeding wherein it found the 2010 Staff Report to be “stale,” contradicted by comments at 8 PPHs, incomplete due to subsequent rate increases in basic service and “no longer useful.” (<i>D.14-10-036, p. 126-127, FOF 14</i>). It addressed affordability in the LifeLine final decision by continuing to cap LifeLine rates.</p> <p>The Final Decision at issue in this compensation</p>	<p>TURN Reply Comments on Affordability, June 24, 2010.</p> <p>Final Decision at p. 17-18.</p>	
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<p>request, D. 14-06-008, cursorily addresses the Affordability Study by stating that, “In view of subsequent proceedings in the Lifeline docket (R.11-03-013) 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.” So, the Commission’s actions on affordability must be viewed from the perspective of both dockets. While the Commission did not ultimately take on the additional analysis recommended in TURN’s June 2013 comments in this docket, it did acknowledge the need to address affordability issues and concluded it has been adequately addressed in the separate but related LifeLine docket.</p>		
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?⁵</p>	<p>Yes</p>	<p>Verified.</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	<p>Verified.</p>
<p>c. If so, provide name of other parties: Center for Accessible Technology, National Consumer Law Center and the Greenlining Institute.</p>		<p>Agreed.</p>
<p>d. Intervenor claim of non-duplication: TURN worked closely with ORA and other intervenors to minimize duplication of effort. Throughout this process, TURN collaborated both formally and informally with each of the consumer representatives and ORA through strategy phone calls, joint filings, coordination of workshop participation, and joint ex parte meetings. While TURN participated as a member of this collaboration, it often took the lead to coordinate, consolidate and finalize pleadings when it prepared joint formal and informal filings. For example, when working on joint pleadings the parties would often split up issues for comments, and then only one person would have responsibility to combine the pleading for submission. Also,</p>		<p>Agreed.</p>

⁵ 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>often times during implementation work and working group meetings TURN was the only consumer participant in the room or on the phone. While some overlap was inevitable in such a long, complex and critical process, TURN submits that its combined efforts among various consumer groups and ORA was at most commensurate with, and more likely less than the significant resources brought to the case by the numerous industry and carrier representatives actively participating in the docket.</p> <p>The Commission should find that TURN’s participation was efficiently coordinated with the other intervenors and ORA wherever possible, so as to avoid undue duplication and to ensure any such duplication served to supplement, complement, or contribute to the showing of the other intervenors.</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>TURN has dedicated significant resources to supporting the state LifeLine program over the years covered by this compensation request. Its efforts regarding implementation and its substantial contributions to the decisions included in this request have created numerous benefits for various stakeholders, including LifeLine participants, intrastate customers paying the LifeLine surcharge, and carriers participating in the program. In comparison, the cost of TURN’s participation, \$192,314.31 is reasonable for four years of work to enhance and protect a program benefiting over a million consumers and impacting all California ratepayers.</p> <p>TURN’s work directly benefitted LifeLine participants by advocating for and winning a cap in the rate that LifeLine customers will pay for flat rate, measured rate, and nonrecurring charges. The wireline and wireless service offerings are robust, comprehensive, and consumer friendly. Consumer protections and LifeLine processes and procedures are explicit, strong, and enforceable. In addition, customers without Social Security Numbers will benefit from the Commission’s decisions to create a California-only program that will not require SSNs.</p> <p>TURN’s work also directly benefitted those paying the LifeLine surcharges by maintaining strict program administration rules and policies. The LifeLine budget has been between \$200-300 million per year for the past several years. Therefore, even seemingly small changes to the program such as improving efficiency or limiting reimbursement for a single cost can lead to significant savings to the ratepayer. For example, TURN advocated for, and the Commission agreed, to cap the subsidy provided to carriers for nonrecurring</p>	<p><u>CPUC Verified</u></p> <p>Verified.</p>
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<p>service installation fees. It also created a tiered but flat subsidy to wireless carriers, varying only by the number of minutes offered. TURN's early work on implementation of the 2010 Decision and the FCC's 2012 Order focused on carefully crafting the rules of the program to ensure the program was efficient and narrowly tailored.</p> <p>Finally, TURN's work benefitted the program overall by working with carriers to implement processes like the Direct Application process, revise the prequalification policies, and work to create pre-registration. These issues, along with other implementation issues, expand customer choice by adding carriers that are able to participate in the program.</p>	
<p>b. Reasonableness of Hours Claimed. TURN Hours:</p> <p>TURN has made LifeLine issues an organizational priority. It has dedicated significant resources to implementation, legal, and policy issues regarding LifeLine. Christine Mailloux has been the lead TURN advocate on LifeLine issues during the time covered by this compensation request. She has been the lead attorney for the implementation work in 2011 and 2012, and the work in R.11-03-013 from March 2011 through the present.</p> <p>This compensation request covers work performed leading up to a number of different Commission decisions and resolutions, culminating with major changes to the program ordered in D.14-01-027. Each of the major decisions and resolutions are related and build upon each other. Some of the major work efforts include implementation work ordered by the Commission in D.10-11-033 that resulted in a Commission Resolution T-17321. This work required Ms. Mailloux to attend three workshops, coordinate and assist in drafting several rounds of joint comments, and attend working group meetings to monitor and understand staff's processes on these issues. Moreover, TURN filed an Application for Rehearing drafted by Ms. Mailloux that was granted in D.12-07-022 and addressed in D.14-01-036. Ms. Mailloux was also TURN's primary lead in the implementation work resulting in T-17366 regarding the FCC's new rules. Many of the issues addressed in that resolution led to further implementation work and were addressed again in D.14-01-036. The Direct Application process and other issues from this phase required Ms. Mailloux to once again attend working group calls to monitor progress and understand the interaction between the processes. Finally, once the Scoping Memo was issued in April of 2013, Ms. Mailloux spent considerable time through January 2014 working on multiple rounds of comments, coordination among the parties and attending all-party meetings and ex parte meetings.</p> <p>Because of the broad scope and longevity of these issues before the Commission, other TURN advocates were also involved. Leveraging his experience as lead attorney in the preceding R.06-05-028, Mr. Nusbaum devoted time to various related issues in this docket, such as the Motion to Freeze Rates. He also attended in-person events when Ms. Mailloux was</p>	<p>Verified, <i>but see</i> CPUC Disallowances and Adjustments, below.</p>

unable to travel or the nature of the event made it inefficient or wasteful for Ms. Mailloux to travel. Ms. Costa has worked extensively with NASUCA on FCC-related issues and reviewed filings and provided input as it primarily related to FCC issues including public safety and wireless services. The timesheets for both Mr. Nusbaum and Ms. Costa reflect the vital role they played supporting TURN's participation in this docket. More senior TURN oversight and general support was provided by TURN's Legal Director Thomas Long.

Working Group/Implementation Hours

The Commission should find Ms. Mailloux's time spent on Working Group activities and overall implementation work reasonable in light of the strong nexus between the work on implementation and the main work of R.11-03-013. In general, LifeLine is an important program for California consumers. After the significant resources TURN dedicated to the R.06-05-028 2010 Decision and the clear intent of the Commission to continue the work into later phase of the rulemaking (which became R.11-03-013), TURN had an obligation to its constituents to be an active participant in all aspects of implementation, including the bi-weekly work of the staff Working Group.

For example, on prequalification issues, Ms. Mailloux and other advocates at TURN spent significant resources coordinating and understanding the prepaid carriers' proposal relating to prequalification and the direct application processes (this time is coded as PQ-prequalification). This decision resulted in additional work by TURN on implementation issues to ensure that the customer-impacting pieces of the process were fair, effective and efficient. The Assigned Commissioner, along with staff, hosted two workshops and a lot of the implementation for this process was part of the staff-led Working Group.

Compensation for this time is consistent with prior intervenor compensation awards. For example, in D.13-06-019 the Commission awarded TURN intervenor compensation for work on implementation of energy efficiency portfolios that included submitting informal comments to the staff, participating in staff consideration of utility implementation advice letters and reviewing utility advice letters. The Commission noted that because the work had a "strong nexus" to the issues presented in the formal docket it was not only reasonable to include the hours for that work in the compensation request but it was more efficient to present a single request rather than request compensation piecemeal by advice letter.⁶

TURN's work on implementation, resulting in T-17321 and T-17366, directly relates to its LifeLine work performed in R.11-03-013 resulting in D.14-01-

⁶ D.13-06-019 at p. 30; *See also*, D.06-10-013 at p.11, "the ongoing work [before the Commission] of [intervenors] to ensure successful implementation of [the related decision] resulted in a substantial contribution to the decision and should be compensated."

036. For this compensation request, TURN has billed time for work on implementation and Working Group meetings under three main circumstances: if the work was ordered by the Commission in 2010, if it informed TURN's work on docket-related issues in R.11-03-013, or if the staff's or Commission's work would benefit from further expertise from consumer representatives working in the docket to ensure the issues were handled by the Working Group properly.

Phase 2

The Commission slated sixteen issues for consideration in a future Phase 2 of this docket. However, many of those issues were calls to monitor or expand upon issues considered and decided in detail in this docket. Therefore, the Commission should not disallow time spent by TURN advocates merely because it was spent on issues that were also included in Phase 2. TURN has included all of its time spent on issues raised during this docket. Some of that time relates to participation of VoIP carriers and the development of a pre-registration process. The Commission raised these issues and requested comment. Parties filed comments, but the Commission chose to defer ruling on or implementing these issues until Phase 2. TURN made a substantial contribution on these issues and the Assigned Commissioner's Proposed Decision reflects those arguments regarding VoIP in addition to the Final Decision standing firm against further relaxation of the rules for VoIP. Regarding pre-registration, the Assigned Commissioner held a workshop and requested comment thus urging parties to dedicate resources to this very important issue during this phase.

Consultant Hours:

Dr. Roycroft worked with TURN in this case. He provided invaluable research, analysis and drafting work on issues included in the April Scoping Memo. His hours are limited due to the limited scope of his work in this case. TURN contributed to the record by employing Dr. Roycroft to address the more technical and critical issues from the April 2013 Scoping Memo. His work on the Rate Cap and Public Safety issues included overall review of filings and strategy support for the at various stages of the docket. It is relevant to the benefits of Mr. Roycroft's participation that, because his billing rate is the lowest of all of TURN's advocates, it is most efficient and effective to have Mr. Roycroft participate in this way. Mr. Roycroft's hours are reasonable in light of the strong record regarding Public Safety and affordability.

Travel Time:

Ms. Mailloux attended several meetings and workshops at the Commission requiring her to travel from her home in San Diego. Generally, as TURN's lead advocate, it was more efficient for her to travel than to spend time educating another TURN advocate on specific issues. However, TURN

minimized the travel expenses to only those where it was important to have Ms. Mailloux appear in person. For several other meetings and workshops, it was more cost effective to stay in San Diego and work via teleconference. Ms. Mailloux traveled for three implementation workshops, two all-party meetings and the pre-registration workshop. This travel time is noted in the timesheets using the substantive code for the reason for the travel and reflected below under "other fees" and billed at half the approved hourly rate.

Compensation Request Hours:

TURN is requesting 18 hours for its work on this compensation request. This is a discounted figure, as other TURN advocates also spent significant time discussing strategy and reviewing drafts. TURN urges the Commission to find this amount reasonable given the complicated nature of this compensation request. The Commission should note that TURN has no time for work on its NOI in this docket because it is relying on its NOI in R.06-05-028 as approved by the Commission.

Hourly Rates of TURN Staff and Consultants

Ms. Mailloux has an approved hourly rate for work performed in 2012 of \$420, but does not have an approved rate for 2013 or 2014. Pursuant to Resolution ALJ-287, TURN hereby requests a Cost of Living Adjustment (COLA) in her rate to \$430 for hours in 2013. This represents a 2% increase in her approved 2012 rate, rounded up to the nearest \$5 increment. The Commission has not adopted a general COLA for 2014. For this compensation request, TURN seeks the same hourly rate for Ms. Mailloux for work performed in 2014 as for her work in 2013. Once the Commission adopts a 2014 COLA, TURN reserves the right to seek a higher rate, consistent with the Commission's guidelines, for Ms. Mailloux's work in 2014 in other proceedings.

Mr. Nusbaum has an approved hourly rate for work performed in 2013 of \$455. TURN seeks the same hourly rate for work performed by Mr. Nusbaum in 2014. As with Ms. Mailloux rate, TURN reserves the right to seek a higher rate for work in other proceedings once the Commission adopts a 2014 COLA.

Ms. Costa's last approved rate is for work performed in 2011 at \$275. Ms. Costa has had this same rate since 2008. This compensation request covers work performed by Ms. Costa for 2011 and 2013. However, to calculate the proper 2013 rate for Ms. Costa, the Commission must recognize that the 2012 COLA adopted in ALJ-281 should be applied to her 2011 \$275 rate, resulting in a rate of \$280 for 2012. TURN seeks a rate of \$285 for work in 2013 representing a 2% COLA adopted in ALJ-287 for 2013 applied to the 2012 rate. Ms. Costa has no time for 2014 in this compensation request.

<p>Reasonableness of Expenses:</p> <p>TURN requests compensation for its reasonable expenses relating to its participation in the docket. These expenses include charges for photocopying, postage, and computer research. TURN is also including expenses relating to attorney travel and has taken steps to ensure that only those expenses deemed allowable by the Commission are included.</p> <p>As discussed above, during the four years covered by this compensation request, TURN participated in several meetings and workshops. These events were critical to TURN’s participation and eventual substantial contribution to the docket. TURN limits its travel to the bare minimum necessary to participate in the docket. TURN urges the Commission to find that these travel expenses and its other expenses are reasonable in light of its substantial contribution and the complexity of the docket.</p>	
<p>c. Allocation of Hours by Issue</p> <p>GP- General Preparation: work that generally does not vary with the number of issues TURN addresses in the case but is necessary for effective and efficient participation</p> <p>AR – Application for Rehearing: work performed drafting the Application for Rehearing on wireless LifeLine issues and analyzing the Commission decision granting the Application</p> <p>IMP- Implementation: work with staff on workshops for Phase 1 implementation, General Order changes, and implementation mechanics including clean up implementation in Final Decision/OIR document</p> <p>FCC- Work to implement changes to the federal program as they impact the state program including work on Resolution T-17366</p> <p>SSN- Social Security Numbers: implementation of the FCC’s Social Security Number requirement and advocacy on revisions to the Social Security Number policy for the state program</p> <p>RC-Rate Cap: work on issues relating to rate freeze and caps, affordability, and subsidy caps including TURN Motion for a Freeze, FCC subsidy issues on nonrecurring charges for installation and responses to Scoping Memo and Proposed Decision on issues relating to rate and subsidy caps</p> <p>VP - VoIP participants: Discussion of the rules for LifeLine services offering by VoIP providers including those with no CPCN and those with existing CPCNs and tariffs</p> <p>WS- Wireless Service: code includes work on the design and drafting of rules creating a wireless LifeLine product including the relationship with the federal program, number of minutes offered, X11 calling, 800# calling, service quality, COLR, treatment of ETFs, and right of cancellation</p> <p>PA- Program Administration: CBO/Consumer outreach Working Group Third Party Admin</p> <p>PR- Preregistration: work on policy and implementation issues for a more</p>	<p>Verified.</p>

<p>direct eligibility methodology prior to choosing a carrier</p> <p>PQ- Prequalification: work involving issues of implementing and revising the Commission’s policy on prequalification, including work on the Assurance Motion and the prepaid carrier direct application process including discussions with prepaid carriers and direct application advocates</p> <p>PS- Public Safety: focus on 911 issues and work to include 911 calling location explicitly in docket</p> <p>#- LifeLine Program Design: this code is used when a time entry reflects work on design and implementation of the LifeLine program covering multiple issues that are intertwined and difficult to parse out. This code includes issues in the May 2013 Scoping Memo, policy issues, and work with other parties to coordinate responses, ex parte meetings, and joint filings. If this code must be allocated, a rough allocation would include: WS-20; VP-15; PA-10, PQ-10, PR-10, RC-20, SSN-15.</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 \$
Christine Mailloux	2010	13.5	\$390	D.10-09-040	\$5,265.00	13.50	\$390.00	\$5,265.00
Christine Mailloux	2011	75.75	\$390	D.12-03-053	\$29,542.50	74.75 [1]	\$390.00	\$29,152.50
Christine Mailloux	2012	53.50	\$420	D.13-12-015	\$22,470.00	48.50 [A]	\$420.00	\$20,370.00
Christine Mailloux	2013	172.00 ⁷	\$430	ALJ-287 COLA	\$73,960.00	170.00 [B]	\$430.00	\$73,100.00
Christine Mailloux	2014	11.50	\$430	D.13-12-015, ALJ-287	\$4,945.00	11.50 [2]	\$440.00	\$5,060.00
Bill Nusbaum	2010	1.0	\$435	R.10-12-008	\$435.00	1.00	\$435.00	\$435.00
Bill Nusbaum	2012	39.00	\$445	D.13-03-024	\$17,355.00	36.00	\$445.00	\$16,020.00
Bill Nusbaum	2013	36.25 ⁸	\$455	D.13-10-065	\$16,493.75	35.25	\$455.00	\$16,152.5

⁷ Includes additional 11.25 hours spent on affordability issue in R. 09-06-019; original claimed hour total was 160.75.

⁸ Includes additional 1.5 hours spent on affordability issue in R. 09-06-019; original claimed hour total was 35.00.

Bill Nusbaum	2014	2.5	\$455	D.13-10-065	\$1,137.50	2.50	\$465.00 [3]	\$1,162.50
Regina Costa	2011	1.0	\$275	D.12-09-016	\$275.00	1.00	\$275.00	\$275.00
Regina Costa	2013	44.25 ⁹	\$285	ALJ-287, COLA	\$12,611.25	42.25	\$290.00 D.14-04-021	\$12,252.50
Tom Long	2012	3.0	\$530	D.13-10-065	\$1,590.00	2.00	\$530.00	\$1,060.00
Trevor Roycroft	2013	46.5 ¹⁰	\$230	D.13-12-015	\$10,695.00	44.5	\$235.00 [4]	\$10,457.50
Subtotal: \$196,775.00						Subtotal: \$190,648.80		

OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Christine Mailloux	2011	22.00	\$195	Travel- Half of approved hourly rate	\$4,290.00	00.00 [C]	\$195	00.00
Christine Mailloux	2013	17.00	\$215	Travel-half of approved hourly rate	\$3,655.00	00.00	\$215.00	00.00
Subtotal: \$7,945.00						Subtotal: \$00.00		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Christine Mailloux	2014	18.00	\$215	Half of approved hourly rate ALJ-287	\$3,870.00	18.00	\$215.00	\$3,870.00
Subtotal: \$3,870.00						Subtotal: \$3,870.00		

COSTS				
#	Item	Detail	Amount	Amount
	Photocopies	Copies for major pleadings and Motions served on the ALJ and Assigned Commissioner	\$45.00	\$45.00 [D]

⁹ Includes additional 31.75 hours spent on affordability issue in R. 09-06-019; original claimed hour total was 12.50.

¹⁰ Includes additional 21.25 hours spent on affordability issue in R. 09-06-019; original claimed hour total was 25.25.

Postage	Postage for copies for major pleadings and Motions served on the ALJ and Assigned Commissioner	\$23.64	\$23.64
Computer Research	Legal research to support TURN filing on Social Security number issues	\$95.76	\$95.76
Attorney Travel-Lodging	Expenses for various one night hotel lodging for Ms. Mailloux's travel over four years where an overnight stay was required due to scheduling	\$378.76	00.00
Attorney Travel-Parking	Airport parking expenses for Ms. Mailloux's travel from San Diego for attendance at workshops and all party meetings	\$128.00	00.00
Attorney Travel Transportation	Flight and local transportation expenses for Ms. Mailloux's travel over four years from San Diego for attendance at workshops and all party meetings	\$2,395.65	00.00
Subtotal: \$3,066.81			Subtotal: \$164.40
TOTAL REQUEST: \$211,656.81			TOTAL AWARD: \$194,683.20

*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.

**Approved Travel and Reasonable Claim preparation time compensated ½ of preparer's approved hourly rate.

Attorney	Date Admitted to CA BAR ¹¹	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Christine Mailloux	December 10, 1993	167918	No
William Nusbaum	June 7, 1983	108835	No; was inactive from January 1, 1997 until October 4, 2002
Tom Long	December 10, 1986	124776	No

¹¹ This information may be obtained at: <http://www.calbar.ca.gov>

C. CPUC Disallowances and Adjustments:

Item	Reason
[1]	On July 5, 2011, Mailloux lists 1 hour to “finalize pleading and submit.” Such work is clerical in nature and is not compensable by the Commission, as it has been factored into the established attorney rates.
[2]	Per Resolution ALJ-303, the Commission adopted a 2.58% cost-of-living adjustment for 2014. When this adjustment is applied to Mailloux’s 2013 rate, and rounded to the nearest 5 dollar increment, it results in a rate of \$440. As such, Mailloux’s 2014 rate is set at \$440.
[3]	Per Resolution ALJ-303, the Commission adopted a 2.58% cost-of-living adjustment for 2014. When this adjustment is applied to Nusbaum’s 2013 rate, and rounded to the nearest 5 dollar increment, it results in a rate of \$465. As such, Nusbaum’s 2014 rate is set at \$465.
[4]	Per Resolution ALJ-287, the Commission adopted a 2% cost-of-living adjustment for 2013. When this adjustment is applied to Roycroft’s 2013 rate, and rounded to the nearest 5 dollar increment, it results in a rate of \$235. As such, Roycroft’s 2014 rate is set at \$235.
[A]	In May and June of 2011, Mailloux, Nussbaum, and Costa each worked on TURN’s Motion to Extend the Rate Freeze. At least 35.5 hours are claimed related to this document. Such a claim is both excessive and, internally, duplicative. 3 hours have been removed from Nussbaum’s claim in 2012 for duplicative editing. 1 hour has been removed from Long’s claim in 2012 for duplicative editing. 5 hours have been removed from Mailloux’s claim in 2012 for excessive hours claimed in the work on the motion.
[B]	Between May 24 and May 29, 2013, Roycroft, Costa, Nussbaum, and Mailloux claim a combined of 38.75 hours in reviewing and editing the Joint Consumers Response to the ACR and Scoping Memo. Despite the length of the Response, such claim is both excessive and demonstrates internal duplication. As such, the following hours have been removed from TURN’s award: 2 hours from Roycroft’s 2013 claim; 2 hours from Costa’s 2013 claim; 1 hour from Nussbaum’s 2013 claim; and 2 hours from Mailloux’s 2013 claim.
[C]	As stated in D.07-05-050, “[t]he Commission reimburses the reasonable costs of necessary travel. It does not reimburse the costs of an employee’s commute to and from the Bay Area, which is TURN’s place of business and the location of the Commission’s main offices. Law firms and consulting firms do not bill their clients for such routine commuting costs. We will continue to reimburse travel costs associated with witnesses and advocates who have special expertise and live out of the area. We will also continue to reimburse the costs of travel to and from our hearings and workshops which are conducted outside of the Bay Area. However, we disallow all expenses for Mailloux’s travel from her home in San Diego to San Francisco.” D.07-05-050 at 13. <i>See also</i> D.09-05-015 at 12 (<i>stating</i> “[d]isallowance of [] travel time [for Mailloux]. Travel deemed to be related to routine commuting and non-

	compensable, despite TURN’s rationale. . . . Disallow costs for attorney airfare, parking, BART, hotel and meals, also deemed to be related to routing commuting and non-compensable, despite TURN’s rationale.”); D.09-04-029 at 13.
[D]	The Commission requests that TURN, in future intervenor compensation claims, includes both the cost per page for printing and the number of copies made for each task.

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

1. The Utility Reform Network has made a substantial contribution to Decision 14-01-036, et al.
2. The requested hourly rates for The Utility Reform Network’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$194,683.20.
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 Utility Reform Network’s and the Center for Accessible Technology’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 Utility Reform Network's and the Center for Accessible Technology'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 15-06-018.
2. The Utility Reform Network is awarded \$194,683.20.
3. Within 30 days of the effective date of this decision, the Intervenor Compensation Fund shall pay The Utility Reform Network 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 The Utility Reform Network'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:	D1506018	Modifies Decision?	No
Contribution Decision(s):	D.14-01-036; D.12-07-022; T-17321; T-17366		
Proceeding(s):	R.11-03-013; R.09-06-019		
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
The Utility Reform Network (TURN)	March 28, 2014	\$211,656.81	\$194,683.20	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
Christine	Mailloux	Attorney	TURN	\$390	2010	\$390.00
Christine	Mailloux	Attorney	TURN	\$390	2011	\$390.00
Christine	Mailloux	Attorney	TURN	\$420	2012	\$420.00
Christine	Mailloux	Attorney	TURN	\$430	2013	\$430.00
Christine	Mailloux	Attorney	TURN	\$430	2014	\$440.00
Bill	Nusbaum	Attorney	TURN	\$435	2010	\$435.00
Bill	Nusbaum	Attorney	TURN	\$445	2012	\$445.00
Bill	Nusbaum	Attorney	TURN	\$455	2013	\$455.00
Bill	Nusbaum	Attorney	TURN	\$455	2014	\$465.00
Regina	Costa	Expert	TURN	\$275	2011	\$275.00
Regina	Costa	Expert	TURN	\$285	2013	\$290.00
Tom	Long	Attorney	TURN	\$530	2012	\$530.00
Trevor	Roycroft	Expert	TURN	\$230	2013	\$235.00

(END OF APPENDIX)