

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAOrder Instituting Investigation to Address
Intrastate Rural Call Completion Issues.

Investigation 14-05-012

**DECISION GRANTING INTERVENOR COMPENSATION TO
CENTER FOR ACCESSIBLE TECHNOLOGY
FOR CONTRIBUTIONS MADE TO DECISION (D.) 18-07-045 AND D.19-09-042**

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decisions (D.) 18-07-045 & D.19-09-042
Claimed: \$47,773.50	Awarded: \$48,040.50
Assigned Commissioner: Clifford Rechtschaffen	Assigned ALJ: Robert M. Mason, III

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>Decision 18-07-045 denied an Application for Rehearing and related Motion for Stay of D.16-12-066 filed by several telecommunications parties in this proceeding. D.18-07-045 also modified an ordering paragraph (OP) of D.16-12-066 to eliminate a directive placed on Respondents, and it modified text and other OPs in D.16-12-066 to be consistent with the new language. Taking into account those modifications, D.18-07-045 found that good cause did not exist for granting the rehearing application.</p> <p>D.19-09-042 closes this proceeding, I.14-05-012, reviews actions taken to implement D.16-12-066, and closes the proceeding. The decision provides information about the steps that were taken and notes the ongoing attention by the Commission to related issues in other dockets, specifically Disaster Relief (D.18-03-011), De-Energization (D.18-12-005), and Service Quality (R.11-12-001).</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812¹:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	None Held	Verified. <i>See D.17-05-011</i> 5/12/2017
2. Other specified date for NOI:	90 days after issuance of OII	Verified
3. Date NOI filed:	5/29/15, <i>see also</i> note below	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	I.14-05-012	Verified <i>See D.17-05-011</i> 5/12/2017
6. Date of ALJ ruling:	6/15/2015	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	I.14-05-012	Verified
10. Date of ALJ ruling:	6/15/2015	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.19-09-042	Verified
14. Date of issuance of Final Order or Decision:	9/27/19	Verified

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
15. File date of compensation request:	11/26/19	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
1-4	<p>Timeliness of NOI: As noted in CforAT's NOI, CforAT did not join the proceeding as a party until the after the Scoping Memo was issued. Our NOI states: "CforAT's NOI is being filed concurrent with our Motion for Party Status. CforAT did not participate in this proceeding when it was first initiated, but on May 6, 2015, the scope of the proceeding was expanded to include 'a review of 911 call completion and access issues,' as described in the Assigned Commissioner's Scoping Memo and Ruling issued on that date. Because the issues newly incorporated into the scope of the proceeding are of concern to CforAT's constituency of telecommunications customers with disabilities, CforAT is seeking to participate in the proceeding to address these new issues." Our NOI was accepted in a ruling by the ALJ, issued on June 15, 2015.</p> <p>Eligibility: On June 15, 2015, a ruling was issued in this proceeding making a preliminary finding of eligibility for CforAT in this proceeding, including a finding of customer status and a finding that CforAT meets the requirements for establishing significant financial hardship. Subsequently, CforAT was awarded compensation for our work in Phase 1 of this proceeding. <i>See</i> D.17-05-011. A party who is found eligible for compensation in one phase of a proceeding remains eligible in additional proceedings. Rule 17.2.</p>	Verified

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>1. D.18-07-045 (addressing rehearing):</p> <p>Background: In CforAT's</p>	<p>"Hours related to re-hearing request and requests for extension may be requested following resolution of those matters." D.17-05-011 at p. 10.</p>	Verified

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>prior request for compensation in this proceeding, we included time records documenting work on a then-pending Application for Rehearing and Motion for Stay filed subsequent to the Phase 1 Decision. In D.17-05-011, the Commission excluded those hours when otherwise awarding compensation because no decision had yet been issued on the Application. CforAT is resubmitting these time records (for which compensation was not previously awarded) and requests compensation for those hours, plus any additional time spent on the issues of rehearing, here.</p>		
<p>2. D.18-07-045 (addressing rehearing):</p> <p>Merits: Following the issuance of the D.16-12-066 (the Phase 1 Decision), which adopted multiple action items to address and remediate issues regarding call completion failures and other telecommunications outages, a number of carriers sought rehearing challenging the Phase 1 Decision in its entirety. The carriers also sought a stay while their application for rehearing was pending.</p> <p>CforAT, along with TURN and</p>	<p>D.18-07-045 denies the Application for</p>	<p>Verified.</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Mendocino County, opposed the stay and the carriers’ application for rehearing of the Phase 1 decision, arguing that the Rehearing Applicants’ argument that the timing of changes made to the PD before and during the Commission meeting at which the final decision was adopted was erroneous.</p> <p><i>See</i> Response of the Utility Reform Network, the Center for Accessible Technology, and the County of Mendocino to Coalition Application for Rehearing of Decision 16-12-066 on Rural Call Completion Issues, filed February 21, 2017 (Opposition to Rehearing) at p. 10; Opposition to Carriers Motion to Stay, filed February 21, 2017 at p. 1.</p> <p>CforAT took issue with the Rehearing Applicants’ contention that changes made to the PD during the voting meeting were improper based on Section 311.5 of the Public Utilities Code. CforAT argued that Section 311.5 contains no requirements regarding the timing of proposed changes to agenda items, finding that such rules would limit the Commission’s ability to respond to concerns raised at the meeting itself. Opposition to Rehearing at p. 11. CforAT also refuted Rehearing</p>	<p>Rehearing, finding “no merit” to Rehearing Applicants’ claims. D.18-07-045 at p. 9. It also found the carriers’ motion for a stay, which had not been acted on separately, to be moot. <i>Id.</i> at p. 36.</p> <p>D.18-07-045 finds that Rehearing Applicants’ reliance on Section 311.5 and the Commission Meeting Guide was misplaced. D.18-07-045 finds that there is nothing in the plain language of those texts to support a one-hour notice requirement for changes made to a PD during a Commission meeting, and that the Commission Meeting Guide expressly contemplates changes to a PD made during a Commission meeting. D.18-07-045 at p. 18-20.</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Applicants’ argument that requires one hour advance notice for changes to agenda items, arguing that the section of the Commission’s Meeting Guide cited to support Rehearing Applicants’ argument did not applicable. Opposition to Rehearing at p. 12.</p> <p>CforAT also refuted the Rehearing Applicants’ proposition that an alternate proposed decision was required to support revisions incorporated in to the Final Decision, or that the PD should have been reissued. CforAT argued that Rule 14.1(d) of the Commission’s Rules of Practice and Procedure set forth that a substantive revision to a PD does not create an “alternate proposed decision” if the revisions do no more than make changes suggested in prior comments. CforAT cited Commission precedent rejecting similar arguments. Opposition to Rehearing at p. 12-13.</p> <p>CforAT argued that, contrary to the Rehearing Applicants’ assertions, the scope of this proceeding was meant to be broad, and did not exclude investigation or consideration of additional issues related to call completion failures. CforAT noted that the OII set out a broad, detailed agenda</p>	<p>D.18-07-045 finds, based on Rule 14.1(d) that the modifications in question did not constituted a substantive change to the PD or an alternate to the PD, as the modifications were made in response to comments submitted prior to the initial PD by CforAT. Thus, Rehearing Applicants’ claims regarding an alternate PD failed. D.18-07-045 at p. 16-18.</p> <p>D.18-07-045 finds that the scope of the OII was, in fact, broad “to address call completion issues generally.” D.18-07-045 also finds that Rehearing Applicants’ reliance on the <i>Edison</i> case unconvincing because the facts in that case were dissimilar to facts here. Additionally, the decision states that no party objected to the scope of issues set</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>which provided sufficient notice of issues the Commission could eventually consider as a basis for the Ordering Paragraphs that the Rehearing Applicants took issue with. Opposition to Rehearing at p. 5. Additionally, CforAT refuted the Rehearing Applicants’ reliance on <i>Southern California Edison v. PUC</i>, 140 Cal.App.4th 185 (2006) to argue that the Commission had failed to proceed in a lawful manner when addressing issues beyond the original scope of this proceeding. CforAT explained that the facts of that case were distinguishable from the facts here, and that, because of the broad scope of this proceeding, D.18-07-045 appropriately addressed issues related to and within the OII’s scope. Opposition to Rehearing at p. 3-5.</p>	<p>forth in the May 6, 2015 Scoping Memo and Ruling, and because issues raised at PPHs and workshops fell within the scope of the proceeding, the Commission did not need to add them to the scope of the OII. Thus, Rehearing Applicants’ argument did not support their Application for Rehearing. D.18-07-045 at p. 30-36.</p>	
<p>2. D.19-09-042 (addressing Phase 2 issues)</p> <p>Procedural Background: The Phase 1 Decision identified a number of issues to be addressed in a subsequent Phase 2, including an order that the proceeding would remain open for Phase 2 in keeping with the assigned tasks. Phase 1 Decision at p. 184, Ordering Paragraph 27.</p>	<p>Phase 2 Decision at pp. 3- 11 (addressing procedural background of proceeding).</p>	<p>Verified. But, CforAT requests compensation for contributions made to (D.)18-07-045 and D.19-09-042. Yet CforAT discussion is centered around D.16-12-066. While we note the significance of D.16-12-006, such reference is overstated.</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>On March 6, 2017, the Commission issued a Scoping Memo for Phase 2, setting a number of dates for various activities and anticipating a proposed decision in the 4th quarter of 2017. The Scoping Memo rejected arguments previously submitted by the carriers urging a significant reduction in the scope of Phase 2, consistent with arguments submitted by CforAT, in conjunction with TURN and the Greenlining Institute.</p> <p><i>See</i> Joint Consumers Reply Comments on Phase 2 Scoping Memo, filed on April 12, 2017, at pp. 2-9.</p> <p>Subsequently, in July of 2017, the Commission issued a further ruling taking various comment deadlines off calendar. These comments were not rescheduled, and no formal actions were subsequently taken by the Commission in 2017.</p> <p>On December 21, 2017, CforAT and TURN filed a motion on requesting that the Commission set a procedural schedule for Phase 2, which included accounts of residents during the 2017 Wine Country fires related to several issues addressed in the Ordering Paragraphs of D.16-12-066. <i>See</i> Motion of the Utility Reform Network and the</p>	<p>Phase II Scoping Memo and Ruling of Assigned Commission, issued on March 6, 2017, at pp. 3-4.</p>	

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Center for Accessible Technology for Procedural Schedule in Phase 2, filed December 21, 2017. No action was ever taken in regards to this motion.</p> <p>On September 4, 2018, the Commission issue an Amended Scoping Memo indicating that a further ruling would be issued seeking comment on “whether the Commission’s Communications Division and other responsive parties have complied” with the Phase 1 Decision.</p> <p>This ruling was issued on October 29, 2018; the ruling contained a preliminary conclusion that most of the requirements of the Phase had been met.</p>	<p>Amended Phase II Scoping Memo and Ruling of Assigned Commissioner, issued on September 4, 2018, at pp. 2-3.</p> <p>Administrative Law Judge’s Ruling Seeking Party Comments Regarding Compliance with Ordering Paragraphs in Decision 16-12-066 and Phase II Scoping Memo and Ruling of Assigned Commissioner, issued on October 29, 2019, at pp. 8-26.</p>	<p>Verified</p> <p>Verified</p>
<p>CforAT, together with TURN and Mendocino County (filing as “Joint Parties”), submitted comments on the ruling expressing concern about the preliminary conclusion, and identifying areas where the Ruling failed to identify how required actions identified in the Phase 1 Decision had been addressed. These comments specifically noted that “the Joint Parties may not be aware of relevant work done by staff</p>	<p><i>See generally</i> Opening Comments of Center for Accessible Technology, the County of Mendocino, and the Utility Reform Network on the October 29, 2018 Administrative Law Judge’s Ruling, filed November 28, 2018 (Joint Comments).</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>due to lack of transparency prior to the issuance of the ALJ Ruling.” On multiple issues, the Joint Parties requested follow-up in the form of information sharing so that parties to the proceeding “can see the results of the compliance work.”</p> <p>Joint Comments at pp. 1-2 and p. 10.</p> <p>CforAT, in conjunction with the Joint Parties, also stressed the importance of ongoing action by the Commission to ensure a resilient telecommunications network in emergencies, and argued that no other proceeding was scoped at that time to address the relevant issues. Joint Comments at pp. 2-3.</p> <p>CforAT and the Joint Parties further noted our concerns about compliance with the Ordering Paragraphs in the 2016 decision, and requested more transparency from the Commission regarding work done by staff in response to the 2016 decision, opportunities for stakeholder input, and further examination of the issues in Phase 2 of this proceeding. Joint Comments at pp. 35-37.</p>		
<p>Following party comment on the ruling regarding compliance with the Phase 1</p>	<p>While the Phase 2 Decision closed the proceeding without further substantive input from the parties, and found</p>	<p>Verified. But, CforAT requests compensation for</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Decision, a PD was issued on September 27, 2019. As compared to the compliance evaluation provided in the Ruling issued on October 29, 2018, the PD provides substantial additional information regarding activities conducted outside of the formal record following the adoption of the Phase 1 Decision. Examples include:</p> <ul style="list-style-type: none"> • Ordering Paragraph 1: The Ruling stated that Communications Division (CD) received data from the FCC which contained, that the data showed call completion issues, but that CD could not explain the issues because of limitations on FCC data reporting. CforAT, with the Joint Parties, noted that it was unclear from the Ruling whether the data was sufficient to analyze discrepancies in the identified call completion issues. Joint Comments at pp. 12-14. The PD, while disagreeing with Joint parties’ argument, explained in more detail the CD process and what the FCC data entailed. • Ordering Paragraph 3: The Ruling simply noted that the Call Completion Survey was available on the Commission’s website, 	<p>compliance with the Ordering Paragraphs in D.16-12-066, it responded to the concerns about lack of transparency noted by CforAT and the other consumer advocates by providing substantial new information that was not included in the initial ruling considering compliance. <i>Compare</i> Ruling at pp. 8-9 <i>with</i> PD at p. 11-14; Ruling at p. 10 <i>with</i> PD at pp. 16-19; Ruling at pp. 11-12 <i>with</i> PD at pp. 23-26.</p>	<p>contributions made to D.18-07-045 and D.19-09-042. Yet CforAT discussion is centered around D.16-12-066. While we note the significance of D.16-12-006, such reference is overstated.</p> <p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>and that the Commission encourages consumers to voice their complaints. CforAT, with the Joint Parties, noted that the mere presence of the survey online did not satisfy the Commission’s directives in OP 3, and that further action must be taken to comply. Joint Comments at pp. 14-17. The PD rejected Joint Parties’ argument, but elaborated on the actions of the News and Outreach Office to comply, and resources available to consumers.</p> <ul style="list-style-type: none"> • Ordering Paragraph 6: The Ruling provided one sentence stating that the OP had been complied with and compliance letters are on file. CforAT, with Joint Parties, expressed concern that the Ruling provided no information about the contents of the letters or the sufficiency of respondent compliance. Joint Comments at pp. 17-18. The PD noted that it saw Joint Parties’ comments as a “request for fuller explanation of the compliance” and provided a summary of respondent compliance letters. 		<p>Verified</p>
<p>In comments on the PD,</p>	<p>While declining to take further action in</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>CforAT (filing with TURN and the Public Advocates Office as the “Joint Consumers”) continued to identify concerns about the sufficiency of the record in evaluating compliance with the Ordering Paragraphs of the 2016 decision, and argued that the PD would prematurely close this proceeding before issues had been resolved, while recognizing that the amount of information available about work done on identified issues was substantially expanded through the Proposed Decision.</p>	<p>this docket, the Phase 2 Decision notes the ongoing importance of the issues under consideration and specifically identifies other open dockets that are considering issues regarding telecommunications service quality, including R.18-03-011 and R.18-12-005. D.19-09-042 at p. 87, CoL 3; <i>see also</i> Phase 2 Decision at pp. 78-81 addressing other open proceedings addressing issues of network reliability.</p>	
<p>In comments on the PD, CforAT and the Joint Consumers also noted that the PD inaccurately stated that a review of the state of the telecommunications network (the Network Exam) was ongoing, when it had in fact been completed. CforAT and the Joint Consumers urged the Commission to release the full report. Joint Opening Comments on PD at pp. 1-2.</p>	<p>In contrast with the PD, the Phase 2 Decision includes an accurate discussion of the status of the Network Study, acknowledging that the study is complete and that the final report on the study has been entered into the record in R.11-12-001 (with redacted sections posted on the Commission’s website). D.19-09-042 at p. 30 and pp. 83-84.</p>	<p>Verified</p>
<p>While the Phase 2 Decision did not provide for ongoing proceedings in this docket, as requested by CforAT and the other consumer advocates, our participation directly led to the inclusion of substantially more information regarding activity taken in response to the Phase 1 Decision and express recognition of the ongoing</p>	<p>It is well established that an intervenor may be awarded compensation even if the Commission does not adopt its recommendations if the intervenor’s input enhances the ability of the Commission to effectively consider the issues before it. Specifically, the Commission has recognized that it “may benefit from an intervenor’s participation even where the</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>efforts of the Commission to address related issues in other open dockets. By inducing this additional information, CforAT and the other consumer advocates ensured that the record was enriched and that policymakers identified specific forums in which it intends to give additional consideration to the issues and concerns addressed.</p>	<p>Commission did not adopt any of the intervenor’s positions or recommendations.” D.08-04-044. Here, the Commission clearly benefited from CforAT’s participation, even as it declined to adopt certain arguments regarding compliance.</p>	

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

	Intervenor’s Assertion	CPUC Discussion
<p>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?²</p>	<p>Yes</p>	<p>Yes</p>
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes</p>	<p>Yes</p>
<p>c. If so, provide name of other parties: Cal Advocates, TURN, County of Mendocino, the Greenlining Institute</p>		<p>Yes</p>
<p>d. Intervenor’s claim of non-duplication: CforAT worked closely with various other parties throughout this phase of the proceeding, including TURN, the Greenlining Institutes, the Public Advocates Office, and the County of Mendocino. Each filing was prepared jointly with one or more additional party in order to participate effectively and avoid duplication of effort. CforAT and the other parties coordinated internally to assign tasks and collaborate in the preparation of</p>		<p>Yes</p>

² The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

	Intervenor’s Assertion	CPUC Discussion
<p>filings, with each party addressing those issues where they had the greatest expertise.</p> <p>The Commission should find that this coordinated participation was efficient, and that CforAT’s work with other advocates was conducted in such a way that each party supplemented, complemented and/or contributed to the work of the other parties.</p>		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

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

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>CforAT seeks a total of approximately \$ 48,000.00 for work conducted in Phase 2 of this proceeding. This total is reasonable compensation for our work seeking to ensure that appropriate efforts were taken to implement the improvements to reliable communications, emergency response, and service quality, identified in the Phase 1 Decision.</p> <p>CforAT’s efforts, in conjunction with other consumer advocates, supported ongoing focus and effort to address key issues of service reliability and emergency response, and helped generate a more complete record which is now available for consideration in other ongoing dockets addressing related issues.</p> <p>While it is difficult to assign a dollar figure to benefits such as those produced by CforAT in this proceeding, our constituency of customers with disabilities and other vulnerable customer groups (also referred to as customers with access and functional needs, or AFN customers) have benefitted from the Phase 1 Decision and actions to implement its requirements, and they will continue benefit from ongoing attention to these issues. In light of these benefits, CforAT’s claims are reasonable.</p>	<p>With the minor adjustments set forth below, the Commission finds CforAT’s claimed costs to be reasonable.</p>
<p>b. Reasonableness of hours claimed:</p> <p>CforAT’s effort in this proceeding was appropriate to address the important issues raised. At the same time, it was calibrated to ensure efficiency and effectiveness. This includes coordination at all times with other parties that shared our perspective, including joint filings with other</p>	<p>The Commission finds CforAT’s claimed hours to be reasonable.</p>

	CPUC Discussion
<p>consumer advocates each time party input was solicited. This resulted in more efficient work by each party and avoided the duplication of effort that would have resulted from multiple parties making similar arguments in separate filings.</p> <p>Within CforAT, work was overseen by Legal Director Melissa Kasnitz, with appropriate tasks delegated to junior attorneys, first Mike Isiri (in 2017, working on the Scheduling Motion) and then Adrian Slipski (in 2018, working on comments to the ALJ Ruling regarding compliance with the Phase 1 Decision). Where work was delegated to junior attorneys, Ms. Kasnitz appropriately continued to provide oversight and review; even with this oversight, the process of delegation resulted in efficient work with lower total compensation sought due to the lower billing rates for the junior attorneys.</p>	
<p>c. Allocation of hours by issue:</p> <p style="text-align: center;">2017 – 84.9 total hours (Kasnitz, Isiri & Woodford)</p> <p>Rehearing – 10.0 hours (12% of total) The issue area “Rehearing” includes work conducted by CforAT in response to the carriers’ Application for Rehearing of the Phase 1 Decision and the related request to stay implementation of the Phase 1 Decision.</p> <p>Implementation – 17.0 hours (20% of total) The issue area “Implementation” includes work conducted by CforAT to participate in efforts to implement the various ordering paragraphs of the Phase 1 Decision as well as work to respond to the request for party input on the adequacy of implementation efforts in response to the 2018 ALJ Ruling on this issue. This issue area includes 100% of the time spent by Analyst Kate Woodford (7 hours total), with the remaining time spent by Legal Director Melissa Kasnitz.</p> <p>Scheduling Motion – 47.3 hours (56% of total) The issue area “Scheduling Motion” includes work conducted by CforAT in support of the motion, filed jointly with TURN and the County of Mendocino, for a renewed schedule for Phase 2. The Motion included substantial analysis of communications failures associated with the 2017 Wine Country wildfires (at the time the most devastating wildfires in the state’s history) and argument that these failures should be addressed by the Commission. This issue area includes 100% of the time spent by junior attorney Mike Isiri (23.8 hours total), with the remaining time spent by Legal Director Melissa Kasnitz.</p>	<p>Verified</p>

	CPUC Discussion
<p>Phase 2 – 10.6 hours (12% of total) The issue area “Phase 2” addresses general participation in this phase of the proceeding, including procedural matters such as work to develop an appropriate scope for Phase 2 and other activity necessary for effective participation.</p> <p style="text-align: center;">2018 – 33.7 total hours (Kasnitz & Slipski)</p> <p>Rehearing – 0.5 hours (1.5% of total)</p> <p>Implementation – 24.2 hours (72% of total) This issue area includes all time by junior attorney Adrian Slipski (11.3 hours total) except for one entry of 0.3 hours allocated to Phase 2. The remaining time was spent by Legal Director Melissa Kasnitz.</p> <p>Scheduling Motion – 8.0 hours (23% of total)</p> <p>Phase 2 – 1.0 hours (3% of total)</p> <p style="text-align: center;">2019 – 3.6 total hours</p> <p>Proposed Decision– 3.6 hours (100% of total) The issue area “Proposed Decision” or “PD” includes work conducted in response to the issuance of the Proposed Decision on Phase 2 Issues.</p>	

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	2019	3.6	\$490	Applying ALJ-375 to 2018 rate	\$1,764.00	3.6	\$490	\$1,764.00
Melissa W. Kasnitz	2018	22.1	\$475	D.18-11-049	\$10,497.50	22.1	\$475	\$10,497.50
Melissa W. Kasnitz	2017	54.1	\$465	D.17-11-031	\$25,156.50	54.1	\$465	\$25,156.50
Adrian Slipski	2018	11.6	\$190	Requested rate prior to CA Bar	\$2,204.00	11.6	\$210[1]	\$2,436.00

CLAIMED						CPUC AWARD		
				Admission (see comment below)				
Michael Iseri	2017	23.8	\$210	D.17-11-031	\$4,998.00	23.8	\$210	\$4,998.00
Kate Woodford	2017	7.0	\$140	D.17-11-031	\$980.00	7.0	\$145[2]	\$1,015.00
Subtotal: \$45,600.00						Subtotal: \$45,867.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Adrian Slipski	2019		\$105	½ Requested Rate (see comment below)	\$1,071.00	10.2	\$105	\$1,071.00
Melissa W. Kasnitz	2019		\$245	½ Standard Rate	\$1,102.50	4.5	\$245	\$1,102.50
Subtotal: \$2,173.50						Subtotal: \$2,173.50		
TOTAL REQUEST: \$47,773.50						TOTAL AWARD: \$48,040.50		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Melissa W. Kasnitz	December, 1992	162679	No, but includes periods of inactive status prior to 1997					

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

CLAIMED			CPUC AWARD
Adrian Slipski	June, 2019	325910	No
Michael Iseri	December, 2015	307607	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Detailed Time Records (Merits and Compensation) for work contributing to D.18-07-045 and D.19-09-042
Comment	<p>CforAT has previously submitted a compensation request in R.19-02-012 (TNC Access), filed on September 3, 2019, that includes work performed by Mr. Slipski both prior to and following admission to the bar, as well as a compensation request filed in R.12-06-013 (RROIR) on July 7, 2019, that includes work performed by Mr. Slipski following his admission to the bar. These filings provided information about Mr. Slipski's education and experience in support of these requested rates.</p> <p>No action has yet been taken on these requests. For work done prior to Mr. Slipski's admission to the bar, CforAT has requested a rate of \$190 per hour, and for work following bar admission, CforAT has requested a rate of \$210 per hour.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
Comp Preparation	IComp claim preparation is compensable and requires completion of the claim form. We note that several claims from CforAT are blank from "PART IV: Finding of Facts to the end of Appendix." We remind CforAT to adhere to the compliance as stated in the IComp Program Guide.
[1] Adoption of Hourly rate for Mr. Slipski	CforAT requested a rate of \$190 per hour, and for work following bar admission, CforAT has requested a rate of \$210 per hour. The Commission adopts the \$210 rate as reasonable.
[2] Correction of adopted hourly	Correction of 2017 adopted hourly rate for Ms. Woodford, from \$140 to \$145. See D.17-11-031.

Item	Reason
rate	

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))**

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.)18-07-045 and D.19-09-042.
- The requested hourly rates for Center for Accessible Technology's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
- The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
- The total of reasonable compensation is \$48,040.50.

CONCLUSION OF LAW

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

ORDER

- Center for Accessible Technology shall be awarded \$48,040.50.
- Within 30 days of the effective date of this decision, the Commission's 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 February 9, 2020, the 75th day after the filing of Center for Accessible Technology's request, and continuing until full payment is made.

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

This decision is effective today.

Dated _____, 2020, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1807045, D1909042		
Proceeding(s):	I14050012		
Author:	ALJ Mason		
Payer(s):	Commission's Intervenor Compensation Fund		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
Center for Accessible Technology	11/26/2019	\$47,773.50	\$48,040.50	N/A	See CPUC Comments and Adjustments above

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa W.	Kasnitz	Attorney	\$490	2017	\$490
Melissa W.	Kasnitz	Attorney	\$475	2018	\$475
Melissa W.	Kasnitz	Attorney	\$465	2019	\$465
Adrian	Slipski	Attorney	\$190	2018	\$210
Michael	Iseri	Attorney	\$210	2017	\$210
Kate	Woodford	Expert	\$140	2107	\$145

(END OF APPENDIX)