RIM/nd3 **Date of Issuance: 5/29/2020**

Decision 20-05-036 May 21, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Order Instituting Investigation to Address Intrastate Rural Call Completion Issues. | Investigation 14‑05‑012 |

**DECISION GRANTING INTERVENOR COMPENSATION TO**

**THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION**

**TO DECISION (D.) 18‑07‑045 AND D.19‑09‑042**

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| **Intervenor:**  The Utility Reform Network | **For contribution to Decisions (D.) 18‑07‑045, D.19‑09‑042** |
| **Claimed:** $88,054.18 | **Awarded:** $88,054.18 |
| **Assigned Commissioner:**  Clifford Rechtschaffen | **Assigned ALJ:**  Robert Mason |

**PART I: PROCEDURAL ISSUES**

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| **A. Brief description of Decision:** | This compensation request covers two Commission decisions related to the policies, procedures, and practices that impact rural call completion issues, including network resiliency and emergency services, addressed in the implementation of D.16‑12‑066 (Investigation (I.) 14‑05‑012). **Decision 18‑07‑045** modifies D.16‑12‑066, the Phase 1 Decision, and rejects the carriers’ Application for Rehearing and Motion to Stay. **Decision 19‑09‑042** determines communications providers’ compliance with D.16‑12‑066 as part of Phase 2 of this proceeding and closes the investigation. |

1. **Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801‑1812[[1]](#footnote-1):**

|  | **Intervenor** | **CPUC Verification** |
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| **Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):** | | |
| 1. Date of Prehearing Conference: | N/A | Verified |
| 2. Other specified date for NOI: | August 19, 2014 | Verified |
| 3. Date NOI filed: | June 12, 2015 | Verified |
| 4. Was the NOI timely filed? | | Yes, pursuant to ALJ Ruling filed July 9, 2015 |
| **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 |
| 6. Date of ALJ ruling: | July 9, 2015 | Verified |
| 7. Based on another CPUC determination (specify): | N/A | N/A |
| 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: | R.14‑05‑001 | Verified |
| 10. Date of ALJ ruling: | September 5, 2014 | Verified |
| 11. Based on another CPUC determination (specify): | N/A | N/A |
| 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: | September 27, 2019 | Verified |
| 15. File date of compensation request: | November 25, 2019 | Verified |
| 16. Was the request for compensation timely? | | Yes |

1. **Additional Comments on Part I: *(use line reference # as appropriate)***

| **#** | **Intervenor’s Comment(s)** | **CPUC Discussion** |
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| B.1‑4 | The OII specified that NOIs should be filed within 90 days of the issuance of the OII, which would have been August 19, 2014. TURN was not an active party to the proceeding during the first round of comments. Almost a year after parties filed initial comments on the OII, the Assigned Commissioner issued a Scoping Memo that included additional issues from the OII that were not addressed in the preliminary scoping memo. TURN filed comments on the issues set forth in the Scoping Memo and filed its NOI contemporaneously with those comments. On July 9, 2015, the Administrative Law Judge issued a ruling accepting TURN’s NOI and making “a preliminary finding that TURN is eligible to request intervenor compensation in this proceeding.” TURN has been awarded compensation for its work on Phase 1 of this proceeding in D.17‑05‑012. | Verified |

**PART II: SUBSTANTIAL CONTRIBUTION**

1. **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** |
| --- | --- | --- |
| 1. Background  Following call completion failures primarily in rural areas of the state, the Commission opened this proceeding to investigate the underlying cause of those failures and to remediate the failures’ effects on communication in general, including on public safety. In 2016, the Commission issued Decision 16‑12‑066, which made findings regarding the causes of call completion failures and other types of outages, and required carriers and Staff to take action to prevent future call completion failures and to facilitate information exchange between carriers and emergency responder agencies. The Phase 1 Decision adopted multiple action items and deliverables for the Commission Staff, emergency personnel agencies and communications providers to discuss, further refine, and implement the findings and orders within the Decision. TURN was an active party, engaging with consumers and encouraging public comment throughout the state, and the Commission found that TURN contributed substantially to the Phase 1 Decision in this proceeding.  In Phase 2 of this proceeding, in the face of a Motion to Stay from the industry participants, TURN advocated that the Commission expedite its work in this proceeding, especially in light of the then‑recent wildfires and the need for reliable communication in rural areas of the state. The Commission Staff moved forward with Phase 2 through a handful of workshops and comment cycles. Although intervenors were not invited to participate in each Phase 2 event, TURN, along with CforAT and Public Advocates, participated in workshops and each opportunity for comments and took its own affirmative steps to move the Commission’s process along to address pressing social issues regarding network resiliency and outages in rural areas.  In its Phase 2 Decision, the Commission finds that Staff and other stakeholders have “completed their tasks” as set forth in the Phase 1 Decision. Yet, the Commission also notes that some issues in this proceeding remain active before the Commission and determines that it will further consider remaining call failures, public safety, and service quality issues in other proceedings. The Phase 2 Decision includes clarifications requested by TURN, which not only support the record in this proceeding but will also assist the Commission’s work in other proceedings where the robust record of this proceeding will be available.  As such, TURN files its compensation request and requests that the Commission finds that it has made a substantial contribution to the record of this proceeding that has, in turn, allowed the Commission to complete its review of providers’ and Staff’s compliance with the Phase 1 Decision, and developed the record of this proceeding which will be available in other proceedings for further evaluation and analysis. | OIR at p. 1;  see generally, D.16‑12‑066 (Phase 1 Decision);  see generally, D.17‑05‑012 (granting TURN intervenor compensation for its substantial contribution to D.16‑12‑066).  See generally, TURN and CforAT Motion for Procedural Schedule (dated December 21, 2017);  see, e.g., D.19‑09‑042 at pp. 8 (workshops), 91 (motion for procedural schedule), 10‑11 (comment cycles).  D.19‑09‑042 at p. 2 (“completed their tasks”);  D.19‑09‑042 at p. 54, 64 COL 3 (related concerns can be raised in other proceedings);  ALJ Ruling (dated September 13, 2019) at p. 1. | Verified |
| 2. Carriers’ Motion to Stay and Application for Rehearing  Following Decision 16‑12‑066, the carriers filed an Application for Rehearing challenging the Phase 1 Decision on several procedural and due process grounds, arguing “that the Commission must nullify the Decision in its entirety,” and motioned to stay the Decision in light of their pending Application for Rehearing.  TURN, together with the Center for Accessible Technology and the County of Mendocino, opposed carriers’ Application for Rehearing and Motion to Stay. In opposition to the carriers’ Motion to Stay on the ground that it had filed an Application for Rehearing, TURN provided the correct legal standard for such a motion, noting “The Public Utilities Code and the Commission’s Rules of Practice and Procedure clearly and explicitly state that a party may not avoid compliance with a Commission order by filing an application for rehearing.” TURN, as part of the Joint Parties, also argued that a categorization designation of “investigation” does not prohibit the Commission from imposing requirements on the carriers, and that the revisions to the proposed decision that preceded Decision 16‑12‑066 were in response to parties’ comments, and were properly considered and adopted. Further TURN argued that the scope of the Phase 1 Decision properly included emergency calling issues and network outages more broadly than the FCC’s definition of “rural call completion.”  The Commission agreed with TURN’s arguments, denied the carriers’ Application for Rehearing, and deemed their Motion to Stay as moot. Specifically, the Commission agreed that revisions to the proposed decision were in response to parties’ comments, and were properly considered, adopted, and supported by the record and agreed that it followed proper procedures to ensure that the scope of the Phase 1 Decision was not overly broad and that parties had adequate notice and opportunity to comment on each of the issues addressed by the Phase 1 Decision. | D.18‑07‑045 at pp. 7‑8, 18.  See generally, TURN and CforAT Opposition to Carriers’ Motion to Stay (dated February 17, 2017) and Joint Parties Applications for Rehearing (dated February 21, 2017);  TURN and CforAT Opposition to Carriers’ Motion to Stay (dated February 17, 2017) at p. 1;  Joint Parties Opposition to Carriers’ Applications for Rehearing (dated February 21, 2017) at pp. 5‑6, 11‑12.  D.18‑07‑045 at p. 36 (denying carriers’ Application and finding carriers’ Motion moot);  D.18‑07‑045 at pp. 9 (parties had sufficient notice and opportunity), 18 (modifications to the proposed decision were lawful), 19‑24 (noting revisions to the proposed decision were in response to parties’ comments and supported by the record). | Verified |
| 3. Scoping Memo  Within a few months of the Phase 1 Decision, the Commission issued a scoping memo on Phase 2 issues. Amongst other things, the Scoping Memo “invite[d] the parties to submit comments regarding certain aspects of the Phase II scope to help the Commission determine if issues have been suitably framed and refined so that resources are properly utilized in order to provide the most useful information to the Commission for an eventual Phase II decision.”  Prior to the draft Scoping Memo, TURN analyzed the OIR and the Phase 1 Decision to determine what, if any, outstanding issues remained for Phase 2 and met with the Assigned Commissioner to provide TURN’s input into the scope of Phase 2. Once the draft Scoping Memo was issued, TURN further reviewed to determine if any critical issues were not set forth in the scoping memo. In opening comments on the scoping memo, TURN, with GLI and CforAT, set forth their analysis, including additional issues that should be within the scope of Phase 2. The carriers filed comments on the Scoping Memo urging a significant reduction in the scope. In reply comments, TURN, GLI, and CforAT opposed carriers’ request to continue to delay implementation of the Phase 1 requirements and to exclude implementation of some of those requirements as part of Phase 2.  While the Commission did not expand the Scoping Memo to include the issues TURN requested, it agreed with TURN and Joint Consumers to reject the carriers’ requests to narrow the scope and the Commission agreed that it should consider compliance with each of the ordering paragraphs in the Phase 1 Decision within the scope of the Phase 2. | Scoping Memo (dated March 6, 2017) at p. 4.  See generally, Joint Consumers Opening Comments on the Phase 2 Scoping Memo (dated April 3, 2017);  Joint Consumers Opening Comments on the Phase 2 Scoping Memo (dated April 3, 2017) at pp. 9‑10 (additional issues);  Joint Consumers Reply Comments on the Phase 2 Scoping Memo (dated April 12, 2017) at pp. 2‑9.  D.19‑09‑042 at fn. 9 (“No changes were made to the scope of Phase II”);  see generally, D.19‑09‑042 at pp. 11‑70 (discussing compliance with each of the Phase 1 Decision ordering paragraphs). | Verified, except that reference to D.19‑09‑042 at fn. 9 should be to fn. 32. |
| 4. Motion for Procedural Schedule  After the Commission granted the carriers’ request to eliminate a scheduled comment period on Phase 2 issues, the parties to the proceeding had no information regarding what, if any, compliance activity was taking place. At about this time, the state experienced the Wine County fires of 2017, one of the deadliest and most destructive fires at that time.  TURN worked closely with the County of Mendocino and the North Bay North Coast Broadband Consortia to analyze these rural residents’ ability to access communication services during the wildfire, and relatedly their ability to receive reverse 911 evacuation notices and contact emergency services. TURN and CforAT analyzed the Consortia’s informal survey of its residents. The results were alarming: residents experienced services outages that could have prevented them from receiving evacuation notices. TURN and CforAT moved for procedural schedule to expedite the work in Phase 2, including compliance with the Phase 1 Decision.  Ultimately, the Commission issued an amended scoping memo which acknowledged that it took longer than expected for Staff and the carriers to comply with the Phase 1 Decision. While the amended scoping memo did not adopt the Motion’s recommendations to address the rural communication services outages in this proceeding beyond what was set out in the Phase 1 ordering paragraphs, in the related October 2018 ALJ Ruling, the Commission provided a road map to what it believed was the current status of compliance with the Phase 1 Decision ordering paragraphs and set forth a path for some issues to be addressed in other proceedings. | ALJ Ruling (dated July 13, 2017) at p. 2 (removing comment period).  Motion for Procedural Schedule (dated December 21, 2017) at pp. 6‑19;  see generally, Motion for Procedural Schedule, Declaration of Trish Steel in Support of Motion for Procedural Schedule in Phase 2 (dated December 20, 2017);  Motion for Procedural Schedule (dated December 21, 2017) at pp. 19‑29;  D.19‑09‑042 at pp. 9‑10.  Amended Scoping Memo (dated September 4, 2018) at pp. 2‑3 (acknowledging delay);  ALJ Ruling (dated October 29, 2018) at p. 1;  D.19‑09‑042 at p. 64, 78‑81 COL 2. | Verified |
| 5. Outage Reporting and Implications for Emergencies  Decision 16‑12‑066 kept the proceeding open to consider, among other things, “whether outage reporting should be made to the OES official contacts, what level of outages should be reported, and which types of carriers, if any, should be required to provide such outage reporting.”  As discussed above, TURN, CforAT and the County of Mendocino submitted a detailed Motion describing the impacts of wildfire disasters on residential communications and requesting a specific detailed schedule for consideration of the related issues from the Phase 1 Decision and additional issues to support robust emergency communications in rural areas. The October 2018 Ruling acknowledged that the Commission opened additional proceedings that address some of the outages and concerns detailed in the Joint Parties’ Motion, including the reliability of communications services for first responders and consumers before, during, and after emergencies (R.18‑03‑011, issued April 2, 2018), and during planned power shut‑offs (R.18‑12‑005, issued December 19, 2018).  In various forums before the Commission, including in comments in response to the September 2019 ALJ Ruling and comments on the proposed decision, TURN recommended the extensive record of this proceeding, including public comments from consumers and first responders throughout the state regarding the effects of call completion failures and related outages such as those detailed in the attachments to the Joint Motion, be made available in the other proceedings.  In the Final Decision, the Commission agreed that the record here has value in those other proceedings and, while it did not take the opportunity to explicitly defer specific issues to those other proceedings, Decision 19‑09‑042 stresses that pending issues here can be taken up in other proceedings, and the Decision states, “with its R.18‑03‑011 and R.18‑12‑005 open proceedings . . . the Commission remains engaged in the issue of service quality and how outages impact public safety, and continues to solicit public comment and participation in the proceedings.” | D.16‑12‑006 at p. 20 (“whether outage reporting should. . . .”);  Scoping Memo (issued March 6, 2017) at pp. 3‑4.  TURN and CforAT Motion for Procedural Schedule (dated December 21, 2017) at p. 1, 6‑16, 20‑24;  TURN and CforAT Motion for Procedural Schedule, Declaration of Trish Steel in Support of Motion for Procedural Schedule in Phase 2 (dated December 20, 2017);  ALJ Ruling (dated October 29, 2018) at pp. 27‑28.  TURN, CforAT, and County of Mendocino Opening Comment on the ALJ Ruling (dated November 28, 2018) at p. 1, fn. 2;  see generally, TURN, CforAT, and the National Consumer Law Center Opening Comments on the ALJ Ruling (dated September 18, 2019);  see generally, TURN, CforAT, and Public Advocates Opening Comments on the Proposed Decision (dated August 26, 2019).  D.19‑09‑042 at pp. 2, 64 (“with its R.18‑03‑011. . . .”), 78‑81. | Verified |
| 6. Collaboration with Other Agencies  Throughout Phase 1 of the proceeding and in public comment throughout the state, the Commission heard from community members and first responders regarding the carriers’ lack of communication regard the existence and anticipated duration of communication service outages. In response, Decision 16‑12‑066 required carriers and Staff to collaborate with Cal OES, and local and tribal offices of emergency services, to communicate outages and other information pertinent to public safety and emergency responses. Specifically, the Commission ordered, “This Decision directs that Phase 2 of this Proceeding will examine whether the Commission should require respondents to report outages to public safety officials at the local, county, and state level, in addition to the outage reporting to the Commission we order herein.”  TURN and CforAT moved for a procedural schedule, in part, to expedite and follow up on carriers’ efforts to collaborate with offices of emergency services and the adequacy of the few efforts to‑date to satisfy the letter and spirit of Decision 16‑12‑006. Similarly, in comments on the October 2018 ALJ Ruling and proposed decision, TURN, with other consumer advocates, recommended the Commission provide additional information regarding any collaborative efforts with Cal OES and other offices of emergency services, and with the 211, 711, and 811 coalitions.  In response to the requests by TURN and CforAT, in its Final Decision, the Commission provided additional information regarding the providers’ and the Commission’s efforts to collaborate with Cal OES and other offices of emergency services, noting “ongoing collaboration between SED, Cal OES, Cal Fire and other emergency responders to improve communications during emergencies, including wildfires.” The Commission also noted that the “Communications Division has been and will continue to be in contact with Cal OES regarding outages. . . .” Furthermore, the Commission included additional information in the Final Decision regarding its ongoing work with the 211, 711, and 811 coalitions. | D.16‑12‑066 at p. 5, 151 (“This Decision directs. . . .”), OPs 16‑18, 22;  Scoping Memo (issued March 6, 2017) at pp. 3‑4.  TURN and CforAT Motion for Procedural Schedule (dated December 21, 2017) at pp. 20‑27;  TURN, CforAT, and the County of Mendocino Opening Comments on the ALJ Ruling (dated November 28, 2018) at pp. 25‑26, 27‑31;  TURN, CforAT, and the County of Mendocino Reply Comments on the ALJ Ruling (dated December 13, 2018) at pp. 2‑4, 6‑7;  TURN, CforAT, and Public Advocates Opening Comments on the Proposed Decision (dated August 26, 2019) at pp. 1‑5.  D.19‑09‑042 at p. 46 (“ongoing collaboration. . .”), 47‑49 (additional information regarding ongoing collaborations);  D.19‑09‑024 at p. 57 (“Communications Division. . . “);  D.19‑09‑024 at pp. 23‑29 (describing work with 211 and 911 coalitions). | Verified |
| 7. Compliance with D.16‑12‑006  The Commission included in the Phase 2 Scoping Memo that it would “evaluate the completeness of the telephone carriers’ responses to OPs 1, 2, 5, 6, 7, 11, and 16, and determine if any clarifying or follow up information should be required” and invited comments on the directives set forth in Decision 16‑12‑066 at OPs 21‑22.  As active parties to the proceeding, TURN and CforAT followed the implementation of Decision 16‑12‑066. As discussed above, TURN and CforAT motioned for a procedural schedule, in part, to provide clarity and transparency on the implementation of the Decision 16‑12‑066 requirements.  The ALJ issued a Ruling in October 2018, and the Commission issued a proposed decision, with compliance summaries for each of the ordering paragraphs in Decision 16‑12‑066. In comments on the Ruling and the Proposed Decision, TURN sought clarity regarding the adequacy and completeness of the reported compliance. For example, TURN requested additional information about carriers’ consumer education to their MLTS customers (OPs 5‑6), carriers’ report of their practices of attaching communications equipment to trees (OPs 11‑12), and outage reporting (OP 20‑22).  The Commission provided the requested information in its Final Decision. For example, the Commission modified the proposed decision to include a more thorough discussion and analysis to support its compliance summaries with regards to consumer education for MLTS customers, carriers’ practices of attaching communications equipment to trees, and outage reporting. | Scoping Memo (issued March 6, 2017) at pp. 4‑5 (“evaluate the completeness. . .”).  See generally, TURN and CforAT Motion for Procedural Schedule (dated December 21, 2017).  TURN, CforAT, and the County of Mendocino Opening Comments on the ALJ Ruling (dated November 28, 2018) at pp. 17‑19 (OPs 5‑6), 20‑22 (OPs 11‑12), 26‑31 (OP 20‑22);  TURN, CforAT, and the County of Mendocino Reply Comments on the ALJ Ruling (dated December 13, 2018) at pp. 6‑7 (OPs 20‑22);  TURN, CforAT, and Public Advocates Opening Comments on the Proposed Decision (dated August 26, 2019) at pp. 1‑2, 8 (OP 11).  D.19‑09‑042 at pp. 23‑26 (OP 6), 33‑37 (OPs 11‑12), 52‑55 (OP 20). | Verified |
| 8. Relation to Other Proceedings  Recognizing the extensive record in this proceeding that documents rural call completion and other related communication outages and service quality issues, the Administrative Law Judge requested comments on whether the record of this proceeding should be made available in a related proceeding, Rulemaking 18‑03‑011.  TURN, the Center for Accessible Technology, and the National Consumer Law Center, filed comments in support of the inclusion of the complete record of I.14‑05‑012 regarding Rural Call Completion into the Disaster Relief proceeding, R.18‑03‑011. In this proceeding, TURN’s Joint Motion and comments have contributed to a robust record in Phase 2 that, when combined with the work in Phase 1, allows the Commission to rely on this record to inform its work in other proceedings that are addressing vital public safety and service quality issues. Specifically, Joint Consumers stated, “In the Disaster Relief proceeding, Joint Consumers have repeatedly noted the relevance of matters also addressed in the Rural Call Completion docket, including issues about the importance of ensuring continuous access to 911 and emergency services” and “the [then] pending Phase 2 PD in the Rural Call Completion Docket specifically refers to the Disaster Relief docket as an appropriate forum for ongoing review of these matters.”  While CCTA and AT&T each filed comments opposing the Commission’s decision to transfer the record in this proceeding claiming that the issues addressed in this docket were not relevant to the scope of issues in R.18‑03‑013, the Commission rejected the carriers’ argument in favor of TURN’s position to include the record. The September 2019 ALJ Ruling entering the record acknowledges that the work of the parties in this proceeding created a record that, “will support the Commission’s efforts to build and sustain a more resilient approach in providing disaster preparedness and relief to California in times of crisis.”  While Decision 19‑09‑042 closes the Investigation 14‑05‑012, TURN, as part of Joint Consumers, intends to continue to advocate for safe, reliable, and affordable communications services, including in rural areas and during emergencies, and to rely on the record in this Investigation to inform TURN’s future work in Rulemaking 18‑03‑011. | ALJ Ruling (issued September 13, 2019) at p. 1.  TURN, CforAT, and the National Consumer Law Center Opening Comments on the ALJ Ruling (dated September 18, 2019) at pp. 1‑2;  see generally, Motion for Procedural Schedule (dated December 21, 2017);  see generally, Motion for Procedural Schedule, Declaration of Trish Steel in Support of Motion for Procedural Schedule in Phase 2 (dated December 20, 2017);  TURN, CforAT, and the National Consumer Law Center Opening Comments on the ALJ Ruling (dated September 18, 2019) at p. 1 (“In the Disaster Relief proceeding. . .” and “the pending Phase 2 PD . . .”).  ALJ Ruling (issued September 13, 2019) at p. 1 (“will support the Commission’s efforts. . .”).  D.19‑09‑042 at p. 80, OP 1. | Verified |

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

|  | **Intervenor’s**  **Assertion** | **CPUC**  **Discussion** |
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| **a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?[[2]](#footnote-2)** | Yes | Verified |
| **b. Were there other parties to the proceeding with positions similar to yours?** | Yes | Verified |
| **c. If so, provide name of other parties:**  The Center for Accessible Technology, County of Mendocino, Greenlining Institute | | Verified |
| **d. Intervenor’s claim of non‑duplication:**  This compensation request covers two years of work, several filings, and a workshop. The work implicates numerous policies and practices that have significant impacts on Californians and their ability to utilize communications services, including during emergency situations. TURN’s participation with CforAT, the Greenlining Institute, and the County of Mendocino, allowed TURN to efficiently participate and conserve resources while at the same time, maximize its substantial contribution in the proceeding and avoid duplication of effort.  TURN often took the lead to coordinate and assign work tasks between the intervenors, file and serve pleadings, coordinate ex parte meetings, and attend workshops. Each of the coalition members brought their own expertise to the work including expertise in county emergency capabilities, special needs communities, network service quality, and federal and state outage and rural call completion requirements, resulting in an overall understanding of the lessons learned and consumer needs for reliable communications services during and absent emergency situations. TURN found the expertise and experiences of these groups were also directly applicable to the broader issues in this proceeding and the combination of organizations made our participation more effective and efficient than if done individually.  While, at times, TURN coordinated its efforts and research with Public Advocates, TURN did address issues independent of Public Advocates in this proceeding. For example, independent of work done by Public Advocates, TURN worked closely with and developed a relationship with the County of Mendocino, and used information from Broadband Consortium in that County to call for Commission action following the communication services failures residents experienced in that county during a wildfire. Public Advocates’ participation in the docket did not cover these specific types of details. Moreover, Public Advocates did not file a response to the carriers’ Applications for Rehearing or Motion to Stay.  The Commission should find that TURN’s participation was efficiently coordinated with other intervenors and Public Advocates where possible, so as to avoid undue duplication and to ensure any duplication served to supplement, complement, or contribute to TURN’s showing and the showing of other intervenors. | | Verified |

1. **Additional Comments on Part II: *(use line reference # or letter as appropriate)***

| **#** | **Intervenor’s Comment** | **CPUC Discussion** |
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| B(c) | TURN filed jointly with the National Consumer Law Center on a Joint ALJ Ruling in this proceeding and in R.18‑03‑011, not consolidated. National Consumer Law Center is not a party to this proceeding. | Verified |

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

|  | **CPUC Discussion** |
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| **a. Intervenor’s claim of cost reasonableness:**  TURN’s request for intervenor compensation seeks approximately $88,054.00 as the reasonable cost of our participation in this proceeding. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to California customers from TURN’s work to ensure that consumer voices are represented on matters related to reliable communications, emergency services coordination and rural service quality issues.  The policies and the implementation process adopted in this proceeding directly impacts consumers’ abilities to make and receive reliable communications, especially during an emergency. TURN’s work in this proceeding also supported the development of a robust record and strong policies regarding the importance of reliable communications that is now being used in other, related, Commission proceedings to also benefit consumers. The Commission has previously recognized the value of these policies and rules when awarding intervenor compensation. *See, for example,* D.17‑05‑012 (granting TURN intervenor compensation for its substantial contribution to D.16‑12‑066 in this proceeding), and D.15‑11‑015 (granting TURN compensation for work on rural broadband deployment issues in Small LEC territory).  TURN’s work in this proceeding also supported transparency in the Commission’s work to develop critical processes that facilitate communications and coordination among the communications providers, emergency service providers (local and state) and the Commission. TURN’s work also resulted in specific compliance reporting requirements, and the inclusion of the record of this proceeding in other proceedings. Ultimately, California ratepayers benefited from more transparent and efficient processes and conservation of Commission resources.  TURN’s advocacy reflected in D.18‑07‑045 and D.19‑09‑042 address policy matters, rather than specific rates or disputes over particular dollar amounts. As such, TURN cannot easily identify precise monetary benefits to ratepayers from our work in this proceeding.  However, while it is difficult to attach a dollar value to these policies and the requirements for improved emergency communication practices, TURN submits that the Commission should find that TURN’s costs of participation are reasonable in light of the significant consumer benefits from these policies and rules. | Verified |
| **b. Reasonableness of hours claimed:**  Ms. Costa was TURN’s lead advocate on this case. She developed TURN strategy and positions, represented TURN at proceeding events and worked with other intervenors and members of the public to prepare for filings and participation in the proceeding.  Ms. Mailloux and Ms. Salas played critical roles in TURN’s contributions to this proceeding by working closely as a team with Ms. Costa to split up the work to analyze the Phase 1 Decision, draft pleadings, consult on strategy, and attend proceeding‑related events. The timesheets reflect coordination of effort on several issues in the case. As the proceeding became focused on compliance with the Phase 1 Decision, Ms. Mailloux and Ms. Salas took on a greater role in this proceeding.  Some time record entries reflect internal meetings and external Commission events involving two or more TURN representatives. The scope of this proceeding was broad, including emergency services communications and compliance with a wide‑reaching Phase 1 Decision, making it necessary to coordinate TURN’s work among the internal team who had been working on different aspects and issues in the case, and to have more than one TURN representative at the Commission events. Moreover, due to the fact that Phase 2 of this case took several years to complete, TURN had to staff the proceeding with multiple staff to ensure consistent coverage and continuity in our work. To conserve its resources, TURN only attended meetings where it had been invited to participate or where TURN advocates had specific knowledge of the issues to be discussed. To further conserve resources, TURN advocates attended these meetings by phone.  In drafting this request for compensation, TURN has carefully reviewed its time sheets and has deleted entries where there is a likelihood of unnecessary duplication. To mitigate potential internal duplication, where a meeting or call included multiple TURN participants, we have deleted some of the time entries for one of the participants in an event, but kept the time entry for the other participant. However, because the coordination among TURN staff and externally with our allies is critical and reasonable for our work in this proceeding, we find that the remaining entries reflect TURN’s substantial contribution and the coordinated work effort by its internal team.  *Motion for Procedural Schedule and Subsequent October 2018 ALJ Ruling*  The Commission should find TURN’s work on the 2017 Motion for Procedural Schedule and its comments on the October 2018 ALJ Ruling, coded primarily as FIRE and IMP, while significant, to be reasonable. In 2017, the Wine County Fires tore through Sonoma and Mendocino Counties, and residents—some of whom experienced rural call completion failures and other outages as noted during the Phase 1 public participation hearings—were dependent on those communications services for evacuation notices and emergency services. TURN worked closely with a Broadband Consortia and the County of Mendocino to bring forth concerns and the results of an information survey of the residents that showed residents did not have access to communications services during the fires.  The requirements ordered in Phase 1 of this proceeding had direct implications for those residents’ ability to access communication services, especially during an emergency. Yet Phase 2 of the docket had slowed down and it appeared little progress was being made. As such, TURN motioned for a procedural schedule to ensure the Phase 1 Decision would be timely implemented, and reduce the chances that rural residents would face communications outages during future emergencies. Indeed, while it took several months and additional meetings, the Commission issued a detailed Ruling regarding the compliance progress of each OP from the Phase 1 Decision. TURN’s further work to provide a detailed response to that Ruling also represents a reasonable work effort to ensure that the Commission had addressed all elements of each OP and was as transparent and comprehensive as possible as it demonstrated compliance with these customer‑critical processes and requirements.  The time spent on the Motion for Procedural Schedule, to work with Mendocino County, and to document gaps in compliance, were within the scope for Phase 2 and reflect the Commission’s ongoing evaluation of the need for carriers to work with local governments, emergency agencies, and providers, especially to support improved communications during emergency situations. While the Final Decision does not adopt many of the recommendations and requests that TURN and other intervenors made to bolster the Commission’s work on these critical issues and to ensure a clear path to Phase 1 compliance, the Commission has previously recognized that TURN’s active participation and overall hours spent on these issues represent reasonable hours and substantial contribution. *See*, *e.g.*, D.19‑10‑019 (citing Section 1802(j); D.08‑04‑004; D.10‑06‑046; D.09‑12‑014) (“TURN substantially contributed to the decision‑making process because the Commission benefitted from the legal and factual arguments TURN made. . . . Although the Commission did not adopt TURN’s legal contentions, the Commission did consider TURN’s factual contentions and adopted procedural recommendations related to scheduling and evidence.”) Here, we request that the Commission find that the number of hours representing TURN’s work to respond to the Commission’s requests for stakeholder input, the scope of Phase 2, transparency for the Commission’s and carriers’ compliance efforts for the Phase 1 requirements, and further clarifications and amendments to the Phase 1 requirements is a substantial contribution to this proceeding.  *Reasonableness of Expenses:*  The Commission should find that the expenses associated with TURN’s participation in this proceeding are reasonable. TURN has no travel expenses and minimal phone, copying, and other charges. TURN’s legal research expenses relate to work done to oppose the carriers’ Application for Rehearing and represents a reasonable expense relative to the legal issues raised regarding scope and due process. This proceeding has continued for several years, and TURN has made efforts to ensure that its copying and postage charges are reasonable, has been cautious in incurring expenses, and has been conservative in its decision to include certain expenses in this compensation request.  *Attorney Hourly Rates:*  *Christine A. Mailloux*  TURN is using Ms. Mailloux’ approved rate for her work in 2017 and 2018.  TURN requests and hourly rate of $495.00 for Ms. Mailloux’ work in 2019. TURN calculated this rate by increasing Ms. Mailloux’ 2018 approved rate with a COLA of 2.35% approved by ALJ‑357 (2019).  *Ashley L. Salas*  TURN is using Ms. Salas’ approved rate for her work in 2017 and 2018.  TURN requests an hourly rate of $235.00 for Ms. Salas’ work in 2019. TURN calculates this rate by increasing Ms. Salas’ 2018 approved rate with a COLA of 2.35% approved by ALJ‑237 (2019). TURN also requested this same rate for Ms. Salas in its request for compensation filed in R.13‑01‑010, R.12‑10‑012, and R.18‑03‑011.  *Regina Costa*  TURN requests and hourly rate of $310.00 for Ms. Costa’s work in 2017. TURN calculated this rate by increasing Ms. Costa’s 2016 approved rate with a COLA of 2.14% approved by ALJ‑345 (2017).  TURN requests and hourly rate of $315.00 for Ms. Costa’s work in 2018. TURN calculated this rate by increasing Ms. Costa’s 2016 approved rate with a COLA of 2.14% approved by ALJ‑345 (2017), and a COLA of 2.3% approved by ALJ‑352 (2018).  TURN requests and hourly rate of $320.00 for Ms. Costa’s work in 2019. TURN calculated this rate by increasing Ms. Costa’s 2016 approved rate with a COLA of 2.14% approved by ALJ‑345 (2017), a COLA of 2.3% approved by ALJ‑352 (2018), and a COLA of 2.35% approved by ALJ‑357 (2019). TURN also requested this same rate for Ms. Costa in its compensation request filed in R.18‑03‑011. | Verified |
| **c. Allocation of hours by issue:**  TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes.   |  |  |  | | --- | --- | --- | | **Code** | **Description** | **Allocation**  **of Time** | | COMP | **Compensation** ‑ Work spent on compensation requests related matters. | 3.91% | | COOR | **Coordination of Effort** ‑ Work spent coordinating efforts, including dividing drafting and representation of issues, for comments, ex parte meetings, and workshops with other intervenors. | 8.26% | | APP | **Application for Rehearing** – Time spent by TURN advocates to analyze and draft its opposition to the Application for Rehearing filed by multiple carriers that were parties to this proceeding. | 19.71% | | IMP | **Implementation of the Phase 1 Decision** ‑ Work by TURN advocates to participate in and comment on the carriers’ compliance with the Phase 1 Decision. | 27.98% | | PH2 | **Phase 2 Scope** – Analysis and advocacy on the proper scope for Phase 2 issues. | 15.81% | | FIRE | **Rural Call Completion Issues During Fires** – Time spent advocating for Commission action following outages and other public safety issues during disasters, and whether those issues could be addressed in other proceedings. | 24.42% | | **TOTAL** | | **100%** | | Verified |

1. **Specific Claim:\***

| **Claimed** | | | | | | | | | | | **CPUC Award** | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **ATTORNEY, EXPERT, AND ADVOCATE FEES** | | | | | | | | | | | | | |
| **Item** | | **Year** | | **Hours** | | **Rate $** | **Basis**  **for Rate\*** | | **Total $** | | **Hours** | **Rate $** | **Total $** |
| Christine A. Mailloux | | 2017 | | 53.25 | | $475.00 | D.18‑01‑020 | | $25,293.75 | | 53.25 | $475.00 | $25,293.75 |
| Christine A. Mailloux | | 2018 | | 17.00 | | $485.00 | D.19‑01‑017 | | $8,245.00 | | 17.00 | $485.00 | $8,245.00 |
| Ashley L. Salas | | 2017 | | 71.50 | | $210.00 | D.19‑05‑016 | | $15,015.00 | | 71.50 | $210.00 | $15,015.00 |
| Ashley L. Salas | | 2018 | | 31.50 | | $225.00 | D.19‑05‑016 | | $7,087.50 | | 31.50 | $225.00 | $7,087.50 |
| Ashley L. Salas | | 2019 | | 3.50 | | $235.00 | Res. ALJ‑357 (the lowest end of the range for attorneys in the 3‑4 year experience tier). | | $822.50 | | 3.50 | $235.00 | $822.50 |
| Regina Costa | | 2017 | | 35.00 | | $310.00 | D.17‑05‑012; Res. ALJ‑345 (2.14% 2017 COLA) | | $10,850.00 | | 35.00 | $310.00 | $10,850.00 |
| Regina Costa | | 2018 | | 28.25 | | $315.00 | D.17‑05‑012; Res. ALJ‑345 (2.14% 2017 COLA); Res. ALJ‑352 (2.3% 2018 COLA) | | $8,898.75 | | 28.25 | $315.00 | $8,898.75 |
| Regina Costa | | 2019 | | 30.50 | | $320.00 | D.17‑05‑012; Res. ALJ‑345 (2.14% 2017 COLA); Res. ALJ‑352 (2.3% 2018 COLA); Res. ALJ‑357 (2.35% 2019 COLA) | | $9,760.00 | | 30.50 | $320.00 | $9,760.00 |
| ***Subtotal: $85,972.50*** | | | | | | | | | | | ***Subtotal:* $85,972.50** | | |
| **INTERVENOR COMPENSATION CLAIM PREPARATION \*\*** | | | | | | | | | | | | | |
| **Item** | | **Year** | | **Hours** | | **Rate $** | **Basis for Rate\*** | | **Total $** | | **Hours** | **Rate** | **Total $** |
| Christine A. Mailloux | | 2019 | | 3.75 | | $247.50 | Half of 2019 requested rate | | $928.12 | | 3.75 | $247.50 | $928.12 |
| Ashley L. Salas | | 2019 | | 7.25 | | $117.50 | Half of 2019 requested rate | | $851.88 | | 7.25 | $117.50 | $851.88 |
| ***Subtotal: $1,780.00*** | | | | | | | | | | | ***Subtotal: $1,780.00*** | | |
| **COSTS** | | | | | | | | | | | | | |
| **#** | **Item** | | **Detail** | | | | | | **Amount** | | **Amount** | | |
| 1. | Photocopying | | Copying relating to pleadings for ALJ and Commission Officers in proceeding I.14‑05‑012. | | | | | | $13.10 | | $13.10 | | |
| 2. | Postage | | Postage expenses regarding proceeding I.14‑05‑012. | | | | | | $8.81 | | $8.81 | | |
| 3. | Phone | | Phone bill for calls or conference calls necessary for proceeding. | | | | | | $2.77 | | $2.77 | | |
| 4. | Lexis Advance | | Legal research on Lexis Advance related to proceeding I.14‑05‑012. | | | | | | $277.00 | | $277.00 | | |
| ***Subtotal: $301.68*** | | | | | | | | | | | ***Subtotal: $301.68*** | | |
| ***TOTAL REQUEST: $88,054.18*** | | | | | | | | | | | ***TOTAL AWARD: $88,054.18*** | | |
| \*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. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.  \*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate | | | | | | | | | | | | | |
| **ATTORNEY INFORMATION** | | | | | | | | | | | | | |
| **Attorney** | | | | | **Date Admitted**  **to CA BAR[[3]](#footnote-3)** | | | **Member Number** | | **Actions Affecting**  **Eligibility (Yes/No?)**  **If “Yes”, attach explanation** | | | |
| Christine A. Mailloux | | | | | 12/93 | | | 167918 | | No | | | |
| Ashley L. Salas | | | | | 12/15 | | | 308374 | | No | | | |

1. **Attachments Documenting Specific Claim and Comments on Part III:**

***(attachments not attached to final Decision)***

| **Attachment or**  **Comment #** | **Description/Comment** |
| --- | --- |
| 1 | Certificate of Service |
| 2 | Timesheets for TURN’s Attorneys and Advocates |
| 3 | TURN Direct Expenses associated with D.18‑07‑045 and D.19‑09‑042 |
| 4 | TURN Hours Allocated by Issue |

**D. CPUC Comments, Disallowances, and Adjustments**

| **Item** | **Reason** |
| --- | --- |
|  |  |
|  |  |

**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**

1. The Utility Reform Network has made a substantial contribution to D.18‑07‑045 and D.19‑09‑042.
2. The requested hourly rates for The Utility Reform Network’s representatives 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 are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is $88,054.18.

**CONCLUSION OF LAW**

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

**ORDER**

1. The Utility Reform Network shall be awarded $88,054.18.
2. Within 30 days of the effective date of this decision, the Commission’s 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 February 8, 2020, the 75th day after the filing of The Utility Reform Network’srequest, and continuing until full payment is made.
3. The comment period for today’s decision is waived.

This decision is effective today.

Dated May 21, 2020, at San Francisco, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

**APPENDIX**

**Compensation Decision Summary Information**

|  |  |  |  |
| --- | --- | --- | --- |
| **Compensation Decision:** | D2005036 | **Modifies Decision?** | No |
| **Contribution Decision(s):** | D1807045, D1909042 | | |
| **Proceeding(s):** | I1405012 | | |
| **Author:** | ALJ Mason | | |
| **Payer(s):** | Commission’s Intervenor Compensation Fund | | |

**Intervenor Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Intervenor** | **Date**  **Claim Filed** | **Amount**  **Requested** | **Amount**  **Awarded** | **Multiplier?** | **Reason Change/**  **Disallowance** |
| The Utility Reform Network | 11/25/19 | $88,054.18 | $88,054.18 | N/A | N/A |

**Hourly Fee Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **First Name** | **Last Name** | **Attorney, Expert,**  **or Advocate** | **Hourly**  **Fee Requested** | **Year Hourly**  **Fee Requested** | **Hourly**  **Fee Adopted** |
| Christine A. | Mailloux | Attorney | $475.00 | 2017 | $475.00 |
| Christine A. | Mailloux | Attorney | $485.00 | 2018 | $485.00 |
| Christine A. | Mailloux | Attorney | $495.00 | 2019 | $495.00 |
| Ashley L. | Salas | Attorney | $210.00 | 2017 | $210.00 |
| Ashley L. | Salas | Attorney | $225.00 | 2018 | $225.00 |
| Ashley L. | Salas | Attorney | $235.00 | 2019 | $235.00 |
| Regina | Costa | Advocate | $310.00 | 2017 | $310.00 |
| Regina | Costa | Advocate | $315.00 | 2018 | $315.00 |
| Regina | Costa | Advocate | $320.00 | 2019 | $320.00 |

**(END OF APPENDIX)**

1. All statutory references are to California Public Utilities Code unless indicated otherwise. [↑](#footnote-ref-1)
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.  [↑](#footnote-ref-2)
3. This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>. [↑](#footnote-ref-3)