

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
to Examine Electric Utility
De-Energization of Power Lines
in Dangerous Conditions.

Rulemaking 18-12-005

**DECISION GRANTING COMPENSATION TO CENTER FOR
ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL
CONTRIBUTION TO DECISION
(D.) 20-05-051**

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 20-05-051
Claimed: \$101,799	Awarded: \$79,256.50
Assigned Commissioner: Batjer	Assigned ALJ: Stevens, Poirier, Kao, DeAngelis¹

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.20-05-051 (the Phase 2 Decision) revises and adds to the de-energization guidelines for the electric investor-owned utilities that were previously in effect. The guidelines adopted in this decision are meant to expand upon those adopted in Resolution ESRB-8 and Decision (D.)19-05-042, the Phase 1 Decision in this proceeding.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
Date of Prehearing Conference:	9/2019	Verified

¹ ALJ Kao and ALJ DeAngelis were co-assigned on March 10, 2021.

² All statutory references are to California Public Utilities Code unless indicated otherwise.

Other specified date for NOI:	A	
Date NOI filed:	3/19	Verified
Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
Based on ALJ ruling issued in proceeding number:	No ruling was issued in this proceeding. CforAT's most recent ruling on eligible customer status was issued in R.20-01-007.	Verified
Date of ALJ ruling:	5/29/20	Verified
Based on another CPUC determination (specify):	CforAT was previously awarded compensation for our substantial contributions to D.19-05-042, the Phase 1 Decision in this proceeding. <i>See</i> D.20-06-046. Per Rule 17.2 of the Commission's Rules of Practice and Procedure, "a party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding."	Verified
Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
Based on ALJ ruling issued in proceeding number:	No ruling was issued in this proceeding. CforAT's most recent ruling on significant financial hardship	Verified

	was issued in R.20-01-007.	
Date of ALJ ruling:	5/29/20	Verified
Based on another CPUC determination (specify):	CforAT was previously awarded compensation for our substantial contributions to D.19-05-042, the Phase 1 Decision in this proceeding. <i>See</i> D.20-06-046. Per Rule 17.2 of the Commission's Rules of Practice and Procedure, "a party found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding."	Verified
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
Identify Final Decision:	D.20-05-051	Verified
Date of issuance of Final Order or Decision:	6/5/20	Verified
File date of compensation request:	8/4/20	Verified
Was the request for compensation timely?		Yes

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):

B.

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
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Direct Contributions to D.20-05-051 (Items #1-6, below)		
<p>1. De-Energization Exercises: CforAT recommended that Proposed Guidelines be modified to expressly require all de-energization exercises to include planning for how to respond to people with medical needs who are facing the risk of harm due to an extended outage. Phase 2 Decision at p. 21; CforAT's Comments on Proposed Additional and Modified De-Energization Guidelines (Guideline Comments), filed on February 19, 2020, at pp. 4-5.</p>	<p>While not directly adopting CforAT's recommendation, the Phase 2 Decision states that "The record does clearly substantiate that the lessons learned from these [de-energization] exercises should be reported to exercise participants, working groups and advisory boards, and utilized to modify the design and implementation of de-energization program elements." Phase 2 Decision at p. 22. This includes the various AFN working groups and advisory boards, who should address the effectiveness of the exercises in considering the needs of people at medical risk.</p>	<p>Verified</p>
<p>2. Notice:</p> <p>Website: CforAT recommended that any website devoted to providing information about a de-energization event must be accessible in accordance with Americans with Disability (ADA) web accessibility standards. Phase 2 Decision at p. 26; Guideline Comments at p. 6.</p> <p>Protocols: CforAT recommended that de-energization notification materials must include accessible formats across all media platforms to make them accessible for people with disabilities and limited English speakers. Additionally, electric IOUs, local governments, and community centers should</p>	<p>In the Phase 2 Decision, the Commission modified existing guidelines and added new guidelines regarding notice, including changes that reflected the input of CforAT. In particular, the Commission found that "[t]he record also supports a requirement for the electric IOUs to have communications plans. In developing communications plans, the electric IOUs must include CalOES, county and local governments, independent living centers, and representatives of people and communities with access and functional needs." In addition, "the Commission finds it reasonable that the electric IOUs consider alternative forms of in-language communications to reach the public when the conventional channels of communication are overloaded or are not functioning. At this time, the Commission does not find it necessary to mandate that the electric IOUs</p>	<p>Verified</p>

<p>collaborate to identify such populations in their regions. Phase 2 Decision at p. 29; Guideline Comments at p. 6.</p> <p>Notification Media: CforAT stated that it is not appropriate to expect volunteer organizations like neighborhood patrols and ham radio operators to fill gaps left by communications services and IOUs. Phase 2 Decision at p. 29; Guideline Comments at p. 6.</p>	<p>coordinate with neighborhood patrols, although there certainly may be value in this type of coordination.” Phase 2 Decision at p. 30.</p> <p>While not directly responsive to CforAT’s concerns about accessibility, the Commission further determined that “clarity of communication is a major issue that the electric IOUs must perfect in the implementation of de-energization events. The electric IOUs shall ensure their communication with the public regarding de-energization events is easy to read and comprehend. And further, the electric IOUs shall retain the expertise of emergency situation user interface and user experience professionals to ensure planned and executed communication prior to, during, and following a de-energization event minimizes public confusion.” Phase 2 Decision at pp. 31-32. Along with other affected consumers, these instructions should assist people with disabilities in obtaining information about de-energization events.</p> <p>Additionally, directly in response to CforAT’s comments on the Phase 2 PD, the Commission clarified the language on notice requirements include the following: “Whenever reasonably possible, communications shall be in the language preferred by the customer. Alternative communication formats should be made available for people with disabilities who may not be able to use standard forms of communication.” Phase 2 Decision at pp. 77-78.</p>	<p>Verified</p>
<p>3. Community Resource Centers:</p> <p>Facilities and Operations: CforAT recommended that</p>	<p>In the Phase 2 Decision, the Commission modified existing guidelines and added new guidelines</p>	

<p>“the proposed guidelines be revised to include requirements for CRCs to function as emergency shelters, including providing food, hygiene facilities, and power to support use of any required medical devices, as well as communication devices. CforAT also comments that while the proposed guidelines require that customers should not be required to drive more than 30 minutes to get to a CRC, this does not take into account the needs of people without a private car who must have access to assistance in reaching a CRC.” Phase 2 Decision at p. 35; Guideline Comments at pp. 7-8.</p> <p>Governance and Planning: CforAT supported the recommendation of the Joint Local Governments that utilities work with local governments, state Advisory Boards, and AFN representatives to create an adequate system for designing and operating CRCs. CforAT also argued that while CRCs should be located within a reasonable distance of impacted communities so that people can easily access them by car, IOUs need to have strategies to identify and provide transportation for those people who do not have their own means of transportation. Phase 2 Decision at p. 36; Guideline Comments at pp. 7-8.</p>	<p>regarding Community Resource Centers, including changes that reflected the input of CforAT.</p> <p>On siting CRCs, the Commission found “it is reasonable to require that the siting and conditions to accommodate accessibility for CRC locations are developed with input from the impacted communities. In this, the record supports modifications to the proposed guidelines that ensure the electric IOUs are consulting regional and local governments, de-energization Advisory Board participants, public safety partners, representatives of people and communities with access and functional needs, tribal representatives, senior citizen groups, business owners, community resource organizations, public health and healthcare providers, and wildfire Advisory Board members.” Phase 2 Decision at pp. 38-39. AFN customers include customers without access to private cars.</p> <p>The Commission further found that the record supports “a guideline that ensures that the siting of the CRCs is interspersed throughout the impacted areas and are accessible to the communities that need CRC availability in locations that provide at least two egress routes. The record supports developing a guideline that ensures that the CRCs are set up in fixed facility locations that can be quickly opened when needed. And further, the record supports a guideline that indicates that the locations should be in areas known to the public, such as recreational centers, public offices, schools, and libraries. CRC locations should be ADA accessible to meet the needs of people/communities with access and functional needs, medical baseline, and</p>	<p>Verified</p> <p>Verified</p>
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	<p>other vulnerable utility customers.” Phase 2 Decision at p. 39.</p> <p>While the Phase 2 Decision does not adopt CforAT’s recommendation that CRCs serve as shelters that operate 24 hours a day for the duration of a de-energization event, the Commission rejected the IOU’s request to shorten the hours to allow CRCs to close at 6 pm, and instead extended them to 10 pm. Phase 2 Decision at pp. 39-40.</p>	
<p>4. Service Restoration: Along with multiple other parties, CforAT supported the proposed guidelines recommendation for service restoration to be required within 24 hours of the conclusion of conditions supporting the de-energization event and the requirements for notice in advance of restoration of power. Phase 2 Decision at p. 42; Guideline Comments at pp. 8-9.</p>	<p>While recognizing that it may not always be possible to reenergize all service within 24 hours, the Commission set a very clear expectation that the IOUs must do all they can to meet a 24-hour restoration standard, stating: “It is firmly the intent of the Commission that the IOUs do everything possible to restore service to customers within 24 hours after the termination of a de-energization event. The Commission understands that there may be hazardous conditions that necessitate further inspection and repair to the power lines prior to the restoration of service. In the event that the electric IOU is not able to restore service to a customer or group of customers within 24 hours after the termination of a de-energization event, the electric IOU must explain why it was not able to timely restore service in its post de-energization event reporting to the Commission. The Commission expects that this would only be an exception to the normal practice.” Phase 2 Decision at p. 46.</p>	Verified
<p>5. Medical Baseline/AFN Populations: The Commission expressly noted the input of CforAT describing how</p>	<p>The Commission adopted CforAT’s recommendations, stating: “The record generally supports the refinement of</p>	Verified.

<p>CforAT “ the medical baseline population is not and will never be co-extensive with the universe of medically vulnerable people who are at risk of harm due to an extended power outage,” and recommending additional customer categories that could be identified by the IOUs based on their own internal data for identifying households that include a person with a disability or medical needs. Phase 2 Decision at pp. 58-59; Guideline Comments at pp. 9-13.</p>	<p>guidelines protective of medical baseline customers and people with access and functional needs. This includes a requirement for the IOUs to identify, above and beyond the medical baseline customer population, households that self-identify to receive an in- person visit prior to disconnection for nonpayment or receive utility communications in a non-standard format or self-identify as having a person with a disability in the household. CforAT supports a requirement for the IOUs to provide support for these vulnerable customers during a de-energization event. The record also supports expanding this section to support the appropriate sharing of information to promote the health and safety of this population, among other modifications beyond the proposed guideline in the January 30, 2020 ALJ ruling.” Phase 2 Decision at pp. 62-63.</p> <p>The Commission also required “continuing efforts to collaborate with public safety partners, local governments, and representatives of people and communities with access and functional needs, in order to identify any needed assistance in relation to de-energization events. Having appropriate plans in place increases the effectiveness of these efforts.” Specifically, the Phase 2 Decision requires the IOUs to prepare annual plans “regarding the planned efforts to address people/communities with access and functional needs during de-energization events.” Phase 2 Decision at p. 63.</p>	<p>Verified</p>
<p>6. Transparency: CforAT recommended that “that the Commission should require an</p>	<p>While the Commission has declined to make a statement on balancing harms that is as clear as CforAT has requested,</p>	<p>Verified</p>

<p>express consideration of the risks of shutting off power (including financial costs as well as short-term and long-term risks of harm) to be balanced against the risks of keeping the power on (namely, the risk that utility equipment will ignite a wildfire).” Phase 2 Decision at p. 68; Guideline Comments at pp. 13-14. CforAT has consistently advocated for such a requirement, which we believe is already implicit in the existing and new guidelines, to be made explicit by the Commission.</p>	<p>we continue to believe that the guidelines both before and after the issuance of the Phase 2 Decision require that the IOUs balance the risks of an extended power outage for the impacted communities and customers versus the benefits of such action in order to determine whether de-energization serves to increase public safety. This remains implicit, though not explicit, in the Phase 2 Decision, which states: “It is imperative that the IOUs are able to provide insight into the reasoning behind the calling of every de-energization event. In the proposed guidelines, the requirement was for the electric IOUs to provide information on its websites regarding the quantitative and qualitative factors it considered in calling, sustaining, or curtailing each de-energization event (including information regarding why the de-energization event was a last resort option) and a specification of what conditions must be present for the de-energization event to be concluded. We believe that this information is critical from a transparency standpoint, however after considering the input of parties, it is more appropriate for the electric IOUs to provide this information in their post event reports.” Phase 2 Decision at p. 71.</p>	
<p>Additional Contributions to the Proceeding (Items #7-10, below)</p>		
<p>7. COVID Motion: CforAT, in conjunction with a number of other parties (mostly those representing the interests of local governments) filed an emergency motion seeking heightened standards for the IOUs to meet before initiating a de-energization event during</p>	<p>While the Commission has not ruled on the COVID Motion at this time, it did seek expedited briefing on the motion when it was filed, <i>see</i> Email Ruling Shortening Time Period for Responses to Motion, issued on April 15, 2020, and has expressed clear concern about the risks of de-energization during the ongoing pandemic. <i>See</i> Phase 2</p>	<p>Not Verified. No ruling has been made on this item and does not contribute to the decision associated with this claim.</p>

<p>the COVID-19 pandemic, based on the increased risk to public safety from de-energizing when people are at risk of exposure to a potentially deadly disease if they are forced from their homes during an extended power outage and because of the increased financial harm of an extended power outage for people already facing extreme economic hardship.</p> <p><i>See Joint Motion for Emergency Order Regarding De-Energization Protocols during the COVID-19 Pandemic, filed on April 13, 2020, and Joint Reply to Responses to Joint Motion, filed on April 24, 2020.</i></p>	<p>Decision at pp. 12-13 (urging the IOUs to “make every reasonable attempt to adhere to the guidelines adopted in this decision while complying with direction from public health officials regarding shelter-in-place, social distancing, or other measures that may need to be taken in response to the COVID-19 pandemic,” while also acknowledging the COVID motion, noting that it is not addressed in the Phase 2 Decision, and stating that the Commission “is taking serious consideration of precautions related to the COVID-19 pandemic”); <i>see also</i> Letter to the IOUs from Commission Executive Director Alice Stebbins, dated July 30, 2020, and served on the service list for this proceeding, setting out requests and expectations for “Public Safety Power Shutoff Events and 2020 Wildfire Season,” including setting public briefings for each IOU to describe their state of readiness.</p> <p>CforAT believes that the increased visibility brought to pandemic-related issues by filing the motion has assisted the Commission in its planning for the 2020 fire season, such that compensation is appropriate. If the Commission disagrees, CforAT anticipates resubmitting time allocated to the COVID motion in a future compensation request after a formal ruling has been issued, as noted below.</p>	<p>Verified</p>
<p>8. Motion for Reasonableness Review: CforAT, in conjunction with a broad coalition of stakeholders including other consumer advocates, representatives of large industrial utility customers, local governments, and telecommunications providers, brought a joint</p>	<p>While the Commission has not ruled on the Reasonableness Motion at this time, it is undertaking various efforts to evaluate the past performance of the IOUs, including in the Order to Show Cause Phase of this proceeding and in the Investigation that has been opened to evaluate the actions of the utilities in 2019.</p>	<p>Not Verified. No ruling has been made on this item and does not contribute to the decision associated with this claim.</p>

<p>motion asking the Commission to undertake a review of each past determination by the major IOUs to initiate a de-energization event to assess whether it was a reasonable exercise of the IOU's discretion under the Public Utilities Code, as contemplated by prior Commission decisions.</p> <p><i>See Joint Motion Requesting Commission Review of PSPS Post-Event Reports, filed on June 15, 2020 and Joint Reply to Responses to Joint Motion, filed on July 10, 2020.</i></p> <p>CforAT has repeatedly asserted the importance of requiring the IOUs to more explicitly balance the public safety risks of extended power outages with the benefits of reduced risk of wildfire; this request was again included in the Reasonableness Motion. <i>See, e.g., Reasonableness Motion at p. 7.</i></p>	<p>CforAT believes that the increased visibility brought to these issues by filing the motion has assisted the Commission as it moves forward, such that compensation is appropriate. If the Commission disagrees, CforAT anticipates resubmitting time allocated to the Reasonableness Motion in a future compensation request after a formal ruling has been issued, as noted below.</p>	
<p>9. Events, Reports and follow-up:</p> <p>CforAT actively monitored the impact of a number of de-energization events during the 2019 wildfire season, including issues with web accessibility, notice, and effectiveness of outreach to the AFN community.</p> <p>Following each event and the receipt of the 10-day reports required by the utilities, CforAT prepared comments on the reports, addressing the</p>	<p>In ESRB-8 and the Phase 1 Decision in this proceeding, the Commission directed the IOUs to submit reports following each de-energization and identifying various items to be included in these reports.</p> <p>CforAT monitored the de-energization events that took place in the fall of 2019 and their impacts on our constituency in real time. During the events, we communicated some of our concerns directly to the IOUs, particularly PG&E. Based on our monitoring and presenting issues in real time, we were able to obtain some improvements in</p>	<p>Verified</p>

<p>impact of each de-energization event on our constituency as well as the adequacy of the reporting by the utility.</p> <p>These comments were initially provided to parties but were not served, in accordance with the direction provided by the Commission. Subsequently, the Commission provided an opportunity for parties to file their comments so they can be included in the formal record of the proceeding, which CforAT did. <i>See</i> CforAT's separate comments on the various post-event reports by PG&E, SCE and SDG&E, all filed on January 7, 2020.</p> <p>The Commission has determined that these comments by stakeholders will have ongoing value, including value in developing the revisions to the de-energization guidelines included in the Phase 2 Decision as well as in the ongoing review of past actions.</p>	<p>communication, such as efforts by PG&E to better provide information on ongoing outages in languages other than English and efforts by PG&E to improve the accessibility of their outage maps. While these improvements are not reflected in formal Commission decisions, the IOUs have acknowledged efforts to improve their customer communications based on feedback from CforAT.</p> <p>CforAT also provided written comments on the post-event reports submitted by the IOUs after every de-energization event. Following the numerous 2019 de-energization events, the Commission provided parties an opportunity to file their comments so that they are part of the formal record. Amended Phase 2 Scoping Memo, issued on December 19, 2020, at pp. 6-8.</p>	<p>Verified</p>
<p>10. AFN Plans & Advisory Input: The Phase 2 Decision required each IOU to develop an AFN Plan, and to obtain ongoing advisory input from the AFN community through Advisory Councils and Working Groups. CforAT has reviewed the plans and participated in advisory efforts in an ongoing effort to minimize the risk of harm to our constituency from potential de-energization events during the 2020 wildfire season.</p>	<p>Phase 2 Decision at pp. 89-90, Conclusions of Law Nos. 1-7 (requiring creation of Advisory Councils and Working Groups); <i>Id.</i> at p. 96, Conclusion of Law No. 36 (Requiring development of AFN Plans by June 1, 2020);</p>	<p>Not Verified. Work claimed for this contribution was performed <i>since</i> the decision by CforAT's own admission in Part III.c. Public Utilities Code § 1801.3(f) defines the General Claim of Reasonableness as "productive, necessary, and needed for a fair determination of the</p>

		proceeding.” Work performed after the decision does not qualify as it cannot contribute to the decision.
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C. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?³	Yes	Yes
Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: CforAT’s positions overlapped with those of other consumer advocates, including the Public Advocates Office and TURN, as well as with those of various local government parties (such as the Joint Local Governments) and other advocates for local communities and consumers. On certain issues, virtually every stakeholder except the IOUs shared positions, leading to joint filings such as the pending motion seeking reasonableness review for past shut-off events.		Noted
Intervenor’s claim of non-duplication: Through Phase 2 of this proceeding, CforAT has continued to be the primary party focused directly on the needs of the AFN community/vulnerable populations who are at risk in the event of de-energization. Because the risks to this population go beyond the risks to the population at large, CforAT plays a unique and vital role in ensuring that their interests are represented as the Commission addresses this issue. While the concerns of CforAT’s constituency are extensive and include unique risks, the question of de-energization more generally has broad impacts for all customers and for other entities that are forced to respond, such as local governments. Because local governments effectively serve as the safety net for people with disabilities and/or medical needs during an extended power outage, CforAT has worked closely with local government representatives to try to minimize the risks to our constituency. CforAT’s work complements the work of these other parties in striving to assist the Commission in reaching a reasonable balance of how to protect		Noted

³ 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.

<p>public safety and how to minimize individual risk from prolonged outages during times of high risk. While CforAT mostly prepared individual filings on issues directly related to the Phase 2 Guidelines, we consulted regularly with other parties, including other consumer advocates and local government representatives. We also participated in coalition filings including the COVID Motion and the Motion for Reasonableness Review.</p> <p>To the extent that CforAT took similar positions to other parties on Phase 2 issues, this reflects the broad concerns about de-energization and the substantial shared concerns of impacted stakeholders. In these areas of shared concern, CforAT worked to represent the perspective of our constituency of utility customers with disabilities and/or medical needs who continue to be at high risk of harm during an extended power outage.</p>	
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D. Additional Comments on Part II:

#	Intervenor's Comment	CPUC Discussion
	The Phase 2 Decision adopts numerous recommendations put forward by CforAT. On those issues where CforAT's recommendations were not adopted, our input still informed the Commission's deliberations and provided important information in the record of this proceeding regarding the concerns and needs of the AFN community, supporting an award of compensation.	Noted

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>In Phase 2 of this proceeding, as in Phase 1, CforAT has continued to work diligently to ensure that the Commission appropriately takes into consideration the needs of vulnerable/AFN customers, including</p>	Noted

<p>specifically our constituency of IOU customers with disabilities, when setting parameters for authorizing and evaluating the reasonableness of IOU decisions to affirmatively shut off power for customers. The Phase 2 guidelines continue to address issues of importance to the AFN population, including increased efforts to identify and notify these customers in advance of a de-energization event and improved consideration of this population throughout all planning phases and implementation. The Phase 2 decision again incorporates multiple recommendations put forward by CforAT regarding the needs of our constituency.</p> <p>While it remains difficult to assign a dollar value to the impact of a decision addressing these issues, AFN customers will benefit from improved consideration of their needs in advance of and during any de-energization events, and all customers will benefit from improved guidelines, including improved reporting and increased transparency, to continue efforts to ensure that IOUs do not shut off power when it is not appropriate.</p> <p>In light of the importance of issues surrounding de-energization to customers with disabilities and other AFN households, the compensation requested by CforAT is reasonable.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>CforAT participated effectively and efficiently in work performed in this phase of the proceeding. As appropriate, CforAT's Legal Director delegated work to a junior attorney with a low hourly rate. In particular, the junior attorney worked on issues related to the post-event reports submitted by the IOUs and CforAT's comments on these reports, as well as our direct proposals for Phase 2. While a junior attorney is (as would be expected) less efficient in performing certain tasks than CforAT's experienced Legal Director, this form of delegation and supervision results in reasonable overall efficiency and cost. Time spent delegating and overseeing work is efficient and necessary, and still results in lower overall cost than would be the case without such delegation of responsibility.</p> <p>In addition to relying on appropriate work assignments internally, CforAT appropriately coordinated with other parties and stakeholders where we had shared concerns, including cooperation on the two motions that remain pending before the Commission</p>	Noted
<p>c. Allocation of hours by issue:</p> <p>2019 Time: Kasnitz (Total Hours: 70.2)</p>	Noted

<p>General Participation: 19.5 hours (27.8%) The issue area “General Participation” includes time spent on procedural matters and time spent on activities that do not fall into the other issue categories. In 2019, includes time spent preparing for and attending the Emergency Commission meeting after the Fall, 2019 de-energization events.</p> <p>Phase 2: 18.2 hours (25.9%) The issue area “Phase 2” includes time spent directly on addressing proposals regarding the Phase 2 Guidelines.</p> <p>Event: 18.6 hours (26.5%) The issue area “Event” includes time spent in the lead up to various de-energization events and during the events addressing issues affecting people with disabilities and medical needs.</p> <p>Report: 13.9 hours (19.8%) The issue area “Report” includes time spent reviewing the IOUs’ post-event reports, responding to such reports, preparing reports for filing and otherwise addressing the post-event reports.</p> <p style="text-align: center;">2019 Time: Slipski (Total Hours: 83.7)</p> <p>General Participation: 5.3 hours (6.3%)</p> <p>Phase 2: 34.2 hours (40.9%)</p> <p>Report: 44.2 hours (52.8%)</p> <p style="text-align: center;">2019 Time: Woodford (Total Hours: 8.2)</p> <p>Event: 8.2 hours (100%)</p> <p style="text-align: center;">2020 Time: Kasnitz (Total Hours: 80.4)</p> <p>General Participation: 7.6 hours (9.5%)</p> <p>Phase 2: 28.1 hours (35.0%)</p> <p>Report: 1.3 (1.6%)</p> <p>COVID: 22.9 hours (28.5%) The issue area “COVID” includes time spent in preparing the pending COVID emergency motion, including ex parte meetings concerning the</p>	<p>Noted</p>
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<p>motion. It also includes time spent coordinating with the other moving parties.</p> <p>Reas. Review: 8.9 (11.1%) The issue area “Reas. Review” includes time spent in preparing the pending motion requesting that the Commission promptly conduct reasonableness reviews of past de-energization events. It also includes time spent coordinating with the other moving parties.</p> <p>AFN:11.6 hours (14.4%) The issue area “AFN” includes time spent since the issuance of the Phase 2 Decision, reviewing the IOUs’ AFN plans and participating in advisory activities, in accordance with the Phase 2 Ordering Paragraphs.</p> <p style="text-align: center;">2020 Time: Slipski (Total Hours: 22.2)</p> <p>General Participation: 3.0 hours (13.5%)</p> <p>Phase 2: 15.3 hours (68.9%)</p> <p>Report: 3.9 hours 17.6%)</p> <p style="text-align: center;">2020 Time: Woodford (Total Hours: 2.0)</p> <p>General Participation: 2.0 (100%)</p> <p>Additional Discussion: In addition to the issues identified above, CforAT has recorded time on the Order to Show Cause Phase of this proceeding (recorded as OSC). CforAT is not seeking compensation in this claim for hours spent working on the OSC Phase, which has not yet been resolved. Records showing work on the OSC issue area are submitted here for the Commission’s information, but not included in the claimed amount. CforAT anticipates submitting a further request for compensation on the OSC Phase of the proceeding following a decision addressing this matter.</p> <p>As noted above, to the extent that the Commission determines that any other matters, such as CforAT’s work on the COVID Motion and/or the Motion for Reasonableness Review, which remain pending, are not yet ripe for an award of compensation, CforAT similarly anticipates re-submitting the records showing our work on these items in conjunction with a future request for compensation after they are addressed more fully. If the Commission declines to authorize compensation for these activities in response to this request, CforAT requests that the Commission note that such future resubmission for later consideration would be appropriate.</p>	<p>Noted</p>
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2019	70.2	\$485	D.20-03-003	\$34,047.00	70.2	\$490.00 [1]	\$34,398.00
Melissa W. Kasnitz	2020	80.4	\$500	Anticipated 2020 COLA	\$40,200.00	37.0[2]	\$500.00 [1]	\$18,500.00
Adrian Slipski	2019	83.7	\$210	D.20-06-043, see note below	\$17,577.00	83.7	\$210.00	\$17,577.00
Adrian Slipski	2020	22.2	\$220	5% step increase	\$4,884.00	22.2	\$220.00 [3]	\$4,884.00
Kate Woodford	2019	8.2	\$155	D.19-12-053	\$1,271.00	0.5[4]	\$155.00	\$77.50
Kate Woodford	2020	2.0	\$160	Anticipated 2020 COLA	\$320.00	2.0	\$160.00 [5]	\$320.00
Subtotal: \$98,299.00						Subtotal: \$75,756.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2020	14.0	\$250	½ requested hourly rate	\$3,500.00	14.0	\$250.00	\$3,500
Subtotal: \$3,500						Subtotal: \$3,500.00		
TOTAL REQUEST: \$101,799						TOTAL AWARD: \$79,256.50		
<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. 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.</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 ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Melissa W. Kasnitz	1992	162679	No
Adrian Slipski	June, 2019	325910	No

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2	Detailed Time Records (including time on merits and compensation, as well as information on OSC Time that is not included in this request)
Comment	Kasnitz 2019 Rate: In previous compensation requests that included time for 2019, CforAT requested a 2019 rate for Legal Director Melissa W. Kasnitz of \$490, based on our calculation of the 2019 COLA applied to Kasnitz’s 2018 Rate and rounded up. The Commission awarded Kasnitz’s requested rate of \$490 in several decisions, including D.19-12-015. Subsequently, the Commission has issued additional decisions awarding compensation to CforAT including 2019 time recorded by Ms. Kasnitz with a revised rate of \$485. These decisions include D.20-06-050 and D.20-06-043. While CforAT is using this more recent rate in our calculations here, we continue to believe that an hourly rate of \$490 for Ms. Kasnitz is appropriate. If the Commission agrees, the revised compensation request for Ms. Kasnitz’ time in 2019 would be \$34,398.
Comment	Slipski 2019 Rate: Mr. Slipski was admitted to the California Bar in June of 2019. The Commission has previously set separate rates for Mr. Slipski in 2019 of \$190 for time prior to his admission and \$210 upon his admission. All time recorded in 2019 by Mr. Slipski took place after his admission to the Bar.
Comment	Slipski 2020 Rate: Mr. Slipski graduated from the U.C. Davis School of Law in 2018 and was admitted to the California Bar, in 2019. As noted above, he has been awarded a post-admission rate for 2019 of \$210. The rate range for attorneys with 0-2 years of practice, as set by the Commission in Resolution ALJ-357, adopting intervenor rate ranges for 2019, is \$180-240. Applying a 5% step increase to Mr. Slipski’s 2019 rate produces a 2020 rate of \$220, which is still within the 2019 rate ranges approve by the Commission and is a reasonable rate.

⁴ This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	The referenced Decision (D.) 20-03-003 is not a decision on an intervenor compensation proceeding. Upon review of D.20-12-043, we verified the 2019 Rate of \$490.00 for Melissa Kasnitz. With the addition of the 2.55% 2020 COLA, we find the requested 2020 rate of \$500.00 reasonable.
[2]	<p>As CforAT stated in Part III.a, the work categories “are not yet ripe for an award of compensation,” as the Commission has yet not ruled on these items. Moreover, CforAT explicitly states, “the issue area “AFN” includes time spent since the issuance of the Phase 2 Decision” and could not contribute to the decision.</p> <p>Public Utilities Code §1802.j defines a substantial contribution as “the customer’s presentation has substantially assisted the commission in the making of its order or decision.” The issues of “COVID” and “Reas. Review”, as understood by CforAT above, have not been decided and we deny the requested hours associated with these issues. Additionally, the 2020 “AFN” work was performed “since” the issuance of D.20-05-051 and could not contribute to the decision, therefore we deny these hours.</p> <p>We reduce Melissa Kasnitz’s 2020 hours for claimed work categorized as “COVID”, “Reas. Review” and “AFN” totaling 43.4 hours, bringing Melissa Kasnitz’s 2020 hour total to 37.0 hours.</p>
[3]	We apply the requested first 5% Step increase for Mr. Slipski’s 2020 rate and find the requested 2020 rate of \$220.00 reasonable.
[4]	We reduce by 7.7 hours for failure to make a substantial contribution to decision. The CPUC Intervenor Program Guide states in Part III.a.i. that the claim of cost reasonableness “must demonstrate that your participation was necessary, productive, effective and efficient.” We did not find the hours claimed for monitoring websites and local news substantially contributed to the decision and therefore these hours were not effective, nor efficient.
[5]	We apply the 2.55% 2020 COLA, per Res. ALJ-387, to Kate Woodford’s 2019 rate of \$155.00, bringing the 2020 rate to \$160.00, after rounding to the nearest \$5 per D.08-04-010.

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
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes
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FINDINGS OF FACT

1. Center for Accessible Technology has made a substantial contribution to D.20-05-051
2. 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.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$79,256.50.

CONCLUSION OF LAW

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

ORDER

1. Center for Accessible Technology shall be awarded \$79,256.50.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric), Bear Valley Electric Service, Inc., and Pacific Power, a division of PacifiCorp shall pay Center for Accessible Technology their respective shares of the award, based on their California-jurisdictional electric revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric revenue data shall be used. 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 October 18, 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 _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2005051		
Proceeding(s):	R1812005		
Author:	ALJ Stevens, ALJ Poirier, ALJ Kao, ALJ DeAngelis		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric), Bear Valley Electric Service, Inc, and Pacific Power, a division of PacifiCorp		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
CENTER FOR ACCESSIBLE TECHNOLOGY	8/4/20	\$101,799	\$79,256.50	N/A	See CPUC Comments, Disallowances, and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	\$485	2019	\$490.00
Melissa	Kasnitz	Attorney	\$500	2020	\$500.00
Adrian	Slipski	Attorney	\$210	2019	\$210.00
Adrian	Slipski	Attorney	\$220	2020	\$220.00
Kate	Woodford	Advocate	\$155	2019	\$155.00
Kate	Woodford	Advocate	\$160	2020	\$160.00

(END OF APPENDIX)