

Decision 22-03-030 March 17, 2022

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2020 (U39M).

Application 18-12-009

**DECISION GRANTING COMPENSATION TO  
CENTER FOR ACCESSIBLE TECHNOLOGY  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 20-12-005**

<b>Intervenor:</b> Center for Accessible Technology (CforAT)	<b>For contribution to Decision (D.) 20-12-005</b>
<b>Claimed:</b> \$12,604.50	<b>Awarded:</b> \$12,563.00
<b>Assigned Commissioner:</b> Clifford Rechtschaffen <sup>1</sup>	<b>Assigned ALJs:</b> Elaine Lau and Rafael L. Lirag

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	This Decision addresses the Test Year (TY) 2020 General Rate Case (GRC) application of Pacific Gas and Electric Company (PG&E) and adopts a multi-party settlement agreement that includes CforAT. The settlement and decision adopt a Memorandum of Understanding between CforAT and PG&E addressing accessibility commitments during the GRC cycle.
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<sup>1</sup> The proceeding was re-assigned to Commissioner Clifford Rechtschaffen on May 3, 2021.

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:<sup>2</sup>**

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	2/11/2019	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	3/11/2019	Verified
4. Was the NOI timely filed?		
<b>Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	CforAT’s most recent ruling regarding eligible customer status was issued in R.20-01-007	Verified
6. Date of ALJ ruling:	5/29/20	Verified
7. Based on another CPUC determination (specify):	N/A	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(h) or § 1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	CforAT’s most recent ruling regarding significant financial hardship was issued in R.20-01-007	Verified
10. Date of ALJ ruling:	5/29/20	Verified
11. Based on another CPUC determination (specify):	N/A	
12. Has the Intervenor demonstrated significant financial hardship?		Yes

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

	<b>Intervenor</b>	<b>CPUC Verification</b>
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.20-12-005	Verified
14. Date of issuance of Final Order or Decision:	12/11/2020	Verified
15. File date of compensation request:	2/9/2021	Verified
16. 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)</b>	<b>Specific References to Intervenor’s Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><b>1. Memorandum of Understanding on Access Issues:</b></p> <p>Before PG&amp;E filed its GRC Application, CforAT negotiated with PG&amp;E to reach an agreement that builds on previous Memoranda of Understanding (MOUs) adopted in prior GRC cycles. The prior MOUs, negotiated between PG&amp;E and CforAT and/or our predecessor, Disability Rights Advocates, were approved in the final decisions in each GRC. The parties have continued to work on institutionalizing accessibility improvements and ongoing commitments to serving customers with disabilities. No party opposed the accessibility proposals (including funding for ongoing accessibility commitments) at any time.</p>	<p>In this GRC, as has been done in past GRC cycles, CforAT negotiated a Memorandum of Understanding with PG&amp;E regarding various commitments to continuously improve and effectively serve utility customers with disabilities. The MOU was incorporated into the Application and included in the comprehensive settlement agreement. It was not subject to any modification, and it was subsequently adopted in the Final Decision. <i>See</i> D.20-12-005 at pp. 177-178, p. 181. The MOU reflects CforAT’s continuing efforts to work collaboratively with PG&amp;E to support effective service for customers with disabilities. It covers four specific issue areas: (1) PG&amp;E’s continued staffing of a Disability Access Coordinator position or positions to oversee accessibility activities company-wide; (2) website accessibility (continued implementation of WCAG 2.0 standards, training, testing); (3) communication access issues (including discussions regarding an emphasis on information about</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
	wildfire safety and de-energization, information on a customer disability database, tracking preferred communications, large print and alternative communication methods); and (4) access to PG&E’s local offices and neighborhood payment centers, as well as access around construction sites and pole locations. The agreement also sets forth funding obligations and procedural requirements, including an annual reporting process	

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

	Intervenor’s Assertion	CPUC Discussion
<b>a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?<sup>3</sup></b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	No	Verified
<p><b>c. If so, provide name of other parties:</b></p> <p>While other parties advocated for the interests of consumers generally, and while no party opposed the positions advocated by CforAT, no other party had a focus on accessibility concerns for customers with disabilities.</p>		Verified
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>As stated above, there were multiple parties representing the interests of consumers in this proceeding, but there were no other parties addressing disability access issues or examining how PG&amp;E ensures that its services and communications are accessible. This was the focus of CforAT’s participation. Because no other party addressed this issue, there was no duplication of effort. In addition to our direct work on accessibility, CforAT engaged in the proceeding in a limited manner to monitor its process and ensure that the interests of our constituency were protected, as well as to provide limited</p>		Noted

<sup>3</sup> The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill 854, which the Governor approved on June 27, 2018.

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<p>input on select issues of interest to our constituency. In response to direct requests from PG&amp;E, CforAT also participated in various aspects of the overall settlement process and defense of the settlement upon release of a Proposed Decision, even when the issues under review did not relate to the accessibility agreement. These activities were not unreasonably duplicative of work by any other party.</p>		

**PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

	<b>CPUC Discussion</b>
<p><b>a. Intervenor’s claim of cost reasonableness:</b></p> <p>The only substantive issues addressed by CforAT were those focused on the unique needs of people with disabilities, including ongoing efforts to institutionalize PG&amp;E’s commitment to effectively serving customers with disabilities via improved physical access to its services and facilities and communication access for disabled customers who cannot access information presented in standard formats. These issues were within the scope of the proceeding and built on agreements reached in prior GRC cycles. The joint proposal developed by PG&amp;E and CforAT was not contested by any party and was adopted in the comprehensive settlement agreement and in the final decision without modification. In addition to the work to develop the joint proposal, CforAT monitored the overall proceeding to ensure that the interests of our constituency were protected, and worked to oversee continuing implementation of the prior accessibility agreement that was in effect while this proceeding was pending. We also provided limited input on select issues of interest to our constituency, Given the results obtained for CforAT’s constituency and the fact that these results were part of an extended GRC proceeding, CforAT’s costs were modest and reasonable. Overall, CforAT obtained valuable commitments on behalf of PG&amp;E’s customers with disabilities, based on a modest commitment of time and resources on merits work.</p>	<p>The Commissions find the costs as reasonable.</p>
<p><b>b. Reasonableness of hours claimed:</b></p> <p>The total amount of time claimed by CforAT is very modest, and is reasonable given the scope and length of this proceeding. CforAT’s</p>	<p>The Commission finds hours claimed as reasonable.</p>

	<b>CPUC Discussion</b>
<p>time records reflect CforAT’s focused attention on those limited issues where we are uniquely placed to address the needs of our constituency. In keeping with the narrow focus on accessibility and the interests of PG&amp;E customers with disabilities, the total amount of time spent on this effort was constrained, notwithstanding the extensive overall scope and length of the proceeding.</p>	
<p><b>c. Allocation of hours by issue:</b></p> <p style="text-align: center;"><b>2018 Time - Kasnitz (Total Hours: 6.0)</b></p> <p><b>Settlement: 3.7 hours (62%)</b> The issue area “Settlement” includes time spent negotiating the MOU between CforAT and PG&amp;E as well as time spent supporting the final multi-party settlement in the proceeding.</p> <p><b>Annual: 0.9 hours (15%)</b> The issue area “Annual” includes time spent in annual meetings and reviewing annual reports regarding PG&amp;E’s compliance with its accessibility obligations.</p> <p><b>General Participation: 1.4 hours (23%)</b> The issue area “General Participation” includes time spent monitoring the proceeding as a whole and participating as needed in support of the interests of our constituency. While this is a relatively large percentage of our very modest time commitment, it represents only limited work as needed given the complexity of the proceeding overall.</p> <p style="text-align: center;"><b>2019 Time - Kasnitz (Total Hours: 9.0)</b></p> <p><b>Settlement: 3.3 hours (37%)</b></p> <p><b>Annual: 1.8 hours (20%)</b></p> <p><b>General Participation: 3.9 hours (43%)</b></p> <p style="text-align: center;"><b>2020 Time – Kasnitz (Total Hours: 4.3)</b></p> <p><b>Settlement: 1.0 hours (23%)</b></p> <p><b>Annual: 1.7 hours (40%)</b></p> <p><b>General Participation: 1.6 hours (37%)</b></p>	<p>The Commission finds hours allocation as reasonable.</p>

	CPUC Discussion
<p align="center"><b>2018 Time – Woodford (Total Hours: 2.4)</b></p> <p><b>Annual: 0.2 hours (8%)</b></p> <p><b>General Participation: 2.2 hours (92%)</b></p> <p align="center"><b>2019 Time – Woodford (Total Hours: 3.7)</b></p> <p><b>Annual: 1.5 hours (41%)</b></p> <p><b>General Participation: 2.2 hours (59%)</b></p>	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2018	6.0	\$475.00	D.18-11-049	\$2,850.00	6.0	\$475.00	\$2,850.00
Melissa W. Kasnitz	2019	9.0	\$485.00	D.19-12-053	\$4,365.00	9.0	\$485.00	\$4,365.00
Melissa W. Kasnitz	2020	4.3	\$500.00	D.20-11-012	\$2,150.00	4.3	\$495.00 [1]	\$2,128.50
Kate Woodford	2018	2.4	\$150.00	D.18-11-049	\$360.00	2.4	\$150.00	\$360.00
Kate Woodford	2019	3.7	\$155.00	D.19-12-053	\$573.50	3.7	\$155.00	\$573.50
<b>Subtotal: \$10,298.50</b>						<b>Subtotal: \$10,277.00</b>		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2018	0.8	\$232.50	½ standard rate	\$186.00	0.8	\$232.50	\$186.00
Melissa W. Kasnitz	2021, but see below	8.0	\$250.00	½ approved rate for 2020; see note below	\$2,000.00	8.0	\$247.50 [1]	\$1,980.00

CLAIMED						CPUC AWARD		
Kate Woodford	2021, but see below	1.5	\$80.00	½ approved rate for 2020; see note below	\$120.00	1.5	\$80.00	\$120.00
<b>Subtotal: \$2,306.00</b>						<b>Subtotal: \$2,286.00</b>		
<b>TOTAL REQUEST: \$12,604.50</b>						<b>TOTAL AWARD: \$12,563.00</b>		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§ 1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR <sup>4</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation					
Melissa W. Kasnitz	1992	162679	No					

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

Attachment or Comment #	Description/Comment
1	<b>Certificate of Service</b>
2	<b>Time on Compensation:</b> Because all merits work in this proceeding was complete in calendar year 2020, and the only work conducted in 2021 has been the work on this request for compensation, CforAT is seeking compensation for time spent on this request at ½ hour standard hourly rates for 2020. CforAT reserves our right to request updated rates for 2021 in accordance with the market study and formulas adopted by the Commission in Resolution ALJ-393, issued on December 22, 2020, when we submit a request for compensation that includes merits time recorded in 2021.

<sup>4</sup> 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
Request for 2020 rate for work performed in 2021	<p>CforAT seeks compensation for Kasnitz and Woodford for time spent in 2021 Icomp Prep. at ½ hour standard hourly rates for 2020. This is because all merits work in this proceeding was complete in calendar year 2020, and the only work conducted in 2021 has been the work on this request for compensation.</p> <p>RES. ALJ-393 states that “The methodology adopted in this Resolution will be applied to any claim filed for work completed on or after January 1, 2021. Any claim filed for work completed on or before December 31, 2020, will be processed using previously approved ICOMP rates and/or hourly rates and the appropriate COLA adopted through the annual ICOMP resolution process.’</p> <p>Given that substantial part of work in this proceeding was performed prior to January 1, 2021 (Allocation of Hours by Issue), the Commissions accepts the request as reasonable.</p>
[1]	<p>Per Decision D.20-11-012, the Commission adopted a rate of \$500.00 for Melissa Kasnitz for 2020. However, utilizing our calculation methodology for 2020 - <math>\\$485 \times 2.55\% \text{ 2020 COLA} = 12.37 + \\$485 = \\$497.36</math> (Rounded to nearest \$5) = \$495</p> <p>Upon further review, per D.08-04-010 (rounding to nearest \$5 increment) and Resolution ALJ-387 (2.55% 2020 COLA), the correct 2020 rate for Melissa Kasnitz is \$495.00, shown in the calculations above.</p>

**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))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	Yes

**FINDINGS OF FACT**

1. Center for Accessible Technology has made a substantial contribution to D.20-12-005.
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 \$12,563.00.

**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 \$12,563.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 25, 2021, the 75<sup>th</sup> 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 March 17, 2022 at San Francisco, California.

ALICE REYNOLDS  
President  
CLIFFORD RECHTSCHAFFEN  
GENEVIEVE SHIROMA  
DARCIE L. HOUCK  
JOHN R.D. REYNOLDS  
Commissioners

## APPENDIX

## Compensation Decision Summary Information

<b>Compensation Decision:</b>	D2203030	<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D2012005		
<b>Proceeding(s):</b>	A1812009		
<b>Author:</b>	ALJ Lau and ALJ Lirag		
<b>Payer(s):</b>	Pacific Gas and Electric Company		

## Intervenor Information

<b>Intervenor</b>	<b>Date Claim Filed</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/ Disallowance</b>
Center for Accessible Technology	2/9/2021	\$12,604.50	\$12,563.00	N/A	See CPUC Comments, Disallowances and Adjustments, [1]

## Hourly Fee Information

<b>First Name</b>	<b>Last Name</b>	<b>Attorney, Expert, or Advocate</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Melissa	Kasnitz	Attorney	\$475.00	2018	\$475.00
Melissa	Kasnitz	Attorney	\$485.00	2019	\$485.00
Melissa	Kasnitz	Attorney	\$500.00	2020	\$495.00
Kathryn	Woodford	Advocate	\$150.00	2018	\$150.00
Kathryn	Woodford	Advocate	\$155.00	2019	\$155.00

(END OF APPENDIX)