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Decision 96-06-029 June 6, 1996

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion Into Competition for Local Exchange Service. (Filed April 26, 1995) R. 95-04-043

ORIGINAL

Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service. (Filed April 26, 1995)

OPINION ON REQUESTS FOR ELIGIBILITY FOR INTERVENOR COMPENSATION AND REQUESTS FOR COMPENSATION

In this decision, we find Toward Utility Rate Normalization (TURN) and the coalition of Southern Christian Leadership Conference, National Council of La Raza, Korean Youth and Community Center, Filipinos for Affirmative Action, and Filipino Civil Rights (collectively represented by Public Advocates or PA) eligible to receive compensation in Rulemaking (R.) 95-04-043 under Public Utilities (PU) Code Section 1804. We also grant in this decision an award of compensation to PA of \$52,694 and to TURN of \$110,031 pursuant to Section 1803 for their contributions to Decision (D.) 95-07-054. Finally, we place PA on notice that all future requests for compensation submitted by PA must have an allocation of costs and hours by issue or PA's request for compensation will not be processed.

1 All references are to the Public Utilities Code unless otherwise noted.

I. Background

In December 1994, the Commission issued D.94-12-053 in Investigation (I.) 87-11-033. This decision ordered all parties to participate in negotiations which the Commission hoped would resolve many of the issues associated with the opening of local exchange phone service to competition. These negotiations extended from January 1995 to March 1995. Parties also submitted comments to the Commission Advisory and Compliance Division (ACAD) on January 31, 1995, as part of the informal process employed by the Commission to develop interim rules for local competition.

The negotiations ordered by the Commission fell short of resolving the issues surrounding the implementation of local exchange competition. As a result, a formal Local Exchange Competition docket was established on April 28, 1995, (R.95-04-043/I.95-04-044)<sup>2</sup> with the issuance of proposed interim rules for local exchange competition. Parties submitted written comments addressing the proposed rules on May 24, and a full panel hearing was convened on June 9 to hear oral statements on the merits of the proposed rules. In D.95-07-054 the Commission adopted interim rules for local exchange competition, addressed certain preliminary issues, and set forth a procedural plan to address issues which remained unresolved by the adopted interim rules. This decision addresses TURN's and PA's requests to be found eligible to receive compensation in R.95-04-043 and their claims for compensation relative to D.95-07-054.

<sup>2</sup> Unless otherwise indicated, all references to R.95-04-043 includes a reference to I.95-04-044.

Motion of Public Advocates

On June 26, 1995, PA filed a motion requesting, among other things, guidance from the Commission concerning how time incurred for PA's work on local competition and universal service matters prior to opening of R.95-04-043 should be allocated among the dockets I.87-11-033, R.95-01-020,<sup>3</sup> and R.95-04-043.<sup>4</sup>

We shall address in this decision PA's Request for Universal Compensation (RFC) filed on September 25, 1995, in R.95-04-043. We hope this action will resolve all of PA's concerns about in which proceeding it should file its RFCs since PA's RFC filed on September 25 includes time incurred prior to the opening of this docket for matters relating to both local competition and universal service. To the extent our action leaves PA's concerns unresolved, PA should file all future compensation requests regarding universal service in R.95-01-020, and all future requests regarding local competition in this proceeding.

We note that PA's positions in this proceeding appear to be duplicative with positions taken by PA in R.95-01-020. For example, PA appears to have recommended in both proceedings that each carrier (LEC and CLC) should be responsible for the CPUC's universal service goal of a 95% penetration rate, and that each CLC should file a business plan for attaining the Commission's universal service goals. To the extent PA has raised the same issues in this proceeding and R.95-01-020, PA has the burden to demonstrate that it is not seeking compensation for raising the

<sup>3</sup> Unless otherwise indicated, any reference to R.95-01-020, the Universal Service docket, also includes a reference to I.95-01-021, the companion OII which was opened at the same time.

<sup>4</sup> Other matters raised in PA's motion have been resolved elsewhere in this proceeding.

same issues in both proceedings, or alternatively, why it is reasonable for PA to be awarded compensation for the duplicative effort.

III. Requests for Findings of Eligibility

Section 1804(a) sets forth the following requirements and intervenor must meet to be eligible for compensation:  
A customer, intending to seek an award, must file a notice of intent (NOI) within 30 days after the prehearing conference is held.  
(Section 1804(a)(1)(i))

The NOI must include a statement of the nature and extent of the customer's planned participation in the proceeding.  
(Section 1804(a)(2)(A)(i))  
The NOI must include an itemized estimate of the compensation that the customer expects to request.  
(Section 1804(a)(2)(A)(ii))

On September 11, 1995, both PA and TURN filed NOIs to claim compensation in R.95-04-043. In its NOI PA asked the Commission to find it eligible to claim compensation based on PA's estimate that it would incur up to \$263,325 in costs to raise issues concerning the impact of local competition on California's low-income, minority, and limited-English-speaking communities. Similarly, TURN in its NOI stated that it would incur up to \$605,000 in costs to participate in the proceeding regarding rules for local competition, pricing flexibility, lifeline, redlining, privacy issues, LEC franchise impacts, and any efforts by LECs to raise rates for captive customers.

The first prehearing conference (PHC) was held on August 11, 1995. PA's and TURN's NOIs were both filed on September 11, 1995, within the 30-day period specified by Section 1804(a)(1)(i).  
4 Other matters raised in PA's motion have been discussed elsewhere in this proceeding.

The NOIS of PA and TURN each contained a statement of the nature and extent of their planned participation in the proceeding, and an itemized estimate of the compensation that each intervenor expected to request. Accordingly, each intervenor has met the requirements of Section 1804 (a) (2) (A) (i) and (ii).

We wish to remind the parties that a finding of eligibility for an award of compensation is not a guarantee that an intervenor will ultimately receive an award.

**IV. Significant Financial Hardship**

Section 1803 (b) authorizes the Commission to award compensation to a customer if participation without an award of fees or costs imposes a significant financial hardship on the customer. Section 1804 (b) (1) states that once an administrative law judge (ALJ) has made a finding of significant financial hardship, there is created a rebuttable presumption of significant financial hardship in other Commission proceedings commencing within one year of the date of that finding. The ALJ Ruling of August 21, 1995, in R.95-01-020, found that PA and TURN faced significant financial hardship. Accordingly, both intervenors have met the test of significant financial hardship.

**V. Showing of Substantial Contribution**

**A. Public Advocates**

On September 25, 1995, PA filed a Request for Compensation (RFC) for substantial contributions to D.95-07-054. According to PA, their participation resulted in a substantial

<sup>5</sup> TURN obtained a similar ALJ ruling on January 5, 1995, in Application 94-05-044.

contribution on the following matters found in D.95-07-054:

- (1) All competitive carriers have an obligation to serve on a nondiscriminatory basis;
- (2) all applicants for residential service are to be given information about the universal lifeline telephone program and its availability;
- (3) the sales agreement covering long distance service purchased from a local carrier must be in the language other than English in which the sale was consummated; and
- (4) interim measures to protect against redlining and to provide bilingual service to limited-English-speaking communities.

B. TURN

TURN filed its RFC on September 25, 1995. In its RFC, TURN states its participation resulted in a substantial contribution regarding the following six matters addressed in D.95-07-054: (1) the consumer protection rules contained in Appendix B of the decision; (2) the mutual traffic exchange or "bill and keep" method of compensation for terminating local traffic between carriers adopted by the Commission; (3) the adoption of interim rules for local competition prior to the resolution of Universal Service issues; (4) the requirement that CLCs should serve only those customers close to CLCs facilities on a nondiscriminatory basis and not the entire area for which CLCs received authorization to serve; (5) the Commission's denial of GTE California, Incorporated's (GTEC) request to hold evidentiary hearings on whether LECs have avested property right to an exclusive local exchange franchise; and (6) the Commission's adoption of TURN's recommendation regarding the procedural

6 According to PA, their participation in the RFC for substantial contributions to D.95-07-054. On September 25, 1995, PA filed a Request for Comment (RFC) for substantial contributions to D.95-07-054.

7 Ibid, p. 18.

8 Ibid, p. 28.

9 Ibid, pp. 20-21.

"Roadmap" for implementing local exchange competition and Universal Service.

TURN states that its participation in the proceeding was largely through its membership in the California Telecommunications Coalition (Coalition). However, TURN believes that this should not diminish the recognition of its substantial contributions to the proceeding. Otherwise, TURN believes that consumer representatives would be discouraged from joining coalitions in the future.

TURN believes that the Commission can readily determine TURN's substantial contribution since any document filed with TURN's name on it is an expression of TURN's position, regardless of what other parties' names are also on the document. TURN believes that if the position contained in a joint pleading is found to have made a substantial contribution, then TURN is eligible for compensation. TURN also cites Sections 1801.3(f) and 1802.5 which state:

"This article shall be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented or participation that is not necessary for a fair determination of the proceeding." (Section 1801.3(f))

"Participation by a customer that materially supplements, complements, or contributes to the presentation of another party, may be fully eligible for compensation if the participation makes a substantial contribution to a commission order or decision." (Section 1802.5.)

TURN reads the above Sections as encouraging joint pleadings and making no distinction whether an intervenor expresses its position. TURN's work efforts are inseparable from those of other Coalition members, thus making it impossible for the Commission to accurately determine the work of TURN that is eligible for compensation.

10. Ibid, p. 41.

in an individual pleading or in a joint pleading in determining the amount of compensation to be awarded.

TURN objects to GTEC's assertion that awarding TURN compensation would result in a financial subsidy to the Coalition. TURN states that it has no intention of sharing any compensation it receives with members of the Coalition and thus TURN will not be subsidizing costs incurred by other Coalition members. TURN adds that there is no basis to deny it compensation because other parties agreed to join with TURN in a particular filing.

TURN states that absent its membership on the Coalition, TURN would have had to duplicate the efforts of others taking similar positions in violation of Subsection 1801.3(f). Finally, TURN believes reducing its compensation because of its collaboration with the Coalition would run counter to the Commission's efforts to encourage cooperative resolution of issues and alternatives to litigation.

C. GTEC

GTEC states that TURN should not recover any compensation for work performed on behalf of the Coalition. GTEC states that the Coalition does not qualify for intervenor compensation and that its individual members, including TURN, should likewise not be permitted to recover intervenor compensation. GTEC believes that any payment to TURN would be a financial subsidy to the Coalition since, according to GTEC, the work of each member of the Coalition provides a benefit to all Coalition members. GTEC also believes that paying TURN would be an ill-advised precedent that would encourage any organization to team up with a qualifying intervenor to obtain free representation at the expense of the utilities required to pay for intervenor's compensation. In addition, GTEC states that TURN's work efforts are inseparable from those of other Coalition members, thus making it impossible for the Commission to accurately determine the work of TURN that is eligible for compensation.

GTEC believes that compensating TURN for its participation as a member of the Coalition is not within the Legislative Intent of Article 5. GTEC states that the intent of this Article was to ensure compensation for consumer groups participating in a proceeding. In GTEC's view, TURN often acted as a member of the Coalition rather than as an independent intervenor.

**D. Discussion**

According to Section 1802(h), an intervenor has made a "substantial contribution" when, in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees, and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.

We find that PA has made a substantial contribution on three issues. More specifically, because of PA's participation, our interim rules were modified to require that all local carriers must provide service on a nondiscriminatory basis<sup>11</sup> all applicants for residential service must be given information about the universal lifeline telephone programs and its availability<sup>12</sup> and the sales agreement for the services to be provided by a local

<sup>11</sup> D.95-07-054, mimeo, p. 28, and Appendix A, p. 8, F(1) and F(6).

<sup>12</sup> D.95-07-054, Appendix B, p. 4, Rule 218.

carrier must be in the language in which the sale was consummated.<sup>13</sup> PA also requests compensation for interim measures to protect against redlining and to provide bilingual service to limited-English-speaking communities. However, in D.95-12-056 we said that D.95-07-054 contains no provision pertaining to redlining, and that the only provision in D.95-07-054 regarding bilingual service is that sales agreements must be written in the language in which the sales were made.<sup>14</sup> Therefore, we cannot award compensation to PA for issues relating to redlining and bilingual outreach relative to D.95-07-054, since these issues were not addressed by that decision. To the extent PA believes that it made a substantial contribution on these issues in D.95-12-056, PA may include these matters in any RFC it files relative to D.95-12-056.

We also find that TURN has made a substantial contribution to D.95-07-054. TURN was very active in advocating its positions with us. For instance, TURN appeared before us at the full panel hearing of June 9, 1995, and TURN was also part of many ex parte meetings with us. TURN states that it was equally active in forging positions advocated by the Coalition. In sum, we find that TURN has convincingly described several areas where its participation had an influence on the outcome of D.95-07-054. Only GTEC disputes whether TURN's participation resulted in a substantial contribution. GTEC states that TURN's efforts are inseparable from those of other Coalition members, thus making it impossible for the Commission to accurately determine what work of TURN is eligible for compensation. We disagree. We have routinely

<sup>13</sup> Ibid.

<sup>14</sup> D.95-12-056, pp. 80 and 84.

awarded intervenors' compensation for their time devoted to settlements and work products jointly sponsored with other parties.<sup>15</sup> We see no greater difficulty in determining TURN's substantial contribution when it is through the Coalition than in determining TURN's contribution when it is through a settlement or other joint work products.

Our concern with TURN's participation is that it may have duplicated to some extent the contributions of other parties. As stated in Section 1801.3 (f), intervenor compensation should be administered in a manner that avoids unproductive or unnecessary participation that duplicates the participation of similar interests otherwise adequately represented. Generally, where evidentiary hearings are held, duplication of effort is simpler to identify. However, where no evidentiary hearings were held, such as for D.95-07-054, and where parties, such as the Coalition, submit joint pleadings, duplication is less apparent.

In the past, when the level of duplication was difficult to ascertain, we applied a "duplication discount factor" of 10% to 26% to the hours claimed by intervenors. For example, in D.88-12-085, we applied a duplication discount factor of 26% to the hours claimed by UCAN related to a settlement. In D.91-12-055 and D.93-06-022, we applied a duplication discount factor of 10% to the hours claimed by TURN in a settlement process. In this case, we will similarly discount by 10% the compensation requested by TURN. Given that many of the Coalition members may have advocated positions similar to those of TURN, and that the Coalition's positions overlapped to some extent those of other parties such as

<sup>15</sup> For example, see D.95-11-036, D.95-01-017, D.93-09-086, and D.93-06-022.

DRA, we believe that this relatively small adjustment is appropriate. Finally, we reject GTEC's assertion that an award to TURN would provide an inappropriate financial subsidy to other members of the Coalition. We have no intention of financing the Coalition through an award to TURN. Our compensation award goes to TURN, not to the Coalition. GTEC presented no evidence that an award to TURN would finance anything more than TURN's own costs. For example, GTEC presented no evidence that Coalition members incurred lower costs as a result of TURN's membership. Nor do we see a peril that our action today will encourage eligible intervenors to team up with ineligible parties in order to subsidize the ineligible party's participation in Commission proceedings at the utilities' expense. Again, awards are paid to eligible intervenors who must justify the reasonableness of their costs whether or not they team up with another party. Our action today is not in conflict with the Legislative intent of Article 15, as GTEC alleges, but in furtherance of the Legislative intent that intervenors should participate in the most efficient and effective way possible.

D.88-12-082, we applied a duplication discount factor of 25% to the hours claimed by UCAI related to a settlement. In D.91-12-022 and D.93-06-022, we applied a duplication discount factor of 10% to the hours claimed by TURN in a settlement process. In this case, we will similarly discount by 10% the compensation requested by TURN. Given that many of the Coalition members may have advocated positions similar to those of TURN, and that the Coalition's positions overlapped to some extent those of other parties such as

15 For example, see D.92-11-036, D.92-01-014, D.93-02-026, and D.93-06-022.

PA also provided evidence of hourly rates awarded to

**VI. Reasonableness of Costs**

In response to objections by GTEC, PA states that in making their substantial contribution, PA states that it incurred the following costs during 1994 and 1995:

Attorneys	Hours	Rates	Fees
Carmela Castellano	93.95	\$175	\$16,441.25
Margaret Lin	38.90	175	6,807.50
Mark Savage	145.84	225	32,814.00
Simone Wennik (law clerk)	45.92	95	4,362.40
<b>Sub-total</b>	<b>324.61</b>		<b>\$60,425.15</b>

In making the substantial contributions, PA states it incurred the following costs:

Thomas Hargadon	12.55	\$250	\$3,137.50
Attorneys' Expenses			\$2,288.23
<b>TOTAL FEES &amp; EXPENSES</b>			<b>\$65,850.88</b>

PA states that the number of hours is reasonable considering that the proceeding spanned more than 10 months during which time PA prepared numerous filings, reviewed the large number of filings submitted by other parties, and participated in negotiations ordered by the Commission. To support the requested hourly rates, PA submitted declarations by its attorneys and expert describing their qualifications. PA also submitted declarations by two attorneys supporting the compensation requested by

18 The two attorneys providing declarations were Fred Alshuler and Richard Pearl. While both of these attorneys' declarations addressed prevailing market rates for persons with skills and qualifications comparable to PA's Mark Savage and Carmela Castellano, neither declaration mentioned PA's Margaret Lin.

19 PA filed a response one day late to GTEC's opposition to PA's compensation request. PA's response included a motion to accept their late filed response. The motion was unopposed by GTEC, and the motion is granted.

PA.<sup>16</sup> PA also provided evidence of hourly rates awarded to intervenors in other cases before the Commission.

In response to objections by GTEC,<sup>17</sup> PA states that time spent during settlement negotiations ordered by D.94-12-053 is eligible for recovery under Section 1802(f), which authorizes compensation for alternative dispute resolution procedures sponsored by the Commission; and under Section 1802(a), which allows compensation for time spent preparing for a proceeding. PA believes that the time spent in settlement negotiations helped it prepare positions leading to their substantial contribution to D.95-07-054.

**B. TURN**

In making its substantial contributions, TURN states it incurred the following costs:

Attorneys	Hours	Rates	Fees
T. Long (1994)	64.75	\$215	\$13,921
T. Long (1995)	402.50	\$230	\$92,575
ANALYST & EXPENSES			
R. Costa (1994)	15.50	\$125	\$1,938
R. Costa (1995)	147.50	\$130	\$19,175
<b>Other Costs</b>			
Photocopying			\$301
Postage			\$51
Telephone and Fax			\$132
<b>TOTAL</b>			<b>\$128,093</b>

<sup>16</sup> The two attorneys providing declarations were Fred Altshuler and Richard Pearl. While both of these attorneys' declarations addressed prevailing market rates for persons with skills and qualifications comparable to PA's Mark Savage and Carmela Castellano, neither declaration mentioned PA's Margaret Lin.

<sup>17</sup> PA filed a response one day late to GTEC's opposition to PA's compensation request. PA's response included a motion to accept their late filed response. The motion was unopposed by GTEC, and the motion is granted.

To support the hourly rates requested, TURN submitted declarations from attorneys Martin Mattes and Stephen Bowen and from consultant Terry Murray regarding the fees charged by other attorneys and analysts with qualifications comparable to those of Mr. Long and Ms. Costa. TURN also submitted Of Counsel, a survey of hourly rates charged by law firms during 1995. Of Counsel shows that the hourly rate requested for Long is at the low end of the rates charged by partners of San Francisco law firms. TURN states that the costs incurred during settlement negotiations ordered by D.94-12-053 are eligible for recovery under Section 1802(f) which authorizes compensation for alternative dispute resolution procedures sponsored by the Commission. Moreover, TURN believes that it would discourage intervenor participation in informal dispute resolution efforts if intervenors could not receive compensation for such endeavors.

TURN believes that its work prior to the issuance of R.95-04-043 is governed by Section 1802(a) which allows compensation for costs incurred in "preparation for" a Commission proceeding. TURN states that its work in the settlement negotiations prior to R.95-04-043 led to its positions that were eventually incorporated in D.95-07-054. TURN further states that there has never been any rule or policy disallowing time spent prior to the initiation of a proceeding so long as the work was reasonably related to the contributions claimed. TURN adds that its work from July through December 1994 was directed at procedural issues which culminated in D.94-12-053, the "Roadmap decision" which established the procedural framework for this proceeding.

TURN recommends that all intervenor compensation awards should be paid by GTEC as a sanction to what TURN sees as

"scurrilous innuendo" included in GTEC's opposition to TURN's RFC. In addition, TURN asks that GTEC pay an additional \$1,000 for work performed by Mr. Florio in the years 1993, 1994, and 1995.

GTEC filed separate responses to TURN's RFC.

reflect the four hours spent by TURN attorney Florio<sup>18</sup> in preparing TURN's reply to GTEC's opposition to TURN's RFC.

C. GTEC recommends a substantial reduction to the compensation requested by PA and TURN.<sup>19</sup> GTEC presents three reasons for reducing PA's and TURN's requests. First, GTEC states that PA and TURN are asking for compensation for time spent prior to the opening of this docket in April 1995. GTEC objects particularly to PA's and TURN's request for time spent prior to December 1994. GTEC believes that any work performed prior to December 1994 related to docket I.87-11-033 and the "Roadmap decision" D.94-12-053. GTEC states that PA's and TURN's efforts may have contributed to the Roadmap decision but cannot be seen as contributing to a July 1995 decision in a separate docket.

GTEC also objects to PA and TURN asking for compensation for time spent in settlement negotiations ordered by D.94-12-053.

According to GTEC, the statutes and rules do not allow for compensation in such circumstances.

Finally, GTEC objects to hourly rates requested by PA and TURN. Specifically, GTEC states that PA and TURN should not be granted an increase in the hourly rates previously approved by the Commission. GTEC views the requested increase in hourly rates as unwarranted. In addition, GTEC recommends that the hourly rate of PA attorney Margaret Lins be reduced from \$175 to \$150 (so that Lins receives the same hourly compensation that GTEC recommends for PA attorney Castellano).

TURN recommends that all intervenor compensation awards should be paid by GTEC as a sanction to what TURN sees as

<sup>18</sup> TURN requests that Mr. Florio be compensated at \$250/hour. This is the same hourly rate that was awarded TURN in D.95-11-036 for work performed by Mr. Florio in the years 1993, 1994, and 1995.

<sup>19</sup> GTEC filed separate responses to PA's RFC and TURN's RFC.

D. Discussion

1. Hourly Rates  
PA requests that we approve an hourly rate of \$225 for work performed by Mr. Savage during 1994 and 1995. In D.95-08-051 we awarded an hourly rate of \$215 for work performed by Mr. Savage in 1994.<sup>20</sup> We will adopt GTE's recommendation that Savage's hourly rate for 1994 be limited to what we previously approved, or \$215 per hour. For 1995, we will approve PA's request to increase the hourly rate of Mr. Savage by 4.65% to \$225.

PA requests that we approve an hourly rate of \$175 for work performed by Ms. Castellano and Ms. Lin in 1995 which is 16.7% higher than the hourly rate of \$150 for Castellano we approved in D.95-08-051. PA has not persuaded us that this substantial increase for Castellano is justified. We shall limit the increase in Castellano's hourly rate in 1995 to 5.0%, rounded to the nearest \$5 increment, or to \$160/hour.<sup>21</sup> Since PA seeks the same hourly rate for both Lin and Castellano, we will also set Lin's hourly rate at \$160 for 1995. Granting the same hourly rate to Castellano and Lin is also appropriate since both individuals possess similar qualifications.

PA also requests an hourly rate of \$250 for Mr. Hargadon. PA's request is reasonable since this is the same hourly rate we approved for Mr. Hargadon in D.94-11-055. Finally, PA requests an hourly rate of \$95 for work performed by a law clerk. This is excessive, and we shall reduce the hourly rate for the law clerk to \$55, which is same rate we approved for PA in D.95-11-008 and 10% more than the 1994 hourly rate we approved for PA in D.95-12-049.

Communication with the new... does not constitute participation in our proceedings within the meaning of Section 1801 et seq. Accordingly, we shall not grant compensation for time spent on these activities.

<sup>20</sup> D.95-08-051, mimeo, p. 10 and Finding of Fact 4.

<sup>21</sup> Rounding up to \$160/hour results in a 6.25% increase.

TURN requests 1994 hourly rates of \$215 for Mr. Long and \$125 for Ms. Costa. We accept TURN's requested hourly rates for 1994 since they are the same as those already approved by us in D.94-09-022 and D.95-08-051. For 1995, TURN requests an hourly rate of \$230 for Long, or 7% more than 1994, and \$130 for Costa, or 4% more than 1994. The 4% increase for Ms. Costa is reasonable and we approve it. We shall limit the increase for Mr. Long to 5% rounded to the nearest \$5 increment, or to \$225/hour, which is identical to the increase we approve herein for PAs Mark Savage,

2. Reasonableness of Hours Worked

Both PA and TURN request compensation for time they spent communicating with legislators and their staff. We find that these activities did not have any bearing on PA's and TURN's substantial contributions to this proceeding. We also find that intervenors should not be compensated for these activities for the same reasons we have consistently disallowed utilities' requests to include in rates their costs for legislative activities. We shall therefore exclude from our award the following hours spent by PA on communicating with legislators: 12.95 hours by Lin, 4.1 hours by Castellano, and 2.31 hours by Savage. Likewise, we shall not award compensation to TURN for the 8.25 hours spent by Long communicating with legislators.

PA and TURN also request compensation for the time they spent communicating with the news media (e.g. press conferences). More specifically, PA seeks compensation for the 1.5 hours Castellano spent communicating with the news media, while TURN seeks compensation for 6.0 hours spent by Long and 2.0 hours spent by Costa on these activities. Communicating with the news media does not constitute participation in our proceedings within the meaning of Section 1801 et seq. Accordingly, we shall not grant compensation for time spent on these activities.

We decline to adopt GTEC's recommendation that PA and TURN should be denied compensation for their work related to the

"Roadmap decision" D.94-12-053. Although GTEC is correct that D.94-12-053 (I.87-11-033) is in a separate docket from R.95-04-043, as stated at the outset of this decision, there is a strong nexus between D.94-12-053 on the one hand, and R.95-04-043 and D.95-07-054 on the other. Both dockets involve matters associated with local competition, and PA and TURN needed to participate in both proceedings in order to effectively participate on matters associated with local competition. No purpose would be served by requiring PA and TURN to each file a separate request for compensation for their work on local competition in I.87-11-033 that culminated in a substantial contribution to D.95-07-054 (R.95-04-043).

We also reject GTEC's recommendation that PA and TURN should be denied compensation for time spent in settlement negotiations ordered by D.94-12-053 since, according to GTEC, the statutes and rules do not allow for compensation in such circumstances. Contrary to GTEC's claim, many Commission decisions have awarded compensation to intervenors for time spent in settlement negotiations and other collaborative efforts.<sup>22</sup> This issue is well settled and we shall not address it further.

TURN requests that it be awarded \$1,000 to prepare a reply to GTEC's opposition to TURN's RFC. We shall grant TURN's request in accordance with section 1802(a) which allows compensation for costs of obtaining and awarding. This cost should be paid by GTEC. TURN also asks that GTEC be required to pay the entire compensation award as a sanction to what TURN views as scurrilous attacks in GTEC's opposition to TURN's compensation request. TURN failed to state any law, rule, or order violated by

<sup>22</sup> For example, see D.95-01-017, D.94-10-029, D.93-10-023, ES D.93-09-086, and D.93-06-022, 080-80-08.0, 08-00-00.0, 100-00-00.0

GTEC that would warrant the penalty recommended by TURN. We will decline to adopt TURN's request. TURN documented its claimed hours by presenting a daily breakdown of hours by person with a brief description of each activity. This breakdown reasonably supports the total hours claimed by TURN. However, TURN did not provide an allocation of its costs or hours by issue. (TURN stated in its RFC that it could provide such an allocation in response to an ALJ data request. As it turned out, no such data request was necessary. Nonetheless, TURN should not again expect us to have to ask for an allocation of costs by issue. In the future, we expect TURN to provide an allocation of costs and hours by issue in all of its requests for compensation filed subsequent to the effective date of this order.

Like TURN, PA documented its claimed hours by presenting a daily breakdown of hours by person with a brief description of each activity. This information reasonably supports PA's claim for total hours, but there is no allocation of PA's costs or hours by issue area. Because of this, we cannot determine the costs associated with PA's efforts on the issues of redlining and bilingual outreach, two issues for which we do not award PA any compensation in this decision.

This is not the first time that PA has submitted inadequate documentation to support its requests for compensation.<sup>23</sup> In prior instances, we used the available information to make our best judgement on the amount of compensation to be awarded to PA. We shall do so again here, and award PA 90% of its claimed costs. Awarding PA the large majority of its costs is appropriate since the two issues for which we do

<sup>23</sup> For example, see D.95-08-051, D.95-03-007, D.91-12-051, D.91-07-001, D.90-09-80, D.89-08-030, D.89-07-049, and D.88-04-058.

not grant compensation were only a small part of PA's overall showing.

We are seriously troubled, however, that we again find ourselves awarding compensation to PA without adequate information for us to properly perform the task. This is despite our having repeatedly directed PA to maintain and submit documented costs by issue area as the following decision excerpts illustrate:

"(PA) shall maintain such records in a manner that identifies specific issues for which compensation will be requested, the actual time spent by each employee, fees paid to consultants, and any other compensable costs incurred." (Ordering Paragraph 2 of D.88-04-058, D.89-07-049, D.89-081030, and D.90-09-089.)

"Despite our repeated advice, Public Advocates has failed to allocate its time by issue. In successive decisions over the years, we have insisted that requests for compensation provide a breakdown of costs by issue." (D.90-09-080, mimeo, p. 28.)

"Despite our express instructions that requests for compensation include a detailed description of hourly services, organized by issue, Public Advocates has repeatedly failed to allocate its time by issue." (D.90-09-080, mimeo, pp. 30-31.)

"Public Advocates is advised that it must maintain clear and accurate records to support future claims for compensation." (D.91-12-051, mimeo, p. 4.)

"Therefore, adequate accounting records and other necessary documentation must be maintained and retained by the organization [PA] to support all claims for intervenor compensation. Such recordkeeping systems should identify the specific proceeding in which costs are incurred, specific issues for which compensation is being requested, the actual time spent by each employee, the hourly rate paid, fees paid to consultants, and any other costs for which compensation may be

claimed. Such records shall be complete and legible." (D.91-07-001, mimeo. p. 15.)

As we explained in previous decisions, in order for us to make an informed decision that the amount of compensation is in reasonable proportion to the party's contributions when the Commission has adopted that party's contributions only in part, we must know how the party's requested costs relate to the issues which and were not adopted. Despite our explicit guidance to Public Advocates in past proceedings, Public Advocates has once again failed to allocate its time by issue. Please see D.90-09-080, at pp. 17-31 for an extensive discussion of the history and rationale of the requirement that a party seeking compensation must allocate its time by issue. This decision notes Public Advocates' repeated and continuing failure to comply with this requirement. Once again we are disappointed in Public Advocates' seemingly stubborn refusal to comply with even the most basic compensation requirements. (D.95-03-007, mimeo. pp. 8-9.)

We will no longer tolerate PA disregarding Commission orders. Any request for compensation filed by PA after the effective date of this decision must have an allocation of costs and hours by issue. Any requests for compensation by PA which do not present such allocation will be considered deficient.

As indicated elsewhere in this decision, PA may seek compensation for its work on redlining and bilingual outreach to the extent it believes that it made a substantial contribution on these issues in D.95-12-056. However, we shall not award PA more than 10% of its costs claimed in the RFC it submitted in this proceeding, plus any additional costs that PA may have incurred subsequent to its submitting the RFC that is the subject of this decision. Such recordkeeping systems should identify the specific issues for which costs are incurred, specific issues for which compensation is being requested, the actual time spent by each employee, the hourly rate paid, fees paid to consultants, and any other costs for which compensation may be

decision. We emphasize that PA must fully document its hours and costs for its work on redlining and bilingual outreach.<sup>24</sup>

PA requests \$2,288 in costs for travel, photocopying, phone, and other expenses. TURN requests \$484 in costs for copying, postage, telephone and fax. We find that PA and TURN reasonably incurred these costs, and we will include them as part of their compensation awards.

Attorneys	Hours	Rate	Amount
Carole A. Castellano	88.35	\$25.00	\$2,213.75
Margaret Lin	22.25	\$25.00	\$556.25
Mark Savage	143.00	\$25.00	\$3,575.00
Simone Wonnik (law clerk)	22	\$25.00	\$550.00
Sub-total			\$4,895.00
Thomas Haradon	12.25	\$220	\$2,695.00
Attorneys' Expenses			\$2,288.00
SUB-TOTAL			\$10,273.00
Less: 10% for Redlining & Outreach			\$1,027.30
TOTAL			\$9,245.70

Attorneys	Hours	Rate	Amount
T. Long (1992)	388.25	\$225	\$87,256.25
T. Long (1994)	64.75	\$215	\$13,921.25
Analyst			
R. Coats (1992)	142.75	\$130	\$18,557.50
R. Coats (1994)	12.50	\$125	\$1,562.50
Other Costs			
Photocopying			\$301
Postage			\$21

24 We note that PA has already filed a RFC relative to PA's 95-12-056. PA should supplement that RFC as necessary in order to bring it into full compliance with this decision.

has noted that the award of \$52,694 is based on the adjustments noted above. We emphasize that the award is based on the adjustments noted above and not on the original award of \$110,031.

Based on the adjustments noted above, we award PA \$52,694 and TURN \$110,031 as set forth below:

PA has already filed a request for a full compliance order to bring D.95-12-072 into compliance with the Act. PA should supplement that request with a request for a full compliance order to bring D.95-12-072 into compliance with the Act. PA has already filed a request for a full compliance order to bring D.95-12-072 into compliance with the Act. PA should supplement that request with a request for a full compliance order to bring D.95-12-072 into compliance with the Act.

<u>Attorneys</u>	<u>Hours</u>	<u>Rates</u>	<u>Fees</u>
Carmela Castellano	88.35	\$160	\$14,136
Margaret Lin	25.95	160	4,152
Mark Savage	143.60	225	32,310
Simone Wennik (law clerk)	45.92	55	2,526
Sub-total			\$53,124
<u>Expert</u>			
Thomas Hargadon	12.55	\$250	\$3,137
Attorneys' Expenses			\$2,288
SUB-TOTAL			\$58,549
Less: 10% for Redlining & Outreach			\$ 5,855
TOTAL			\$52,694

TURN

<u>Attorneys</u>	<u>Hours</u>	<u>Rates</u>	<u>Fees</u>
T. Long (1994)	64.75	\$215	\$13,921
T. Long (1995)	388.25	\$225	\$87,356
<u>Analyst</u>			
R. Costa (1994)	15.50	\$125	\$ 1,938
R. Costa (1995)	142.75	\$130	\$18,558

Other Costs

Photocopying	\$ 301
Postage	\$ 51
Telephone and Fax	\$ 132
SUB-TOTAL	\$12,226
Less: 10% for Duplication	\$ 1,222.60
TOTAL	\$110,031

1991 25th day after PA and TURN filed their compensation response to the NOIs of PA and TURN. In its response, GTEC asked that the cost of any compensation awarded be shared among all local exchange carriers, including competitive local carriers (CLCs) who filed for certificates of public convenience and necessity (CPCNs) as part of this proceeding.

We will not adopt GTEC's recommendation. Section 1807 states that "Any award made under this article shall be paid by the public utility which is subject of the hearing, investigation, or proceeding." When D.95-07-054 was issued, no CLC had yet applied for a CPCN, let alone received one. Therefore, no CLC could be considered as a "public utility" under Section 1807 at the time D.95-07-054 was issued. As a result, we will require Pacific Bell (Pacific) and GTEC to pay the intervenor awards as determined by this decision. As in D.95-08-051, we will apportion the intervenor awards between Pacific and GTEC based on the number of access lines of each utility.

Our requiring Pacific and GTEC to pay the intervenor compensation awarded by this decision does not mean that CLCs, once they receive a CPCN, may forgo the public policy burden inherent in Article 5 of the PU Code. GTEC may again recommend that CLCs pay a portion of intervenor compensation awards (and parties may respond) for matters arising after CLCs are certificated. We will consider the substantive merits of the issue then.

The award to PA and TURN should be apportioned between Pacific and GTEC. Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three month commercial paper rate), commencing December 9, 1991.

25 No response was filed with respect to either of UCAN's NOIs.

26 Replies to GTEC were filed by TURN and AT&T.

27 D.95-08-051, OP 5.

1995, (the 75th day after PA and TURN filed their compensation request) and continuing until the utility makes its full payment of award.

As in all intervenor compensation cases, we put PA and TURN on notice that they may be subject to audit or review by CACD. Therefore, adequate accounting records and other necessary documentation must be maintained and retained by PA and TURN in support of all claims for intervenor compensation. Such record keeping systems should identify specific issues for which compensation is being requested, the actual time spent by each employee, the hourly rate paid, fees paid to consultants, and any other costs for which compensation may be claimed.

**VIII. Documentation of Costs**

This decision once again highlights the need for intervenors to adequately document their requests for compensation

in order for us to carry out our responsibilities under Section 1801 et. seq. Elsewhere in this decision, we remind PA and TURN of our requirement for all intervenors to allocate their costs and hours by issue. But this alone does not solve the problems of documentation we encountered in this decision. Both PA and TURN requested compensation for time spent in two different proceedings.

PA also requests compensation for issues that it has advanced in at least three different proceedings. Because of intervenors' participation in different proceedings, we are concerned that we may unwittingly award compensation twice for the same costs, or that we may award compensation for an unnecessary duplication of effort by intervenors in different proceedings. In order to assure that ratepayers do not double pay for the same costs or unnecessarily pay for duplicative efforts, we shall henceforth require for any subsequent requests for intervenor compensation in "Roadmap" proceedings that PA and TURN submit one or more matrixes containing the following information:

- a. A listing of all telecommunications "Roadmap" proceedings in which the intervenor has participated. This information should be provided for the current year and all applicable previous calendar years.
- b. A breakdown, by proceeding, of the intervenor's total hours incurred to participate in all Commission proceedings listed in a. above. This should be further broken down by each calendar year and by person.
- c. The hours listed for each proceeding in b. above should be further subdivided as follows: (1) hours already claimed and awarded; (2) hours claimed but still pending; and (3) eligible hours incurred, not yet claimed. This information should also be broken down by person.
- d. A breakdown of all the information in c. above by issue area.
- e. An allocation and breakdown of the intervenor's total costs in the same manner as a. through d. above.

PA and TURN should provide the matrixes with their next request for intervenor compensation. We intend to also require this information from other intervenors participating in the telecommunications Roadmap proceedings.

**Findings of Fact**

Public Advocates and TURN's requests for eligibility were timely filed and address all elements required by section 1804. Public Advocates and TURN represent the interests of their California members, not otherwise adequately represented in this proceeding who, as individuals, have a small economic interest in comparison to the costs of effective individual participation. Public Advocates and TURN have demonstrated that their participation in these proceedings would pose a significant financial hardship under Section 1803(b).

4. Public Advocates and TURN are eligible to file a request for compensation in this proceeding. Public Advocates made a

timely request of \$65,851 for its contribution to D.95-07-054; and TURN made a timely request of \$128,093 for its contribution to D.95-07-054.

5. D.95-07-054 adopted Public Advocate's and TURN's positions on a number of issues on which these intervenors focused their participation.

6. Public Advocates requests the hourly rate of \$250 for Mr. Hargadon which is the same hourly rate that was approved by the Commission in D.94-11-055. The hourly rate of \$250 is the market rate for the services of Hargadon at the Public Utilities Commission and the rate is reasonable.

7. Public Advocates requests an hourly rate for Ms. Castellano of \$175 for 1995 which is 16.7% higher than the 1994 hourly rate of \$150 for Castellano approved by the Commission in D.95-08-051.

8. Public Advocates requests that Ms. Lin receive the same hourly rate as Ms. Castellano.

9. Ms. Castellano and Ms. Lin possess similar qualifications.

10. The market rate at the California Public Utilities Commission for attorneys Castellano and Lin is \$150 per hour for 1994 and \$160 per hour for 1995.

11. Public Advocates requests an hourly rate for Mr. Savage of \$225 for 1994 and 1995 which is higher than the 1994 hourly rate of \$215 for Savage approved by the Commission in D.95-08-051.

12. The market rate at the California Public Utilities Commission for attorney Savage is \$215 per hour for 1994 and \$225 per hour for 1995.

13. Public Advocates requests an hourly rate for a law clerk of \$95 which is substantially higher than the hourly rate of \$55 approved by the Commission in D.95-11-008 and the hourly rate of \$50 per hour approved by the Commission in D.95-12-049.

14. The market rate at the California Public Utilities Commission for law clerks is \$55 per hour for 1995.

15. Public Advocates requests compensation for the issues of redlining and bilingual outreach, two topics which were not addressed in D[95-07-054].

16. Public Advocates did not submit an allocation of its costs or hours by issue area as they had been directed to do in many prior Commission decisions. On prior occasions when Public Advocates did not allocate its costs by issue area, the Commission used the available information to make its best judgment on how to allocate Public Advocates' cost by issue area.

17. Allocating 10% of Public Advocates' totaled claimed costs to the issues of redlining and bilingual outreach is a reasonable estimate of Public Advocates' costs for these two issues.

18. Public Advocates' request for other costs such as travel, copying, and postage, are supported by the explanations provided.

19. TURN requests an hourly rate for Ms. Costa of \$125 for 1994 which is the same hourly rate approved by the Commission D.94-09-022 and D.95-08-051. The hourly rate of \$125 is the market rate for the services of Costa at the Public Utilities Commission during 1994 and the rate is reasonable.

20. TURN requests an hourly rate for Costa of \$130 for 1995. The hourly rate of \$130 is the market rate for the services of Costa at the Public Utilities Commission during 1995 and the rate is reasonable.

21. TURN requests an hourly rate for Mr. Long of \$215 for 1994 which is the same hourly rate approved by the Commission in D.94-09-022 and D.95-08-051. The hourly rate of \$215 is the market rate for the services of Long at the Public Utilities Commission during 1994 and the rate is reasonable.

Public Advocates to claim compensation for their participation in this proceeding.

22. TURN requests an hourly rate for Long of \$230 for 1995. The hourly rate of \$225 is the market rate for the services of Long at the Public Utilities Commission during 1995.

23. TURN's requests for other costs such as travel, copying and postage, are supported by the explanations provided.

24. Some duplication or overlap between parties is likely during settlement negotiations or through collaborative endeavors such as the Coalition.

25. Discounting TURN's claimed costs by 10% to account for duplication of effort between parties is a reasonable compromise and consistent with prior Commission decisions.

26. PA and TURN both requested compensation for the time they spent communicating with legislators and their staff. This activity did not have any bearing on the intervenors' substantial contributions to this proceeding.

27. The Commission has consistently disallowed utilities' requests to include in rates their costs for legislative activities.

28. PA and TURN requested compensation for the time they spent communicating with the news media. Communicating with the news media is not an activity related to participation in Commission proceedings.

29. TURN reasonably incurred an additional \$1,000 in costs responding to GTEC's opposition to TURN's request for compensation. This amount should not be discounted by 10%.

30. TURN has not shown that GTEC has violated any rules, order, or law in preparing GTEC's opposition to TURN's compensation request.

Conclusions of Law

1. Public Advocates (PA) and TURN should be found eligible to claim compensation for their participation in this proceeding.

14. The market rate at the California Public Utilities Commission for law clerks is \$55 per hour for 1995.

15. Public Advocates requests compensation for the issues of redlining and bilingual outreach, two topics which were not addressed in D[95-07-054].

16. Public Advocates did not submit an allocation of its costs or hours by issue area as they had been directed to do in many prior Commission decisions. On prior occasions when Public Advocates did not allocate its costs by issue area, the Commission used the available information to make its best judgment on how to allocate Public Advocates' cost by issue area.

17. Allocating 10% of Public Advocates' total claimed costs to the issues of redlining and bilingual outreach is a reasonable estimate of Public Advocates' costs for these two issues.

18. Public Advocates' request for other costs such as travel, copying, and postage, are supported by the explanations provided.

19. TURN requests an hourly rate for Ms. Costa of \$125 for 1994 which is the same hourly rate approved by the Commission D.94-09-022 and D.95-08-051. The hourly rate of \$125 is the market rate for the services of Costa at the Public Utilities Commission during 1994 and the rate is reasonable.

20. TURN requests an hourly rate for Costa of \$130 for 1995. The hourly rate of \$130 is the market rate for the services of Costa at the Public Utilities Commission during 1995 and the rate is reasonable.

21. TURN requests an hourly rate for Mr. Long of \$215 for 1994 which is the same hourly rate approved by the Commission in D.94-09-022 and D.95-08-051. The hourly rate of \$215 is the market rate for the services of Long at the Public Utilities Commission during 1994 and the rate is reasonable.

to claim compensation for their participation in this proceeding.

2. PA and TURN both made a substantial contributions to D.95-07-054, and both are entitled to intervenor compensation.

3. PA should be not be granted an award in this decision for its costs associated with the issues of redlining and bilingual outreach.

4. A reasonable estimate of PA's costs for redlining and bilingual outreach is 10% of its total costs.

5. PA, as the party claiming relief, has the duty to make its claim clear.

6. PA and TURN should not be compensated for time they spent communicating with legislators and their staff.

7. PA and TURN should not be compensated for the time they spent communicating with the news media.

8. PA should be granted an award of \$52,694 for its contributions to D.95-07-054.

9. PA should include in all future requests for compensation an allocation of its costs and hours by issue area.

10. PA should be able to request compensation for time spent on redlining and bilingual outreach in this proceeding to the extent the work makes a substantial contribution to a Commission decision other than D.95-07-054.

11. PA has the burden to show that it is not seeking compensation for raising the same issues in R.95-01-020 and this proceeding, or, alternatively, why it is reasonable for Public Advocates to be awarded compensation for the duplicative effort.

12. PA should make future requests for compensation on universal service issues in R.94-01-020, and future requests for compensation on local competition issues in this proceeding.

13. The Commission should grant TURN \$110,031 for its contributions to D.95-07-054.

14. TURN should include in all future requests for compensation an allocation of its costs and hours by issue area.

15. The Commission should grant TURN an additional \$1,000 for costs it incurred to respond to GTEC's opposition to TURN's request for compensation.

16. GTEC should have responsibility for payment of TURN's additional award of \$1,000.

17. Responsibility for payment of PA's and TURN's awards should be divided between Pacific and GTEC based on the average number of access lines served by each utility.

18. In future requests for compensation, PA and TURN should be required to submit documentation which demonstrates that they are not claiming compensation for duplicative efforts in different proceedings. To the extent there is such duplication, PA and TURN will have the burden to show why it is reasonable to be awarded compensation for the duplicative effort.

**ORDER**

IT IS ORDERED that:

1. Public Advocates is awarded \$52,694 in compensation for its contributions to Decision (D.) 95-07-054.

2. Toward Utility Rate Normalization (TURN) is awarded \$110,031 in compensation for its contributions to D. 95-07-054.

3. Within 30 days of the effective date of this order, Pacific Bell (Pacific) and GTE California, Incorporated (GTEC) shall each pay TURN their share of the amount awarded to TURN plus interest at the rate earned on prime, three-month commercial paper, as reported in the Federal Reserve Statistical Release, G.13, with interest beginning December 9, 1995, and continuing until the full payment is made.

4. GTEC shall, within 30 days from the effective date of this order, pay TURN an additional \$1,000, plus interest, for costs TURN reasonably incurred in responding to GTEC's opposition to TURN's request for compensation.

5. GTEC's proposal to have all local exchange carriers, including newly certificated competitive local carriers, be declared subjects of this proceeding and share in the award to intervenors is denied without prejudice to such a proposal being brought forth again by GTEC for matters addressed subsequent to the time CLCs are certificated.

6. TURN and Public Advocates shall include in all future requests for compensation an allocation of costs and hours by each issue for which they seek compensation.

7. To the extent Public Advocates seeks to recover costs for issues it raised in both R.95-01-043 and R.95-04-043, Public Advocates shall identify in any request for compensation in R.95-01-020 the costs it incurred for the same issues it raised in R.95-04-043, and vice versa.

8. Public Advocates and TURN shall include in all future requests for compensation the following information:

- a. A listing of all telecommunications "Roadmap" proceedings in which the intervenor has participated. This information should be provided for the current year and all applicable previous calendar years.
- b. A breakdown, by proceeding, of the intervenor's total hours incurred to participate in all Commission proceedings listed in a. above. This should be further broken down by each calendar year and by person.
- c. The hours listed for each proceeding in 8.b. above should be further subdivided as follows: (1) hours already claimed and awarded; (2) hours claimed but still pending; and (3) eligible hours incurred not yet claimed. This information should also be broken down by person.
- d. A breakdown of all the information in 8.c. above by issue area.

An allocation and breakdown of the intervenor's total costs in the same manner as 8.a. through 8.d. above.

This order is effective today.

Dated June 6, 1996, at San Francisco, California.

Public Advocates and TURN shall include in all future requests for compensation the following information:  
A listing of all telecommunications "Roundup" proceedings in which the intervenor has participated. This information should be provided for the current year and all applicable previous calendar years.  
A breakdown, by proceeding, of the intervenor's total hours incurred to participate in all Commission proceedings listed in a. above. This should be further broken down by each calendar year and by person.  
The hours listed for each proceeding in 8.b. above should be further subdivided as follows: (1) hours already claimed and awarded; (2) hours claimed but still pending; and (3) eligible hours incurred not yet claimed. This information should also be broken down by person.  
A breakdown of all the information in 8.c. above by issue area.

GREGORY CONLONT  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. YOUNG  
JOSIAH L. NEEPER  
Commissioners

Commissioner Daniel Wm. Fessler,  
being necessarily absent, did not participate.