

Decision \_\_\_\_\_

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

**1**

Order Instituting Rulemaking on the Commission’s Own Motion to Address the Issue of Customers’ Electric and Natural Gas Service Disconnection	R.10-02-005 (Filed February 4, 2010)
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**INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY AND DECISION ON INTERVENOR COMPENSATION CLAIM OF CENTER FOR ACCESSIBLE TECHNOLOGY**

**2**

<b>Claimant:</b> Center for Accessible Technology (CforAT) for itself and its predecessor, Disability Rights Advocates (DisabRA)	<b>For contribution to D.12-03-054: Decision on Phase II Issues: Adoption of Practices to Reduce the Number of Gas and Electric Service Disconnections</b>
<b>Claimed (\$):</b> \$33,758.74	<b>Awarded (\$):</b>
<b>Assigned Commissioner:</b> Michael Florio	<b>Assigned ALJ:</b> Maryam Ebke
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
<b>Signature:</b> /S/	
<b>Date:</b> 5/25/12	<b>Printed Name:</b> Melissa W. Kasnitz

**PART I: PROCEDURAL ISSUES (to be completed by Claimant except where indicated)**

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<b>A. Brief Description of Decision:</b>	This decision adopted practices intended to reduce the number of service disconnections for CARE customers of PG&E and Southern California Edison (SCE). The adopted measures are similar to those negotiated between the Sempra Utilities and the consumer groups that were also active in this phase of the proceeding, including the Center for Accessible Technology and its predecessor, Disability Rights Advocates. The Sempra Utilities are not required to comply with the practices adopted in the decision because they are bound instead by the settlement,
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	which was previously approved by the Commission in D.10-12-051. Work by DisabRA and CforAT regarding implementation of the Sempra settlement subsequent to the issuance of D.10-12-051 is also addressed in this Request for Compensation.
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

		Claimant	CPUC Verified
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>			
<b>4</b>	1. Date of Prehearing Conference:	N/A	
	2. Other Specified Date for NOI:	March 4, 2010 (30 days after issuance of Rulemaking, as instructed in OIR; no separate NOI was requested for Phase 2)	
	3. Date NOI Filed:	<u>DisabRA:</u> March 4, 2010 <u>CforAT:</u> September 13, 2011; see notes, below	
4. Was the NOI timely filed?			
<b>Showing of customer or customer-related status (§ 1802(b)):</b>			
<b>5</b>	5. Based on ALJ ruling issued in proceeding number:	<u>DisabRA:</u> R.10-02-005 <u>CforAT:</u> No formal ruling has been issued on CforAT's NOI in this proceeding. CforAT has established its customer status in other proceedings; see line 7, below.	

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6. Date of ALJ ruling:	<u>DisabRA:</u> May 18, 2010 <u>CforAT:</u> No formal ruling has been issued on CforAT's NOI in this proceeding. CforAT has established its customer status in other proceedings; see line 7, below.	
7. Based on another CPUC determination (specify):	See ALJ Ruling in A.10-03-014, issued on October 31, 2011.	
8. Has the Claimant demonstrated customer or customer-related status?		
<b>Showing of "significant financial hardship" (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	<u>DisabRA:</u> R.10-02-005 <u>CforAT:</u> No formal ruling has been issued on CforAT's showing of significant financial hardship in this proceeding. CforAT has established in other proceedings that participation before the Commission would be a significant financial hardship without the availability of intervenor compensation. See line 11, below.	
10.Date of ALJ ruling:	<u>DisabRA:</u> May 18, 2010 <u>CforAT:</u>	

	No formal ruling has been issued on CforAT's showing of significant financial hardship in this proceeding. CforAT has established in other proceedings that participation before the Commission would be a significant financial hardship without the availability of intervenor compensation. See line 11, below	
11. Based on another CPUC determination (specify):	See ALJ Ruling in A.10-03-014, issued on October 31, 2011.	
12. Has the Claimant demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-13-054	
14. Date of Issuance of Final Order or Decision:	March 29, 2012	
15. File date of compensation request:	May 25, 2012	
16. Was the request for compensation timely?		

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

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#	Claimant	CPUC	Comment
3	CforAT		<p>CforAT filed a Motion for Party Status and an NOI in September of 2011. Due to problems with the e filing submission, the NOI was officially filed on September 13, 2011, and the Motion for Party Status was officially filed on September 21, 2011. CforAT was authorized to file its Motion for Party Status after it had already submitted its NOI by an email from ALJ Ebke sent on September 21, 2011, in response to CforAT's request for direction on how to proceed when its error was identified.</p> <p>As discussed in the Motion for Party Status, CforAT requested authorization to act as the successor to Disability Rights Advocates, and adopt prior filings and testimony prepared by DisabRA as its own. This request was made following</p>

		<p>an agreement between CforAT and DisabRA regarding representation of the interests of the disability community before the Commission. As noted in footnote 5 of the final decision, CforAT's Motion for party status was granted by a ruling of the ALJ on November 3, 2011. While the ruling did not formally act on the request for CforAT to adopt the prior filings of DisabRA as its own, the final decision notes the relationship between the disability representatives and treats documents filed initially by DisabRA as CforAT's filings. This Request refers jointly to CforAT/DisabRA, since compensation is being requested for the work performed by each organization.</p>
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**PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Claimant except where indicated)**

**A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059). (For each contribution, support with specific reference to the record.)**

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Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. As addressed in detail in Section B, below, CforAT/DisabRA worked closely with other consumer representatives to address issues of shared concern in an efficient manner. In addition, CforAT/DisabRA took the lead on issues of particular concern for the disability community, including efforts to ensure that the IOUs use accessible forms of communication to reach customers in all instances where the customer is at risk of service disconnection. CforAT/DisabRA also took a very active role in addressing the need to provide extra protections for vulnerable consumers and to provide an expansive definition of what constituted a "vulnerable consumer."</p>	<p>See generally joint and separate filings by CforAT/DisabRA and other consumer groups, including Second Round Comments on Phase II Issues (DisabRA Opening Comments, filed on May 20, 2011; DisabRA Reply Comments, filed on May 31) and comments on the Proposed Decision (Comments of The Utility Reform Network, the Center for Accessible Technology, the Greenlining Institute and the National Consumer Law Center on the Proposed Decision on Phase II Issues, filed on January 30, 2012 and Reply Comments of the Center for Accessible Technology, filed on February 6, 2012). No compensation is being requested for time spent by DisabRA for the first round of Phase II comments, since those time entries were included in DisabRA's prior request for compensation in this proceeding. See detailed time records attached to DisabRA's earlier request, for which compensation was awarded in D.11-10-012.</p>	

<p><b>2. Accessible Communication:</b> In order to accommodate the needs of vision-and hearing-impaired customers, the final decision adopts a number of measures to ensure accessible communication regarding issues relating to service disconnection, including:</p> <ul style="list-style-type: none"> <li>• For any written communication to customers concerning the risk of service disconnection, other than billing statements, the utility shall provide key information, including the fact that service is at risk and a way to follow up for additional information, in large print such as 14 point sans serif font.</li> <li>• For customers who have previously been identified as disabled and who have identified a preferred form of communication, the utility shall provide all information concerning the risk of disconnection in the customer’s preferred format.</li> <li>• For households identified as using non-standard forms of telecommunication, the utility shall ensure that outgoing calls regarding the risk of disconnection are made by a live representative.</li> </ul>	<p>Final Decision at p. 56, Ordering Paragraph 2.j. – 2.l; <i>see also</i> Final Decision at pp. 52-53, Conclusion of Law 4, and discussion at pp. 23-25.</p>	
<p><b>3. Vulnerable Customers - Protection:</b> The final decision requires on-site visits by a utility representative to protect vulnerable or sensitive customers prior to service disconnection.</p>	<p>Final Decision at pp. 55-56, OP 2.b and 2.h, and discussion at pp. 28-30. This protection was adopted based on the Phase II comments of the consumer groups. Decision at p. 29. CforAT/DisabRA specifically advocated for this protection at DisabRA’s May 20, 2011 Comments on Phase II issues at pp. 6-7; DisabRA May 31 Reply Comments on Phase II issues at pp. 7-8; in the Joint Comments on the PD at pp. 7-9.</p>	
<p><b>4. Vulnerable Customers - Definition:</b> The definition of vulnerable customers is expanded beyond the original proposed definition of medical baseline and life support customers to include customers</p>	<p>CforAT/DisabRA advocated expansion of the initial definition of vulnerable customers at DisabRA’s May 20, 2011 Comments on Phase II issues at pp. 6-7; DisabRA May 31 Reply Comments on Phase II issues at pp.</p>	

<p>who self-certify that they have a serious illness or condition that could become life threatening if service is disconnected.</p>	<p>7-8; in the Joint Comments on the PD at pp. 7-9, as well as in first round comments on Phase II issues by DisabRA, for which compensation was previously requested. The expanded definition is set forth in the Decision at p. 30, specifically citing to CforAT/DisabRA's First-Round Opening Comments pointing out that many households containing disabled individuals are not enrolled in the medical baseline program.</p>	
<p><b>5. Vulnerable Customers - Definition:</b> While the final decision declined to adopt the even more expansive definition of "vulnerable consumer" advocated by the consumer groups, it noted that its requirements are "minimum standards" and directed the utilities to "continue to evaluate whether it would be cost-effective or otherwise appropriate to broaden the protection" beyond what is directly required.</p>	<p>Final Decision at p. 30-31. While not definitively adopting the expansions of the definition supported by consumers, the decision would not have given direction to the IOUs to continue to evaluate broader protections without consumer advocacy on this issue.</p>	
<p><b>6. Joint Consumer Issues:</b> Other key consumer protections supported by CforAT/DisabRA include the establishment of a benchmark for service disconnection levels for CARE customers, continuation of payment plan and deposit requirements until the IOUs demonstrate that they can keep disconnections below the benchmark level; a requirement to inform customers of flexibility regarding dates for bill payment; adoption of uniform notice of disconnection procedures use of CSRs to enroll customers in CARE; and adoption of procedural requirements such as ongoing reporting.</p>	<p>Final Decision at pp. 54-58; see generally CforAT/DisabRA's support on these issues in DisabRA's May 20, 2011 Comments on Phase II Issues; DisabRA's May 31 Reply Comments on Phase II Issues; Joint Consumer Comments on the PD and CforAT's separate Reply Comments on the PD.</p>	
<p><b>Sempra Settlement:</b> Since D.10-12-051 was issued, CforAT/DisabRA, along with other consumer groups, have also appropriately worked to oversee the implementation of the settlement. Work regarding the implementation of the Sempra settlement includes: review of</p>	<p>The Sempra settlement was approved by the Commission in D.10-12-051 as meeting the objectives set by the Commission in initiating this Rulemaking; a number of the provisions of D.12-03-054 such as the benchmark requirement are modeled after requirements of the Sempra settlement. It is</p>	

<p>monthly reports, participation in quarterly meetings, and follow-up on issues that are identified in the reports and meetings.</p>	<p>thus appropriate for the intervenors and parties to the settlement to spend time overseeing the implementation of the settlement, consistent with the settlement terms (including an agreement by the Sempra Utilities to provide monthly reports and hold quarterly meetings to address implementation issues). When moving for party status and filing its NOI, CforAT specifically identified its intention “to participate in reviewing the implementation of the terms of the Sempra Settlement. . . and in any appropriate follow-up that might result from the settlement” as part of its planned participation for which it eventually anticipated seeking compensation, CforAT NOI at p. 3, filed on September 13, 2011, and no party objected.</p>	
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**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

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	Claimant	CPUC Verified
<p><b>a. Was the Division of Ratepayer Advocates (DRA) a party to the proceeding?</b></p>	Yes	
<p><b>b. Were there other parties to the proceeding with positions similar to yours?</b></p>	Yes	
<p><b>c. If so, provide name of other parties:</b> DRA, the Greenlining Institute (Greenlining), the National Consumer Law Center (NCLC), and The Utility Reform Network (TURN). At times, the City and County of San Francisco also participated in conjunction with the consumer groups. Through the second round of comments on Phase 2 issues, DisabRA was an active party; following the ruling on CforAT’s Motion for Party Status, DisabRA ceased to participate actively.</p>		
<p><b>d. Describe how you coordinated with DRA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b></p> <p>All of the consumer advocates participating in this proceeding worked closely together to efficiently address issues where their interests overlapped. Disability Right Advocates and the Center for Accessible Technology focused specifically on the accessibility of customer communications regarding service disconnections, including the accessibility of written communications and of telecommunications (whether live or automated) between the IOUs and their customers. No other party focused on this issue. CforAT/DisabRA were also very active on issues regarding the definition of sensitive or vulnerable customers and the protections provided to this group. Other issues that CforAT/DisabRA addressed while coordinating with</p>		



other consumer groups include the benchmark standard which is the focus of the final decision, the need to maintain deposit and payment plan requirements previously adopted in Phase I, as well as concerns regarding affordability, flexibility in payment dates, and procedural issues such as the need for certain protections to remain in place after other requirements expire and the need for ongoing reporting.

CforAT/DisabRA participated jointly with the other consumer groups when appropriate, including preparation of joint comments on the PD and joint participation in ex parte meetings after the PD was held. Even when acting separately, CforAT/DisabRA coordinated with the other consumer groups for efficiency and effective advocacy, including for example coordinating reply comments to the PD among the consumer groups.

In addition to the effective work with other consumer groups, there was no duplication or inefficiency between the two groups representing the disability community. When CforAT sought party status, it requested to adopt DisabRA's prior filings as its own so that it would not duplicate the work previously contributed by DisabRA. DisabRA ceased to participate as an active party when CforAT obtained party status. CforAT was represented by Melissa Kasnitz, who had previously led all work in this proceeding for DisabRA before she moved her Commission practice to CforAT. Because the actual advocates representing the interests of the disability community did not change, notwithstanding the formal substitution of parties, there was no inefficiency or duplication of effort between DisabRA and CforAT.

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

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#	Claimant	CPUC	Comment
10.d			As described in the sections on substantial contribution and coordination with other parties, above, the interests of the disability community were represented throughout this proceeding, with a smooth transition from DisabRA to CforAT. The organizations entered into an agreement to allow CforAT to adopt the prior filings and other work by DisabRA, and DisabRA ceased to act as an active party once CforAT joined the proceeding. The advocates representing the disability community, primarily lead attorney Melissa Kasnitz, remained the same through the organizational shift. No active party to the proceeding raised any concerns regarding the transition.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Claimant except where indicated)**

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

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<b>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</b>	<b>CPUC Verified</b>
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While the benefits to consumers from CforAT/DisabRA’s participation in this proceeding are difficult to quantify they are clear and substantial. For customers who were previously at risk of service disconnection and were unable to access the information being provided to them, the improved accessibility of customer communications will give them an opportunity to avoid the monetary costs, inconveniences, and possible collateral damage (such as losing time from work, losing food stored in the freezer, or other harms) from service disconnections. For vulnerable consumers, the requirement of an on-site visit before service can be disconnected reduces risk of serious physical harm due to loss of electrical service. For all low-income customers, the overall goal of the proceeding of reducing the number of PG&E and SCE customers who are disconnected, only to be reconnected after a very brief interval, provides substantial benefits.

In comparison to the benefits provided to low income and vulnerable customers of PG&E and SCE, the costs were modest and reasonable. The overall number of hours dedicated to the proceeding were modest, and the proceeding was staffed and managed efficiently, as described in detail below. Thus, the non-dollar benefits obtained bear a reasonable relationship with the reasonable costs incurred.

**b. Reasonableness of Hours Claimed.**

The total number of hours claimed by DisabRA time is modest at just over 27 hours, the bulk of which involved preparation of the second round of Phase 2 comments. As noted above, time spent on the first round of Phase 2 Comments was compensated in DisabRA’s earlier compensation request in this proceeding. DisabRA also participated in monitoring Sempra’s implementation of its settlement.

CfoAT’s time is also reasonable. In its NOI filed on September 13, 2011, CforAT estimated that it would spend 45 hours on the remaining work in the proceeding, which it anticipated to include comments on a proposed decision and ongoing efforts to oversee the implementation on the Sempra Settlement. To the extent that this estimate was very modestly exceeded, it is largely due to the need to participate in multiple ex parte meetings with Commissioners’ offices (and coordination with other consumer representatives regarding such ex partes), which were only set after the PD was held following its initial appearance on the Commission agenda.

**c. Allocation of Hours by Issue**

Key substantive issues addressed by CforAT/DisabRA include issues regarding accessible communication and issues regarding the definition of, and the protections to be afforded to, vulnerable consumers. Where these items were jointly addressed, as in separate comments of CforAT/DisabRA that did not involve other consumers, they are labeled collectively as

“Disability.” Approximately 2/3 of “Disability” time was spent on communication issues, with the remainder on issues regarding vulnerable consumers.

Where CforAT/DisabRA coordinated with other consumers, such as in the joint comments on the PD and in the various work surrounding the ex parte meetings scheduled after the PD was issued and then held prior to receiving a vote, time entries are labeled “Consumer.” Consumer work collectively included the “Disability” issues and the other consumer issues supported by CforAT/DisabRA, but for which another consumer organization took the lead role. This time includes work on joint comments and joint participation in ex parte meetings, in which CforAT continued to take the lead on communication issues and issues concerning vulnerable consumers.

CforAT/DisabRA also spent time on “General Participation,” which includes activities necessary to follow the procedural development of the proceeding, coordinate with other parties, and effectively participate in all relevant activities.

Finally, as noted above, CforAT/DisabRA appropriately spent time addressing the Sempra Settlement and related issues. This time is labeled “Sempra.”

In 2011, DisabRA spent time preparing the second round of comments on Phase II issues (as noted above, DisabRA sought compensation for the first set of Phase II comments in an earlier request), participated in implementation of the Sempra settlement and engaged in General Participation issues. DisabRA’s issue breakdown is:

Consumer: 8% (2.2 hours of 27.3)

Disability: 51% (14.0 hours of 27.3)

GP: 22% (6.1 hours of 27.3)

Sempra: 18% (5.0 hours of 27.3)

CforAT obtained party status in the fall of 2011, after comments on Phase II issues were complete. Thus, CforAT’s limited time in 2011 was primarily spent on the Sempra settlement (67%, or 6.5 hours out of 9.7) with limited time on general participation (15%, or 1.5 hours out of 9.7) and overseeing consumer issues, primarily Edison’s efforts to institute remote disconnections (17% or 1.7 hours out of 9.7).

In 2012, CforAT worked with other consumer groups and separately in response to the PD, though the final decision. CforAT also continued to monitor implementation of the Sempra Settlement. CforAT’s issue breakdown in 2012 is:

Consumer: 59% (22.1 hours out of 37.7)

Disability: 16% (6.0 hours out of 37.7)

GP:	16% (6.0 hours out of 37.7)	
Sempre:	9% (3.6 hours out of 37.7)	

**B. Specific Claim:**

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CLAIMED						CPUCA WARD		
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**ATTORNEY, EXPERT, AND ADVOCATE FEES**

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Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa Kasnitz (DisabRA)	2011	21.0	\$420	D.12-03-051	\$8,820			
Rebecca Williford (DisabRA)	2011	0.8	\$160	See comments below	\$128			
Melissa Kasnitz (CforAT)	2011	9.7	\$420	See comments below.	\$4,704			
Melissa Kasnitz (CforAT)	2012	37.7	\$435	See comments below.	\$16,401			
<b>Subtotal:</b>					<b>\$30,053</b>	<b>Subtotal:</b>		

**OTHER FEES**

Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel \*\*, etc.):

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Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Paralegal (DisabRA)	2011	5.5	\$110	D.12-03-052	\$605			
<b>Subtotal:</b>					<b>\$605</b>	<b>Subtotal:</b>		

**INTERVENOR COMPENSATION CLAIM PREPARATION \*\***

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Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa Kasnitz (CforAT)	2011	1.1	\$210	½ regular hourly rate; see comments below	\$231			
Melissa Kasnitz	2012	12.5	\$217.50	½ requested hourly rate; see comments below	\$2718.75			
<b>Subtotal:</b>					<b>\$2,949.75</b>	<b>Subtotal:</b>		

**COSTS**

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#	Item	Detail	Amount	Amount

In-House Printing and Photocopies (DisabRA)		\$139.25		
Postage (CforAT)		\$11.74		
		<b>Subtotal:</b>	<b>\$150.99</b>	<b>Subtotal:</b>
		<b>TOTAL REQUEST \$:</b>	<b>\$33,758.74</b>	<b>TOTAL AWARD \$:</b>

When entering items, type over bracketed text; add additional rows as necessary.

\*If hourly rate based on CPUC decision, provide decision number; otherwise, attach rationale.

\*\*Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.

**C. Attachments Documenting Specific Claim and Comments on Part III (Claimant completes; attachments not attached to final Decision):**

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Attachment or Comment #	Description/Comment
1	<b>Certificate of Service</b>
2	<b>Time Entries from DisabRA, including summaries (attached)</b>
3	<b>Time Entries from CforAT for work on merits, including summaries (attached)</b>
4	<b>Time Entries from CforAT for work on Compensation Request (attached)</b>
5	<b>Costs:</b> CforAT/DisabRA believe the limited costs requested for recovery are self-explanatory; however additional information regarding the accrual of the identified costs can be provided if it would be helpful.
6	<b>Justification of 2011 Rate for Rebecca Williford (DisabRA):</b> No rate has been finally approved for Rebecca Williford, a 2009 law school graduate. DisabRA has requested the rate of \$160 in its request for compensation in I.07-01-022 <i>et al.</i> , filed on July 11, 2011, in its request for compensation in R.09-12-017 <i>et al.</i> , filed on July 11, 2011, and in its request for compensation in Phase II of this proceeding, A.10-03-014, filed on August 1, 2011. This rate was also requested in the request for compensation of CforAT and DisabRA in A.10-03-014, filed on May 3, 2012. A draft decision has just been issued in A.10-03-014 which would set Ms. Williford's rate for 2011 at \$150, the same as her rate for 2010. Because Ms. Williford is eligible for a step increase and because in D.12-03-051, the Commission approved the rate of \$160 for Kara Werner, who is a law school peer to Rebecca Williford with comparable experience, the proposed rate of \$160 should be approved.
7	<b>Justification of proposed 2011 rate for Melissa Kasnitz (CforAT):</b> Melissa Kasnitz is seeking the same rate for her work at CforAT in 2011 as was authorized for her work at DisabRA. In D.12-03-051, the Commission approved her rate of \$420 per hour in 2011. CforAT has requested the same rate in its request for compensation in A.10-03-014, filed on May 3, 2012. The proposed rate, consistent with the previously set rate, should be approved.
8	<b>Justification of proposed 2012 rate for Melissa Kasnitz (CforAT):</b> This is the first substantive request for compensation for Melissa Kasnitz for work performed

in 2012. In its request for compensation filed on May 7, 2012, in A.10-03-014, CforAT included 5.7 hours of time in 2012, for which it requested compensation at 2011 rates. In that filing, CforAT expressly reserved its right to request an increase in Ms. Kasnitz's rate for 2012 in future compensation requests. At this time, Ms. Kasnitz is seeking a rate increase from \$420 to \$435 (approximately a 3.5% increase).

This increase in Ms. Kasnitz's rate for 2012 is justified. Ms. Kasnitz graduated law school in 1992; in 2012 she is an experienced practitioner with substantial expertise representing people with disabilities and with a history of effective representation at the Commission.

Nevertheless, her rate has been unchanged since 2008, and since she first entered the most experienced rate range of commission intervenors in 2005, at 13 years of experience, she has received only minimal step increases. Thus, while Ms. Kasnitz has substantially more than the minimum level of experience in the 13+ year range, her rate does not reflect this experience. Of course, more junior practitioners have ongoing opportunities to seek increases as they rise in experience levels, and they have multiple opportunities to seek step increases in each experience range. All that this request seeks is a similar opportunity for the most experienced practitioners to obtain a modest rate increase.

Ms. Kasnitz is aware that no cost of living increases have been authorized since 2008 (though no resolution has issued specifically for 2012). The increase sought here is different. If an experienced practitioner with 20 years of legal experience but no established rate before the Commission sought intervenor compensation for the first time, Resolution ALJ 267 indicates that the attorney would be eligible for a rate between \$300 and \$535 per hour. A rate of \$435, just above the midpoint of the rate range, would easily be found reasonable for such a practitioner.

While there is no directly comparable practitioner to use as a model, CforAT points to Tom Long of TURN. According to the Commission's rate chart, available at [http://www.cpuc.ca.gov/NR/rdonlyres/991AE44F-B4CD-4133-A2C0-17BF4C0F849C/0/Intervenors\\_Hourly\\_Rates.pdf](http://www.cpuc.ca.gov/NR/rdonlyres/991AE44F-B4CD-4133-A2C0-17BF4C0F849C/0/Intervenors_Hourly_Rates.pdf), Mr. Long's rate was set at \$300 in 2000 (established in D.01-08-011) as an attorney for TURN. Subsequent to that, Mr. Long left TURN and has not had a rate set as an intervenor since that time. In 2011, however, Mr. Long returned to TURN. In an NOI submitted in A.11-06-007 on June 6, 2011, Mr. Long indicated that he would be requesting a rate of \$510.

Ms. Kasnitz had a rate of \$300 in 2004, four years later than the same rate for Mr. Long. Based on her experience since that time, a rate of \$435 is reasonable, and CforAT respectfully requests that such rate be set for 2012.

**D. CPUC Disallowances, Adjustments, and Comments (CPUC completes):**

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#	Reason

**PART IV: OPPOSITIONS AND COMMENTS**

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

(CPUC completes the remainder of this form)

<b>A. Opposition: Did any party oppose the Claim?</b>	
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If so:

Party	Reason for Opposition	CPUC Disposition

<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?</b>	
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If not:

Party	Comment	CPUC Disposition

**FINDINGS OF FACT**

1. Claimant [has/has not] made a substantial contribution to Decision (D.) \_\_\_\_\_.
2. The requested hourly rates for Claimant’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 [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$\_\_\_\_\_.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. Claimant is awarded \$\_\_\_\_\_.

2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay Claimant the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Claimant their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning \_\_\_\_\_, 200\_\_, the 75<sup>th</sup> day after the filing of Claimant’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.