

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 THE CENTER FOR ACCESSIBLE TECHNOLOGY AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE CENTER FOR ACCESSIBLE TECHNOLOGY

Intervenor: Center for Accessible Technology (CforAT)	For contribution to Decision (D.) 14-06-036	
Claimed: \$ \$ 31,911.00	Awarded: \$	
Assigned Commissioner: Michael Florio	Assigned ALJ: 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).		
Signature:		/S/ Melissa W. Kasnitz
Date: August 29, 2014	Printed Name:	Melissa W. Kasnitz

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

A. Brief description of Decision:	Decision approves settlement agreement on credit, collection, and disconnection practices, to be implemented following expiration of prior decisions.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	None held	
2. Other specified date for NOI:	March 6, 2010	

3. Date NOI filed:	September 13, 2011; see notes, below	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	See below.	
6. Date of ALJ ruling:	See below.	
7. Based on another CPUC determination (specify):	D. 13-04-008 issued on April 5, 2013 in R.10-02-005 (prior decision granting compensation to CforAT for earlier work in this proceeding).	
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	See below.	
10. Date of ALJ ruling:	See below.	
11. Based on another CPUC determination (specify):	D. 13-04-008 issued on April 5, 2013 in R.10-02-005 (prior decision granting compensation to CforAT for earlier work in this proceeding).	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-06-036	
14. Date of issuance of Final Order or Decision:	June 26, 2014	
15. File date of compensation request:	August 29, 2014	
16. Was the request for compensation timely?		

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

#	Intervenor's Comment(s)	CPUC Discussion
	<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>At the time CforAT obtained party status, we also requested authorization to act as the successor to Disability Rights Advocates, and adopt prior filings and testimony prepared by DisabRA in this proceeding as our own. CforAT then took over as a representative of the disability community in this proceeding. Both CforAT and Disability Rights Advocates were found eligible for compensation and were awarded compensation for earlier work in this proceeding. <i>See</i> D.13-04-008. Since CforAT obtained party status, Disability Rights Advocates ceased all work in this proceeding, and is not now seeking any compensation.</p>	

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

- A. **Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).** (For each contribution, support with specific reference to the record.)

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Collectively with other consumer groups, CforAT negotiated a settlement to extend many disconnection and credit rules for IOUs adopted by the Commission in decisions earlier in this proceeding and to enact new pilot program protocols to experiment with different customer communication techniques.</p> <p>The agreement negotiated by CforAT and other consumer groups was found to be reasonable in light of the record, consistent with law, and in the public interest; it was thus adopted by the Commission.</p> <p>Key provisions of the settlement include:</p> <ul style="list-style-type: none"> - Continuing the requirement to provide in-person field visits for vulnerable customers, without charging the customer any fee for such visit. - Continuing effective communication provisions for customers who have difficulty communicating in standard English, including customers with disabilities that affect their ability to communicate verbally or in writing. - Continuing the requirement that all utilities enroll eligible 	<p>CforAT participated actively in all settlement negotiations, as reflected in our time records, and described in the Joint Motion of the Office of Ratepayer Advocates, The Utility Reform Network; the Greenlining Institute; the Center for Accessible Technology; Pacific Gas and Electric Company (U39E); Southern California Edison Company (U338-E); San Diego Gas & Electric Company (U902M); and Southern California Gas Company (U904G) for the Adoption of the Settlement Agreement, filed on April 1, 2014. The settlement was adopted by the Commission in D.14-06-036 (Ordering Paragraph 1).</p>	

<p>customers in CARE with a live agent over the phone.</p> <ul style="list-style-type: none"> - Requiring pilot programs regarding payment plans to determine effective mechanisms for restoring customers who are in arrears into good standing. - Continuing to constrain deposit size and allow CARE and FERA customers to pay deposits over time. - Establishing ongoing reporting requirements and regular meetings among parties to address developing issues. 		
<p>CforAT participated in regular meetings, mandated by the prior settlement with the Sempra Utilities and adopted by the Commission in D.10-12-051 in this proceeding. These meetings allowed parties to assess the effectiveness of various practices and eventually served as the initial forum for discussions that led to the subsequent settlement.</p>	<p>The settlement between the Sempra Utilities and the consumer organizations approved by the Commission in D.10-12-051 mandated quarterly meetings between the settling parties to discuss issues that might arise under the settlement. Through these meetings as well as the regular reports, settling parties were able to identify and resolve various concerns about credit and collection practices. It was also the initial forum for discussions that evolved into the broader settlement agreement with all the IOUs.</p> <p>The success of this forum as a mechanism for ongoing oversight of concerns regarding credit and collection practices also led to a comparable obligation for all IOUs to meet regularly with consumers, as memorialized in the successor settlement that is now in effect. D.14-06-036 at p. 7 (describing ongoing reporting and meeting obligations under the settlement).</p>	
<p>CforAT participated in overseeing activity as</p>	<p>CforAT's records reflect modest time spent reviewing reports and other filings</p>	

<p>appropriate on credit, collection and disconnection practices taken by PG&E and SCE following D.12-03-054. The active oversight by parties to this proceeding facilitated the discussions that led to the subsequent settlement.</p>	<p>from PG&E and SCE, consistent with earlier Commission decisions.</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
<p>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹</p>	<p>Yes.</p>	
<p>b. Were there other parties to the proceeding with positions similar to yours?</p>	<p>Yes.</p>	
<p>c. If so, provide name of other parties: TURN, the Greenlining Institute (Greenlining), the National Consumer Law Center (NCLC)</p>		
<p>d. Intervenor's claim of non-duplication: Throughout the portion of this proceeding addressing issues regarding credit, collection, and disconnection practices to be implemented by the IOUs following the expiration of prior obligations at the end of 2013, CforAT, TURN, Greenlining and NCLC worked jointly to address issues of concern to the constituency of each organization and to support adoption of practices that would be beneficial to consumers. At each stage, the consumer groups coordinated efforts, delegated tasks, and jointly prepared proposals and responses in order to proceed efficiently through complex negotiations. All of these consumer organizations other than NCLC eventually joined the settlement adopted in the decision (while NCLC was not a party to the settlement, it supported the settlement after seeking and obtaining clarification on some issue).</p>		

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

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

#	Intervenor's Comment	CPUC Discussion

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

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

a. Intervenor's claim of cost reasonableness:	CPUC Discussion
<p>While the direct benefits to individual consumers flowing from the new settlement are difficult to quantify, they are clear and substantial. Customers at risk of service disconnection, including many customers with disabilities (who are disproportionately low income, and also highly dependent on electricity to support their ability to live independently) benefit from clear rules controlling credit, collection, and disconnection practices, including the continuation of many consumer protections. These protections include deposit limits, in-person visits for vulnerable consumers prior to disconnection, and ongoing efforts to improve practices for setting payment plans for customers in arrears. Some of these rules will improve communication between the IOUs and their customers, and others (like deposit limitations and improved payment plan processes) will allow customers to avoid disconnection and the associated costs, likely resulting in substantial savings.</p> <p>In comparison to the benefits provided to low income and vulnerable customers, the costs were modest and reasonable. In terms of both the savings to customers and the non-dollar benefits obtained, the results bear a reasonable relationship with the reasonable costs incurred.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>CforAT spent fewer than 70 hours on this phase of proceeding, including participating in oversight of IOUs work to implement the two prior Commission decisions as well as detailed negotiations and additional work to develop and obtain approval of the new agreement. This work, done in conjunction with other consumer representatives and all the major IOUs in California, resulted in an agreement between virtually all relevant stakeholders for oversight of credit, collection and disconnection practices, and provides a forum for ongoing review and discussion of such issues. The value of this outcome for customers who will potentially subject to service disconnection, including members of CforAT's constituency, is substantial. As noted above, the consumer representatives coordinated closely to avoid duplication of effort and proceed efficiently as parties worked to develop the new agreement.</p> <p>In light of the importance of this issue and the reach of the agreement that resulted, the Commission should find that the number of hours claimed are fully reasonable.</p>	

<p>c. Allocation of hours by issue:</p> <p>Post 2013: 57.7 hours (85% of total)</p> <p>This category includes all time developing, researching, negotiating, and pursuing approval of the agreement that is now in effect.</p> <p>Sempra Settlement: 6.5 hours (9% of total)</p> <p>This category includes all time spent participating in regular meetings and otherwise overseeing the effective implementation of the prior settlement between consumer groups and the Sempra Utilities.</p> <p>General Participation/Implementation: 4.1 hours (6% of total)</p> <p>This category includes all time spent reviewing activities undertaken by PG&E and SCE pursuant to D.12-03-054, as well as additional tasks addressing procedural items that arose during the relevant time period.</p>	
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B. Specific Claim:*

CLAIMED						CPUCA WARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2012	3.2	\$430	D.13-04-008	\$1,376			
Melissa W. Kasnitz	2013	29.0	\$440	D.13-11-017	\$12,760			
Melissa W. Kasnitz	2014	36.1	\$450	See below	\$16,245			
Subtotal: \$ 30,381						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2014	6.8	\$250	½ requested rate	\$1,530			
[Preparer 2]								
Subtotal: \$1,530						Subtotal: \$		

COSTS				
#	Item	Detail	Amount	Amount
TOTAL REQUEST: \$ 31,911			TOTAL AWARD: \$	
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>				
ATTORNEY INFORMATION				
Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation	
Melissa W. Kasnitz	December, 1992	162679	No, but includes inactive periods prior to 1997.	

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

Attachment or Comment #	Description/Comment
1	Certificate of Service
2.	2012 Merits Time Records
3	2013 Merits Time Records
4	2014 Merits Time Records
5	Compensation Time Records
	<p>Justification for 2014 Rate for Melissa W. Kasnitz: As noted above, Ms. Kasnitz's approved rate for 2013 is \$440 per hour. No COLA or other rate adjustment has yet been authorized for 2014. However, if a 2% COLA, consistent with what was authorized for 2013, is eventually approved, the appropriate adjustment would result in a rate of \$450 for 2014. To the extent that a different rate adjustment is eventually authorized, CforAT requests that the adopted adjustment be applied in place of this estimate. CforAT has requested a 2014 rate of \$450 for Ms. Kasnitz in other pending compensation requests in other proceedings (e.g. R.11-03-013), but no decision has yet issued authorizing such rate.</p>

D. CPUC Disallowances and Adjustments (CPUC completes):

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS

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

(CPUC completes the remainder of this form)

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor’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 compensation is \$ _____.

CONCLUSION OF LAW

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

ORDER

1. Intervenor is awarded \$ _____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor 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 compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor’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.

**Attachment 1:
Certificate of Service by Customer**

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR COMPENSATION CLAIM OF [Intervenor's Name] AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

- hand delivery;
- first-class mail; and/or
- electronic mail

to the following persons appearing on the official Service List:

[Insert names and addresses from official Service List]

Executed this [day] day of [month], [year], at [city], California.

[Signature]

[Typed name and address]