

Decision 18-08-010 August 9, 2018

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

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2017. (U39M)

Application 15-09-001

**DECISION GRANTING COMPENSATION TO THE CENTER FOR ACCESSIBLE TECHNOLOGY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 17-05-013**

<b>Intervenor:</b> Center for Accessible Technology (CforAT)	<b>For contribution to Decision (D.) 17-05-013</b>
<b>Claimed:</b> \$14,940.25 <sup>1</sup>	<b>Awarded:</b> \$10,561.30
<b>Assigned Commissioner:</b> Michael Picker	<b>Assigned ALJ:</b> Stephen C. Roscow

**PART I: PROCEDURAL ISSUES**

A. Brief description of Decision:	The Decision sets Pacific Gas and Electric Company's (PG&E) revenue requirement, adopts a comprehensive Settlement Agreement between all active parties in this proceeding, and resolves the limited issues that were not part of the settlement. The settlement incorporates a Memorandum of Understanding between CforAT and PG&E addressing disability access issues.
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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:	October 29, 2015	Verified

<sup>1</sup> Due to a calculation error, this amount is incorrect: the correct amount should be \$15,010.25. We explain the correction in Part III.B.

2. Other specified date for NOI:	N/A	
3. Date NOI filed:	November 23, 2015	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	A.14-11-007 et al.	A.15-07-009
6. Date of ALJ ruling:	D.17-05-009	November 20, 2015
7. Based on another CPUC determination (specify):	No ruling was issued in response to CforAT's NOI in this proceeding. The Commission's most recent determination of eligible customer status for CforAT is in the decision noted above.	
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of "significant financial hardship" (§1802(h) or §1803.1(b))		
9. Based on ALJ ruling issued in proceeding number:	A.14-11-007 et al.	A.15-07-009
10. Date of ALJ ruling:	D.17-05-009	November 20, 2015
11. Based on another CPUC determination (specify):	No ruling was issued in response to CforAT's NOI in this proceeding. The Commission's most recent determination of significant financial hardship for CforAT is in the decision noted above.	
12. Has the Intervenor demonstrated significant financial hardship?		Yes

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.17-05-013	Verified
14. Date of issuance of Final Order or Decision:	5/11/2017	May 18, 2017
15. File date of compensation request:	7/17/17	Verified
16. Was the request for compensation timely?		Yes

## PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Before PG&E filed its 2017 GRC Application, CforAT negotiated with PG&E to reach an agreement that builds on previous Memoranda of Understanding (MOUs) adopted in prior GRC cycles. The prior MOUs, negotiated between PG&E and CforAT and/or our predecessor, Disability Rights Advocates, were approved in the final decisions in each GRC. The parties have continued to work on institutionalizing accessibility improvements and ongoing commitments to serving customers with disabilities. No party opposed the accessibility proposals (including funding for ongoing accessibility commitments) at any time.	<p>In this GRC, CforAT negotiated a Memorandum of Understanding with PG&amp;E regarding various commitments to continuously improve and effectively serve utility customers with disabilities. The MOU was incorporated into the Application (at PG&amp;E-6, Chapter 5, Attachment A) and included in the comprehensive settlement agreement at Section 3.2.4.6. It was subsequently adopted in the Final Decision as part of the Settlement Agreement.</p> <p>The MOU reflects CforAT's continuing efforts to work collaboratively with PG&amp;E to support effective service for customers with disabilities. It covers four specific issue areas: (1) PG&amp;E's continued staffing of a Disability Access Coordinator position to oversee accessibility activities company-wide; (2) website accessibility (continued implementation of WCAG 2.0 standards, training, testing); (3) communication access issues (customer disability database, tracking preferred communications, large print and alternative communication methods); and (4) access to PG&amp;E's local offices and neighborhood payment centers, as well as access around construction sites</p>	Verified

	and pole locations. The agreement also sets forth funding obligations and procedural requirements, including an annual reporting process.	
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## B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	No	Verified
c. If so, provide name of other parties:  While other parties advocated for the interests of consumers generally, and while no party opposed the positions advocated by CforAT, no other party had a focus on accessibility concerns for customers with disabilities.		Verified
d. Intervenor's claim of non-duplication:  As stated above, there were multiple parties representing the interests of consumers in this proceeding, but there were no other parties addressing disability access issues or examining how PG&E ensures that its services and communications are accessible. This was the focus of CforAT's participation. Because no other party addressed this issue, there was no duplication of effort.  In addition to our direct work on accessibility, CforAT engaged in the proceeding in a limited manner to monitor its process and ensure that the interests of our constituency were protected, as well as to provide limited input on select issues of interest to our constituency. In response to direct requests from PG&E, CforAT also participated in various aspects of the overall settlement process and defense of the settlement upon release of a Proposed Decision and Alternate Proposed Decision, even when the issues under review did not relate to the accessibility agreement.		Verified

### **PART III: REASONABLENESS OF REQUESTED COMPENSATION**

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

<p>a. Intervenor’s claim of cost reasonableness:</p> <p>The only substantive issues addressed by CforAT were those focused on the unique needs of people with disabilities, including ongoing efforts to institutionalize PG&amp;E’s commitment to effectively serving customers with disabilities via improved physical access to its services and facilities and communication access for disabled customers who cannot access information presented in standard formats. These issues were within the scope of the proceeding and built on agreements reached in prior GRC cycles.</p> <p>The joint proposal developed by PG&amp;E and CforAT was not contested by any party and was adopted in the comprehensive settlement agreement and in the final decision. In addition to the work to develop the joint proposal, CforAT monitored the overall proceeding to ensure that the interests of its constituency was protected, and worked to oversee continuing implementation of the prior accessibility agreement that was in effect while this proceeding was pending. We also provided limited input on select issues of interest to our constituency, including service at local offices and hours of availability for the customer call center.</p> <p>Given the results obtained for CforAT’s constituency and the fact that these results were part of an extended GRC proceeding, CforAT’s costs were modest and reasonable. Overall, CforAT obtained valuable commitments on behalf of PG&amp;E’s customers with disabilities, while requesting less than \$15,000 in compensation for merits work.</p>	<p><u>CPUC Discussion</u></p> <p>Verified, however, after correcting a calculation error CforAT is requesting slightly more than \$15,000 in compensation.</p>
<p>b. Reasonableness of hours claimed:</p> <p>The total amount of time claimed by CforAT is very modest, and is reasonable given the scope and length of this proceeding. CforAT’s time records reflect CforAT’s focused attention on those limited issues where we are uniquely placed to address the needs of our constituency. In keeping with the narrow focus on accessibility and the interests of PG&amp;E customers with disabilities, the total amount of time spent on this effort was constrained, notwithstanding the extensive overall scope and length of the proceeding.</p> <p>While the time spent on “General Participation” as described below, makes up almost half of the time recorded, the total number of hour is low, and much of the time spent on procedural matters, including participation in the broader settlement process and the submission of comments by the settling</p>	<p>With reductions made in this decision, the claim is reasonable.</p>

parties on the Proposed Decision and the Alternate Proposed Decision was at the direct request of PG&E.	
<p>c. Allocation of hours by issue:</p> <p>CforAT allocated by counsel among various issues as described below. Time spent by other staff is identified separately</p> <p>Accessibility: 17.5 hours of 34.5 Total (50.73%) The issue area designated “Accessibility includes all work negotiating the MOU addressing PG&amp;E’s commitments to provide accessible service to its customers with disabilities as well as time spent monitoring its implementation of accessibility commitments. In addition to the time spent by CforAT’s counsel, this issue area also includes 6.5 hours by CforAT employee Johnno Reardon, described below. This time was also spent reviewing implementation of accessibility commitments.</p> <p>General Participation: 17.0 hours of 34.5 Total (49.27%) The issue area designated “General Participation” includes all time not spent on Accessibility. This includes time spent on following the progress of this large, complex proceeding before the Commission. It also includes time spent, at the direct request of PG&amp;E, participating in the broader settlement discussions and the settling parties’ comment process on the Proposed Decision and the Alternate Proposed Decision. Finally, includes limited time communicating with PG&amp;E on issues of concern to CforAT’s constituency, including proposed changes to operation of local offices and proposed changes to hours of operation for PG&amp;E’s customer call center.</p>	Verified, however, the allocation of half of CforAT’s total hours to “General Participation” is excessive.

## B. Specific Claim:\*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Melissa W. Kasnitz	2015	11.5	\$450	D.14-12-046	\$5,175.00	7.72 <sup>[2]</sup>	\$450 <sup>2</sup>	\$3,474.00
Melissa W. Kasnitz	2016	9.9	\$455	D.16-09-033	\$4,504.50	7.2 <sup>[1]</sup>	\$455	\$3,276.00

<sup>2</sup> See D.15-12-046.

Johno Reardon	2016	6.5	\$120	See below.	\$780.00	6.5	\$120	\$780.00
Melissa W. Kasnitz	2017	6.6	\$465	Res. ALJ-345 (establishing a 2.14% COLA to be applied to 2016 rates)	\$3,069.00	4.02 <sup>[4]</sup>	\$465 <sup>3</sup>	\$1,869.30
Subtotal: \$ 13,528.50						Subtotal: \$ 9,399.30		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Melissa W. Kasnitz	2015	1.3	\$225	½ approved rate	\$292.50	2.1 <sup>[3]</sup>	\$225	\$472.50
Melissa W. Kasnitz	2017	3.7	\$232.50	½ anticipated rate for 2017 (2016 rate adjusted by COLA)	\$860.25	1.5 <sup>[1]</sup>	\$232.50	\$348.75
Kate Woodford (Analyst)	2017	4.7	\$70.00	½ anticipated rate for 2017 (2016 rate, authorized in D.17-03-011) adjusted by COLA)	\$329.00 <sup>4</sup>	4.7	\$72.50 <sup>5</sup>	\$340.75
Subtotal: \$1,481.75						Subtotal: \$1,162.00		
TOTAL REQUEST: \$15,010.25						TOTAL AWARD: \$10,561.30		
*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks								

<sup>3</sup> See D.17-11-031.

<sup>4</sup> Originally, this table indicated the amount of \$259.00 as the total. We include the correct amount of \$329.00 here and correct the subtotal and total results.

<sup>5</sup> See D.17-08-009.

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.

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

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR <sup>6</sup>	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation
Melissa W. Kasnitz	December, 1992	162679	No, but includes periods of “inactive” status prior to 1997

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

Attachment or Comment #	Description/Comment
Comment	2016 Rate for Johnno Reardon: Johnno Reardon is an employee of CforAT with knowledge and experience on issues of access for persons with disabilities. In this proceeding, he assisted CforAT’s counsel by participating in reviews of the ongoing accessibility work being conducted by PG&E, including review of annual reports and participation in planning meetings. No rate has previously been set for work by Mr. Reardon on Commission matters. At this time, CforAT is seeking a rate of \$120/hour, which is consistent with rates that have been awarded to multiple organizations for work by paralegals, and below the rate of \$140 approved by the Commission in 2016 for work by Kathryn Woodford, CforAT’s Analyst who regularly participates in Commission proceedings (see D.17-03-011).
Comment	Time records for CforAT’s counsel, Melissa Kasnitz, include references to consultation with CforAT’s Executive Director, Dmitri Belser. Because the time spent by Mr. Belser was limited, CforAT is not seeking compensation for his input.

### D. CPUC Disallowances and Adjustments:

Item	Reason
Adoption of Reardon hourly rate	CforAT requests an hourly adopted rate of \$120/hour for employee Johnno Reardon. The Commission approves a first time rate for Reardon of \$120.00, which is consistent with his level of experience.

<sup>6</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.



[1]	<p>The Commission compensates efficient effort that contributed to the proceeding's outcomes. In the past, the Commission has disallowed inefficient activities and applied reductions to hours that reflected excessive internal duplicative efforts, such as numerous internal communications, review of each other's documents, working on the same materials, engaging in the same tasks and participating in the same events. We disallow the following hours as internal duplication of efforts:</p> <ul style="list-style-type: none"> <li>• 5/3/16 Kasnitz – 0.2 hour for conf. w/J. Reardon re: annual report review and follow up</li> <li>• 5/13/16 Kasnitz – 0.2 hour for conf. w/J. Reardon re: review of annual report and preparation of memo</li> <li>• 6/10/16 Kasnitz – 0.5 hour for conf. w/J. Reardon re: review of annual report and issues for follow up</li> <li>• 7/11/17 Kasnitz – 0.2 hour for meeting w/K. Woodford re: initial draft of compensation request</li> <li>• 7/12/17 Kasnitz – 2 hours for reviewing and editing draft compensation request prepared by Woodford</li> </ul> <p>Total 2016 Kasnitz disallowances: 0.9 hour Total 2017 Kasnitz claim preparation disallowances: 2.2 hours</p>
[2]	<p>The Commission does not compensate attorneys for work that is clerical in nature as such work has been factored into the established rates. The following hours are disallowed from Kasnitz's claim as clerical<sup>7</sup>:</p> <ul style="list-style-type: none"> <li>• 5/15/15 – 0.2 hour for Call w/ S. Franks to schedule initial discussion of potential agreement for 2017 GRC</li> <li>• 8/13/15 – 0.3 hour for signing final draft of MOU; e-mail exchange w/ PG&amp;E re: procedural next steps</li> <li>• 9/1/15 – 0.3 hour for call w/ Steve Franks re: filing, location of MOU and next steps</li> <li>• 11/5/15 – 0.25 hour for e-mail to PG&amp;E requesting scoping handout</li> </ul>
[3]	<p>Re-categorization to intervenor compensation hours:</p> <ul style="list-style-type: none"> <li>• 10/26/15 Kasnitz – 0.5 hour for drafting motion for party status</li> <li>• 11/3/15 Kasnitz – 0.1 hour for call re: CforAT not being included in list of parties at PHC</li> <li>• 11/5/15 Kasnitz – 0.2 hour for follow up with ALJ re: failure to grant party status at PHC</li> </ul>

<sup>7</sup> See, for example, D.15-12-046 and D.11-07-024.

[4]	<p>CforAT's work after the issuance of the decision cannot be characterized as having assisted us in making our decision, which §1802(j) requires. We deny this portion of CforAT's request:</p> <ul style="list-style-type: none"> <li>• 5/31/17 Kasnitz – 0.3 hour for call w/S. Dietz (PGE) re: call center issue; follow up e-mail exchange w/H. Goodson (TURN)</li> <li>• 6/1/17 Kasnitz – 0.3 hour reviewing PG&amp;E powerpoint presentation re: call center hours of operation; follow up e-mail exchange w/S. Dietz</li> <li>• 6/6/17 Kasnitz – 1 hour attending meeting w/S. Dietz and H. Goodson (TURN) re: PG&amp;E proposal to modify call center hours of operation</li> </ul>
[5]	<p>CforAT allocates slightly less than half (49.27%) of its total hours in this proceeding under "General Participation." This is an indeterminate category to which intervenors might allocate a few hours that could not fairly be included in any specific issue-related activity. The allocation of slightly less than half of CforAT's total hours to this category is excessive.<sup>8</sup> Consequently, we further reduce the hours claimed in this category by 20%.</p>

#### PART IV: OPPOSITIONS AND COMMENTS

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

#### FINDINGS OF FACT

1. CforAT has made a substantial contribution to D.17-05-013.
2. The requested hourly rates for the CforAT's representative, 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 \$10,561.30.

<sup>8</sup> See CPUC Intervenor Compensation Program Guide (April 2017) at 26.

**CONCLUSION OF LAW**

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

**ORDER**

1. Center for Accessible Technology shall be awarded \$10,561.30.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company shall pay the Center for Accessible Technology the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 30, 2017, the 75<sup>th</sup> day after the filing of the Center for Accessible Technology's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated August 9, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners

**APPENDIX****Compensation Decision Summary Information**

Compensation Decision:	D1808010	Modifies Decision?	No
Contribution Decision:	D1705013		
Proceeding:	A1509001		
Author:	ALJ Roscow		
Payer:	Pacific Gas and Electric Company		

**Intervenor Information**

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Center for Accessible Technology (CforAT)	7/17/17	\$14,940.25	\$10,561.30	N/A	<i>See</i> CPUC Disallowances and Adjustments, above.

**Advocate Information**

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Melissa	Kasnitz	Attorney	CforAT	\$450	2015	\$450
Melissa	Kasnitz	Attorney	CforAT	\$455	2016	\$455
Melissa	Kasnitz	Attorney	CforAT	\$465	2017	\$465
Johno	Reardon	Office Manager	CforAT	\$120	2016	\$120
Kate	Woodford	Analyst	CforAT	\$72.50	2017	\$145

**(END OF APPENDIX)**