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ATTACHMENT 2 –

ALJ ROSCOW STATES NOI IS APPROVED IN OCTOBER 2016

From: **Roscow, Stephen C.** Stephen.Roscow@cpuc.ca.gov Date: 28 October 2016 at 13:45 Subject: RE: A.15-09-001, status of CAUSE amended Notice of Intent to Claim Compensation, and Next Steps To: Scott Rafferty rafferty@gmail.com Hello again, Mr. Rafferty— I've reviewed your documents and approved them, so your Amended NOI has been accepted. That completes this long procedural journey, so thank you again for your patience.
Stephen C. Roscow

DATE	DESCRIPTION OF ACTIVITY	EXPENSES	MILEAGE	NON-BILL	CLAIM PREP	HOURS	PLIT
totals->		\$ 430.40	2978	134.25	128.50	1133.00	
24-Sep-15	attended safety en banc; communication to Adm. Ellis;					6.00	SAFETY
25-Sep-15	memo to G Jackson, San Bruno, articulating bubble-up system; telephone call to Prof Karlene Roberts; review of proposed decision opening safety culture investigation; review of workshop materials					5.00	SAFETY
9-Oct-15	letter to [LEG 1], detailed review of application and of protests and responses to identify areas of potential agreement and duplication					7.00	SAFETY
12-Oct-15	lunch with Adm Ellis; review of SB705, SB900 (2014), D.14-12-025 on rate case procedure; prepare "death by fuel type" chart on relative safety of fuels	\$14.00	115	3.50		7.00	SAFETY
13-Oct-15	lunch with Prof Karlene Roberts, 631-0150, director of Center for Catastrophic Risk Management, UC Berkely, to recruit her as expert once our eligibility is found; review of ruling setting prehearing conference	\$2.00	16	1.50		4.00	SAFETY
15-Oct-15	further discussion with Adm Ellis re applicability of INPO to utility safety management systems					3.00	SAFETY
17-Oct-15	telephone discussion with [LEG 2] re bubble up management systems; discussion with Prof Wolak re regulation of financial v nuclear utility risk	\$14.00	115	3.50		6.00	SAFETY
22-Oct-15	meeting with [LEG 1], [LEG 2], [LEG 4], background on legislation and safety concerns	\$7.00	150	3.50		4.00	SAFETY
24-Oct-15	review of extensive workpapers on safety (346380.pdf, 346358.pdf, 346407.pdf)					5.00	PREP
27-Oct-15	prepare meeting requests for Sandoval, Peterman, Randolph, Picker; identification of academic	\$2.00	31	1.00		4.00	SAFETY
29-Oct-15	PREHEARING CONFERENCE					0.00	
30-Oct-15	discussion with Prof Severin Borenstein re cascading failures; research into safety management systems	\$4.00	32	1.50		5.00	SAFETY
4-Nov-15	meeting with Charlyn Hook; meeting with Sepideh Khosrowjah, M Florio, Jessica Hecht, Amy Broderick	\$13.30	14	2.50		1.00	SAFETY
5-Nov-15	review of S Sharp overview testimony for PG&E					1.75	PREP
6-Nov-15	communications with R Kerth; review of motions filed by CFC and Center for Accessible presentation sent to C Fernandez, D Gamson, John Reynolds, Technology (CAT); outreach to CFC to discuss coordination and avoid duplication; discussion with Prof L Friedman, Berkeley	\$5.00	32	1.50		3.00	SAFETY
12-Nov-15	meeting with [LEG 9]; preparation of biography; review of FOE motion for party status	\$9.00	150	3.50		4.00	SAFETY PROCESS
16-Nov-15	meeting with Ehren Seybert (Peterman); review of PG&E application, prehearing conference statements by CAT, SWC, EFC, FOE, EDF; discussion with Carl Wood; revise presentation to N Chaset, prepare email; review of A4NR ex parte; follow up with K Koss; reach out to Prof Paul Shulman, Mills College	\$13.30	14	2.50		6.00	SAFETY



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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
17-Nov-15	continuing review of application, ORA protest, SCE and MCE statements					7.25	PREP	
18-Nov-15	review of TANC, NAAC, WMHCA, and TURN prehearing conference statements; outreach to Prof P Harter; discussion with Schulman					6.50	PREP	
19-Nov-15	preparation of motion for party status, NOI, review of NOIs, research into business entities					7.00	PROCESS	
20-Nov-15	write to Vengerova to ask if I can submit NOI as an unincorporated association and later incorporate, emphasizing not seeking tax advice, only if PUC will transfer party status - no response; continue preparing NOI					4.00	PROCESS	
23-Nov-15	review of rules, preparation of motion for party status, study of intervenor compensation guide, review of NOIs from A4NR					5.00	PROCESS	
24-Nov-15	meet with Mark Toney and Tom Long (TURN) to discuss coordination [1:30]; meet with Peter Allen, SED [1:00], review of all filed NOIs, numerous phone calls to other parties regarding coordination	\$13.30	14	2.50		7.75	PROCESS	
25-Nov-15	preparation of motion for party status, NOI, review of NOIs filed by EDF, CFC and NAAC; conversation re utility safety practices with Brenda Fotos; conversation with Stephen Burns, chair NRC					7.50	PROCESS	
27-Nov-15	research in Berkeley, review of rules of procedure, intervenor compensation guide; presentation to C Sandoval; meeting request to Comm Randolph; revisions to motion for party status and NOI (hol.)	\$3.00	32	1.50		7.00	PROCESS	
30-Nov-15	finalize, file and serve motion for party status and NOI - subsequently, docket office will claim that they were filed together, but each is filed separately and NOI is not "acted on" until 25-Feb16, when it is rejected.	\$13.30	14	2.50		1.00	PROCESS	
30-Nov-15	communication with D Grueneich; meeting with Professor Friedman; talk again to Mark Toney, Tom Long; communication to Prof Wolak,, lengthy discussion with S [LEG 2] [1:30]; correspondence with DaVina Flemings; communication with Tom Long re coordination, other parties; prepare email to other parties re duplication	\$13.30	14	2.50		6.25	SAFETY PROCESS	
1-Dec-15	review of scoping memo (issued today), acknowledgement of filing, continued analysis of application; communications with docket office regarding giving effect to name change (go through all necessary steps to eliminate "Collective")					3.00	PROCESS	
2-Dec-15	receive acknowledgement of receipt of motion for party status					0.25	PROCESS	
3-Dec-15	phone conversation with J Osterlund re IBEW and safety					0.75	SAFETY	
7-Dec-15	meeting with J Osterlund re labor positions on utility safety; research into risk management professors, especially local; review of risk management literature'	\$13.30	14	2.50		4.00	SAFETY	
11-Dec-15	telephone discussions with IBEW in Palm Springs					1.50	SAFETY	
11-Dec-15	meeting with Carl Wood, discussion of labor position on safety, bubble up	\$8.00	125	4.00		2.50	SAFETY	
21-Dec-15	review of PG&E filing on effective date of new rates					0.50	PREP	
30-Dec-15	STATUTORY DEADLINE FOR ELIGIBILITY RULING					0.00		

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
4-Jan-16	discussion with US AAG Habicht re use of consent decrees in environmental cases; follow on research; write [LEG 7], [LEG 10]; research into Discovery Bay outage; discussion with Nicole Johnson (CFC) re coordination and duplication					6.25	SAFETY PROCESS	
5-Jan-16	respond to Vengerova's request regarding "status of my entity" respond that I filed as unincorporated association; while I registered with SoS, this does not affect legal status. Promise to obtain acknowledgement, but ask if this is delaying ruling on eligibility. No reply					1.00	BURDEN	
7-Jan-16	review TURN amendment to NOI re purpose; call to TURN; write Vengerova, offer to drive to Sacramento if UA-100 is delaying my eligibility ruling; offer to refile as a corporation - no reply					1.25	BURDEN	
8-Jan-16	review of CPUC study of methane emissions in connection with proposal regarding gas leaks; communication with city of Lancaster officials re CPUC proceedings and litigation; requests for meetings with state officials; purpose of trip is to acquire acknowledgement of UA-100, which ALJ requires, in-person meeting at office of Secretary of State	\$6.00	150	3.75		4.50	SAFETY	
11-Jan-16	review of PG&E-9 workpapers (insurance); PG&E-2 workpapers (integrated planning)					3.00	PREP	
12-Jan-16	conference call on public participation hearings, follow up					1.50	PREP	
13-Jan-16	brief discussion w Bill Julian re labor approach to safety; meeting requests with state public officials; identification of additional risk management professors; write series of emails to Vengerova, asking if the absence of an acknowledgement is delaying eligibility; for the first time, Vengerova states that they must have precise name, implying that ruling is being delayed " As to questions in your emails concerning choices of the form for your organization, we, unfortunately, are not in a position to give attorney or tax advice or do research on the topics of your inquiry." research into legal status of unincorporated association pending SoS acknowledgment; outreach to [LEG 5]					5.00	SAFETY	
14-Jan-16	Emergency trip to Sacramento - in-person discussion with SoS regarding failure to receive acknowledgement of 28-Nov-16 submission of UA-100 and resubmission; discussion with Prof Conley UC Davis re methane leaks at gas utilities; discussion with [LEG 1] re safety legislation; meeting with [LEG 3];	\$9.00	150	3.50		5.00	BURDEN	
14-Jan-16	meetings with [LEG 2], [LEG 1], [LEG 3], return visit to SoS for UA-100	\$12.00	150	3.25		3.75	SAFETY BURDEN	1.00 2.75
19-Jan-16	Boalt Hall library: research into safety whistleblower cases, safety in utility regulation case books	\$4.00	32	1.50		4.50	SAFETY	

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29-Jan-16	exchanges of emails requesting assistance from Steve Reyes, chief of staff to Secretary Padilla, in locating the acknowledgment of CAUSE's UA-100, which has not been returned and is being required by ALJ; second trip to Sacramento to discuss with SoS staff; research into Aliso Canyon, vulnerability of Los Medanos for uncontrolled gas leak; meeting with [LEG 7] re safety management systems, legislative auditor study; write Kenneth Koss, Picker's office	\$12.00	150	3.50		5.50	SAFETY BURDEN	
1-Feb-16	follow-up with Carl Wood, Bill Julian re labor position; discussion w [LEG 5],					2.00	SAFETY	
2-Feb-16	at request of legislature, collect documents related to Allied 1974 consent decree; discussion with Patrick McGovern, attorney formerly with Allied Chemical, re SEC consent decree and continued implementation of Bubble-up after expiration of decree, review articles on Allied 17 Del. J. Corp. L. 483 1992, 29URichLRev493, 6PreventiveLRep12; email to J Braithwaite;					7.00	SAFETY	
12-Feb-16	write Judge Roscow regarding not being on service list, failure to receive notice of supplementary PG&E testimony, progress of NOI consideration, supply UA-100 as requested from Secretary of State; Roscow states: "there is nothing more you need do on your end"; telephone call with Judge Roscow (.25); phone call to [LEG 1]; attempt to reach Bill Julian; lengthy (1H) call with MCE					7.50	SAFETY BURDEN	
13-Feb-16	research into federal gas storage regulations; statistical analysis of effectiveness of state inspectors; review of possible performance measures for gas distribution integrity; regulatory use of industry standards; review of Baker test SCG-206 A1411004 (gas storage) (Sat)					4.00	SAFETY	
15-Feb-16	preparation of testimony; outreach to Prof D Esty (Yale); discussion with Prof S Bronin (U Conn)					7.00	SAFETY	
16-Feb-16	research into gas incidents, lessons learned; communication with A Padilla re Porter Ranch					6.25	SAFETY	
17-Feb-16	receive and review email from ALJ stating that he will grant party status tomorrow [not granted until March 11]; call from S Frank (0.50)					2.50	SAFETY	
18-Feb-16	further reseach into gas incidents, alternative regulatory approaches of PHMSA and OPS since 1968 Gas Act					4.50	SAFETY	
19-Feb-16	since party status not yet granted, resume work on amending motion for party status and on NOI					3.00	BURDEN	
22-Feb-16	examination of FMSA reauthorization, success of pilot programs for state inspectors, possible availability of federal funding; discuss possibility of pilot program with B Sherman					3.50	SAFETY	
24-Feb-16	submission of amended motion for party status, UA-100					1.50	BURDEN	

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25-Feb-16	try to resolve instructions to refile from Venegrova that apparently supercede ALJ's instructions (see 12-Feb, 17-Feb): Presently, there is an NOI submitted by CAUSE on November 30, 2015, that has not been accepted for filing because CAUSE's party status has not been resolved. If your Motion is granted, we can file the November 30, 2015 NOI. You then may file an Amended NOI.					3.00	BURDEN	
3-Mar-16	address concern of icomp regarding style and date of amended motion for party status; system does not permit resubmission to correct possible system error in failing to upload main document; address complaints caused by failure to accept PDF/A3a by downgrading to PDF/A1b, which also was not accepted; this causes typographical irregularities in word copy; have NOI completely retyped (not billed); 2 phone calls and 2 emails with Roscow; also calls to [LEG 3], Bill Julian, PGE; notice of intent must be retyped due to effects of downgrading to PDF/A-1b.					7.75	SAFETY BURDEN	
4-Mar-16	resubmit NOI after failure to accept, collect screenshots; 3 short telephone calls with ALJ Roscow [receipt is backdated to this date, but docketing office accepted later (possibly Oct-16)]					3.50	BURDEN	
5-Mar-16	review of PG&E-17 supplemental testimony and workpapers on gasline recordkeeping; PG&E-19 testimony update; review updates to workpapers (22-Feb-16) (Sat.)					4.50	SAFETY	
6-Mar-16	further review of PG&E response to protests; PGE-15 response to Liberty recommendatons; PGE-5 energy supply; modeling; PGE-9 administration, PGE-12 (Sun.)					3.50	PREP	
7-Mar-16	initial review of SED report					0.50	SAFETY	
8-Mar-16	prepare email to Vengerova explaining that CAUSE name change had been properly noted in original filing and reflected accommodation to existing party, inconsistency resulted from docketing office labeling, also explain thaty formatting problems in word version resulted from rejection of PDF/A-3a document, after the word document had been deleted (due to delay in rejection) - when document was downgraded to PDF/A-1 in hopes that this would be acceptable, the tables were converted to images and font substitutions were made, resulting in the irregular appearance that disturbed the ALJ ; prepare similarly extensive email seeking guidance from Public Advisor					5.00	BURDEN	
8-Mar-16	extensive review SED risk assessment report; phone call with Al Pak, A4NR					3.00	SAFETY	
9-Mar-16	prepare lengthy email to Vengerova, ALJ re concern over delay in the approval of the NOI,					2.00	BURDEN	
11-Mar-16	receive ruling granting party status [not billed]							

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19-Mar-16	review grant of 01-Jan-17 effective date for rates (Sat.)					0.50	PREP	
21-Mar-16	further review of PG&E prehearing statement; research into NDA; examination of balance sheet; consideration of cost allocation issues; review of post-test-year revenue requirement workpapers (PGE-11, 3464491.pdf); research into Scottish Water; extensive review into Gas Pipeline Safety OIR					5.50	SAFETY Contested issue	3.50 2.00
22-Mar-16	review of PG&E's NOS Committee charter (358466.pdf); Risk and Compliance Committee Charter (358466.pdf); Res G3509 and comments; discussion re PG&E compliance with A4NR discovery; postponement of Phase II;					5.50	SAFETY	
23-Mar-16	extensive review of record in SMAP case (A1505003) include application, TURN protest, workshop, presentation of RIBA, SED cycle risk model, Feinstein white paper, and replies thereto					7.00	SAFETY	
24-Mar-16	preparation for safety workshop, review of ALJ ruling regarding draft Joint comparison exhibit (JCE), review of NRECA reliability report					4.00	SAFETY	
25-Mar-16	attend Safety workshop, invited to introduce CAUSE, discussions with parties					6.00	SAFETY	
25-Mar-16	SAFETY WORKSHOP					0.00		
28-Mar-16	detailed review of staff report on risk assessment; Haine slides on S-RAMP coordination					2.75	SAFETY	
29-Mar-16	review of WCGS safety plan; review of annual electric distribution reliability reports					1.75	SAFETY	
31-Mar-16	initial contact with Steve Frank (PGE), discussion of SMAP application, risk informed budgeting (RIBA) tool; review of associated papers					0.50	SAFETY	
11-Apr-16	prepare summary of CAUSE positions for joint comparison exhibit					1.50	SAFETY	
18-Apr-16	prepare and revise testimony					7.00	SAFETY	
19-Apr-16	prepare and revise testimony					6.50	SAFETY	
20-Apr-16	prepare and revise testimony					6.25	SAFETY	
21-Apr-16	prepare and revise testimony					7.25	SAFETY	
22-Apr-16	prepare and revise testimony					5.75	SAFETY	
25-Apr-16	prepare and revise testimony					4.25	SAFETY	
26-Apr-16	prepare and revise testimony					4.75	SAFETY	
27-Apr-16	prepare and revise testimony					5.25	SAFETY	
28-Apr-16	prepare and revise testimony; research into NFPA history					2.50	SAFETY	
29-Apr-16	finalize, serve and file testimony					7.50	SAFETY	
29-Apr-16	TESTIMONY DEADLINE							

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30-Apr-16	review of A4NR, CFC and CUE testimony; (Sat.)					2.50	SAFETY	
2-May-16	review of ORA-10 (electric distribution), ORA-6 (gas), MCE,					3.25	SAFETY	
3-May-16	examination of documents for PDF/A compliance; research into ISO 19001; review of CFC testimony, esp regarding director liability					5.75	BURDEN	
5-May-16	review of Feather River EIS, DSoD data on PGE operated dams; research at UCDavis; review CUE testimony; erroneous move for leave to file testimony instead of submitting as "supporting document" [not billed]					2.00	SAFETY	
6-May-16	provide CAUSE positions to PGE for JCE; call to Vengerova; review of Long (TURN) testimony					2.75	SAFETY	
10-May-16	conference call re schedule for public participation hearings, calls with TURN, PGE re intervenor compensation; follow up emails and receipt of examples, reviewed as precedents	\$2.50	31	1.00		3.50	PROCESS BURDEN	1.00 2.50
30-May-16	reviewed PGE's lowered request for revenue requirement; extensive review of PGE-21 rebuttal testimony on safety; discussion with FoE re rejection of NOI					1.50	SAFETY	
1-Jun-16	discussion with Vengerova					0.25	BURDEN	
2-Jun-16	learn of settlement proposal; review rebuttal testimony and consider options					4.00	SETTLE	
9-Jun-16	call with Steve Frank (PGE)					0.50	SETTLE	
10-Jun-16	review labor, irrigation district rebuttals; review Long testimony and ORA economic testimony					6.00	SETTLE	
13-Jun-16	review of ORA-3 (safety testimony); original hearing date (through July 2)					4.50	SETTLE	
14-Jun-16	series of meetings at PGE regarding safety, RET, RIBA; Janaize Markland, Will Everett					3.50	SETTLE	
15-Jun-16	conference call; begin detailed examination of testimony and exhibits on economic aspects of the rate case, in order to determine whether CAUSE could credibly proceed to hearing in the possible absence of any other opponents					6.50	SETTLE	
16-Jun-16	detailed examination of economic evidence (see June 15) including PGE-10 and workpapers					7.00	SETTLE	
17-Jun-16	detailed examination of economic evidence (see June 15) including depreciation practices and expense PGE-10 ch 10-11, associated workpapers; ORA-19 (depreciation); TURN-11 attachment 1; review of PGE "Risk Assessment in Practice: Gas Operations"; analysis of RET, RIBA; phone call with TURN					7.25	SETTLE	
18-Jun-16	discussion with PGE re settlement (Sat.)					0.25	SETTLE	
20-Jun-16	review joint proposal on Diablo Canyon; review motion delaying hearing so that settlement talks can continue; continue review of ORA economic testimony					4.00	SETTLE	
20-Jun-16	DIABLO CANYON PROPOSAL					0.00		
21-Jun-16	continue economic review ORA-2, ORA-7, ORA-9, ORA-10, ORA-11, ORA-12 (facilities and energy supply)					6.00	SETTLE	

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22-Jun-16	review ORA testimony on shared services, HR, administration, IT					6.50	SETTLE	
23-Jun-16	emails to [LEG 3]; discussion with FoE regarding NOI rejection					6.00	SETTLE	
24-Jun-16	review of amended scoping memo; review of S-MAP and RAMP; review ORA-19 and ORA-20 (rate base and depreciation)					7.00	SETTLE	
27-Jun-16	consider and research feasibility of pilot program for safety management system; review of CUE rebuttal testimony; related PG&E testimony on maintenance cycles					4.50	SETTLE	
28-Jun-16	conference call; discussion with B Julian re possible pilot (0.75) (may have been 6/27)					1.25	SETTLE	
29-Jun-16	review of JCE revisions					1.25	SETTLE	
30-Jun-16	meeting with [LEG 3]	\$7.00	150	4.00		3.00	SETTLE	
1-Jul-16	preparation and participation in conference call; analysis of Diablo Canyon transition					2.50	SETTLE	
6-Jul-16		\$3.00	32	1.50			SETTLE	
7-Jul-16		\$4.00	32	1.50			SETTLE	
8-Jul-16				3.25			SETTLE	
11-Jul-16				3.50			SETTLE	
12-Jul-16	in person settlement meeting, Beale St; attend Diablo Canyon briefing; discussions with parties	\$13.30	14	2.50		4.25	SETTLE	
13-Jul-16	several phone calls with Vengerova; return NDA for discovery access; begin review of TURN economic case TURN-2 (Sugar on gas), TURN-4, TURN-5 (physical plant issues)					6.00	SETTLE	
14-Jul-16							SETTLE	
15-Jul-16	conference call; review of CPUC report to Assembly on pipeline safety, discussions re discovery access with PGE					4.25	SETTLE	
18-Jul-16	extensive review of discovery materials, including PGE-21 and workpapers					7.50	SETTLE	
18-Jul-16	attend public participation hearing in Richmond		54	4.50			SETTLE	
19-Jul-16	conference call [not billed]						SETTLE	
20-Jul-16							SETTLE	
21-Jul-16	preparation for settlement conference; discussion with SLO;					3.00	SETTLE	
22-Jul-16							SETTLE	
25-Jul-16	significant privileged discussions with PG&E and TURN following the denial of eligibility, which necessarily affects CAUSE's decision on whether to join the settlement, contrary to purposes of SB 512					4.50	SETTLE	

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26-Jul-16	prepare and participate in conference call with all settling parties, discussions with TURN about post-test year; analysis of PTY proposals; telephone message to A Aguilar; significant additional privileged discussions; review of 13 Yale JR 339 re non-delegable duty of PUC to determine whether settlement is in public interest					6.75	Contested issue	
27-Jul-16	execute NDA for access to proprietary discovery; further review of dicsovery materials, including ORA Q19 workpapers on safety improvement plans in each sector; review PGE-20 rebuttal on post test year; 3 calls from Frank (over 1H)					7.75	Contested issue	
27-Jul-16	appeal to assistance from TURN with Roscow's rejection of NOI, especially the suggestion of tax comingling; solicitation of additional CAUSE members					0.50	SETTLE	
28-Jul-16	participate in settlement call; review MOUs negotiated outside of ratecase; significant privileged communications; review of draft agreements, JCE, testimony lists etc.					7.00	SETTLE	
29-Jul-16	review of Jones testimony (TURN-3) on SAIDI, SAIFI; significant privileged communications (pre-entry); complete anaylsis of discovery and evaluation of economic case in anticipation of joining settlement		31	1.00		6.00	SETTLE	
31-Jul-16	extensive exchange of drafts and emails [privileged topics] (Sun.)					4.00	SETTLE	
1-Aug-16	participation in privileged communications, almost 3 hours of conference calls, review PGE explanation of corrective action program; call to San Luis Obispo to ask about Rule 20A and avoid duplication; long call with Vengerova regarding PDF/A compliance (0.25); review of various settlement document drafts					8.00	SETTLE 20A	7.75 0.25
2-Aug-16	preparation of extensive analysis on Z-factor and impact on safety; significant privileged communications; discussion of safety with Dennis Bartel PGE; two phone conversations with Vengerova; review of rev TURN-1 on gas leak management; review of several joint motions					6.75	SETTLE	
2-Aug-16	CAUSE ACCEPTS SETTLEMENT					0.00		
3-Aug-16	final acceptance of settlement; preparation and participation in settlement conference in San Francisco, execute motions and settlement; discussion with SLO about shortening of time; phone conversation with Bill Julian	\$13.30	14	2.50		7.50	SETTLE	
3-Aug-16	SETTLEMENT CONFERENCE					0.00		
4-Aug-16	review evidence of ORA/TURN/PG&E on post-test year and exogenous changes					5.50	Contested issue	
5-Aug-16			25	2.00			SETTLE	
6-Aug-16	brief call from[LEG 3] (Sat.)					0.25	SAFETY	

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10-Aug-16	Initiated by ALJ, a series of phone calls throughout the day provided a series of instructions, including changes to the bylaws and requiring CAUSE to apply for an EIN, which the IRS did not regard as necessary. I was uncomfortable with the ex parte nature, but complied with his instructions and submitted from the hotel without my usual hardware and software. In writing, he stated that he would provide an "update" on Friday (August 12). During a subsequent, final call, he promised that NOI would be granted when he returned from vacation. Neither the update nor the approval occurred. Note: I was on vacation in San Diego without usual software or hardware, which complicated immediate compliance as required by the judge, increasing time required (but amount of time is accurately stated); also 20 min call from S Frank re settlement					8.25	BURDEN	
11-Aug-16	review of second amended scoping memo, Hayward motion for party status (vacation)					1.50	SAFETY	
12-Aug-16	receive rejection of 8-10-16 amended NOI based on alleged PDF/A noncompliance. Subsequent response to PRA request 17-84 shows that George Lau knew that the document was PDF/A compliant and was altered as a result of the destructive test that Kale Williams said had to be performed. (vacation)					0.25	BURDEN	
15-Aug-16	analysis of third post-test year for comments on settlement					3.50	Contested issue	
16-Aug-16	further analysis of third post-test year for comments on settlement;					2.25	Contested issue	

DATE	DESCRIPTION OF ACTIVITY	EXPENSES	MILEAGE	NON-BILL	CLAIM PREP	HOURS	SUBJECT	SPLIT
		totals->	\$ 430.40	2978	134.25	128.50	1133.00	
17-Aug-16	extensive research into 3rd test year; preparation of joint comments on rate case cycle, gas leak management. In addition to concerns shared with TURN, I have performed statistical analysis of cumulative increase during 3rd test year and also wish to raise safety concern regarding use of uninformed maintenance cycles for gas leak management. Given the shortened period, there was no time to negotiate with TURN), so it was understood I would file these comments separately. on 24-08-17, all parties receive rejection notice for Transaction 100977, which states that "for obvious reasons" Rule 12.2 does not permit a party to file jointly and individually. While this may be a custom familiar to experienced practitioners, it is not stated by nor can it be reasonably inferred from the stated rule. (The problem was apparently not anticipated by TURN, which CAUSE wrote about the prospect of filing additional comments.) The docket office cited no other precedent or written guidance. On the contrary, the process of joining in areas of agreement and filing separately on areas that have not yet been agreed appears required by the direction that intervenors avoid duplication. There was no duplication between the joint comments and the individual comments, which consisted of a model of the cumulative financial effect that CAUSE had no reasonable opportunity to review jointly and agree upon, given the shortening of the normal time period for comments. Although the material was not cited in the final decision and may not have been reviewed by the ALJ, it supports the outcome on which CAUSE and TURN prevailed (with A4NR, which provided independent argument similar to the individual comments). ** Exclusions on such bases should be made on the record. ALJ informally indicated that CAUSE could request TURN to resubmit in its own name, and then file, adopting TURN's submission, but this would unreasonably burden TURN, affect its willingness of other parties to file jointly with CAUSE, and deprive CAUSE of claiming responsibility for its substantial role in the preparation of the document. Exclusion is especially harsh and prejudice given the shortened time (only 8 days from order, instead of 30) allowed for comments, which precluded extensive negotiation with TURN. ** Having disclosed the rejection, CAUSE is including time reasonably spent on each set of comments, reporting them separately. Joint comments (171807058.pdf) and other work performed on 17-08-16 and 18-08-16					7.00	Contested issue	
18-Aug-16	finalize joint comments, which TURN files and serves					6.00	Contested issue	
18-Aug-16	preparation of separate comments					1.50	Contested issue	
19-Aug-16	review of comments on settlement by PGE ORA A4NR CFC; review JCE (now PGE-37)					6.00	SETTLE	
23-Aug-16	review and provide comments on PG&E summary of rate case prepared for settlement workshop					0.75	SETTLE	
24-Aug-16	research and analysis into PDF/A requirement and enforcement; telephone call from Steve Frank (PGE); discuss rejection of separate comments with TURN, Roscow; cannot ask TURN to refile, which would also prejudice my claim to the work I performed on the joint comments, which was more substantial; Vengerova sends zip file, which shows the transmitted files were still compliant when received. ** also write Nakahara to question rejection of separate comments and to ask if ALJ participated in decision, to which ALJ responded next day					6.50	BURDEN	

DATE	DESCRIPTION OF ACTIVITY	EXPENSES	MILEAGE	NON-BILL	CLAIM PREP	HOURS	SUBJECT	SPLIT
totals->		\$ 430.40	2978	134.25	128.50	1133.00		
25-Aug-16	advise TURN on reply comments, which CAUSE supported but did not join; review ALJ's instructions for impending settlement conference; review Roscow's option of refiling, but elect not to inconvenience TURN and forfeit my (more substantial) role in joint comments; believe action was appropriate and necessary in light of requirement that intervenors collaborate and avoid duplication [see 17-Aug-16 note]					5.00	Contested issue	
26-Aug-16	write Vengerova about PDF/A compliance, and concerns that the docket office is using test that destorys compliance (and misuse the term "fatal error"). No reply, necessitating letter to ALJ & Commissioners (8/29)					2.00	BURDEN	
26-Aug-16	review of reply comments on settlement by PGE ORA A4NR CFC CUE; review plan for hearing set forward by ALJ; coordinate with TURN regarding testimony in support of 3-year cycle and gas leak management; call from Frank re settlement [privileged topics] (0.75H)					3.00	Contested issue	
29-Aug-16	Finalize, serve, and file motion to amend NOI. After receiving another rejection (due to erroneously alleged PDF/A non-compliance), I prepare and file (as an attachment to the resubmission) a letter to Picker and Roscow documenting my compliance. After this was rejected on 20-Oct-16, I prepared a motion addressed to the executive director under Rule 1.14.					4.50	BURDEN	
29-Aug-16	review summary of settlement					0.25	SETTLE	
30-Aug-16	prepare and participate in settlement workshop; feedback from Picker; Roscow who is frustrated and does not accept that my files are compiant, has asked me to give paper file to Ryan Cayabyab, who will prepare document in a form docket office will accept	\$13.30	14	2.50		8.50	SETTLE	
30-Aug-16	SETTLEMENT WORKSHOP					0.00		
31-Aug-16	plan for evidentiary hearing; return call from E Charkowitz in SED; take notes on workshop, email City of Hayward re Rule 20A; ALJ withdraws request for witnesses on gas leak management and post test year					7.00	SETTLE 20A	6.75 0.25
31-Aug-16	RESERVED FOR EVIDENTIARY HEARING (not used)					0.00		
1-Sep-16	participate in evidentiary hearing, discussion with parties	\$13.30	14	2.50		7.75	SETTLE	
1-Sep-16	EVIDENTIARY HEARING ON SETTLEMENT					0.00		
2-Sep-16	RESERVED FOR EVIDENTIARY HEARING (not used)					0.00		
6-Sep-16	review ex partes on Diablo Canyon		32	1.50		0.50	SETTLE	
7-Sep-16								
8-Sep-16		\$3.00	31	1.00				
9-Sep-16		\$1.50	31	1.00				
14-Sep-16	discussions with S Frank regarding post-test year revenue requirement data; agree to support extension; prepare for conference call re effects of SB 350 (1.5H)	\$13.30	14	2.50		3.50	SETTLE	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
15-Sep-16	write D Duda, acting OSA and T Sullivan regarding obstacles that CAUSE faces in recruiting experts due to delay of eligibility finding, ability to make substantial contribution, expectation of just reimbursement					2.00	SAFETY	
15-Sep-16	attend safety intervenor workshop; discussion with parties; lunch with [LEG 3];	\$13.30	14	2.50		4.00	SAFETY	
15-Sep-16	SAFETY INTERVENOR WORKSHOP					0.00		
16-Sep-16	review T Sullivan email stating that he had not been aware of CAUSE and will ask Duda for thoughts; review ORA's protest to Diablo Canyon; telephone conversation with [LEG 2]					2.50	SAFETY	
19-Sep-16	review response from D Duda, acting OSA, who hopes CAUSE gets response on NOI soon							
20-Sep-16								
21-Sep-16	prepare brief response to Duda.					0.25	SETTLE	
22-Sep-16	review of PGE exhibits and settlement files (large volume)					7.00	SETTLE	
23-Sep-16	review of PGE exhibits and settlement files (large volume) continues; review PGE-41 (late filed), which provides additional information on post-test-year revenue requirement, a contested issue under the settlement					7.00	SETTLE	
27-Sep-16	review of PGE-8, PGE-27, TURN-9, PGE-40, PGE-6- ch 16; [LEG 4] testimony, propose revisions to PGE-43 to reflect need for evaluation of the safety metrics used in executive compensation, avoid prejudice to future proceedings; privileged settlement discussions;					7.50	SETTLE	
28-Sep-16	extensive email to PG&E and further discussions proposing revisions to PG&E-43 re executive compensation					3.75	SETTLE	
29-Sep-16	as agreed with PG&E, share abbreviated email regarding concerns with all parties (including non-settling parties), and PG&E follows with email stating "PG&E received comments from TURN, NDC, and SED, which PG&E has incorporated into the updated draft."					7.00	SETTLE	
30-Sep-16	conference call and subsequent discussion finalizing agreements on PGE_43 (executive compensation); exchange with ALJ regarding responsibility for filing CPUC-produced pleading	\$13.30	14	2.50		2.25	SETTLE	
3-Oct-16	review PGE response to ALJ's request for Rule 20A project spending					3.50	SETTLE	
4-Oct-16	meeting and discussion of impact of SB 350 on safety [billed at 33% as less relevant than expected]; review of PG&E responses on executive compensation and Rule 20A	\$10.00	150	3.50		3.00	SAFETY	
19-Oct-16	attend safety en banc; receive feedback from Picker; lunch w [LEG 3]	\$13.30	14	2.50		8.50	SAFETY	
20-Oct-16	receive and review email assurance from ALJ Roscow that NOI will be granted; prepare and analyze index of rejected filings; continue preparation of a new NOI					2.50	BURDEN	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
21-Oct-16	file amendment to NOI conforming bylaws, disclosing directors; communications with ALJ re NOI					5.50	BURDEN	
28-Oct-16	series of communications with ALJ from: Roscow, Stephen C. Stephen.Roscow@cpuc.ca.gov Date: 28 October 2016 at 13:45 Subject: RE: A.15-09-001, status of CAUSE amended Notice of Intent to Claim Compensation, and Next Steps To: Scott Rafferty rafferty@gmail.com Hello again, Mr. Rafferty— I've reviewed your documents and approved					1.25	BURDEN	
1-Nov-16	review of PGE-46 (late filed) with post-test year regulatory values; phone call with [LEG 3]					0.75	Contested issue	
3-Nov-16	meet with Dorothy Duda, acting safety advocate [travel back from other business in SF]	\$13.30	14	2.50		1.50	SAFETY	
19-Nov-16	review further instructions received from ALJ (Sat.);					0.50	BURDEN	
20-Nov-16								
21-Nov-16	communication to Paul King at suggestion of D Duda; follow detailed instructions to refile NOI produced by Cyabyub using PDF/A-1b					3.50	SAFETY BURDEN	
22-Nov-16	receive response from ALJ to my request for a ruling that I can use as a rebuttable presumption: "I will track down the status of the PG&E ruling"					1.50	BURDEN	
23-Nov-16								
24-Nov-16	exchange of emails in which ALJ confirms that submission is recognized as PDF/A compatible, using PDF/A-1a					0.25	BURDEN	
30-Nov-16	call new OSA, Chris Parkes [not returned]					0.25	SAFETY	
5-Jan-17	PROPOSED DECISION DUE (set 10-Aug-16)					0.00		
28-Feb-17	detailed review of proposed decision, source citing					4.00	SETTLE	
28-Feb-17	PROPOSED DECISION ISSUED							
1-Mar-17	communication w Jay Lund, UC Davis regarding dam safety, to assess whether proposed decision is adequate; continued review of decision	\$13.00	150	4.00		4.50	SETTLE	
3-Mar-17	settling party call to discuss settlement; discussions with CAUSE members; review of NOI order; questions about preclusive effect in future safety (e.g., Dam) proceedings	\$13.30	14	2.50		7.25	SETTLE	
6-Mar-17	research into preclusive effect of settlement in future safety proceedings (Western Airlines); consideration of motion for other relief; review of D.98-04-059 (claim preparation); legal research into precedents regarding NOI					6.50	SETTLE	
7-Mar-17	settling parties conference call; research into possibility of reconsideration of denial of NOI; research into hourly rate					4.75	SETTLE	
8-Mar-17	meetings with [LEG 1], [LEG 8], [LEG 3] re proposed decision; research into modifications of settlements	\$11.00	150	3.25		5.25	SETTLE	
9-Mar-17	email to T Sullivan, M Ebke, D Duda on difficulty and consequences of NOI denial and arbitrary rejection of documents, further legal research on unincorporated associations & First Amendment					7.25	BURDEN	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
10-Mar-17	privileged discussions regarding the proposed decision, details of which will be supplied as authorized by settling parties; 40 min. phone call with Morad Fakhrai, City of Hayward, re undergrounding; research into First Amendment issues					7.00	SAFETY	
11-Mar-17	continued work on joint opening comments; prepare Public records request (17-84) for NOI database and Aglet bylaws and 17-85 for documents relating to technical rejection of pleadings filed by CAUSE and other parties					3.00	SAFETY	
12-Mar-17	work on joint opening comments; research on standard of evaluation in support of joint comments on settlement; research into Rule 20A; email A Aguilar offering to submit home addresses to auditors, so that they could be protected from disclosure to public or decision-maker					7.50	SAFETY	
13-Mar-17	work on joint opening comments; collection and analysis of precedents for settlement including 34845, 74095, 112833, 32684 (bankruptcy rejection); 65852, 168423796, 168423796, 143552239, 116741, 28168335; also D9407054, D9812085; privileged communications; participate in research and drafting of joint comments on the proposed decision					8.00	SAFETY	
14-Mar-17	preparation in settling parties conference call and subsequent follow-up calls; continuing research into motion to be relieved; review of GC-66-C on public records procedures; Attorney General's guidance on public records act					8.00	SAFETY	
15-Mar-17	continued review of draft joint opening comments; review US v PGE sentencing order, phone call with AUSA, research into other precedents for monitor, goals of sentencing commission guidelines, denial of Rule 29 motion					8.00	SAFETY	
16-Mar-17	meetings with [LEG 2], [LEG 4], review of old testimony, legislative history regarding rate case settlements; on return, further work on opening comments	\$5.00	150	3.50		5.50	SAFETY	
17-Mar-17	continued review of draft joint opening comments; prepare separate comments on issue of intervenor compensation and resolution of disputed issues; limited consideration of separate comments on standard of review					7.50	SAFETY	
18-Mar-17	lengthy telephone call with Al Pak re procedures for accepting modifications, standard for evaluating proposed settlements (0.50); research into standard, preparation of separate comments					3.00	SAFETY	
20-Mar-17	finalize and file opening comments on proposed decision; revise bylaws as directed by ALJ; obtain approval of directors; continue work on reconsideration of denial of NOI; review of opening comments by other parties					8.00	SAFETY	
21-Mar-17	prepare and serve requests for ex parte meetings prior to grant, as directed by S Thomas; telephone calls and emails to negotiate the time of meetings; forms completed for commissioner's offices, preparation of pre-meeting notices; urge City of Hayward to file opening comments on proposed decision; file PRA 17-84 and 17-85 with CPUC	\$1.00	31	1.00		5.25	SAFETY	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
22-Mar-17	work on motion to late file reconsideration; review of CPUC policies on ADR	\$3.00	31	1.00		5.50	SAFETY	
23-Mar-17	preparation for ex parte meetings; prepare revisions to the NOI					5.00	PROCESS	3.00
							BURDEN	2.00
24-Mar-17	ex parte meeting with Joanna Gubman, David Peck, phone call with Rachel Peterson; serve and file motion to permit late submission of amended NOI'	\$13.30	14	2.50		4.00	SAFETY	
25-Mar-17								
26-Mar-17	preparation of post-meeting ex parte notices; prepare reply comments					1.00	SAFETY	
27-Mar-17	initial discussion with SF re ADR; review CFC reply comments; discussion with State Auditor regarding compliance with 2008-12 on timeliness of initial eligibility determinations; submission of reply comments; database search for Aglet NOIs and claims, analysis thereof					5.00	SAFETY	2.00
							PROCESS	3.00
28-Mar-17	prepare Public Records request for Aglet bylaws					1.00	BURDEN	
29-Mar-17	further preparation on motion to reconsider denial of NOI; research into safety aspects of 20A					5.50	BURDEN	
30-Mar-17	further preparation on motion to reconsider denial of NOI; research into safety aspects of 20A					4.00	BURDEN	
31-Mar-17	further preparation on motion to reconsider denial of NOI; research into safety aspects of 20A					4.50	BURDEN	
1-Apr-17	further preparation on motion to reconsider denial of NOI					2.00	BURDEN	
2-Apr-17	further preparation on motion to reconsider denial of NOI					2.50	BURDEN	
3-Apr-17	further preparation on motion to reconsider denial of NOI, including relevance of alter ego doctrine to capacity of unincorporated association, viability of allegation that UA has no separate identity					7.00	BURDEN	
4-Apr-17	further preparation on motion to reconsider denial of NOI					7.00	BURDEN	
5-Apr-17	file Motion to be relieved of obligations imposed by ruling denying eligibility for intervenor compensation and to be found eligible.					7.00	BURDEN	
10-Apr-17	attempts to resolve PRA 17-85 re rejected documents					1.50	BURDEN	
11-Apr-17	review legislative history of SB 512; provide word version of latest NOI to intervenor compensation director					2.50	BURDEN	
13-Apr-17	privileged discussions following issuance of APD					5.00	SETTLE	
14-Apr-17	research into Rule 20A, ORA's position in past proceedings, testimony of PGE, ORA in A1509001,					4.50	20A	
17-Apr-17	communications to TURN, ORA, PGE re Rule 20A costs; review of ORA discovery, including Q1,4,5,7,18; Rule 20A queue; prior Commission decisions; PGE, ORA testimony on electric distribution; D.73078; local ordinances					5.00	20A	
18-Apr-17	review of NRECA reliability study; ORA-3 (safety); (ORA-10 (electric distribution));					3.00	20A	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
19-Apr-17	review of alternate proposed decision; research for joint opening comments for alternate proposed decision; call from S Frank (0.5)					2.50	SETTLE	1.50
							20A	1.00
20-Apr-17	research into precedents involving modifications and possible differences between old Rule 51 and new Rule 12; discussion with S Frank about attending ex parte briefings with PGE TURN and ORA to demonstrate reconciliation of position on authority of Commission to propose modifications and the procedural approach of indicating that the modifications were an acceptable alternative without amending the settlement, which might "restart the clock" on approval procedures					4.50	SETTLE	
21-Apr-17	participate in approval of joint opening comments on APD [privileged content]; prepare separate opening comments, while endorsing the joint comments					5.00	SETTLE	3.00
							20A	2.00
22-Apr-17	prepare separate opening comments on APD					2.00	20A	
24-Apr-17	file and serve opening comments on APD, go to CPUC, where I learn that I am not allowed to participate or even attend joint ex parte meetings, ostensibly because PGE did not add me to the pre-meeting notice until Friday morning, but Hayward allowed to meet that day with some of same decisionmakers with no notice, and there is a substitution of decisionmaker without notice in a PGE-ORA-TURN ex parte; CAUSE's separate comments are rejected, but then accepted the day before the decision meeting, so they are billed here					5.00	SETTLE	
26-Apr-17	telephone and then email A Aguilar to request ex parte guidance document; discussion with TURN and PGE regarding ex parte meetings;	\$13.30	14	2.50		2.50	SETTLE	
27-Apr-17	prepare report to CAUSE membership; resume work on motion to direct filing of PDF/A compliant documents					4.00	SAFETY	2.00
							BURDEN	2.00
28-Apr-17	review initial response to PRA 17-85, write Kathleen Chovan regarding misinterpretation of selected documents, which do NOT show PDF/A-noncompliance, as she had asserted; discussion of privilege claims					3.50	BURDEN	
29-Apr-17	work on motion to direct filing of PDF/A documents					3.50	BURDEN	
30-Apr-17								
1-May-17								
2-May-17								
3-May-17	research into deliberative process exemption (including Wilson, 67 Cal. App. 4th 170) in connection with refusal of CPUC to provide communications from docket office to other CPUC staff regarding the ministerial act of accepting a document for filing					2.00	BURDEN	
4-May-17	further work on Aglet and PDF/A motions;					3.50	BURDEN	
8-May-17	prepare list of rejected documents; analyze whether other parties' filings are PDF/A conformant, and, if so, to which part and conformance level					5.00	BURDEN	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
9-May-17	finalize serve and file motions (1) to direct filing of PDF/A compliant documents and (2) for leave to file Aglet bylaws					7.00	BURDEN	
10-May-17	discussions with parties regarding message in which ALJ states plan to schedule order to show cause directed at S Frank; non-privileged discussions with settling parties re S Frank; prepare and send appeal to ALJ not to schedule such a hearing; discuss possibility of oral argument with TURN, PGE; write chief ALJ to outline problems and request meeting; receive late confirmation that various transactions had been accepted. It took consider time to understand these messages and associate documents because some had previously been rejected. 24-Apr comments on APD have been accepted (after Rev 2 discussed them); also Motion to late file (24-Mar); also Motion to be Excused (6-Apr);					7.50	SETTLE BURDEN	
11-May-17	review ALJ ruling on NOI; discussion with S Frank; watch Commission decision					3.00	PROCESS BURDEN	1.00 2.00
12-May-17	begin analysis of substantial contribution; begin research into grounds for motion for reconsideration					4.00	BURDEN	
15-May-17	review of impact of overhead powerlines on Oakland fire, including FEMA report; consideration of possible appeal to Commision for rehearing			1.50		1.50	BURDEN	
16-May-17	prepare print-outs of significant emails at request of legislature and for use in reconsideration					8.00	BURDEN	
18-May-17	review final decision, as issued					1.00	PROCESS	
19-May-17	discussion w [LEG 6]	\$8.00	150	3.75		0.25	BURDEN	
22-May-17	input and discussion with CAUSE members					1.50	SAFETY	
23-May-17	preparation of application for rehearing and petition for modification of final decision; analysis of retention requirements under State Records Preservation Act					6.00	BURDEN	
24-May-17	preparation of application for rehearing and petition for modification of final decision; analyze impact of 16-May-17 ruling in A16.09.001, establishing less intrusive means					5.75	BURDEN	
25-May-17	preparation of application for rehearing and petition for modification of final decision; consultation with [LEG 3]	\$ 8.00	35	1.50		5.00	BURDEN	
26-May-17	preparation of application for rehearing and petition for modification of final decision; consultation with [LEG 3]					6.50	BURDEN	
27-May-17	preparation of application for rehearing and petition for modification of final decision; preparation of letter to legislator					5.50	BURDEN	
28-May-17	preparation of application for rehearing and petition for modification of final decision; preparation of letter to legislator					6.00	BURDEN	
29-May-17	preparation of application for rehearing and petition for modification of final decision; preparation of letter to legislator; input from CAUSE members					6.50	BURDEN	

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
30-May-17	preparation of application for rehearing and petition for modification of final decision; preparation of letter to legislator					7.00	BURDEN	
6-Jun-17	preparation of application for rehearing and petition for modification of final decision; analysis of production in PRA 17-85, including 8-15-16 memo Lau to Vengerova which appears to acknowledge awareness that testing took previously compliant document out of PDF/A compliance; the following day, Vengerova acknowledged compliance					5.00	BURDEN	
7-Jun-17	preparation of application for rehearing and petition for modification of final decision; further research into PDF/A					6.25	BURDEN	
8-Jun-17	preparation of application for rehearing and petition for modification of final decision, review legislative history of SB 62					5.75	BURDEN	
9-Jun-17	preparation of application for rehearing and petition for modification of final decision					6.75	BURDEN	
10-Jun-17	preparation of application for rehearing and petition for modification of final decision; input from CAUSE members					5.00	BURDEN	
11-Jun-17	preparation of application for rehearing and petition for modification of final decision					5.50	BURDEN	
12-Jun-17	preparation of application for rehearing and petition for modification of final decision; review of precedents establishing catalyst theory for recovery					7.25	SETTLE BURDEN	3.00 4.25
13-Jun-17	preparation of application for rehearing and petition for modification of final decision; ALJ-224					6.00	BURDEN	
14-Jun-17	preparation of application for rehearing and petition for modification of final decision; review of other jurisdictions					6.25	BURDEN	
15-Jun-17	preparation of application for rehearing and petition for modification of final decision					7.00	BURDEN	
16-Jun-17	preparation of application for rehearing and petition for modification of final decision					4.50	BURDEN	
17-Jun-17	preparation of application for rehearing and petition for modification of final decision					5.00	BURDEN	
18-Jun-17	preparation of application for rehearing and petition for modification of final decision					6.50	BURDEN	
19-Jun-17	serve and file application for rehearing and petition for modification of final decision, communications with PGE re treatment of privileged information; obtain verification from City of Hayward that the pre-meeting notice filed after the decision issued was the only one served or submitted for filing (which is relevant to petition for modification); after 5PM reinstall Adobe and make editorial corrections [not billed]					8.00	SETTLE BURDEN	6.00 2.00

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totals->		\$ 430.40	2978	134.25	128.50	1133.00		
20-Jun-17								
21-Jun-17	revisions to prior request to [LEG 5]; discussions w [privileged] regarding content of letter					2.00	BURDEN	
22-Jun-17	make public records request 17-249 to ascertain adequacy of docket office's evidence of timeliness of applicaton for rehearing; discussion of rejection with [privileged]; research into loss of jurisdiction due to untimely satisfaction of exhaustion requirements; claim preparation				1.00	6.50	BURDEN	
23-Jun-17	discussion with CAUSE member regarding privacy concerns; assistance with legislative inquiry; meet with [LEG 5]				3.00	4.50	BURDEN	
24-Jun-17	claim preparation				3.00			
25-Jun-17	claim preparation				3.50			
26-Jun-17	claim preparation				7.00			
27-Jun-17	claim preparation				6.50			
28-Jun-17	further communication re PRA 17-85; prepare public records request 17-248 for log and filing history of application for rehearing; prepare for Rule 20A conference				7.00	1.00	20A	
29-Jun-17	research into untimeliness; simulate filing				4.00	2.00	BURDEN	
30-Jun-17	claim preparation; request production of alleged duplicates and decline to restrict scope of PRA 17-85; claim preparation				6.00	0.25	BURDEN	
1-Jul-17	claim preparation				4.00			
2-Jul-17	claim preparation				5.00			
3-Jul-17	claim preparation				7.00			
4-Jul-17	claim preparation				7.00			
5-Jul-17	claim preparation				7.00			
6-Jul-17	claim preparation				7.00			
7-Jul-17	claim preparation; receive confirmation that PUC has no more documents responsive to PRA 17-249/275; review of intervenor compensation claim by EDF				7.00	0.25	BURDEN	
8-Jul-17	claim preparation; compatison of ALJ 188 and current rules regarding electronic filing				3.50	0.50	BURDEN	
9-Jul-17	claim preparation				6.00			
10-Jul-17	claim preparation; consultation with computer expert regarding interpretation of PHP log				6.00	1.50	BURDEN	
11-Jul-17	claim preparation				7.00			
12-Jul-17	claim preparation				7.00			
13-Jul-17	claim preparation				7.00			
14-Jul-17	claim preparation				7.00			

Attachment 4.



A timely decision on eligibility was crucial to CAUSE's ability to participate effectively, recruit witnesses, and to establish itself as an organization. CAUSE relied upon the Commission's representation to the State Auditor that procedures would alert ALJ's of impending 30-day deadlines. The Commission failed to provide the procedures in response to a Records Act request. It acknowledged that there is no record that it fulfilled this commitment by alerting ALJ Roscow to the 30-Dec-2015 deadline.

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7-17-17
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August 2013 report

Audit Recommendation: To prevent intervenors from expending resources in proceedings where they are ineligible to receive compensation, the Commission should comply with state law by issuing preliminary rulings concerning an intervenor's eligibility within 30 days when required to do so.

Response: The Commission agrees with this recommendation. The ALJ Division is implementing this recommendation by, among other things, modifying the database used to record compensation request and award information to include information concerning NOIs and NOI rulings. In addition, the ALJ Division is implementing quality assurance procedures to verify the accuracy of database information, and is in the process of adding a staff person to,

² For example, § 1701.5 requires ratesetting and quasi-legislative proceedings to be completed with 18 months (Added by Stats. 2003). Administrative Law Judges (ALJs) handling multiple proceedings must carefully balance work priorities to ensure each of their assigned mission-critical proceedings is timely completed.

³ D.98-04-059.

Draft Response to Audit Report

among other things, perform database quality control and to alert assigned ALJs about upcoming deadlines.

September 2013

Recommendation #1 To: Public Utilities Commission

To prevent intervenors from expending resources in proceedings where they are ineligible to receive compensation, the commission should comply with state law by issuing within 30 days preliminary rulings concerning an intervenor's eligibility, when required to do so.

Agency Response*

The Administrative Law Judge (ALJ) Division has documented and implemented procedures to ensure that a preliminary ruling is issued within 30 days after filing of notices of intent to claim compensation (NOIs), if required. A copy of the procedures memo is has been submitted to aaronf@auditor.ca.gov.

- **Response Type†:** 60-Day
- **Completion Date:** September 2013
- **Response Date:** September 2013

**PUBLIC UTILITIES COMMISSION
LEGAL DIVISION**

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298
ID 94-3031353



March 20, 2017

VIA ELECTRONIC MAIL

Scott Rafferty
1913 Whitecliff Ct
Walnut Creek, CA 94596
rafferty@gmail.com

**Re: Public Records Act Request Regarding A.15-09-001 and A.16-09-001
CPUC Reference No.: PRA# 17-84**

Dear Mr. Rafferty:

On March 11, 2017, you asked the California Public Utilities Commission (Commission) to provide you a copy of the following:

I request the database **and quality assurance procedures** referred to in the Commission's response to the finding made by the California State Auditor in report 2012-118 at 45-46, which stated: The ALJ Division is implementing this recommendation by, among other things, modifying the database used to record compensation request and award information to include information concerning NOIs and NOI rulings. In addition, the ALJ Division is implementing quality assurance procedures to verify the accuracy of database information, and is in the process of adding a staff person to, among other things, perform database quality control and to alert assigned ALJs about upcoming deadlines.

In the event that the entire documents cannot be transmitted electronically, I request (1) that a database report reflecting all information regarding A.1509001 be transmitted, if possible, and (2) that the Commission provide an opportunity to inspect the entire database at its offices.

I further request all documents, including emails, alerting ALJ Steven Roscow regarding "upcoming deadlines" referred to in the audit response, with regard to A.15009001 or A.16009001, or referring to such alerts.

Attached are the records responsive to your request. The attached database report contains information regarding all NOIs and their processing by the ALJ Division since November 2014. This database was created as a result of the above-referenced audit.

Scott Rafferty
March 20, 2017
Page 2

The Commission does not have documents responsive to the final portion of your request regarding alerts to ALJ Steven Roscow regarding "upcoming deadlines" for the proceedings that you reference.

I hope this is helpful.

Please refer to PRA# 17-84 in your communications with the Commission regarding the above-referenced matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Angela Hagler".

Angela Hagler
Staff Counsel

Attachments

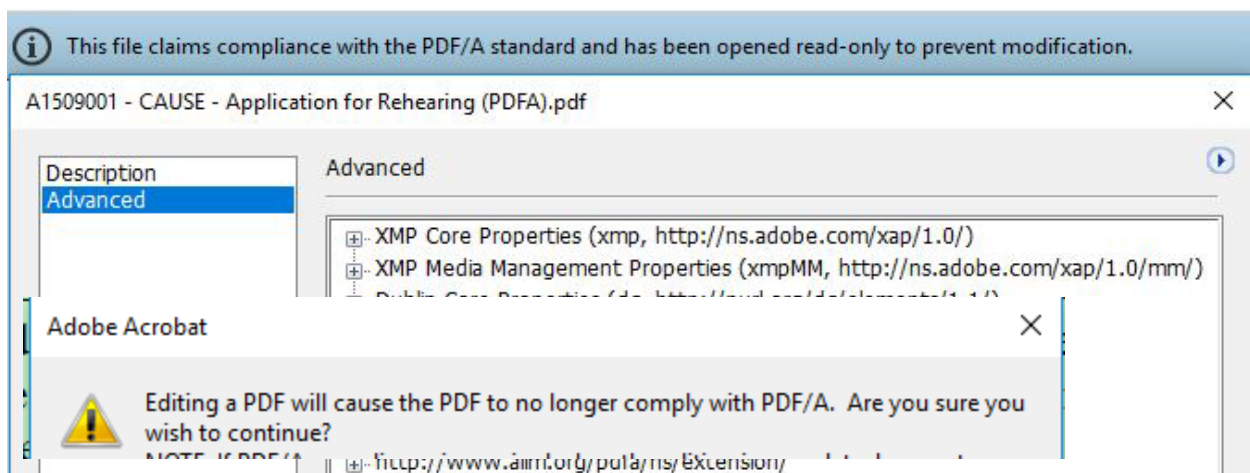
Attachment 5. CAUSE should be compensated for time spent dealing with improperly rejected documents.



FILED

CAUSE was forced to spend many hours, typically at critical deadlines, trying to deal with the arbitrary rejection of documents that did, in fact, comply with PDF/A. These unexpected burdens complicated compliance with deadlines and other docketing rules. The professional time that these improper rejections consumed should be compensated, because the ability to file pleadings was essential to effective participation in this proceeding. Among the documents being rejected were the amended NOIs that ALJ directed CAUSE to file. This made the problem even more critical, forcing CAUSE to take every possible measure to resolve it.

In Adobe Acrobat Pro, PDF/A compliance is indicated when the document is opened. A blue banner (and a subsequent warning) state that alteration will destroy compliance. The part and conformance level also appear in the “additional metadata advanced” option, under the entries for PDF/A ID. 3 indicates the current version, published in 2012, and “a” indicates accessible to the disabled. PDF/A-1a and PDF/A-1b were published in 2005 and the latter is not accessible. PDF/A-3 allows embedded charts, objects and other features that PDF/A-1b does not accommodate. PDF/A-3 is as readable on all versions of Adobe Reader and other software as the earlier, less capable version. CAUSE suspected that the Commission might be rejecting PDF/A-3, but attempts to use PDF/A-1a were also unsuccessful. The 07-July-17 email ruling in A.16-09-001 suggests that the Commission will accept only PDF/A-1b: the 2005 version **without** accessibility. CAUSE was not aware that it was necessary to use the 2005 version and to defeat the disability feature until after this case was concluded.



The docket office did **not** direct CAUSE to use 1b, and was aware that CAUSE files were PDF/A compliant. Still, they continued to “test” CAUSE documents despite the blue bar and warning stating that doing so was destroying compliance.

RE: Ms. Vengerova -

Lau, George M.

To: lcompcoordinator

CC: Lau, George M.

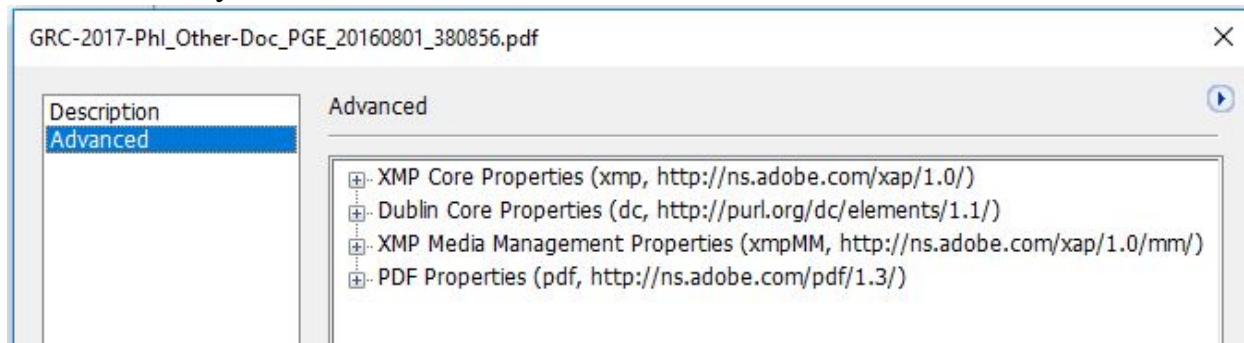
Sent: 8/15/2016 10:10 AM

Hi, Maria. I did not make a copy but I am forwarding you the e-mail from Sasha enclosing the motion. It is strange that the motion was PDF/A compliant but when it was filed, it became not. You know that according to Kale, even there is a blue bar at the top of the screen, we still have to run a PDF/A test, and in this case, it was not PDF/A. Thank you.

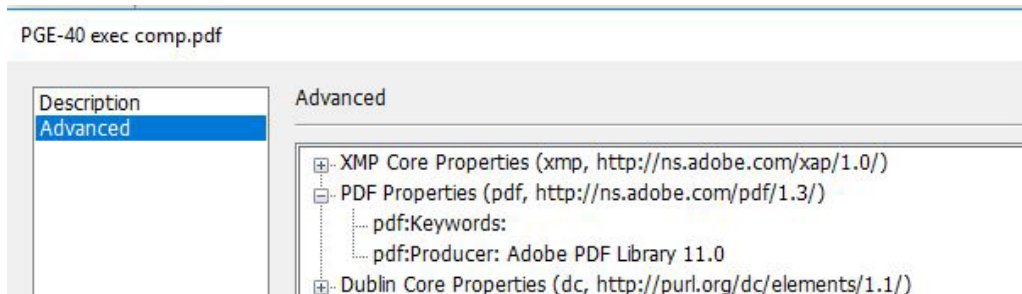
Other parties may have known to use the old, non-accessible PDF/A-1b version, or may have used software that did so by default. It seems more likely that the docket office did not examine all pleadings from other parties. PG&E, SED and other parties were able to file pleadings that did not comply with any version of PDF/A. (CAUSE does not believe that these documents should be rejected even if they are PDF/A noncompliant. Federal courts encourage the use of PDF/A, but do not reject non-compliant documents.)

<https://ecf.almb.uscourts.gov/PDF/A/FAQ/faq.html>

PGE testimony



Late filed exhibit 40



SED Report

EDReportJanuary2017.pdf

Description	Advanced
Advanced	<ul style="list-style-type: none">XMP Core Properties (xmp, http://ns.adobe.com/xap/1.0/)<ul style="list-style-type: none">xmp:CreatorTool: Nitro Pro 9 (9. 5. 1. 12)xmp:ModifyDate: 2017-02-15T16:31:36-08:00xmp:MetadataDate: 2017-02-16T00:31:33ZDublin Core Properties (dc, http://purl.org/dc/elements/1.1/)<ul style="list-style-type: none">dc:format: application/pdfPDF Properties (pdf, http://ns.adobe.com/pdf/1.3/)<ul style="list-style-type: none">pdf:Producer: Nitro Pro 9 (9. 5. 1. 12)XMP Media Management Properties (xmpMM, http://ns.adobe.com/xap/1.0/mm/)

Intervenor A [identifying details removed]

Description	Advanced
Advanced	<ul style="list-style-type: none">XMP Core Properties (xmp, http://ns.adobe.com/xap/1.0/)PDF Properties (pdf, http://ns.adobe.com/pdf/1.3/)Dublin Core Properties (dc, http://purl.org/dc/elements/1.1/)

Intervenor B

Description	Advanced
Advanced	<ul style="list-style-type: none">XMP Core Properties (xmp, http://ns.adobe.com/xap/1.0/)Dublin Core Properties (dc, http://purl.org/dc/elements/1.1/)<ul style="list-style-type: none">dc:format: application/pdfdc:creator (seq container)XMP Media Management Properties (xmpMM, http://ns.adobe.com/xap/1.0/mm/)<ul style="list-style-type: none">xmpMM:DocumentID: uuid:95f4349e-9b31-4ec5-bd8b-de98e65f18daxmpMM:InstanceID: uuid:888aa318-2e80-4574-a3a2-91142063c8d5PDF Properties (pdf, http://ns.adobe.com/pdf/1.3/)<ul style="list-style-type: none">pdf:Producer: Adobe Acrobat Pro 10.1.16

Intervenor C

Description	Advanced
Advanced	<ul style="list-style-type: none">XMP Core Properties (xmp, http://ns.adobe.com/xap/1.0/)<ul style="list-style-type: none">xmp:CreatorTool: ExcelPDF Properties (pdf, http://ns.adobe.com/pdf/1.3/)<ul style="list-style-type: none">pdf:Producer: Mac OS X 10.11.6 Quartz PDFContextDublin Core Properties (dc, http://purl.org/dc/elements/1.1/)<ul style="list-style-type: none">dc:creator (seq container)dc:title (alt container)

Att. 4 - Biography of Scott Rafferty



Scott Rafferty graduated Princeton University summa cum laude and Yale Law School. While a graduate student at Princeton's Wilson School of Public Affairs, he won a Rhodes Scholarship to Oxford University, where he completed his doctorate in regulatory economics and politics.

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Scott served as counsel to the House Telecom Subcommittee during the AT&T divestiture. He drafted a comprehensive rewrite of the 1934 Telecom Act that proposed to reorganize AT&T and to extend FCC jurisdiction over emerging services (using language that would have included internet transmissions). AT&T's attorneys told Judge Harold Greene that it accepted the divestiture decree as an alternative to this bill. Scott prepared a letter from a bipartisan group of Congressmen proposing changes to the AT&T consent decree, most of which Judge Greene adopted (citing the letter 13 times). After his public service, Scott helped restructure Montana Power to separate competitive ventures from regulated operations as a management consultant at McKinsey & Co. He also served a variety of clients of McKinsey's technology strategy and organizational practices.

In 1990, Scott was the chief witness for the state attorney general in the New York Telephone rate case. He conducted depositions and large-scale electronic discovery (new at the time) that detailed systematic overcharges of NYT by unregulated NYNEX affiliates. These inflated the apparent rate base and revenue requirement. Based on his disclosures, the FCC levied its largest fine ever. At the time, the disallowances made by the New York utility commission were also the largest ever levied in any state. Scott co-managed a retrospective audit that provided additional refunds to ratepayers. He also testified in the subsequent criminal case brought against NYNEX by the U.S. Department of Justice.

Scott returned to his home state of Maryland, where he served as the Public Service Commission's first telecom director. Scott also staffed two joint boards that coordinated state and federal telecom regulation. After organizing the new division, he resigned to serve as a consultant to Maryland and eleven other states as a witness in utility rate cases and rulemaking proceedings. He developed a system of regulatory cost allocation that was substantially adopted by the Telecom Act of 1996. During this practice, Scott testified in all aspects of rate cases, including cost of capital, revenue requirement, deferred compensation, jurisdictional separations, quality of service, and safeguards for competition.

Scott advised the British Labour Party on the privatization of British Telecom and the Dutch government on the sale and regulation of its telephone monopoly. When the Berlin Wall fell, Scott was in Poland helping the first post-communist government plan the reorganization and eventual sale of its largest state enterprises. Under a UN contract, he advised the Vietnamese finance ministry on privatization and industrial regulation.

When he moved to California in 2000, Scott worked as director of business development for a GPS chip manufacturer and later as an attorney in private practice. He developed an election law practice and represented intervenors before the California Public Utilities Commission in regulatory proceedings, including the PG&E bankruptcy. The CPUC staff selected him as a finalist for general counsel immediately before President Peevey arrived. Scott was Senator Kerry's statutory representative to the California Secretary of State during the 2004 presidential campaign. He has also performed extensive pro bono work on behalf of veterans.

In Washington, Scott served as deputy director for research at the Administrative Conference of the U.S., a federal research agency that proposes government-wide reforms to make administrative processes fairer and more efficient. During this period, the ACUS membership (a group that includes the general counsels of most federal agencies) made recommendations regarding collaborative regulatory enforcement, e-rulemaking, the Sunshine Act, the deportation backlog, social security adjudications and other subjects. In her memoir, Justice Sotomayor wrote of Scott that "integrity has remain[ed] evident over his distinguished professional life in public service."



Scott J. Rafferty

1913 Whitecliff Ct
Walnut Creek CA 94596

Direct: (213) 525-5225
rafferty@att.net
04:59 PM

PROFILE:

- *Extensive experience as a management consultant, attorney and regulatory economist*
- *Pioneered use of disclosure, market-based incentives, and statistical surveillance to improve regulatory enforcement and increase government transparency*
- *Proven leader and manager of interdisciplinary teams in the public and private sectors*

EDUCATION:

Oxford University (Balliol College)

Rhodes Scholar (1977); D.Phil. (1986)

“Legislative Reform of the Telecommunications Industry: United States and Great Britain”

Concentration: Regulatory economics

Yale Law School

J.D. (1979)

Concentration: Civil rights, regulation and labor law

Princeton University, Woodrow Wilson School

A.B. (1976)

Summa cum Laude, Phi Beta Kappa, Wilson School Thesis Prize

Thesis: “Building the Consensus: The Civil Rights Division in the Kennedy Administration”

50 trimester-hours graduate credit to M.P.A. degree in Urban Economics

PROFESSIONAL EXPERIENCE:

Deputy Director for Research and Policy, Administrative Conference of the United States (federal agency), Washington DC (2010 - 2012)

- Managed consultants and attorney-advisers who conduct work in connection with the Conference’s research and policy projects.
- Supported the Conference Committee on Administration and Management, keeping its chair and members informed on current research.
- Organized project into E-FOIA and electronic publication of federal legal materials, including the use of copyrighted materials in rules and guidance
- Digitized 1200 historic ACUS studies into best practices in administrative procedure at no cost to government.
- Served as Designated Federal Officer at Conference Plenary Session and committee meetings, advising on compliance with Federal Advisory Committee Act
- Performed research into collaborative regulatory enforcement, including self-regulatory organizations and privately funded inspections
- Managed project into third-party certification
- Organized conference on e-Rulemaking with Brookings, identifying innovations at state and federal agencies
- Organized interagency workshops on online dispute resolution, case management, and immigration adjudication.
- Recovered and organized 400,000 pages of archival materials

Principal, Law Offices of Scott Rafferty Washington DC and Mountain View CA (2002 - 2010)
Practice specializing in Information Technology, Regulation, and Public Advocacy

Accomplishments

- As Director of Litigation for Citizens for Responsibility and Ethics in Washington, refocused litigation strategy to extend federal recordkeeping and FOIA/Privacy Act requirements to electronic documents
 - Briefed successful litigation to preserve and disclose White House visitor records;
 - Developed techniques to scan large FOIA requests for key content, facilitating web publication;
 - Achieved declassification of Kennedy-era civil rights records at the National Archives and their release for digitization.
- As Executive Director for Peninsula Ratepayers Association, represented utility consumers before the California Public Service Commission
 - Prevented Pacific Gas & Electric from using bankruptcy to preempt state regulation, avoiding substantial rate increases;
 - Built coalition with environmental groups to negotiate transfer of PG&E watershed lands from bankruptcy estate to nonprofit conservation entities;
 - Persuaded regulators to allow Voice Over Internet (VOIP), advocating disclosure as the primary means to enforce service quality.
- Enforced voting rights by working with state election officials and through litigation
 - Succeeded in challenging state legislation requiring soldiers to waive ballot secrecy if they participated in electronic ballot transmission program run by DoD contractor;
 - Challenged Veterans Administration policies that interfered with voter registration at homeless shelters, nursing homes, and recreational areas where veterans live;
 - Directed voter protection in Montana 2006 election which ultimately resulted in change in control of U.S. Senate;
 - Strengthened California recall requirements through federal injunction action.

Senior Director, Business Development, SiRF Technology, San Jose, CA (10/2000-2/2002)
Built business and regulatory alliances for SiRF, which made leading-edge GPS chipsets for mobile telephones and consumer products

Accomplishments

- Successfully defended federal regulation mandating 911 location technologies in all new mobile phones;
- Created competitive advantage with proactive corporate commitment to user security and privacy by preventing abuse of location data;
- Built technology-sharing alliance with chipset customer;
- Performed economic analysis of GPS deployment, showing effect of delay in E-911 mandate;
- Developed cross-licensing framework to protect against potential patent and antitrust claims while negotiating access to critical software.

I had no defined hours, but worked substantially in excess of 40 hours a week. My salary was \$120,000 plus extensive stock options.

Director, Aerie Group, Washington DC (5/1992-11/2000)

Accomplishments

- Managed UN project to prepare state enterprises in Vietnam for privatization;
- As economic consultant to twelve states, designed regulations to introduce telecom competition, and promote broadband penetration, privacy, security, universal service, and service quality;

- Performed statistical analysis to show that the cable industry was not yet subject to effective competition, leading the incoming Clinton-Gore Administration to revise deregulatory rules;
- Created nationwide database (by zip code and telephone exchange) of consumer economic and demand variables and penetration of broadband and wireless services to enable members of telephone company trade association to target broadband deployment and cross-selling initiatives;
- Conducted or managed utility audits using quantitative statistical techniques to assess procurement practices and service quality;
- Implemented franchise auction for provider-of-last-resort obligation in rural Hawaii;
- Designed cost allocation accounting methodologies for utilities, which state commissions adopted and federal legislation incorporated;
- Advised national political committee on internet strategy;
- Testified before state legislatures and regulatory commissions in rulemaking and adjudicatory proceedings;
- Built internal skills of state agencies to research and testify in regulatory hearings; managed teams of economists and lawyers in complex regulatory proceedings; taught continuing professional education to regulatory CPAs

Director of Telecommunications, Maryland Public Service Commission, Baltimore MD (9/1990-5/1992)

As agency's first director, build and led staff to regulate telephone carriers

Accomplishments:

- Designed Maryland broadband plan, evaluating opportunities for telemedicine, distance education, and content delivery;
- Managed statistical audit of affiliate transactions, using electronic discovery tools;
- Served as state representative to federal-state joint board on accounting separations;
- Enforced compliance with consumer safeguards, including privacy and service quality;
- Launched self-regulation of payphones that improved enforcement and saved state costs.

Principal, Rafferty Consulting, Washington DC

(1987-90)

Accomplishments

- Achieved \$965 million reduction in NY Tel rates, as well as "bubble up" compliance system and corporate restructuring to promote efficiency and ethical contracting;
 - Consultant on privatization to first industry minister in post-communist Poland;
 - Developed telecom job creation program for Irish Development Agency
 - Performed economic evaluation of pioneering Prodigy electronic service; proposed modifications to business plan;
 - Created security accounting tools to identify waste and fraud for telecommunications firms.
- My revenues depended upon contracts.*

NYNEX-TELCO Research, Washington DC (5/1986 -1/1987)

Managing Director and Senior Vice President

Accomplishments

- Managing director of 120-employee software development firm; ensured employees were appropriately appraised and rewarded;
- Led team of 15 engineering and economic consultants who performed network planning and optimization and analyzed telecom markets for equipment and service suppliers;
- Restored consulting practice to profitability in less than 6 months, at which point legal restrictions forced NYNEX to leave this line of business.

Senior Associate, McKinsey & Company, Washington DC and London, UK

(1983-86)

Accomplishments

- Created plan for Dutch government to open telecom market to competition;
- Achieved \$85 million in cost reductions while maintaining technical synergies and positive management culture for telecommunications client; restructured major regional electrical utility company to enhance business accountability;
- Saved over 500 jobs and improved commercialization of research through Bell Labs re-organization;
- Specialized in organizational change to support changing business strategies;
- Led client teams to quantify post-merger staff needs;
- Created separate subsidiary structure for electric utility to enter competitive telecommunications and power management businesses, providing regulatory transparency and business synergies;
- Designed and implemented job development program for Republic of Ireland;
- Helped create exploration and development strategy for major European energy firm;
- Performed financial valuations of telecommunications companies.

***Counsel, House Subcommittee on Telecommunications, Energy and Commerce Committee
Washington DC***

(1981-1983)

Accomplishments

- Represented committee members in *U.S. v. AT&T*, achieving 13 modifications to consent decree;
- Developed and prepared policy for increasing competition in U.S. telecommunications markets;
- Drafted AT&T divestiture bill and other laws relating to the telecommunications industry, including the Telecommunications for the Disabled Act;
- Co-authored detailed statistical analysis of competition and market penetration for each telecom market ("Technology in Transition");
- Organized numerous hearings into telecom competition, privacy, and data protection.
- My salary was \$46,000. I had no defined hours, but worked substantially more than 40 hours a week.

Associate, O'Melveny and Myers, P.C., Washington DC and Los Angeles CA

(5/1979-81)

- Specialized in antitrust and securities litigation, including all phases of discovery and trial, including depositions and motion practice.
- Managed regulatory compliance in a major telecom merger;
- Developed regulatory strategies for Fortune 100 corporations;
- Handled all aspects of condemnation appeals before the General Accounting Office;
- Successfully defended auto manufacturer in recall proceeding;
- Represented airline industry in proceedings to reduce operations at National Airport.

BAR ADMISSIONS

Admitted to practice in California and District of Columbia; federal Northern District of California, and Second, Fifth, Ninth, Eleventh, D.C., and Federal Circuit Courts of Appeal.

PROFESSIONAL ACTIVITIES

President, Princeton Club of Northern California, 2002-2005

Co-Chair, Oxford-Cambridge Committee of Northern California, 2002-2005

Program Chair, Tshwane (South Africa)-Washington DC Sister City Committee

Parish Council President, St. George Greek Orthodox Church, Bethesda MD, 1997-1999

UNITED STATES CITIZEN, SSN *****

PUBLICATIONS AND REPORTS

“Legislative Reform of the Telecommunications Industry in the United States and Great Britain,” Ph.D. dissertation, Oxford University 1986.

The American Experience: The Dilemma of Telecommunications in the United States,” Libra Press (U.K.), 1983.

Telecommunications in Transition: The Status of Competition in the Telecommunications Industry, Report by the Majority Staff of the Subcommittee on Telecommunications and Consumer Protection and Finance, U.S. House of Representatives Energy and Commerce Committee, Committee Print 97-V (GPO 86-058) November 1981. (I am the principal author of the introduction and pp. 55-2834 and co-author of pp. 29-54).

“Realizing Congress’s Promise of Effective Rate Regulation for Cable TV Consumers,” September 28, 1983 (The Wall Street Journal commissioned this report, which resulted in a front page article and the substantial changes to FCC regulations)

“Southern Republicanism,” Annals of the American Academy of Political and Social Sciences (1975) (citation pending) (a statistical analysis of the impact of the Voting Rights Act).

“Proceedings of the Fifth Annual Homeland Security Law Institute,” 35 *Administrative & Regulatory Law News* 29 (2010).

“Proceedings of the Fourth Annual Homeland Security Law Institute,” 34 *Administrative & Regulatory Law News* 28 (2009).

“Building the Consensus: Civil Rights and the Department of Justice 1961- 1963,” senior thesis, Woodrow Wilson School, Woodrow Wilson School Thesis Prize, Aaron Austin Godfrey Thesis Prize.

“FDA is Moving too Slow To Promote Private Inspections,” *Food Safety News*, September 6, 2013.

“Third-party Certification of Food Imports,” Food & Drug Administration, 2011-N-0146, September 2013.

“Enhancing the Competitiveness of the American Standards System,” Office of Management & Budget, 2012-0003, October 8, 2012.

“Comment – Third-Party Programs,” Administrative Conference of the United States, October 8, 2012.

“Incorporation by Reference,” National Archives and Records Administration,” May 2012.

“Analyzing New York Telephone Company’s Request for Relief from the Rate Moratorium,” New York Public Service Commission No. 28961, January 11, 1990.

“Transactions Between New York Telephone Company and Unregulated Affiliates of NYNEX Corporation,” New York State Department of Law, New York Public Service Commission No. 90-C-0912, June 1990.

“The Impact of Transactions with Unregulated Affiliates on the Regulated Rates of New York Telephone Company,” New York State Department of Law, New York Public Service Commission No. 90-C-0912, July 1990. (This report was the focus of a front-page story by the Wall Street Journal on July 12, 1990).

“State Regulatory Jurisdiction over Voice-Over-Internet Telephony,” California Public Service Commission I-0402007, June 7, 2006.

“Protecting Ratepayers During the Bankruptcy of PG&E,” California Public Service Commission I-0204026, December 11, 2003.

“Opening Report for the Workshop on Competition in Telecommunications,” Arizona Corporations Commission, January 14, 1994.

“Comments on Competition in Telecommunications,” Arizona Corporations Commission (Residential Utilities Consumer Office), July 21, 1994.

“Incremental Cost and Telephone Calling Area Design,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), May 26, 1994.

“Rate Design for US West,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), March 14, 1994.

“Reforming the Universal Service Fund,” Arizona Corporations Commission (Residential Utilities Consumer Office), October 26, 1994.

“Making Retroactive Adjustments to Rates,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), October 26, 1994; additional comments filed July 3, 1996.

“Designing Alternative Regulation in Telecommunications,” Public Advocate, Delaware Public Service Commission Case No. 33, May 26, 1992; further comments filed June 22, 1993.

“Cost Methodology for Alternative Dialing Plans, Public Advocate, Delaware Public Service Commission Case No. 92-47, February 15, 1993.

“Competition in Long-Distance Telephony,” Public Advocate, Delaware Public Service Commission Case No. 42, November 2, 1994.

“Revenue Requirement and Reform in Rate Design to Reflect Competition, Public Advocate, Delaware Public Service Commission Case No. 92-47, January 15, 1993.

“Reforming the Structure of Regulated Telecommunications Utilities,” Florida Public Service Commission No. 920255-TL, June 1, 1992.

“Planning for the Entry of Competition,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, March 24, 1995.

“Using Auction Mechanisms to Reallocate Utility Franchises,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, April 5, 1995.

“Managing Competitive Entry,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, May 12, 1995.

“Maintaining the Quality of Rural Telephone Service,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0346, June 28, 1994.

“Regulating New Operator Service Providers,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0144, June 5, 1995, further comments, January 16, 1996.

“Calculating the Cost of Capital and Revenue Requirement for Hawaiian Telephone Company,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission

“Criteria for Awarding a Certificate of Public Convenience and Necessity,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0093, November 14, 1994.

“Regulatory Reform Proposals Before the Illinois Legislature,” Conference Committee of the Illinois Legislature, May 3, 1992.

“Compensation for ‘Dial-Around Calls’ from Payphones,” Maryland Public Service Commission, Case No. 8585, April 19, 1993.

“Designing a Cost Allocation System for Regulated Telecommunications Utilities,” Maryland Public Service Commission, Case No. 8333, April 21, 1991.

“Implementing a Cost Allocation System for Regulated Telecommunications Utilities,” Maryland Public Service Commission, Case No. 8333, May 10, 1991; further comments, May 17, 1991.

“Toward a More Competitive Telecommunications Infrastructure for the State of Maryland,” Maryland Public Service Commission, Case No. 8388, November 7, 1991.

“Setting Payphone Rates in a Competitive Environment,” Michigan Public Service Commission U-10282, December 15, 1993.

“Evaluating Price Caps as a Form of Alternative Regulation,” New Jersey Division of Ratepayer Advocate, New Jersey Board of Public Utilities No. T09030358, Sept. 21, 1992.

“Analyzing the Impact of Price Cap Regulation on Regulated Service Quality,” New York Public Service Commission No. 92-C-0665, August 10, 1994.

“Proposing Alternatives to Rate-of-Return Regulation for the Western Reserve Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 93-230-TP-ALT, November 8, 1993.

“Proposing Alternatives to Rate-of-Return Regulation for the Cincinnati Bell Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 93-432-TP-ALT, March 3, 1994.

“Evaluating the Reasonableness of a Rate Settlement Proposed for the Western Reserve Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 92-1525-TP-CSS, January 28, 1994.

“Reforming the System of Cost Allocation and Jurisdictional Separations in the Face of Competitive Entry,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 92-1525-TP-CSS, August 25, 1993.

“Setting Rules for Competitive Entry,” Utah Department of Commerce, Utah Public Service Commission No. 94-2202-01, December 1, 1995.

“Is Regulation of Rates and Quality of Service Appropriate for Residential ISDN,” Utah Department of Commerce, Utah Public Service Commission, July 15, 1996.

“Developing a System of Cost Allocation for Regulated Utilities,” West Virginia Public Service Commission No. 90-424-T-PC, September 1992.

“Implementing West Virginia’s New Cost Allocation Methodology,” West Virginia Public Service Commission No. 90-424-T-PC, January 14, 1992.

“Setting Rates for Payphones in a Competitive Environment,” Wisconsin Public Service Commission No. 2180-TR-103, October 6, 1992.