ALJ / JRD / k47 **Mailed 2/8/02**

Decision 02-02-024 February 7, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion to Consider Modifications to the Universal Lifeline Telephone Service Program and General Order 153.	Rulemaking 98-09-005 (Filed September 3, 1998)

OPINION ON REQUEST FOR INTERVENOR COMPENSATION

This decision awards The Utility Reform Network (TURN) $16,015, Public Advocates $38,409, and Greenlining Institute and Latino Issues Forum (jointly GLIF) $27,720 in compensation for their respective substantial contributions to Decision (D.) 00-10-028.

1. Background

In D.00-10-028 the Commission adopted revisions to the Universal Lifeline Telephone Service (ULTS) program and General Order (GO) 153. D.00-10-028 accomplished the following: (1) revised GO 153 to reflect changes to the ULTS program that have occurred since GO 153 was issued in 1984; (2) conformed the ULTS program to specific aspects of the Federal Lifeline and Link Up programs; (3) expanded the ULTS program to provide more low-income households with access to affordable basic telephone service; and (4) revised ULTS program administrative procedures to make the program more effective and efficient. Parties advanced their positions through comments and oral argument.

TURN timely filed its Request for Compensation on December 15, 2000. Public Advocates timely filed its Request for Compensation on December 18, 2000, as did GLIF.

2. Requirements for Awards of Compensation

Intervenors who are "customers" and who seek compensation for their contributions in Commission proceedings must file requests for compensation pursuant to Pub. Util. Code §§ 1801-1812.[1] (All statutory citations are to the Pub. Util. Code.) Section 1804(a) requires an intervenor to file a notice of intent (NOI) to claim compensation within 30 days after the prehearing conference or by a date established by the Commission. The NOI must present information regarding the nature and extent of the customer's planned participation and an itemized estimate of the compensation the customer expects to request. The NOI may request a finding of eligibility.

Other code sections address requests for compensation filed after a Commission decision is issued. Section 1804(c) requires an eligible customer to file a request for an award within 60 days of issuance of a final order or decision by the Commission in the proceeding. As noted above, TURN, Public Advocates and GLIF timely filed their requests. Under §1804(c), an intervenor requesting compensation must provide "a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding." Section 1802(h) states that "substantial contribution" means that,

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[1] To be eligible for compensation, an intervenor must be a customer as defined by § 1802(b). In D.98-04-059 (footnote 14) we affirmed our previously articulated interpretation that compensation be proffered only to customers whose participation arises directly from their interests as customers. (See D.88-12-034, D.92-04-051, and D.96-09-040.)

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

Section 1804(e) requires the Commission to issue a decision that determines whether the customer has made a substantial contribution and what amount of compensation to award. The level of compensation must take into account the market rate paid to people with comparable training and experience who offer similar services, consistent with §1806.

3. NOI to Claim Compensation

TURN timely filed its NOI and was found eligible for compensation in this proceeding by a November 13, 1998 ruling. The same ruling found that TURN had demonstrated significant financial hardship. In compliance with Ordering Paragraph 2 of that ruling, TURN estimates that over 90% of its membership consists of residential ratepayers.

Public Advocates, with leave from the assigned Administrative Law Judge (ALJ), filed its NOI on November 13, 1998. In two rulings, dated December 15, 1998, and February 8, 1999, the assigned ALJ determined that Public Advocates needed to provide further support to demonstrate that the groups or organizations it represented were customers. The ALJ noted that Public Advocates would provide amended articles of incorporation or bylaws or could simply reference provisions in those articles or bylaws that Public

Advocates interprets as authority for the group or organization to represent the interests of residential customers.[2] Public Advocates did not provide further support. Instead, it references its NOI and a recent Commission decision, D.00-03-021, that adopts the presiding officer's determination of eligibility. In D.00-03-021, we did affirm earlier rulings on compensation. We also noted those rulings required intervenors, including Public Advocates, to make certain showings in their requests for compensation. In this proceeding, a ruling permitted Public Advocates, in its request for compensation, to demonstrate the "customer" status of the organizations it represents by showing where their by-laws or articles of incorporation could be interpreted to mean they were authorized to represent residential customers. Public Advocates failed to make that showing.

The organizations represented by Public Advocates no doubt provide many worthwhile services. However, the question that we must answer under the applicable statute is whether there is a nexus between the goals of those organizations, the customers of regulated California utilities, and the efforts undertaken by Public Advocates at this Commission. Given that substantial expenditure of resources on behalf of these organizations by Public Advocates has already occurred in this proceeding, we will find the seven organizations "customers" for purposes of this proceeding, but we place Public Advocates on notice that we will further scrutinize its next NOI to determine compliance with the statutory criteria for "customer" status.

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[2] The organizations represented by Public Advocates are National Council of La Raza, Oakland Chinese Community Council, Southern Christian Leadership Conference, Oakland Citizens Committee for Urban Renewal, Korean Youth and Community Center, Filipinos for Affirmative Action, and Spanish Speaking Citizens' Foundation.

GLIF timely filed its NOI and was found eligible for compensation in this proceeding by an October 21, 1998 ruling. The ruling required GLIF to state the percentage of its membership that is composed of residential ratepayers in its request for compensation in compliance with D.98-04-059 when an organization represents both residential and small business customers. GLIF did not include that information. We will not disallow GLIF's request for failure to provide this information but similarly place it on notice that we will scrutinize its next NOI.

GLIF contends both Greenlining Institute and Latino Issues Forum meet the financial hardship requirements of §1803(b) under the test found in §1802(g). They rely on findings in recent decisions, D.00-04-003 and D.00-04-011, that they have met the requirement. They also claim their financial conditions have not changed materially since that time. Only D.00-04-011 makes the finding of significant financial hardship. While we can take notice of that finding in this proceeding, we note that the period at issue in that proceeding was 1998 and the periods at issue in this proceeding are 1998, 1999, and 2000. Although we will not disallow GLIF's request for failure to provide more recent information, we caution GLIF that its failure to follow directives contained in ALJ rulings respecting intervenor compensation requests will impact future awards.

4. Substantial Contribution to Resolution of Issues

Under §1802(h), a party may make a substantial contribution to a decision in one of several ways. It may offer a factual or legal contention upon which the Commission relied in making a decision, or it may advance a specific policy or procedural recommendation that the ALJ or Commission adopted. A substantial

contribution includes evidence or argument that supports part of the decision even if the Commission does not adopt a party's position in total.[3]

TURN believes it has substantially contributed to D.00-10-028 in eight areas. First, TURN supported ULTS eligibility if the household had more than one line. Second, TURN opposed the alternate's recommendation to permit competitive local exchange carriers to charge more than the cap. Third, TURN supported no deposit requirement for ULTS customers under any circumstances. Fourth, TURN supported no disconnection of additional lines for non-payment of toll charges unless permitted under D.00-03-020. Fifth, TURN supported wording changes to the new general order, including the customer's right to challenge a finding of ineligibility to participate in the ULTS program, cost recovery "directly attributable" to the program. Sixth, TURN opposed Pacific Bell's proposal to exclude customer advocates from the ULTS administrative committee. Seventh, TURN opposed the incumbent local exchange carriers' proposal for two-year time limits on audits. Eighth, TURN opposed the proposal of GTE California Incorporated for recovery of marketing costs.

We agree that TURN made substantial contributions to D.00-10-028 in the areas it identifies. We adopted TURN's proposals and benefited from TURN's policy discussion in all of those areas. There is minimal duplication between the positions supported by TURN and those supported by other parties.

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[3] The Commission has provided compensation even when the position advanced by the intervenor is rejected. D.89-03-063 (awarding San Luis Obispo Mothers For Peace and Rochelle Becker compensation in Diablo Canyon Rate Case because their arguments, while ultimately unsuccessful, forced the utility to thoroughly document the safety issues involved).

Public Advocates believes it has substantially contributed to D.00-10-028 in nine areas. First, Public Advocates states it influenced the scope of the proceeding by raising the issue of the language(s) in which the local exchange companies provide notices. Second, Public Advocates, along with other parties, proposed a date for adjustment to a household's income limits. Third, Public Advocates opposed the proposal for only one discounted charge per year per household. Fourth, Public Advocates proposed no service deposit if toll blocking is refused or unavailable. Fifth, Public Advocates supported the Commission's proposal for service connection payments in lower increments (and the Commission relied on Public Advocates' support). Sixth, Public Advocates supported the Commission's proposal for toll-control service. Seventh, Public Advocates supported no disconnect for failure to pay toll charges, but Public Advocates notes that this proposal was not adopted. Eighth, Public Advocates supported no limit on lifeline connection charges. Ninth, Public Advocates opposed a proposal that the customer pay full tariffed rates, charges, and service deposits until the signed certification form was returned.

We agree that Public Advocates made substantial contributions to D.00-10-028 in the areas it identifies. We adopted most of the proposals Public Advocates supported, although Public Advocates was one among other parties supporting a number of the proposals. There is some duplication in effort, which we will address below. We will not consider compensation for Public Advocates' position on toll disconnect, which was not adopted in D.00-10-028. Public Advocates also requests compensation for comments on the importance of affordability studies addressed in A.92-05-002. We will not consider compensation for efforts in another proceeding.

GLIF believes it has substantially contributed to D.00-10-028 in seven areas. First, GLIF supported the original proposal concerning post-sale information in the same language. Second, GLIF supported the proposal to conform ULTS with the federal rules concerning discounted connection charges. Third, GLIF supported a uniform limit on revenues recovered from the fund. Fourth, GLIF supported a reasonable limit on revenues that carriers can recover from the ULTS fund. Fifth, GLIF supported penalties for inflating costs. Sixth, GLIF promoted customer self-certification. Seventh, GLIF supported a verification process that does not delay access to telephone service.

We agree that GLIF made substantial contributions to D.00-10-028 in the areas it identifies. We benefited from GLIF's policy discussion on the issues it addressed, although other parties also supported the policy positions advanced by GLIF. There is some duplication in effort, which we will address below.

5. The Reasonableness of Requested Compensation

TURN requests $16,015, as follows:

Attorney Costs	
Thomas Long (29.50 hours @ $300/hour)	$ 8,850
Thomas Long (9.75 hours @ $150/hour-comp)	$ 1,463
Paul Stein (1.75 hours @ $200/hour)	$ 350
Expert Costs	
Regina Costa (31.50 hours @ $140/hour)	$ 4,410
Subtotal	$15,073
Other Costs	
Photocopies	$ 801
Postage	$ 141

	Subtotal	$ 942
	TOTAL	**$16,015**

Public Advocates requests $61,171.39 as follows:[4]

Attorney Costs

Mark Savage (68.85 hours @ $300/hour)	$20,655.00
Mark Savage (27.36 hours @ $150/hour-comp)	$ 4,104.00
Maria Andrade (131.60 hours @ $225/hour)	$29,610.00
Maria Andrade (48.65 hours @ $112.50/hour-comp)	$ 5,473.13
Subtotal	$59,842.13

Other Costs

Photocopies	$ 915.68
Postage	$ 405.76
Phone	$ 7.82
Subtotal	$ 1,329.26
TOTAL	**$61,171.39**

GLIF requests $44,676.13 as follows:[5]

Attorney Costs

Susan Brown (97 hours @ $275/hour)	$26,675.00
Susan Brown (6.hours @ $137.50/hour-comp)	$ 825.00

[4] Public Advocates requests $70,818.44 in its Request for Compensation but does not reduce by 50% the hourly rate for attorneys as required by the Commission for time spent preparing compensation requests.

[5] GLIF requests $46,329 in its Request for Compensation but does not reduce by 50% the hourly rate for attorneys as required by the Commission for time spent preparing compensation requests.

Robert Gnaizda (6.1 hours @ $375/hour)		$ 2,288.00
	Subtotal	$29,788.00
Expert/Analyst Costs		
John Gamboa (7.75 hours @ $250/hour)		$ 1,937.50
Viola Gonzales (8.5 hours @ $250/hour)		$ 2,125.00
Jose Hernandez (64.75 hours @ $105/hour)		$ 6,798.75
Jose Hernandez (15.75 hours @ $52.50/hour-comp)		$ 826.88
	Subtotal	$11,688.13
Other Costs		
Photocopies		$ 1,600
Postage		$ 1,250
Phone/Fax/Internet		$ 350
	Subtotal	$ 3,200
	TOTAL	**$44,676.13**

5.1 Overall Benefits of Participation

In D.98-04-059, the Commission adopted a requirement that a customer must demonstrate that its participation was "productive," as that term is used in §1801.3, where the Legislature gave the Commission guidance on program administration. (See D.98-04-059, mimeo. at 31-33, and Finding of Fact 42). In that decision we discuss the requirement that participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. Customers are directed to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. This exercise assists us in

determining the reasonableness of the request and in avoiding unproductive participation.

Quantification of benefits is often difficult in rulemaking proceedings, and this proceeding is no exception. Nevertheless, there are qualitative observations we can make that demonstrate the general level of effort by intervenors here was justifiable and productive. First, universal service is an important goal for our society as repeatedly affirmed by this Commission and by statute. Second, this proceeding may affect millions of customers with diverse needs. Third, we benefited from getting different perspectives, as to both the range of issues and how to resolve them.

Turning now to the particular showings by the claimants, we find TURN's participation was productive in that the costs it claims for its participation were less than the benefits realized. As noted by TURN, its participation was efficient and although we addressed many issues in considering modifications to our ULTS program and GO 153 and TURN did not prevail on every issue, TURN offered many policy proposals that we adopted.

We similarly find Public Advocates' participation productive. As noted by Public Advocates, we adopted a number of its proposals, including one related to the scope of the proceeding. Although Public Advocates made recommendations that we did not adopt, the benefits of Public Advocates' participation outweigh the costs.

We also find GLIF's participation productive. As noted by GLIF, we adopted several positions it advocated. GLIF made recommendations that we did not adopt, but the benefits of its participation outweigh the costs.

5.2 Hours Claimed

TURN's request includes time records for Thomas Long, Paul Stein and Regina Costa by allocation to activity and issue. The hourly breakdown presented by TURN reasonably supports its claim for total hours. No reduction

for duplication is proposed, and TURN notes that the two issues it raised along with other parties involved a minimal amount of TURN's time. We concur that TURN's efficient representation does not require a deduction for duplication, and we approve the hours requested by TURN.

Public Advocate's request includes time records for Mark Savage and Maria Andrade and a table allocating fees by issue and attorney. Public Advocates does not propose a reduction for duplication. The intervenor compensation governing statutes envision some participation that is duplicative may make a substantial contribution and some may be unnecessary. Discounts are case specific and may range from a modest 10% to no compensation. (D.98-04-059, 79 CPUC 2d 628, 658.) Because Public Advocates supported Commission proposals, supported a position adopted in another proceeding and was one among other intervenors in supporting other proposals adopted by the Commission, it has not persuaded us that its participation was unique and distinguishable on all matters.

The draft decision proposed reducing all of Public Advocates' authorized professional hours by 25%. In its comments on the draft decision, Public Advocates asserted its unique position on several issues, including its proposal, adopted by the Commission, to expand the scope of the proceeding. Because Public Advocates' participation was unique on some issues and duplicative on others, we will apply the minimal discount of 10% to Public Advocates' professional hours but will retain the 25% discount, discussed below, for fee preparation hours.

Public Advocates' hours are excessive in other respects. The number of hours requested for preparing the compensation request, 76, is over a fourth of the total hours spent by Public Advocates in this proceeding. Comparison of the

time records and the table allocating issues does not readily support all of the claimed hours for compensation requests. Public Advocates also failed to provide the additional information requested in the ALJ rulings. Itemization in the time records supports approximately 39 hours expended in preparing the NOI and the compensation request, not 76. Further, we observe that TURN spent 9.75 hours and GLIF spent 22.25 hours in preparing their respective compensation requests in the same proceeding. We will rely on the itemization to reduce the hours for preparing the compensation request to 39; we will further reduce those amounts by 10 hours (25%), and authorize 12 hours for Savage and 17 hours for Andrade. After these reductions, the ratio of Public Advocates' hours preparing its compensation request to its professional hours is roughly the same as TURN's but still higher than GLIF's. Finally, we decline to approve the 3.96 hours expended by Savage in preparing comments on the affordability study in another proceeding.

GLIF's request includes time records for Susan Brown, Robert Gnaizda, John Gamboa, Viola Gonzales, and Jose Hernandez and a breakdown by issue for each attorney and expert. GLIF does not provide a summary by year of fees requested for each attorney and advocate. GLIF does not propose a reduction for duplication. Because GLIF supported Commission proposals and was one among other intervenors in supporting other proposals adopted by the Commission, it has not shown that its participation was relied on or otherwise unique and distinguishable from that of other parties. We will reduce all of GLIF's authorized professional hours by 25%. We decline to authorize compensation for Jose Hernandez's 6 hours for administrative duties. The compensation request does not identify what type of administrative work Hernandez was performing but does include professional hours associated with

the same task. In prior decisions, including D.00-04-011, we have found that professional fees assume administrative and clerical overhead costs and are set accordingly.

5.3 Hourly Rates

TURN proposes hourly rates of $300 for Thomas Long, $200 for Paul Stein, and $140 for Regina Costa. The last approved hourly rate for Stein was $170, adopted in D.99-07-045. TURN provides market rates and other information to justify the request. We find that TURN's market data, plus this attorney's additional experience since we last set his hourly rates and TURN's efficient participation in this proceeding, all justify the request for an increase in hourly rates. The hourly rate proposed by TURN for Stein is reasonable and will be adopted.

Public Advocates proposes hourly rates of $300 for Mark Savage and $225 for Maria Andrade. The Commission previously set hourly rates of $250 for 1998 (D.00-02-044) and $275 for 1999 and 2000 (D.00-05-033) for Savage. We will continue to use those rates here, as they are appropriate for the work leading up to D.00-10-028 resolving this proceeding. The Commission has not set an hourly rate for Andrade. Public Advocates provides two declarations to support the requested rate of $225. Based on her experience and qualifications and rates authorized for attorneys with her level of experience, we set hourly rates of $150 for 1998, $160 for 1999, and $170 for 2000, for Andrade.

For work performed in 1998, 1999 and 2000, GLIF proposes hourly rates of $275 for Susan Brown, $375 for Robert Gnaizda, $250 for John Gamboa, $250 for Viola Gonzalez, and $105 for Jose Hernandez. These rates are increases over recently authorized rates. The Commission previously set hourly rates of

$250 for 1998 for Brown (D.00-04-003), $270 for 1998 for Gnaizda (D.00-04-003), $135 for 1998 for Gamboa (D.00-04-003), and $75 for 1998 for Hernandez

(D.00-04-003). GLIF notes it has documented 1999 market rates in a fee request filed in another docket (A.98-12-005 for contributions to D.00-03-021). We will set hourly rates here in accord with those set in that proceeding: $280 for Gnaizda for 2000, $260 for Brown for 2000, and $135 for Gonzalez. We made no adjustments to the hourly rates for Gamboa and Hernandez in that proceeding, and we will make none here.

5.4 Other Costs

TURN requests $942 for photocopying and postage. Public Advocates request $1,399.26 for photocopying, postage and phone. These expense levels are reasonable, given the length of this proceeding. GLIF requests $3,200 for photocopying, postage and fax, internet, phone. This request exceeds the other intervenors' costs by a considerable margin, and there is no support of any kind for these expenses in the Request for Compensation. We will reduce GLIF's request by 50%, to $1,600 for expenses.

6. Award

In D.00-01-020, we addressed the issue of the payment of intervenor compensation awards in quasi-legislative proceedings affecting an industry or multiple industries. We stated our intent that no later than July 1, 2001, awards in quasi-legislative rulemaking proceedings where no specific respondents are named will be paid from an intervenor compensation program fund. The details of this funding method are set forth in D.00-01-020. The proceeding is quasi-legislative in nature and affects an entire industry. There is no named respondent. Accordingly, the awards to TURN, Public Advocates and GLIF will be paid from the intervenor compensation program fund. We award TURN $16,015, calculated as described above.

We award Public Advocates $38,409, calculated as follows:

Mark Savage (35 hours @ $250/hour, 24 @ $275)	$15,350
Mark Savage (6 hours @ $125/hour-comp, 6 @ $137.50/hour-comp)	$ 1,575
Maria Andrade (62 hours @ $150/hour, 21 @ $160, 36 @ $170)	$18,780
Maria Andrade (14 hours @ $75/hour-comp, 3 @ $87.50/hour-comp)	$ 1,305
Expenses	$ 1,399
TOTAL	**$38,409**

We award GLIF $26,135, calculated as follows:

Susan Brown (38 hours @ $250/hour) (1998 & 99)	$ 9,500
Susan Brown (36 hours @ $260/hour) (2000)	$ 9,360
Susan Brown (2 hours @ $125/hour-comp; 2 hours @ $130/hour-comp)	$ 510
Robert Gnaizda (2 hours @ $270/hour) (1998 & 99)	$ 540
Robert Gnaizda (3 hours @ $280/hour) (2000)	$ 840
John Gamboa (6 hours @ $135/hour)	$ 810
Viola Gonzalez (6 hours @ $135/hour)	$ 810
Jose Hernandez (44 hours @ $75/hour)	$ 3,300
Jose Hernandez (12 hours @ $37.50/hour-comp)	$ 450
Expenses	$ 1,600
TOTAL	**$27,720**

Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing the 75th day after TURN, Public Advocates and GLIF filed their compensation requests and continuing until full payment has been made.

As in all intervenor compensation decisions, we put TURN, Public Advocates and GLIF on notice that the Commission Staff may audit TURN's, Public Advocates' and GLIF's records related to this award. Thus, TURN, Public Advocates and GLIF must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. TURN's, Public Advocates' and GLIF's records should identify specific issues for which it requests compensation, the actual time spent by each employee, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

7. Comments on Draft Decision

The draft decision in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on October 5, 2001 by TURN and Public Advocates. With leave from the ALJ Division, GLIF late-filed comments on October 16, 2001.

Findings of Fact

1. TURN has made a timely request for compensation for its contribution to D.00-10-028.
2. TURN contributed substantially to D.00-10-028.
3. TURN's participation was productive.

4. TURN has requested hourly rates for attorneys and experts that are no greater than the market rates for individuals with comparable training and experience.

5. TURN has requested hourly rates for expert Costa that have already been approved by the Commission.

6. TURN has requested hourly rates for attorneys Long and Stein that have already been approved by the Commission.

7. $200 per hour is a reasonable compensation rate for Stein's professional services considering his experience, effectiveness, and rates paid other attorneys.

8. The miscellaneous costs incurred by TURN are reasonable.

9. Public Advocates has made a timely request for compensation for its contribution to D.00-10-028.

10. Public Advocates contributed substantially to D.00-10-028.

11. Public Advocates' participation was productive.

12. Public Advocates supported positions that also were supported by other parties to this proceeding, resulting in duplication. In light of the duplication, Public Advocates' claimed professional hours should be reduced by 10%.

13. Public Advocates requests 76 hours for preparing compensation requests, but its time records only support 39 hours. This amount is excessive and should be further reduced by 10 hours.

14. Public Advocates has requested new hourly rates for attorney Mark Savage when hourly rates for the years 1998, 1999, and 2000, already have been approved by the Commission.

15. Public Advocates has requested an hourly rate for attorney Andrade that has not been approved by the Commission.

16. $150 per hour for 1998, $160 per hour for 1999, and $170 per hour for 2000, are reasonable compensation rates for Andrade's professional services considering her experience, effectiveness, and rates paid other attorneys.

17. The miscellaneous costs incurred by Public Advocates are reasonable.

18. GLIF has made a timely request for compensation for its contribution to D.00-10-028.

19. GLIF's financial hardship showing relies on the findings of a recent Commission decision.

20. GLIF contributed substantially to D.00-10-028.

21. GLIF's participation was productive.

22. GLIF supported positions that also were supported by other parties to this proceeding, resulting in duplication. In light of the duplication, GLIF's claimed professional hours should be reduced by 25%.

23. GLIF has requested 6 hours for administrative time spent by Hernandez, which we will not allow.

24. GLIF has requested new hourly rates for attorneys Brown and Gnaizda and experts Gamboa and Hernandez but has not provided support for those increases in this request for compensation.

25. GLIF has requested an hourly rate for expert Gonzalez that has not been approved by the Commission and has provided no support in the request for compensation for that hourly rate.

26. Hourly rates here for Brown, Gnaizda, and Gonzalez in accord with those set in A.98-12-005 are appropriate.

27. The miscellaneous costs incurred by GLIF are not supported in its request for compensation, and should be discounted to a reasonable level.

28. This proceeding is a quasi-legislative proceeding that affects an industry. There is no named respondent.

Conclusions of Law

1. TURN has fulfilled the requirements of §§1801-1812 which govern awards of intervenor compensation.

2. TURN should be awarded $16,015 for its contribution to D.00-10-028.

3. Public Advocates has fulfilled the requirements of §§1801-1812 except as described in the foregoing Findings.

4. Consistent with standards governing duplication, Public Advocates'professional hours will be reduced by 10%.

5. Public Advocates should be awarded $38,409 for its contribution to D.00-10-028.

6. GLIF has fulfilled the requirements of §§ 1801-1812 except as described in the foregoing Findings.

7. Consistent with standards governing duplication, GLIF's professional hours will be reduced by 25%.

8. GLIF should be awarded $27,720 for its contribution to D.00-10-028.

9. This order should be effective today so that TURN, Public Advocates and GLIF may be compensated without unnecessary delay.

O R D E R

IT IS ORDERED that:

1. The Utility Reform Network (TURN) is awarded $16,015 in compensation for its substantial contribution to Decision (D.) 00-10-028.

2. Public Advocates is awarded $38,409 in compensation for its substantial contribution to D.00-10-028.

3. Greenlining Institute and Latino Issues Forum (GLIF) is awarded $27,720 in compensation for its substantial contribution to D.00-10-028.

4. The award shall be paid from the intervenor compensation program fund, as described in D.00-01-020.

5. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper as reported in the Federal Reserve Statistical Release G.13, with interest, beginning February 28, 2001 for TURN and March 3, 2001, for Public Advocates and GLIF, and continuing until full payment is made.

6. This proceeding is closed.

This order is effective today.

Dated February 7, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL W. WOOD
GEOFFREY F. BROWN
Commissioners