PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED
03-14-11
02:57 PM

Pacific Bell Telephone Company d/b/a AT&T California (U1001C),

Complainant,

vs.

VAYA Telecom, Inc. (U7122C),

Defendant.

**Case No. (C.) 11-02-015**
(Filed February 17, 2011)

**INSTRUCTIONS TO ANSWER NOTICE to Defendant:**

VAYA Telecom Inc. (U7122C)
Attn: James M. Tobin, Esq.
Tobin Law Group
1628 Tiburon Blvd.
Tiburon, CA 94920
Phone (415) 732-1700
Email: jim@tobinlaw.us

Pursuant to Rule 4.3 of the Commission's Rules of Practice and Procedure, this is the electronically filed Instructions to Answer Notice from the Docket Office of the California Public Utilities Commission. You are hereby notified that the above-entitled Complaint has been filed against you as defendant. You are directed to answer the Complaint in writing **within thirty (30) days** in compliance with Rule 4.4. Your **verified answer** shall be filed electronically at http://efile.cpuc.ca.gov/thin/cp.exe or if in paper form, sent to the California Public Utilities Commission, Attn.: Docket Office, 505 Van Ness Avenue, San Francisco, CA 94102

This matter has been assigned to **Commissioner Michael R. Peevey** and **Administrative Law Judge Katherine MacDonald.** It has been determined that the complaint will be categorized as **Adjudicatory.** A Prehearing Conference will be scheduled by the assigned Administrative Law Judge, unless the matter is otherwise resolved by the parties.

**NOTICE TO DEFENDANT(S) ONLY:**
Please acknowledge your receipt of this Notice within 24 hours of receipt by completing the enclosed (PDF Version) **Notice and Acknowledgement of Receipt** form and returning it as an Attachment to an Email addressed to Martin Nakahara (mmn@cpuc.ca.gov) or to Annalissa Herbert (ajh@cpuc.ca.gov) in the Docket Office or by mail to the Docket Office in the self-addressed envelope provided. A self-addressed envelope is provided only if you were served by First Class U.S. mail or by Certified Mail Return Receipt Requested.

It may be possible to resolve this matter through the Commission's Alternative Dispute Resolution Program. Please see the enclosed information on the ADR Program or go the ADR link on the Commission's website (www.cpuc.ca.gov/PUC/adr/).

If you have any questions regarding any matter addressed here, please call the Docket Office at (415) 703-1929/1927.

Dated at San Francisco, California on March 14, 2011.

/s/ *KAREN V. CLOPTON*
KAREN V. CLOPTON
Chief Administrative Law Judge

KVC/ajh
Enclosures: As specifically identified in the Certificate of Service attached hereto and incorporated by reference herein.

cc: Cmmr. **Peevey** & ALJ **MacDonald** via email only.

**(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK)**

## Alternative Dispute Resolution Program (ADR)

ADR commonly describes processes, such as facilitation, negotiation, mediation, and early neutral evaluation, to help disputants resolve a conflict without a formal decision by a court or agency. When successful, ADR may achieve results that a court or agency could not order, give the parties more ownership in the result, and reduce litigation and agency costs.

Our Administrative Law Judge (ALJ) Division administers the ADR program and trained, experienced ALJs serve as neutrals in the program.

Because ADR focuses on the parties' basic interests, a dispute may be settled on terms more favorable to each of the parties. Since the process is voluntary, free, and normally confidential, parties have little "down-side" risk in trying ADR. If it results in a full settlement, ADR may save time and litigation expenses. Even if a complete settlement is not possible, agreement may be reached on some important points and this, also, may save time.

ADR can occur at any time during a formal proceeding. We encourage the early use of ADR to save the parties' time and money and to avoid unnecessary escalation of a dispute. On occasion, ADR may be available to help resolve disputes that are still informal and have yet to be filed as formal complaints. Most ADR sessions are completed in ½ to 2 days. Some ADR sessions continue over several weeks, with the parties meeting for a day or two at a time.

For additional information visit www.cpuc.ca.gov/PUC/ADR/.

## 4.4. (Rule 4.4) Answers

The answer must admit or deny each material allegation in the complaint and shall set forth any new matter constituting a defense. Its purpose is to fully advise the complainant and the Commission of the nature of the defense. At least one of the defendants filing an answer must verify it, but if more than one answer is filed in response to a complaint against multiple defendants, each answer must be separately verified. (See Rule 1.11.)

The answer should also set forth any defects in the complaint which require amendment or clarification. Failure to indicate jurisdictional defects does not waive these defects and shall not prevent a motion to dismiss made thereafter.

The answer must state any comments or objections regarding the complainant's statement on the need for hearing, issues to be considered and proposed schedule. The proposed schedule shall be consistent with the categorization of the proceeding, including a deadline for resolving the proceeding within 12 months or less (adjudicatory proceeding) or 18 months or less (ratesetting or quasi-legislative proceeding). (See Article 7.)

Answers must include the full name, address, and telephone number of defendant and the defendant's attorney, if any, and indicate service on all complainants.

**(END OF RULE 4.4)**

## CERTIFICATE OF SERVICE

I hereby certify that pursuant to the Commission's Rules of Practice and Procedure, I have this day served a true copy of the following in proceeding **Case No. (C.) 11-02-015**

- Instructions to Answer Notice filed electronically March 14, 2011 that includes a copy of Commission's Rules of Practice and Procedure Rule 4.4 and Information on the Alternative Dispute Resolution Program (ADR); and,
- Complaint C.11-02-015 filed on February 17, 2011; and,
- Notice and Acknowledgement of Receipt form for Instructions to Answer Notice,

on the persons identified below. Service was effected by transmitting copies via Certified U.S. Mail Return Receipt Requested or by First Class U.S. Mail or by electronic mail service pursuant to Rules 1.9 and 1.10, respectively, as indicated.

Executed on March 14, 2011, at San Francisco, California.

/s/ *ANNALISSA A. HERBERT*

ANNALISSA A. HERBERT
Legal Assistant, Docket Office

| **VIA ELECTRONIC MAIL SERVICE:** | **VIA ELECTRONIC MAIL SERVICE: COURTESY COPIES** |
|---|---|
| VAYA Telecom Inc. (U7122C)<br>Attn: James M. Tobin Esq.<br>Tobin Law Group<br>Email: jim@tobinlaw.us<br><br>(Additional Service to)<br>Jim Beausoleil, President VAYA Telecom<br>Email: jbeausoleil@vayatelecom.com | Commissioner Michael R. Peevey<br>Email: mp1@cpuc.ca.gov<br><br>Administrative Law Judge<br>Katherine MacDonald<br>Email: kk3@cpuc.ca.gov<br><br>ALJ Docket Office<br><br>ALJ Process Office |
| **VIA ELECTRONIC MAIL SERVICE: COURTESY COPY** | |
| Pacific Bell Telephone Company,<br>dba AT&T California (U1001C),<br>Attn: Eric Batongbacal,<br>Executive Director - Regulatory<br>Email: eb1642@att.com<br><br>David J. Miller Esq., General Attorney<br>AT&T Services Legal Department<br>Email: davidjmiller@att.com<br><br>Michael T. Sullivan Esq.<br>Mayer Brown LLP<br>Email: msullivan@mayerbrown.com<br><br>AT&T Regulatory<br>Email: att-regulatory-ca@att.com | |

**(END OF DOCUMENT)**

-o0o-