

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

03-17-09

02:29 PM

Agenda ID #8393

Adjudicatory

March 17, 2009

TO PARTIES OF RECORD IN CASE 06-04-026

This is the proposed decision of Administrative Law Judge (ALJ) Bemesserfer. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the proposed decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed either electronically pursuant to Resolution ALJ-188 or with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ Bemesserfer at kjb@cpuc.ca.gov and the assigned Commissioner. The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ MICHELLE COOKE for
Karen V. Clopton, Chief
Administrative Law Judge

KVC:jyc

Attachment

Decision **PROPOSED DECISION OF ALJ BEMESDERFER**
(Mailed 3/17/2009)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cox California Telecom, LLC (U-5684-C),

Complainant,

vs.

Global NAPs California, Inc., (U-6449-C),

Defendant.

Case 06-04-026
(Filed April 28, 2006)

**DECISION DENYING MOTION FOR DISQUALIFICATION
AND CLOSING THE PROCEEDING**

Background

In July 2007, defendant Global NAPS California, Inc. (GNAPS) filed a motion to disqualify Commissioners Bohn and Chong from further participation in the instant proceeding, Case (C.) 06-04-026, on the basis of alleged bias against GNAPS. The Commission issued two subsequent decisions involving GNAPS, Decision (D.) 07-08-031 and D.07-09-050. Commissioners Bohn and Chong voluntarily recused themselves from participation in those decisions because of the pendency of the GNAPS disqualification motion in this docket.

There are no further proceedings envisioned in this docket and the only remaining unresolved matter is the motion for disqualification. The actions of Commissioners Bohn and Chong in recusing themselves from any further proceedings involving GNAPS have mooted the motion for disqualification.

Accordingly, the motion should be denied as moot, and this docket, C.06-04-026, should be closed.

Comments on Proposed Decision

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Karl J. Bemesderfer is the assigned ALJ in this proceeding.

Findings of Fact

1. In July 2007, GNAPS filed a motion to disqualify Commissioners Bohn and Chong from participation in C.06-04-026.
2. Commissioners Bohn and Chong voluntarily recused themselves from participation in any further proceedings involving GNAPS.
3. The motion for disqualification has never been ruled on.

Conclusions of Law

1. The actions of Commissioners Bohn and Chong in voluntarily recusing themselves from any further proceedings involving GNAPS mooted the GNAPS motion for disqualification.
2. The motion should be denied.

O R D E R

IT IS ORDERED that:

1. The motion of Global NAPS California, Inc. to disqualify Commissioners Bohn and Chong is denied as moot.
2. Case 06-04-026 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a Notice of Availability of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the Notice of Availability of the filed document is current as of today's date.

Dated March 17, 2009, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

***** SERVICE LIST *****

Last Updated on 17-MAR-2009 by: JP4
C0604026 LIST

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