



FILED

01-07-10

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

XO Communications Services, Inc. (U5533C),

Complainant,

vs.

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

Defendant.

Case 09-07-021
(Filed July 20, 2009)

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure, this Scoping Memo is issued to set the issues, scope, and schedule for hearings on the issues to be considered in this proceeding.

1. BACKGROUND

XO Communications Services, Inc. (XO) is a competitive local exchange carrier (CLEC) certified to offer telecommunications services to customers in California. AT&T California (AT&T) is an incumbent local exchange carrier (ILEC) with whom XO interconnects at various wire centers in California pursuant to the terms of a Commission-approved interconnection agreement (ICA). This suit arises from a dispute about the charges that AT&T imposes on XO for interconnection.

The parties agree that there appear to be no factual issues in dispute. They disagree about the correct legal interpretation of the ICA and two orders of the

Federal Communications Commission, both of which address the issue of interconnection between an ILEC and a CLEC. In particular, XO maintains that AT&T has overcharged it for so-called “cross-connects” by means of which XO is enabled to exchange traffic with other CLECs to which it does not directly interconnect.

At the prehearing conference on December 21, 2009, the parties agreed on the scope of issues and two alternative schedules for the proceeding. The first schedule assumes that the parties are able to agree on a factual stipulation and a related diagram; the second schedule assumes they have not been able to reach such an agreement.

2. ISSUES TO BE CONSIDERED

1. What is the relationship between the FCC’s Triennial Review Remand Order and its Collocation Order as applied to the facts of this case?
2. Does collocation at Total Element Long Run Incremental Cost rates include a transport charge?
3. May AT&T impose a transport charge on XO in a non-impaired wire center and, if so, how much?
4. Does either party owe money to the other and, if so, how much?

3. TIMETABLE

Schedule 1

Factual Stipulation	January 22, 2010
Simultaneous Opening Briefs	February 17, 2010
Simultaneous Reply Briefs	March 10, 2010

Schedule 2

Simultaneous Opening Testimony	February 17, 2010
Simultaneous Reply Testimony	March 10, 2010
Simultaneous Opening Briefs	April 8, 2010
Simultaneous Reply Briefs	April 22, 2010
Evidentiary Hearing (if required)	April 29, 2010 (10:00 a.m.)
Commission Courtroom	
505 Van Ness Avenue	
San Francisco, California	

IT IS RULED that:

1. The scope of issues in this proceeding is as set forth in Section 1 of this Ruling.
2. The schedule for this proceeding is as set forth in Section 3 of this ruling.
3. The projected submission date of this proceeding is July 19, 2010.
4. Karl J. Bemesderfer is designated as the Presiding Officer of this proceeding.
5. This proceeding is classified as adjudicatory.

Dated January 7, 2010, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey
Assigned Commissioner

INFORMATION REGARDING SERVICE

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Dated January 7, 2010, at San Francisco, California.

/s/ JOYCE TOM
Joyce Tom

N O T I C E

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