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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Improve Public Safety by Determining Methods for Implementing Enhanced 9-1-1 Services for Business Customers and for Multi-line Telephone System Users.	Rulemaking 10-04-011 (Filed April 8, 2010)

ADMINISTRATIVE LAW JUDGE'S RULING REVISING SCHEDULE FOR BRIEFS

This ruling modifies the briefing schedule set in the March 8, 2012 Ruling in the above captioned proceeding, as discussed below.

On March 8, 2012, the Assigned Commissioner and Administrative Law Judge (ALJ) issued a joint ruling directing parties to the above-captioned proceeding to file briefs and reply briefs on an issue that arose in the proceeding. Specifically, the parties were to file opening briefs by March 23, 2012, and concurrent reply briefs by March 30, 2012, on a set of questions relating to AT&T's "Inform 911" feature and any such similar features that other utilities may provide.[1]

[1] As identified in the Communications Division's Technical Workshop Summary attached to the ALJ Ruling dated May 2, 2011, and as raised in the letter dated August 3, 2011 from the County of Orange and identified in the ALJ Ruling dated September 15, 2011, AT&T's "Inform 911" is an optional feature of its Primary Rate ISDN (PRI) service, which it describes as follows: "An optional upgrade feature which allows the Calling Party Number of the station to be sent to the E911 database rather

Footnote continued on next page

On March 23, 2012, the Division of Ratepayer Advocates (DRA) submitted[2] a request for a three-week extension of the due date to file briefs. DRA's request contends that they had not anticipated the possibility of the briefing at this juncture of the proceeding, and that DRA's current demands and deadlines in "other active telecommunication dockets" prevented their timely filing of an opening brief, including this request for time extension. DRA acknowledges that the March 8, 2012 Ruling "poses very important questions" for this proceeding and, therefore, seeks additional time to brief those issues. DRA also contends that no party's interest will be negatively impacted by granting of the requested extension of time. No parties have since submitted any opposition or objection to DRA's request.

On March 27, 2012, the assigned ALJ distributed an email to those on the service list of this proceeding, signaling that she would be revising the briefing schedule to allow for a two-week extension for DRA and others to file their opening briefs, if they missed the March 23, 2012 deadline, and that accordingly, the reply briefs would also be due two weeks later than originally set.

On March 28, 2012, AT&T submitted a request for an additional week to reply.[3] Basis for AT&T's request was that assigned AT&T counsel had a vacation

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than the Billed Telephone Number. Available where technical capability exists. It is the customer's responsibility to provide station number updates to the 911 database." (AT&T California Guidebook, Part 17 – ISDN Services, Section 2, Original Sheet 10.)

[2] DRA's extension request sent to the assigned ALJ and those on the service of this proceeding via electronic mail.

[3] AT&T's extension request sent to the assigned ALJ, with a copy to the counsel for DRA, via electronic mail.

which may conflict in some way with the new later reply brief due date, and perhaps there might be more opening briefs filed and there might be more issues raised for AT&T to address requiring the additional reply time.

DRA's request for extension of time does delay the resolution of this proceeding. However, DRA is a critical party in this important proceeding and DRA's input will be valuable. That said, three weeks is too long a delay, and DRA should be able to prepare and submit an opening brief in less time than requested.

As for AT&T's request for additional reply period, while it may be inconvenient in some ways to adapt to the revised briefing schedule, during the two additional weeks being afforded in this ruling for the opening briefs, AT&T should more than be able to prepare a reply to the issues raised in the opening briefs already filed in this proceeding and also figure out its course of action for how AT&T would address DRA's opening brief as well.

Moreover, based on the current filings and record of this proceeding, I do not expect significantly more filings of opening briefs, other than DRA's opening brief. Based on my review of the opening briefs filed thus far, I certainly do not expect AT&T needing more than the current afforded time to adequately reply to the issues on file or any other issues I can reasonably anticipate with DRA's opening brief.

Based on the foregoing, DRA's request is partially granted and AT&T's request is denied. As always, I will reserve the possibility of entertaining a time extension at a later time upon showing of good cause.

GOOD CAUSE SHOWN, **IT IS RULED** that:

1. The briefing schedule set forth in the March 8, 2012 Ruling in this docket is modified as set forth in this ruling.

2. DRA, and any other party who did not meet the March 23, 2012 opening brief deadline, shall file opening briefs by April 6, 2012, on the following questions:

(a) Is a utility service feature that sends the Calling Party Number or ANI (Automatic Number Identification) of the phone station on a 9-1-1 call from customer premises equipment (such as a PBX telephone system) to the 911 database (Service Feature) a "911 service" or "other emergency service" under Decisions (D.) 07-09-019 and D.07-09-018?

(b) Are tariffing charges for such Service Feature in the public interest? If so, explain. If not, explain.

(c) For Customers who are charged for such Service Feature and for Utilities who charge for such Service Feature, do those charges correspond to actual associated costs of rendering such services? If so, explain. If not, explain.

(d) For Customers who are charged for such Service Feature and for Utilities who charge for such Service Feature, are those charges just and reasonable under Public Utilities Code Section 451? If so, explain. If not, explain.

3. Concurrent reply briefs are due from all parties by April 13, 2012.

4. Opening briefs shall be no longer than 20 pages and reply briefs shall be no longer than 5 pages.

Dated April 2, 2012, at San Francisco, California.

/s/ KATHERINE MACDONALD for

Kimberly H. Kim
Administrative Law Judge