

KK3/cla 11/4/2013



FILED

11-04-13
02:41 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revise the Certification Process for Telephone Corporations and the Registration Process for Wireless Carriers.

Rulemaking 11-11-006
(Filed November 10, 2011)

**ADMINISTRATIVE LAW JUDGE'S RULING
CONTINUING RULEMAKING (R.) 11-11-006 PHASE II, WORKSHOP
ON THE PERFORMANCE BOND REQUIREMENT AND
PROVIDING PROPOSED AGENDA**

A workshop was initially scheduled for November 5, 2013. Several parties notified the assigned Administrative Law Judge (ALJ) of conflicting commitments and the desire to schedule workshops in the proceeding on contiguous dates. As a result, the November 5, 2013 workshop is continued to Tuesday, December 3, 2013, starting at 10:00 a.m., Commission Courtroom, State Office Building at 505 Van Ness Avenue, San Francisco, CA 94102, for purposes of determining a reasonable performance bond amount for Certificate of Public Convenience and Necessity (CPCN) and Wireless Identification Registration (WIR) holders as directed by the Commission in Decision 13-05-035.

The Commission initially set the performance bond amount to \$25,000 for both CPCN and WIR holders and directed the ALJ to schedule a workshop as Phase II of Rulemaking (R.) 11-11-006 to further address the performance bond requirement with respect to: 1) whether the bond size or amount should be dependent on the type of license or services offered, 2) whether the bond should

be applicable to existing carriers, only to transferees or to new applicants only, and 3) whether alternatives can be considered in lieu of the performance bond, among others.

A Proposed Agenda for the workshop is attached to this ruling as Attachment A. Parties may suggest additional topics for discussion. A final Agenda will be e-mailed to the service list prior to the workshop.

IT IS RULED that:

1. A workshop is hereby scheduled for Tuesday, December 3, 2013, starting at 10:00 a.m., Commission Courtroom, State Office Building at 505 Van Ness Avenue, San Francisco, CA 94102.
2. Attachment A to this ruling provides the Proposed Agenda of the workshop.

Dated November 4, 2013, at San Francisco, California.

/s/ KATHERINE KWAN
MACDONALD

Katherine Kwan MacDonald
Administrative Law Judge

ATTACHMENT A

Performance Bond Workshop (Phase II of R. 11-11-006)

Phone-Bridge (for listening only):

Passcode:

PROPOSED AGENDA

Tuesday, December 3, 2013

10:00 a.m.

Commission Courtroom, State Office Building

505 Van Ness Avenue

San Francisco, CA 94102

Objective: Determination of Reasonable Performance Bond

Conducted by: Administrative Law Judge and Communications Divisions

Time

Items

10:00 a.m.

Opening Remarks, Introductions and Workshop structure overview

10:30 a.m. – 12:00 p.m.

Criteria for determining revisions to the existing performance bond requirement for CPCN and WIR holders

- Amount of the Bond
- Terms and Conditions of the bond – monetary sanctions, continuous, CPUC as obligee
- Applicability – covers existing, transferees, or only new applicants

12:00 p.m. – 1:00 p.m.

Lunch Break

1:00 p.m. – 3:00 p.m.

Exemptions to the Bond Requirement

Alternatives to a Performance Bond

- Irrevocable Standby Letter of Credit
- Escrow
- Sight Draft Letter of Credit

3:15 - 4:00 p.m.

Discussion of Next Steps

Breaks will be taken as needed with at least one morning break and one afternoon break.

(END OF ATTACHMENT A)