



AA6/ek4 10/13/2016

**FILED**

10-13-16

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Joint Application of Webpass  
Telecommunications, LLC (U7278C) and  
Google Fiber Inc. for Approval of a  
Transfer of Control of Webpass  
Telecommunications, LLC.

Application 16-08-009  
(Filed August 15, 2016)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING A PREHEARING  
CONFERENCE AND REQUIRING THE PARTIES TO MEET AND CONFER  
AND FILE A JOINT PREHEARING CONFERENCE STATEMENT**

**Summary**

This Administrative Law Judge's ruling sets a prehearing conference (PHC), directs the parties to meet and confer regarding the PHC and jointly file a PHC statement. The PHC shall be held on November 1, 2016, at 10:00 am at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

**1. Background**

On August 15, 2016, Webpass Telecommunications, LLC, (U7278C) and Google Fiber Inc. (Applicants), jointly filed Application (A.)16-08-009, requesting the approval of the California Public Utilities Commission (Commission), for the transfer of Control of Webpass Telecommunications, LLC to Google Fiber Inc.

On September 19, 2016, the National Diversity Coalition (NDC) protested the Application on various grounds, and contends that the applicants failed to show that the transfer of ownership “will benefit the public interest.”<sup>1</sup>

## **2. Notice of Prehearing Conference**

This ruling notices a prehearing conference (PHC) for November 1, 2016, at 10:00 a.m., at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

The purpose of the PHC is to: 1) establish the permanent service list; 2) determine the scope of the proceeding and identify the issues to be included in the scoping memo; 3) discuss the categorization of this proceeding and need for hearing; 4) discuss the schedule for this proceeding; and 5) discuss any additional procedural matters relevant to this proceeding.

## **3. The PHC Statement and Order to Meet and Confer**

In preparation for the PHC, the parties shall meet and confer, either in person or telephonically, to discuss the following matters:

1. Identification of the specific factual and legal issues that the Commission needs to decide in this case;
2. What material facts are undisputed, and what material facts are disputed;
3. Regarding disputed material facts, whether a hearing is required or whether the parties intend to submit written testimony or declarations upon which a decision may be issued;
4. If a hearing is required: (a) the estimated time/days required for the hearing; and (b) the number of potential witnesses that each side intends to call at such hearing;

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<sup>1</sup> On September 29, 2016, the applicants submitted their joint reply to the Commission for filing.

5. Whether discovery is needed and the anticipated date such discovery must be completed; and
6. A proposed joint schedule for this case, including dates for completing discovery, filing prepared written testimony (as applicable), and for hearing.

The parties shall file and serve a joint PHC statement addressing the matters identified above with the Commission's Docket Office no later than October 24, 2016. The parties shall provide an electronic and a hard copy of the PHC statement to the assigned ALJ.

#### **4. Filing, Service and Service List**

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Parties are reminded, when serving copies of documents, the document format must be consistent with the requirements set forth in Rules 1.5 and 1.6. Additionally, Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents. Testimony shall only be served, as set forth in Rule 1.7.

Rules 1.9 and 1.10 govern service of documents only and do not change the Rules regarding the tendering of documents for filing. Parties can find information about electronic filing of documents at the Commission's Docket

Office at [www.cpuc.ca.gov/PUC/efiling](http://www.cpuc.ca.gov/PUC/efiling). All documents formally filed with the Commission's Docket Office must include the caption approved by the Docket Office and this caption must be accurate.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f). Discovery.

## **5. Discovery**

Discovery may be conducted by the parties consistent with Article 10 of the Commission's Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the Administrative Law Judge. Deadlines for responses may be determined by the parties. Motions to compel or limit discovery shall comply with Rule 11.3.

## **6. Public Advisor**

Any person who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **7. Alternative Dispute Resolution and Settlement**

The Commission offers Alternative Dispute Resolution (ADR) services consisting of mediation, facilitation, or early neutral evaluation. Use of ADR services is voluntary, confidential, and at no cost to the parties. Trained ALJs

serve as neutrals. The parties are encouraged to visit the Commission's ADR webpage at <http://www.cpuc.ca.gov/adr>, for more information.

If requested, the assigned ALJ will refer this proceeding, or a portion of it, to the Commission's ADR Coordinator. Alternatively, the parties may contact the ADR Coordinator directly at [adr\\_program@cpuc.ca.gov](mailto:adr_program@cpuc.ca.gov). The parties will be notified as soon as a neutral has been assigned; thereafter, the neutral will contact the parties to make pertinent scheduling and process arrangements. Alternatively, and at their own expense, the parties may agree to use outside ADR services.

If the parties reach a settlement or stipulation that resolves any issue in this proceeding before the hearing, the parties shall immediately notify the assigned ALJ, and provide notice of such settlement on the service list as soon as possible, but no later than the day before the scheduled hearing.

#### **8. Communication with ALJ**

In a ratesetting proceeding, *ex parte* rules as set forth in Rules 8.1, 8.2, 8.3, 8.5, and Public Utilities (Pub. Util.) Code § 1701.3(c) apply.

#### **IT IS RULED that:**

1. A prehearing conference in the above-captioned matter is set for November 1, 2016, at 10:00 a.m. at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.
2. The Parties or their representatives shall meet and confer prior to the prehearing conference (PHC); and file and serve a joint PHC statement as

instructed in this Ruling no later than October 24, 2016.<sup>2</sup>

3. To the extent discovery is required, the parties shall commence their discovery without delay and be prepared to discuss any discovery issues or disputes at the November 1, 2016 prehearing conference.

4. All communication with the assigned Administrative Law Judge (ALJ) is prohibited unless the communication occurs in a public hearing or on the record, or unless all parties and/or required persons are served with a copy of the communication concurrently at the time the communication is sent to the ALJ.

Dated October 13, 2016, at San Francisco, California.

/s/ ADENIYI A. AYOADE

Adeniyi A. Ayoade  
Administrative Law Judge

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<sup>2</sup> If the parties are unable to agree to a joint PHC statement, each party shall file and serve their respective PHC statements addressing the matters identified above with the Commission's Docket Office accordingly.