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FILED

10-24-16

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 RESETTING PREHEARING
CONFERENCE FOR NOVEMBER 30, 2016; REQUIRING THE PARTIES
TO MEET AND CONFER AND FILE A JOINT PREHEARING
CONFERENCE STATEMENT**

Summary

This Administrative Law Judge's ruling reschedules the Prehearing Conference (PHC) in this proceeding for November 30, 2016, and directs the parties to meet and confer, and jointly file a PHC statement on or before 5:00 p.m. on November 21, 2016. The rescheduled PHC shall be held at 10:00 am, at the California Public Utilities Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.

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, contending that the applicants failed to show that the transfer of ownership "will benefit the public interest". On September 29, 2016, the applicants filed their joint reply to NDC's protest.

On October 13, 2016, ALJ issued a notice to hold a Prehearing Conference (PHC) on November 1, 2016, and directed the parties to meet and confer, and file a joint PHC statement.

On October 20, 2016, the applicants and NDC requested that the PHC be continued in order to afford the parties additional time to discuss possible resolution of the issues in this proceeding. The parties' request was evaluated, and finding that good cause existed for a continuance, the ALJ on October 21, 2016 granted the parties' request to continue the PHC.

1. Notice of Rescheduled Prehearing Conference (PHC)

This ruling resets the PHC in this proceeding for November 30, 2016, at 10:00 a.m. The PHC shall be held at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.

The purpose of the PHC shall be 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.

2. 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. Whether any discovery is needed and the anticipated date such discovery must be completed;
3. What material facts undisputed;
3. What material facts are disputed for which hearings are needed, or whether the parties intend to submit written

- testimony or declarations upon which a decision may be issued regarding those disputed material facts;
5. If hearing is needed: (a) the estimated time/ days required for hearing; and (b) the number of potential witnesses that each side intends to call at the hearing; 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 5:00 p.m., on November 21, 2016. The parties shall provide electronic a hard copy of the PHC statement to the assigned ALJ.

3. 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. 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 to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f). Discovery

4. 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.

5. 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.

6. 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. 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.

7. 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 rescheduled, and shall take place on November 30, 2016, at 10:00 a.m. at the Commission's Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102.

2. The Parties or their representatives shall meet and confer prior to the Prehearing Conference; and file and serve a joint PHC statement as instructed in this Ruling no later than November 21, 2016.¹

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 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 24, 2016, at San Francisco, California.

/s/ ADENIYI A. AYOADE
Adeniyi A. Ayoade
Administrative Law Judge

¹ 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.