



AA6/ek4 11/8/2016

**FILED**

11-08-16

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

In the Matter of Application of The Ponderosa Telephone Co. (U 1014 C) to Review Intrastate Rates and Charges, Establish a New Intrastate Revenue Requirement and Rate Design, and Modify Selected Rates.

Application 16-10-001  
(Filed October 3, 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 December 12, 2016, at 10:00 am at the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102. The joint PHC statement shall be filed no later than December 6, 2016.

**1. Background**

On October 3, 2016, in response to the General Rate Case (GRC) Application cycle for the Small Local Exchange Carriers (LECs) listed in Group B in the California Public Utilities Commission (Commission) Decision (D.) 15-06-048, The Ponderosa Telephone Company (Ponderosa) filed this GRC Application (A.)16-10-001 with the Commission to review its intrastate rates and charges, establish a new intrastate revenue requirement and rate design, and modify selected rates.

On November 2, 2016, the Office of Ratepayer Advocates (ORA) timely protested Ponderosa's application, raising several questions regarding the application, while requesting the opportunity to conduct needed discovery, and an examination of Ponderosa's testimony and work papers in order to determine whether Ponderosa's requests are just and reasonable.

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

This ruling notices a prehearing conference (PHC) for December 12, 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 including the date, location and time of a Public Participation Hearing; 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. Plan for discovery and/or data requests and dates for completing discovery;
2. Identification of the principal factual issues, including what material facts are undisputed or disputed;
3. Identification of the principal legal issues that must be resolved in this proceeding;
4. Number and identity of witnesses that each side intends to call at hearing;
5. Use of Alternative Dispute Resolution, settlement conferences or other alternatives to litigation;

6. Joint schedule (following the Rate Case Plan adopted by Decision 15-06-048 as set forth at Appendix A, Table 2, thereto), including dates for:
  - a. completion of discovery;
  - b. settlement conference or alternative dispute resolution;
  - c. service of prepared testimony;
  - d. public participation hearings, including recommended times and locations;
  - e. evidentiary hearings; and
  - f. other matters to be scheduled or addressed in this proceeding.
7. Other matters, if any, that should be addressed in the assigned Commissioner's Scoping Memo and Ruling; and
8. Any other topics which any party intends to raise in the interest of justice and efficient management of this proceeding.

The parties shall file and serve a joint PHC statement addressing the matters identified above with the Commission's Docket Office no later than December 6, 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 December 12, 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 5:00 p.m. on December 6, 2016.<sup>1</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 scheduled prehearing conference herein.
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 November 8, 2016, at San Francisco, California.

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

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<sup>1</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.