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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the North American
Numbering Plan Administrator, on behalf
of the California Telecommunications
Industry, for Relief of the 909 Numbering
Plan Area.

Application 17-06-020

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

Summary

Pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure (Rules),¹ this Assigned Commissioner's Scoping Memo and Ruling (Scoping Memo or Ruling) sets forth the category, scope, and schedule of the proceeding, and directs the Applicant to provide additional information requested in Section 4 below in support of this application.

1. Background

The North American Numbering Plan Administrator (NANPA),² on behalf of the California Telecommunications Industry (industry),³ filed

¹ All references to Rules are to the Commission's Rules of Practice and Procedure, which are available on the Commission's website at:
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M089/K380/89380172.PDF>.

² As a neutral third-party administrator, NANPA has no independent view regarding the relief option proposed by the industry in this application.

³ The "industry" is composed of current and prospective telecommunications carriers operating in, or considering operations, within the 909 area code.

Application 17-06-020, in which it requests relief in the 909 numbering plan area (NPA or Area Code).⁴

No protests or responses were filed to the application, and this application is uncontested.

On October 13, 2017, a telephonic prehearing conference (PHC) was held in this matter before Administrative Law Judge (ALJ) Adeniyi A. Ayoade,⁵ to discuss and establish the permanent service list for this proceeding, determine the scope of the proceeding and issues to be included in the scoping memo, i.e., categorization of this proceeding and need for hearing, schedule for the proceeding and other procedural matters relevant to this proceeding. The PHC was not recorded, and no reporter was present, as this is an uncontested matter.

The Applicant, representatives of the Commission's Communications Division, attorney for NANPA, as well as representatives for CTIA - The Wireless Association (CTIA),⁶ AT&T California, Verizon California, Frontier Communications, and Sprint California were present and participated in the PHC. This Scoping Memo is issued to address the issues raised in Section 2 above, and the following additional matters.

2. Scope

Upon a review of the application and discussion at the prehearing conference, the singular issue to be determined in this proceeding is as follows:

⁴ NPA, also known as an "area code," normally represents a geographic area within a state. In the current case, the numbering plan area is 909. Throughout this decision, numbering plan area (NPA) and area code are used interchangeably.

⁵ This proceeding has been reassigned to ALJ Troy Taira.

⁶ A Wireless Association representing wireless communications industry.

- a) Whether the Commission should approve: (i) the Industry's consensus decision to implement an all-services distributed overlay plan as the recommended Relief Alternative for the Relief of the 909 Numbering Plan Area; (ii) a 13-month schedule for implementing the area code overlay; and (c) the industry's recommended Public Education Plan?

3. Schedule

Consistent with Pub. Util. Code § 1701.5, this proceeding will be completed within 18 months of the date the proceeding is initiated. The proposed decision shall be filed for public review and comment pursuant to Pub. Util. Code § 311(g), except that public review and comment shall be waived pursuant to Rule 14.6(c)(2) if the proposed decision grants the requested relief in an uncontested matter.

It is anticipated that the final decision of the commission in this proceeding shall be issued not later than 60 days after the issuance of the proposed decision. This matter shall be submitted upon the completion of the review of this application, and the receipt of all information needed to fully evaluate this application. This procedural schedule is affirmed. As necessary, the assigned Commissioner or ALJ may modify the schedule.

Finally, while unlikely, if there are any workshops in this proceeding, notices of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

4. Categorization

The Commission in Resolution ALJ 176-3401, issued on July 13, 2017, preliminarily determined that the category of the proceeding is

ratesetting. This Scoping Memo confirms the categorization. Anyone who disagrees with this categorization must file an appeal of the categorization no later than ten days after the date of this scoping ruling. (*See* Rule 7.6.)

5. Need for Hearing

The Commission in Resolution ALJ 176-3401 preliminarily determined that hearings are required. There are no contested issues of material fact requiring evidentiary hearing in this proceeding. Accordingly, no hearing is required or scheduled.

6. Ex Parte Communications

In a ratesetting proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors and the ALJ are only permitted as described at Public Utilities Code § 1701.3(h) and Article 8 of the Rules.⁷

7. Intervenor Compensation

Pursuant to Public Utilities Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation within 30 days after the PHC, or by November 13, 2017.

8. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Troy Taira is the assigned ALJ.

⁷ Interested persons are advised that, to the extent that the requirements of Rule 8.1 *et seq.* deviate from Public Utilities Code sections 1701.1 and 1701.3 as amended by Senate Bill 215, effective January 1, 2017, the statutory provisions govern.

9. 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. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents.

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).

10. 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.

11. Public Advisor

Any person interested in participating in this proceeding 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.

12. Settlement and Alternative Dispute Resolution

While the schedule does not include specific dates for settlement conferences it does not preclude parties from meeting at other times provided notice is given consistent with our Rules.

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.

13. Final Oral Argument

A party in a ratesetting proceeding in which a hearing is held has the right to make a Final Oral Argument before the Commission, if the argument is requested within the Closing Brief. (Rule 13.13.)

14. Outreach Pursuant to Public Utilities Code Section 1711(a)

Public Utilities Code § 1711(a) states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of the proceeding.

The Commission's staff conducted three combined local jurisdiction and public meetings in Pomona, San Bernardino and Redlands on April 4-5, 2017.

15. Motion for Party Status

On October 18, 2017, CTIA filed a motion for party status in this proceeding. The motion is granted pursuant to Rule 1.4.

IT IS RULED:

1. The Commission's preliminary determination categorizing this proceeding as ratesetting is affirmed. The ruling as to categorization is appealable pursuant to Rule 7.6 of the Commission's Rules of Practice and Procedure.

2. The Commission's preliminary determination finding that evidentiary hearings are required is not confirmed. Evidentiary hearings are not needed.

3. The issues in this proceeding as set forth in Section 2 of this Scoping Memo are confirmed and shall remain the only issues to be addressed in this

proceeding unless subsequently modified by the assigned Commissioner.

4. The schedule for this proceeding as set forth in Section 3 of this Scoping Memo is confirmed and shall remain in effect unless subsequently modified by the assigned Commissioner or the Administrative Law Judge.

5. The Wireless Association's CTIA motion for party status is granted.

6. The service list established at the prehearing conference will be the permanent service list for this proceeding.

7. Pursuant to Rule 13.2, Administrative Law Judge Troy Taira is the assigned Administrative Law Judge.

8. Hearing is not necessary.

9. With limited exceptions that are subject to reporting requirements, *ex parte* communications are prohibited. (*See* Public Utilities Code § 1701.3(h); Article 8 of the Commission's Rules of Practice and Procedure.)

10. A party shall submit request for Final Oral Argument in its opening briefs, but the right to Final Oral Argument ceases to exist if hearing is not needed.

11. Parties shall submit all testimony [and other types of documents] to supporting documents as described in Appendix A.

Dated March 13, 2018, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner

APPENDIX A

The following text may be attached as an appendix or included as appropriate (e.g. the filing of supporting documents is anticipated shortly after issuing the scoping memo). If included within the text of the scoping memo it is suggested it follow section 8.

1. Electronic Submission and Format of Supporting Documents

The Commission's web site now allows electronic submittal of supporting documents (such as testimony and work papers).

Parties shall submit their testimony or workpapers in this proceeding through the Commission's electronic filing system.⁸ Parties must adhere to the following:

- The Instructions for Using the "Supporting Documents" Feature, (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=158653546>) and
- The Naming Convention for Electronic Submission of Supporting Documents (<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=100902765>).
- The Supporting Document feature does not change or replace the Commission's Rules of Practice and Procedure. Parties must continue to adhere to all rules and guidelines in the Commission's Rules of Practice and Procedures including but not limited to rules for participating in a formal proceeding, filing and serving

⁸ These instructions are for submitting supporting documents such as testimony and work papers in formal proceedings through the Commission's electronic filing system. Parties must follow all other rules regarding serving testimony.

Any document that needs to be formally filed such as motions, briefs, comments, etc., should be submitted using Tabs 1 through 4 in the electronic filing screen.

formal documents and rules for written and oral communications with Commissioners and advisors (i.e. “*ex parte* communications”) or other matters related to a proceeding.

- The Supporting Document feature is intended to be solely for the purpose of parties submitting electronic public copies of testimony, work papers and workshop reports (unless instructed otherwise by the Administrative Law Judge), and does not replace the requirement to serve documents to other parties in a proceeding.
- Unauthorized or improper use of the Supporting Document feature will result in the removal of the submitted document by the CPUC.
- Supporting Documents should not be construed as the formal files of the proceeding. The documents submitted through the Supporting Document feature are for information only and are not part of the formal file (i.e. “record”) unless accepted into the record by the Administrative Law Judge.

All documents submitted through the “Supporting Documents” Feature shall be in PDF/A format. The reasons for requiring PDF/A format are:

- Security – PDF/A prohibits the use of programming or links to external executable files. Therefore, it does not allow malicious codes in the document.
- Retention – The Commission is required by [Resolution L-204](#), dated September 20, 1978, to retain documents in formal proceedings for 30 years. PDF/A is an independent standard and the Commission staff anticipates that programs will remain available in 30 years to read PDF/A.
- Accessibility – PDF/A requires text behind the PDF graphics so the files can be read by devices designed for those with limited sight. PDF/A is also searchable.

Until further notice, the “Supporting Documents” do not appear on the “Docket Card”. In order to find the supporting documents that are submitted electronically, go to:

- Online documents, choose: “[E-filed Documents](#)”,
- Select “Supporting Document” as the document type, (do not choose testimony)
- Type in the proceeding number and hit search.

Please refer all technical questions regarding submitting supporting documents to:

- Kale Williams (kale.williams@cpuc.ca.gov) 415 703- 3251 and
- Ryan Cayabyab (ryan.cayabyab@cpuc.ca.gov) 415 703-5999

(END OF APPENDIX A)