



**FILED**

08/09/18  
04:05 PM

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

In the Matter of the Application of  
WANRack, LLC for a Certificate of  
Public Convenience and Necessity to  
Provide Resold and Full Facilities-Based  
Local Exchange Telecommunications  
Services within California.

Application 18-05-008

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This scoping memo and ruling sets forth the category, issues to be addressed, and schedule of the proceeding pursuant to Pub. Util. Code Section 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.<sup>1</sup>

**1. Background**

On May 3, 2018, WANRack, LLC (WANRack or Applicant) filed an application requesting a Certificate of Public Convenience and Necessity (CPCN) in order to provide resold and full facilities-based competitive local exchange service within California. No parties protested or responded to the Application.

In its application, WANRack requested authority to provide resold and full-facilities-based competitive local exchange services to businesses and residential customers throughout California. Construction activities will include

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<sup>1</sup> California Code of Regulations, Title 20, Division 1, Chapter 1; hereinafter, Rules or Rules.

installing fiber optic cable and related equipment in existing conduits, buildings and infrastructure. WANRack requests approval to utilize Energy Division's 21-day expedited environmental review process for its full facilities-based construction activities.

A prehearing conference was held on July 13, 2018 to discuss the issues of law and fact and determine the need for hearing and schedule for resolving the matter. On May 3, 2018, WANRack filed a motion to file confidential information submitted as Exhibit 5 to the application under seal. We will address the Applicant's motion for confidential treatment in the decision. I have determined the issues and schedule of the proceeding to be as set forth in this scoping memo.

## **2. Issues**

The issues to be determined are:

1. Whether WANRack meets all Commission requirements for certification as a competitive local exchange and interexchange carrier such that it should be granted a CPCN in order to provide resold and full facilities-based competitive local exchange service and interexchange services on a statewide basis.
2. Whether WANRack should be authorized to use the California Public Utilities Commission Energy Division's 21-day expedited environmental review process for its full facilities-based construction activities under statutory or categorical exemptions in the California Environmental Quality Act (CEQA).
3. Whether granting approval of the application will have any environmental impact subject to CEQA.
4. Whether WANRack's requests for confidential treatment of Exhibit 5 to its application should be granted.
5. Whether there are any other safety concerns.

### **3. Need for Evidentiary Hearing**

There are no issues of material disputed fact. Accordingly, I change the preliminary determination in Resolution ALJ-176-3417 and find that evidentiary hearing is not needed on these issues.

### **4. Schedule**

This matter is submitted upon the issuance of this scoping memo. The proposed decision shall be filed no later than 90 days from today for public review and comment pursuant to Pub. Util. Code Section 311(d) except that, if it grants the uncontested requested relief, public review and comment shall be waived pursuant to Rule 14.6(c)(2).

### **5. Category of Proceeding/*Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination that this is a ratesetting proceeding in Resolution ALJ 176- 3417. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

### **6. Public Outreach**

Pursuant to Pub. Util. Code Section 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on communities and businesses that subscribe to it and posted on the Commission's website.

### **7. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or 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).

## **8. Service of Documents on Commissioners and Their Personal Advisors**

Rule 1.10 requires only electronic service on any person on the official service list, other than the Administrative Law Judge (ALJ).

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must NOT send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

## **9. Assignment of Proceeding**

Liane M. Randolph is the assigned Commissioner and Hazlyn Fortune is the assigned ALJ and presiding officer for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above.
2. The schedule of this proceeding is as set forth above.
3. This proceeding is categorized as ratesetting.
4. Evidentiary hearings are not needed.

Dated August 9, 2018, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph  
Assigned Commissioner