



FILED
08/09/18
04:21 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Lit San Leandro, LLC (U7234C)
for a Certificate of Public Convenience and
Necessity in Order to Provide Facilities-Based
and Resold Competitive Local Exchange
Service.

Application 18-01-019

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.

1. Procedural Background

On January 30, 2018, LIT San Leandro, LLC (LSL or Applicant) filed an application requesting a Certificate of Public Convenience and Necessity (CPCN) in Order to Provide Facilities-Based and Resold Competitive Local Exchange Service in California within the service areas of Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Frontier California, Inc. (Frontier), SureWest Communications (SureWest), and Citizens Telecommunications Company of California d/b/a Frontier Communications of California, Inc. (Citizens). LSL received authorization to operate as a non-dominant interexchange carrier (NDIEC) on July 9, 2012 in Decision 12-07-002. No parties protested or responded to the Application.

In its application, LSL stated that it will focus on providing local transport and high speed data service on a wholesale basis to other providers and to

enterprise customers; specifically, non-switched fiber optic transport services. LSL claims that its anticipated construction activities are categorically exempt from CEQA and requests approval to utilize Energy Division's 21-day expedited environmental review process for its full facilities-based construction activities. Potential construction activities include placement of fiber optic facilities in aerial and underground conduits; installation and replacement of utility poles or conduits; installation of underground vaults; trenching, boring and grading within public rights of way and existing easements.

A prehearing conference was held on June 13, 2018 to discuss the issues of law and fact and determine the need for hearing and schedule for resolving the matter. In addition, the Applicant requests for confidential treatment for the following:

1. Exhibit F, financial statements and the ability to finance;
2. Exhibit I, estimated cost of construction, annual fixed and operating costs and economic feasibility; and
3. Exhibit J, expected customer base.

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 LSL 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 services within California.
2. Whether LSL 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 CEQA.
3. Whether granting approval of the application will have any environmental impact subject to CEQA.
 4. Whether LSL's requests for confidential treatment of Exhibits F, I and J 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-176-3413 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- 3413. 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.

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