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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application of Frontier Communications Corporation, Frontier Communications of America, Inc. (U5429C), Verizon California, Inc. (U1002C), Verizon Long Distance LLC (U5732C), and Newco West Holdings LLC for Approval of Transfer of Control Over Verizon California, Inc. and Related Approval of Transfer of Assets and Certifications.

Application 15-03-005

ASSIGNED COMMISSIONER’S RULING GRANTING IN PART AND DENYING IN PART THE MOTION OF FRONTIER COMMUNICATIONS CORPORATION AND FRONTIER COMMUNICATIONS OF AMERICA, INC. FOR PROCEDURAL MODIFICATIONS IN CONNECTION WITH THE OCTOBER 25, 2018 ORDER TO SHOW CAUSE, DENYING THE RELATED MOTION FOR AN ORDER SHORTENING TIME, AND AMENDING THE SCOPING MEMO IN THIS PROCEEDING

BACKGROUND

On October 25, 2018 the assigned Administrative Law Judge (ALJ) issued an Order to Show Cause (OSC) in this proceeding, directing Frontier Communications Corporation and Frontier Communications of America, Inc. (collectively, Frontier) to appear and show cause why the Commission should not penalize Frontier for failing to live up to commitments made in a Memorandum of Understanding between itself and California Emerging Technology Fund (CETF) entered into in connection with Frontier’s purchase of the land line business of Verizon California, Inc. In response to the OSC, On October 31, 2018 Frontier filed a motion for procedural modifications asking that:

- a. The date of the OSC hearing should be changed from November 14, 2018 to a date later in November at which time representatives of Frontier would be available to appear and testify;
- b. A new prehearing conference (PHC) should be scheduled and a new scoping memo should be issued;
- c. Representatives of CETF should be directed to appear and testify at the OSC hearing; and
- d. Objecting to the ALJ's reclassification of this proceeding as adjudicatory.

On the same date, Frontier filed a companion motion requesting an order shortening time for CETF to respond to the motion for procedural modifications.

On November 5, 2018, CETF responded to the Frontier motions. In its response CETF:

- a. Asked that the OSC hearing be reset no later than November 28, 2018;
- b. Denied that a new PHC and scoping memo are necessary;
- c. Agreed to provide witnesses at the rescheduled OSC hearing; and
- d. Took no position on the issue of reclassifying this proceeding as adjudicatory.

After considering the Frontier motions and the CETF response,

IT IS RULED THAT:

1. The motion of Frontier Communications Corporation and Frontier Communications of America, Inc. for an order shortening time is denied.
2. The Order to Show Cause hearing is reset for November 28, 2018 at 10:00 a.m. at the Commission hearings rooms in San Francisco.
3. The motion of Frontier Communications Corporation and Frontier Communications of America, Inc. for a new pre-hearing conference and a new scoping memo is denied.

4. The motion of Frontier Communications Corporation and Frontier Communications of America, Inc. to compel testimony from California Emerging Technology Fund is denied.

5. The existing scoping memo is amended to categorize the OSC portion of this proceeding as adjudicatory pursuant to Rule 7.3 of the Commission's Rules of Practice and Procedure.

Dated November 7, 2018, at San Francisco, CA.

/s/ LIANE M. RANDOLPH

Liane M. Randolph
Assigned Commissioner