

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



**FILED**

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Application of opticAccess, LLC for a  
Certificate of Public Convenience and  
Necessity to Provide Full Facilities-Based  
and Resold Competitive Local Exchange  
Service, Access and Interexchange Service in  
the State of California

Application No. 12-07-014

**MOTION OF OPTICACCESS, LLC  
FOR RULING SHORTENING TIME FOR PROTESTS**

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Date: July 17, 2012

Attorneys for opticAccess, LLC

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

Application of opticAccess, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange Service, Access and Interexchange Service in the State of California

Application No. 12-07-014

**MOTION OF OPTICACCESS, LLC  
FOR RULING SHORTENING TIME FOR PROTESTS**

opticAccess, LLC (“Applicant” or “opticAccess”) hereby files this motion, through its undersigned counsel and pursuant to Rule 11.1 and 2.6 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), and respectfully requests a ruling shortening time for the filing of protests to opticAccess’ Application for a Certificate of Public Convenience and Necessity to provide full facilities-based and resold competitive local exchange service, access and interexchange service (“Application”) filed on July 17, 2012.

Applicant respectfully requests swift resolution of its pending application as it is in the public interest. opticAccess will be unable to enter into necessary agreements with other carriers for interconnection and access to unbundled network elements and critical infrastructure such as poles and conduits, without first obtaining a CPCN. Further, because opticAccess cannot begin to negotiate contracts to provide its services to customers until it receives its CPCN, time is of the essence in the highly competitive telecommunications industry. While receipt of a CPCN has significant impacts on opticAccess’ ability to negotiate, fulfill and execute obligations under any agreement or contract, expedited issuance of the CPCN will also have significant impacts on the proliferation of robust telecommunications services throughout the State. Expedited grant of opticAccess’ CPCN will also support the expansion of other carriers’ telecommunications

networks, by enabling other carriers to provide service to unserved or underserved areas; provide users with increased options; and increase jobs, revenues and taxes for the state. Accordingly, it is in the public interest to expedite review of this Application and critical that a CPCN be issued as soon as possible.

Applicant requests that the time for filing protests to its Application be shortened from the thirty (30) days under Rule 2.6(a) to fifteen (15) days from the date the notice of the filing of the Application first appears in the Daily Calendar.<sup>1</sup> Additionally, opticAccess requests that the Commission shorten the time for replies to protests from the ten (10) days under Rule 2.6(e) to seven (7) days from the last day for filing protests.<sup>2</sup> Applicant has already asked for a waiver of the notice and comment period if there are no protests and the Commission grants its requested relief.

WHEREFORE, opticAccess respectfully requests that this motion be granted.

Respectfully submitted,

/s/

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<sup>1</sup> Rule 2.6(a) provides that “[u]nless otherwise provided by rule, decision, or General Order, a protest ... must be filed within 30 days of the date of the notice of the filing of the application first appears in the Daily Calendar....”

<sup>2</sup> Rule 2.6(e) provides that “[a]n applicant may file replies to protests ... within 10 days of the last day for filing protests ..., unless the Administrative Law Judge sets a different date.”

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OF THE STATE OF CALIFORNIA**

Application of opticAccess, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange Service, Access and Interexchange Service in the State of California

Application No. 12-07-014

**[PROPOSED] ORDER GRANTING THE MOTION OF OPTICACCESS, LLC FOR  
RULING SHORTENING TIME FOR PROTESTS**

On July 17, 2012, opticAccess, LLC (“Applicant” or “opticAccess”) moved to shorten the period for protests and replies to its Application for a Certificate of Public Convenience and Necessity to offer full facilities-based and resold competitive local exchange access and nondominant interexchange service throughout the State of California (“Application”).

Having considered Applicant’s motion and evaluated the time-sensitive nature of the issues presented, **IT IS RULED** that, good cause appearing,

1. Applicant’s motion for a ruling shortening time for protests and replies to protests is granted.
2. Protests to the Application shall be served and filed no later than fifteen (15) days after the Application first appears in the Daily Calendar. Replies to protests shall be served and filed no later than seven (7) days after the last day for filing protests.

Dated \_\_\_\_\_, 2012 at San Francisco, California.

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Administrative Law Judge