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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Assess and Revise
the Regulation of Telecommunications Utilities.

Rulemaking 05-04-005
(Filed April 7, 2005)

ASSIGNED COMMISSIONER'S RULING AND SCOPING MEMO

Background

The first phase of this rulemaking concluded with the Commission's adoption of D.06-08-030, a decision that significantly revised the regulation of large and mid-size telecommunications utilities in California (the Uniform Regulatory Frameworks (URF) Phase I decision). Among other things, the URF Phase I decision found that California's four large and mid-size incumbent local exchange carriers lack significant market power and face effective competition from new voice communication technologies including wireless service providers, cable companies, and computer-based service providers utilizing voice-over-Internet Protocol technology. The URF Phase I decision also eliminated many price restrictions except on basic residential service; made all advice letters effective on one day's notice; eliminated all "asymmetric requirements concerning marketing, disclosure, or administrative processes"¹ that apply to some carriers and not to others; and eliminated all NRF-specific

¹ "With the exception of conditions relating to basic residential rates, all asymmetric requirements concerning marketing, disclosure, or administrative processes shall be eliminated." Decision (D.) 06-08-030, Ordering Paragraph 21, p. 282.

monitoring reports² subject to a further examination of what information and reports can best meet the Commission's needs in a competitive voice communications environment.³

The URF Phase I decision left certain matters to be decided in this second phase. Those matters included detariffing of telephone service other than basic exchange service; the pricing of retail special access services, determination of the extent to which the Commission requires monitoring reports in addition to, or different from, the reports carriers routinely file with the Federal Communications Commission (FCC); and issues relating to the implementation of the URF Phase I decision.

Following a pre-hearing conference on November 7, 2006, such implementation issues were determined to include:

1. Clarifying the relationship between one-day-effective advice letters, the notice and protest requirements of PUC General Order 96-A and the Public Utilities Code, and specific provisions of prior Commission decisions;
2. Determining whether Ordering Paragraph 21 of the URF Phase 1 decision permits company-specific disclosure and marketing requirements imposed as a penalty or corrective action in a complaint or enforcement case to be lifted by the filing of an advice letter as was done by AT&T in its advice letter filings Nos. 28800 and 28892; and

² "The Commission should eliminate all NRF-specific monitoring reports and instead rely on the FCC ARMIS data." *Ibid.*, Conclusion of Law 57, p. 279.

³ "The Commission should determine in Phase II of this proceeding what information and reports best meet our needs in the new competitive voice communications environment." *Ibid.*, Conclusion of Law 58, p. 279

3. Resolving other issues raised by the protests to AT&T's one-day-effective advice letter filings Nos. 28800 and 28982.

The question of how best to ensure equal access to telecommunications devices for people with disabilities, raised in the first phase of this rulemaking by Disability Rights Advocates, will be addressed in the Commission's Universal Service Public Policy Program docket, Rulemaking (R.) 06-05-028. Questions related to monitoring of service quality by carriers will be addressed in the Commission's Service Quality Docket, R.02-12-040.

Scope of the Proceeding

This phase of the rulemaking will consider the following issues:

1. Detariffing of telephone service other than basic exchange service
2. Prices, terms and conditions that apply to retail special access services
3. Elimination of Commission-specific reports and their replacement by ARMIS reports, other reports filed by carriers with the Federal Communications Commission, or new Commission-specific reports that can meet a cost-benefit test.
4. Implementation of the Phase I decision including:
 - Determining whether there is any continuing need for customer disclosure rules in addition to the customer disclosure rules adopted in D.06-03-013;
 - Clarifying the relationship between one-day-effective advice letters and the notice and protest requirements of General Order 96-A and the Public Utilities Code, as well as prior Commission decisions;
 - Determining whether Ordering Paragraph 21 of the URF Phase 1 decision permits company-specific marketing and

disclosure requirements imposed as a penalty or corrective action in a complaint or enforcement case to be lifted by the filing of an advice letter; and

- Resolving other issues raised by the protests of AT&T's one-day-effective advice letter filings Nos. 28800 and 28982.

TURN Motion and Schedule

On December 7, 2006, The Utility Reform Network (TURN) served a letter to me on all parties. The letter requests that we extend time to file proposals for additional reporting requirements from January 5, 2007 to February 2, 2007; add a workshop on the costs and benefits of such proposals; and make other changes in the schedule of the proceeding. I will treat the letter as a motion, grant it, and adopt the following schedule:

Date	Event
February 7, 2007	Proposals on additional reporting requirements due
February 16, 2007	Workshop on costs and benefits of additional reporting requirements proposals
March 2, 2007	Opening comments on Phase 2 issues other than detariffing
March 30, 2007	Reply comments on Phase 2 issues other than detariffing
April 9-11, 2007, at 10:00 a.m.	Evidentiary hearings in Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, CA 94102
April 27, 2007	Opening briefs due
May 11, 2007	Reply briefs due

My goal is to resolve this phase of the proceeding in an expeditious manner. I anticipate that the resolution will not exceed 18 months from the date of this scoping memo, pursuant to Pub. Util. Code § 1701.5(a).

Category of Proceeding

This proceeding is categorized as quasi-legislative, and it is determined that hearings are necessary for Phase II.

Presiding Officer

Pursuant to Rule 13.2(c) of the Rules of Practice and Procedure, I am the presiding officer.

Additional Parties

Anyone who is not now a party to this proceeding but wishes to become one may do so by filing a brief in accordance with the schedule set out above. In order to ensure that potential parties are served with other parties' briefs, any such potential party is encouraged to add its name to the information only service list at least one week prior to the due date for filing of initial briefs by emailing the Commission's Process Office at process_office@cpuc.ca.gov and including all relevant contact information and reference to R.05-04-005.

IT IS SO RULED.

Dated December 11, 2006 at San Francisco, California.

/s/ RACHELLE CHONG

Rachelle Chong
Assigned Commissioner

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated December 11, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

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