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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pac-West Telecomm, Inc. (U5266C),

Complainant,

vs.

PNG Telecommunications, Inc. (U6336C),

Defendant.

Case 10-05-011
(Filed May 11, 2010)

PNG Telecommunications, Inc. (U6336C),

Complainant,

vs.

Pac-West Telecomm, Inc. (U5266C),

Defendant.

Case 10-09-003
(Filed September 7, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING
ORDERING UPDATED PREHEARING CONFERENCE STATEMENT**

This ruling orders PNG Telecommunications, Inc. (U6336C) (PNG), and Pac-West Telecomm, Inc. (U5266C) (Pac-West), (collectively referred to as the Parties) to meet and confer, prepare, file and serve a joint and updated prehearing conference statement (Joint Updated PHC Statement), by April 1, 2011.

On December 22, 2010, I issued a ruling consolidating these two proceedings, Case (C.) 10-05-011 and C.10-09-003, and strongly encouraged the Parties to avail themselves to and reengage the Commission's Alternative Dispute Resolution (ADR) process by contacting the assigned ADR Judges in the coming months. I also ordered the Parties to file and serve detailed Joint Updated PHC Statement by February 21, 2011.

On February 22, 2011, PNG filed a late joint prehearing conference statement seeking to be temporarily relieved, till March 21, 2011, of the detailed Joint Updated PHC Statement ordered in the December 22, 2010 ruling. Therein, PNG represented that such time is needed to attempt to finalize the negotiation, and the delicate, intensive and serious negotiation amongst the Parties could be compromised, if the Parties were not relieved of the detailed Joint Updated PHC Statement ordered in the December 22, 2010 ruling.

I applaud the Parties' final negotiation efforts and therefore the Parties are each relieved of the February 21, 2011 deadline to file and serve the Joint Updated PHC Statement. To allow for contingencies, by April 1, 2011, the Parties are directed to meet and confer, prepare, file and serve the Joint Updated PHC Statement addressing the following and any other related issues, as deemed necessary for efficient resolution of the Proceedings, as follows:

- a. Identify and discuss each of the disputed issues of fact and law raised by the Complaints and Answers in the Proceedings that may require evidentiary hearing and issues of law or policy that may need to be briefed;
- b. Identify and discuss each of the disputed issues of fact and law raised by the Complaints and Answers in the Proceedings that may require pre-evidentiary law and motion briefing and/or hearing;

- c. Identify and discuss the nature and status of any and all pending action(s) before any other local, state or Federal forums that relate in any way to the allegations set forth in the Complaints and Answers in the Proceedings;
- d. Identity any factual, legal, policy, discovery and/or procedural issues resolved or otherwise amenable for stipulation by and between the Parties before the Proceedings are set for an evidentiary hearing; and
- e. Discuss whether any or further ADR efforts may aid the Parties in timely and effective resolution of any one or more of the issues in the Proceedings, going forward.

By this ruling, the Joint Updated PHC Statement should also set forth a summary of proceeding status, including discovery issues, and addressing each of the issues outlined above. The Parties are directed to file and serve the Joint Updated PHC Statement on all parties on the current service list of the Proceedings (C.10-05-011 and C.10-09-003). The Parties are also reminded to review and follow the current Commission's Rules of Practice and Procedure before filing the Joint Updated PHC Statement.

Following the review of the Joint Updated PHC Statement, the assigned Commissioner will issue a scoping memo which will address the final scope of this proceeding and set a final schedule for the consolidated proceeding, generally consistent with the proposed schedule set forth in Pac-West's Prehearing Conference Statement dated December 14, 2010.

Therefore, **IT IS RULED** that the Parties shall meet and confer, prepare, file and serve a Joint Updated PHC Statement by no later than April 1, 2011.

Dated March 17, 2011, at San Francisco, California.

/s/ KIMBERLY H. KIM
Kimberly H. Kim
Administrative Law Judge