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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Clarence Anthony Bush, Ph.D. and
Marciana F. Bush,

Complainant,

vs.

Pacific Bell Telephone Company dba AT&T
California, (U1001C),

Defendant.

Case 10-12-002
(Filed December 6, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING SETTING A
PREHEARING CONFERENCE (PHC); ALLOWING COMPLAINANT TO
PARTICIPATE REMOTELY IN PHC; AND CALLING FOR PHC STATEMENTS**

On December 6, 2010, Clarence Anthony Bush, Ph.D. and Marciana F. Bush (Bush or Complainant) filed this complaint against Pacific Bell Telephone Company dba AT&T California (AT&T or Defendant) concerning the adequacy of telephone service at the Bush residence in Oroshi, California as set forth in the complaint. On December 21, 2010, the Commission served AT&T with instructions to answer; AT&T requested and received a 30-day extension by Administrative Law Judge (ALJ) Victor Ryerson. AT&T filed its Answer to the Complaint on February 22, 2011. The proceeding was reassigned to me, ALJ Kelly A. Hymes, on May 18, 2011.

This ruling sets a pre-hearing conference (PHC), allows the Complainant to participate remotely in the PHC, and directs all parties to file PHC statements prior to the PHC.

PHC

This ruling sets a PHC for Tuesday, August 2, 2011, commencing at 10:00 a.m. in the Commission hearing rooms at 505 Van Ness Avenue, San Francisco, CA 94102. A PHC is called to determine the parties, positions of the parties, issues, and other procedural matters. Given the distance between the Bush residence in Orosi, CA and the location of the PHC, I will permit the Complainant to participate in the PHC remotely by telephone. Approximately 10 minutes prior to the commencement of the proceeding, the Complainant shall call 1-877-347-9604 in order to establish a link prior to the start of the PHC. When prompted, please dial 771069. The Defendant shall participate in person, as the PHC will be transcribed by a court reporter.

PHC Statements

Parties shall file and serve PHC statements no later than Tuesday, July 19, 2011. The parties shall communicate with each other by telephone prior to filing the PHC statements in order to address these issues. (The parties may file and serve a joint PHC statement if it is appropriate.) The PHC statement(s) shall address:

- (a) the possibilities of settlement and whether assistance in the form of a Commission-appointed mediator is desired;
- (b) the need for hearing (i.e., state whether hearings are necessary and, if so, list the material issues of disputed fact which require an evidentiary hearing. If all necessary factual issues can be stipulated to, set forth the facts to which both sides can stipulate.); and

(c) the issues to be considered.

Filing, Service, and Service List

Parties must file certain documents as required by the Commission Rules of Practice and Procedure¹ (Rules) or in response to rulings by either the assigned Commissioner or the assigned ALJ. All formally filed documents must be filed with the Commission's Docket Office and served on the service list for the proceeding. Article 1 of the Rules contains all of the Commission's filing requirements.

Parties are encouraged to file and serve electronically, whenever possible. This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This Rule allows electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is required. Parties are expected to provide paper copies of served documents upon request. More information about electronic filing is available at <http://www.cpuc.ca.gov/puc/efiling>.

Parties are responsible for ensuring that the correct information is contained on the service list, and notifying the Commission's Process Office and other parties of corrections or ministerial changes. (Rule 1.9(f).) Parties must use the most current service list each time service is performed. The service list for

¹ http://docs.cpuc.ca.gov/WORD_PDF/RULES_PRACT_PROC/136861.pdf

