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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Qwest Communications Company, LLC
(U-5335-C),

Complainant,

vs.

MCImetro Access Transmission Services, LLC (U-5253-C), XO Communications Services, Inc. (U-5553-C), TW Telecom of California, L.P. (U-5358-C), Granite Telecommunications, Inc. (U-6842-C), Advanced Telcom, Inc. dba Integra Telecom (fdba Eschelon Telecom, Inc.) (U-6083-C), Level 3 Communications (U-5941-C), and Cox California Telecom II, LLC (U-5684-C), Access One, Inc. (U-6104-C), ACN Communications Services, Inc. (U-6342-C), Arrival Communications, Inc. (U-5248-C), Blue Casa Communications, Inc. (U-6764-C), Broadwing Communications, LLC (U-5525-C), Budget Prepay, Inc. (U-6654-C), BullsEye Telecom, Inc. (U-6695-C), Ernest Communications, Inc. (U-6077-C), Mpower Communications Corp. (U-5859-C), Navigator Telecommunications, LLC (U-6167-C), nii Communications, Ltd. (U-6453-C), Pacific Centrex Services, Inc. (U-5998-C), PaeTec Communications, Inc. (U-6097-C), Telekenex, Inc. (U-6647-C), Telscape Communications, Inc. (U-6589-C), U.S. Telepacific Corp. (U-5271-C), and Utility Telephone, Inc. (U-5807-C),

Defendants.

Case 08-08-006
(Filed August 1, 2008)

ADMINISTRATIVE LAW JUDGE'S RULING SETTING PREHEARING CONFERENCE AND DIRECTING PARTIES TO MEET AND CONFER

On July 28, 2011, the Commission issued Decision (D.) 11-07-058 which granted rehearing of D.10-07-030 to consider the allegations of discrimination set forth in the complaint of Qwest Communications Corporation (Qwest) which initiated this proceeding. The Commission also explained that to prove discrimination Qwest must show more than a mere difference in the intrastate access charges that it paid, Qwest must show that it is a similarly situated customer that is willing to enter into a contract with the same terms and conditions of service. The Commission also noted that customer characteristics, such as volume, calling patterns, costs of negotiation, and others, could be sufficient to differentiate one customer from another, and thus defeat the claim of discrimination. Procedurally, the Commission's decision also revived the motions to dismiss and for summary judgment that were pending when it issued the 2010 decision.

The parties should carefully review the Commission's decision in preparation for the next phase of this proceeding.

To set the procedural schedule for the next phase of this proceeding, a prehearing conference shall be convened:

Tuesday, November 22, 2011, 10:00 a.m.
Commission Hearing Room
505 Van Ness Avenue
San Francisco, California

Prior to the prehearing conference, the parties must meet and confer to develop proposals for an efficient procedural schedule for this proceeding. The parties shall consider whether the existing extensive record in this proceeding provides opportunities for a streamlined process, and whether the substantive

guidance in the Commission's 2011 decision could also provide a basis for expediting resolution of this three-year-old proceeding.

Based on the results of the meet and confer, process the parties shall file and serve prehearing conference statements addressing the following:

1. Options to reduce the need to file under seal the documents necessary for this proceeding.
2. Use of alternative dispute resolution to resolve some or all of the issues in this proceeding.
3. Identification of disputed issues of material fact on which evidentiary hearings are necessary, and the evidence to be presented.
4. Proposed procedural schedule.
5. Any other matter that might facilitate an efficient resolution of this proceeding.

The parties should be prepared to discuss the substantive and procedural issues at the prehearing conference.

IT IS RULED that:

1. Parties shall meet and confer regarding the issues set forth above.
2. Parties shall file and serve prehearing conference statements addressing the issues set forth above no later than November 18, 2011.
3. A prehearing conference will be held on Tuesday, November 22, 2011, at 10:00 a.m. in the Commission hearing rooms in San Francisco.

Dated October 24, 2011, at San Francisco, California.

/s/ MARIBETH A. BUSHEY
Maribeth A. Bushey
Administrative Law Judge