



FILED

08-10-12

11:30 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Joint Application of Astound Broadband, LLC (U6184C), WaveDivision Holdings, LLC, and OH WDH Holdco, LLC for Expedited Approval of Indirect Transfer of Control of Astound Broadband, LLC, Pursuant to California Public Utilities Code Section 854(a).

Application 12-07-012
(Filed July 9, 2012)

**CHIEF ADMINISTRATIVE LAW JUDGE RULING
ON MOTION FOR REASSIGNMENT ON PEREMPTORY CHALLENGE**

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Motion for Reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On August 3, 2012, Astound Broadband, LLC (Astound), WaveDivision Holdings, LLC (Wave), and OH WDH Holdco, LLC (Oak Hill Holdco), as joint applicants, filed a Motion for Reassignment on Peremptory Challenge of this proceeding to another ALJ. This Motion was filed under Rules 9.2 and 11.1 and thereby seeks reassignment on peremptory challenge. As provided in Rule 9.2(d), I am issuing a ruling on that Motion.

A properly supported Motion seeking reassignment on peremptory challenge can only be filed by a party or a person or entity declaring the

intention in good faith to become a party to a ratesetting proceeding. A party is entitled to file a motion only once for reassignment on peremptory challenge, however, no more than two reassignments pursuant to this subsection shall be permitted in the same proceeding (Rule 9.2(b)). Finally, any such motion must be filed timely.

Timely Filed

The Rules require this motion to be filed no later than 10 days after the date of the notice. In this proceeding, notice of the assignment occurred for purposes of Rule 9.2(c) on August 3, 2012. Since the Motion was filed on August 3, 2012, it was timely filed.

Available Procedure

Astound, Wave, and Oak Hill Holdco are joint applicants and therefore are parties to this proceeding. This is the first petition filed in this proceeding so the procedure is available. This proceeding is categorized as "ratesetting." Moving for Reassignment on Peremptory Challenge is allowed in ratesetting proceedings.

Properly Supported

The Rules require that a Motion be supported by a declaration under penalty of perjury (or affidavit by out-of-state person). This Motion is so supported by joint applicants.

Therefore, **IT IS RULED** that the Motion for Reassignment on Peremptory Challenge filed by Astound Broadband, LLC, WaveDivision Holdings, LLC, and OH WDH Holdco, LLC is granted. This proceeding is reassigned to Administrative Law Judge Karl Bemesderfer.

Dated August 10, 2012, at San Francisco, California.

/s/ KAREN V. CLOPTON
KAREN V. CLOPTON
Chief Administrative Law Judge