

Decision 09-04-008 April 16, 2009

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Cox California Telecom, LLC (U5684C),  
  
Complainant,  
  
vs.  
  
Global NAPs California, Inc., (U6449C),  
  
Defendant.

Case 06-04-026  
(Filed April 28, 2006)

**DECISION DENYING MOTION FOR DISQUALIFICATION  
AND CLOSING THE PROCEEDING**

**Background**

In July 2007, defendant Global NAPS California, Inc. (GNAPS) filed a motion to disqualify Commissioners Bohn and Chong from further participation in the instant proceeding, Case (C.) 06-04-026, on the basis of alleged bias against GNAPS. The Commission issued two subsequent decisions involving GNAPS, Decision (D.) 07-08-031 and D.07-09-050. Commissioners Bohn and Chong voluntarily recused themselves from participation in those decisions because of the pendency of the GNAPS disqualification motion in this docket.

There are no further proceedings envisioned in this docket and the only remaining unresolved matter is the motion for disqualification. The actions of Commissioners Bohn and Chong in recusing themselves from any further proceedings involving GNAPS have mooted the motion for disqualification.

Accordingly, the motion should be denied as moot, and this docket, C.06-04-026, should be closed.

### **Comments on Proposed Decision**

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were received.

### **Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Karl J. Bemesderfer is the assigned ALJ in this proceeding.

### **Findings of Fact**

1. In July 2007, GNAPS filed a motion to disqualify Commissioners Bohn and Chong from participation in C.06-04-026.
2. Commissioners Bohn and Chong voluntarily recused themselves from participation in any further proceedings involving GNAPS.
3. The motion for disqualification has never been ruled on.

### **Conclusions of Law**

1. The actions of Commissioners Bohn and Chong in voluntarily recusing themselves from any further proceedings involving GNAPS mooted the GNAPS motion for disqualification.
2. The motion should be denied.

**O R D E R**

**IT IS ORDERED** that:

1. The motion of Global NAPS California, Inc. to disqualify Commissioners Bohn and Chong is denied as moot.
2. Case 06-04-026 is closed.

This order is effective today.

Dated April 16, 2009, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners