

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

Order Instituting Rulemaking on the  
Commission's Own Motion to Establish  
Consumer Rights and Consumer Protection Rules  
Applicable to All Telecommunications Utilities.

Rulemaking 00-02-004  
(Filed February 3, 2000)

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE'S  
RULING ON MOTION TO MODIFY COMMENT PROCEDURE  
AND SCHEDULE WORKSHOPS**

This ruling grants in part and denies in part a joint motion by a group of telecommunications carrier representatives to modify the procedure for submitting comments on the draft decision of Commissioner Wood in this proceeding.

**The Motion**

On June 6, 2002, Assigned Commissioner Carl Wood served his draft decision for public review and comment. Assigned Administrative Law Judge McVicar subsequently granted a request for an extension of the due dates for comments and replies to comments, to July 16<sup>th</sup> and July 26<sup>th</sup> respectively, and expanded the page limits for comments and replies. On June 27, 2002, the Moving Parties<sup>1</sup> filed a motion seeking to modify the schedule. Moving Parties

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<sup>1</sup> The Moving Parties are listed as Nextel Communications, Inc., Pacific Bell (U 1001 C), Verizon California, Inc. (U 1002 C), Verizon Wireless (consisting of California RSA 4, LP (U 3038 C), Cellco Partnership (U 3029 C), Fresno MSA, LP (U 3005 C), GTEM of CA, LP (U 3002 C), GTEM of Santa Barb [sic], LP (U 3011 C), Los Angeles SMSA LP (U 3003 C),

*Footnote continued on next page*

would have the Commission cancel the currently scheduled comments and replies, and in their place schedule eleven days of workshops in four separate sessions during July, August and September, followed by a staff report, a revised draft decision, and comments and replies to comments.

Responding parties<sup>2</sup> filed seven responses to the motion. The two carrier responses supported Moving Parties' motion; the remaining five opposed it.

### **The Revised Schedule**

After considering the motion and responses, the schedule for receiving party input on Commissioner Wood's draft decision is revised as follows:

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Modoc RSA LP (U 3032 C), Sacramento Valley LP (U 3004 C), and Verizon Wireless (VAW) LLC (U 3029 C)), the Small and Mid-Sized Local Exchange Carriers (consisting of Roseville Telephone Company (U 1015 C), Citizens Telecommunications Company of California Inc. (U 1024 C), Citizens Telecommunications Company of Tuolumne (U 1023 C), Citizens Telecommunications Company of Golden State (U 1025 C), Citizens Telecommunications Company (U 5429 C), Electric Lightwave, Inc. (U 5377 C), Calaveras Telephone Company (U 1001 C), Cal-Ore Telephone Co. (U 1006 C), Ducor Telephone Company (U 1007 C), Evans Telephone Company (U 1008 C), Foresthill Telephone Co. (U 1009 C), Kerman Telephone Co. (U 1012 C), The Ponderosa Telephone Co. (U 1014 C), Sierra Telephone Company, Inc. (U 1016 C), The Siskiyou Telephone Company (U 1017 C)), Cingular Wireless (U 3060 C), AT&T Communications of California, Inc. (U 5002 C), AT&T Wireless Service of California LLC (U 3010 C), Sprint Communications Company, L.P. (U 5112 C), Sprint Telephony PCS, L.P. (U 3064 C), Sprint Spectrum, L.P. as agent for WirelessCo, L.P. (U 3062 C), VoiceStream Wireless, Inc. dba T-Mobile, Cricket Communications, Inc. (U 3076 C), and the Cellular Carriers Association of California.

<sup>2</sup> Working Assets Funding Service, Inc. (dba Working Assets Long Distance (U5233C) and Working Assets Wireless (U4308C)), Cox California Telecom, L.L.C. dba Cox Communications, the California Attorney General, The Utility Reform Network jointly with Utility Consumers' Action Network, the National Consumer Law Center jointly with the Latino Issues Forum, Wireless Consumers Alliance, Inc., and the Commission's Office of Ratepayer Advocates.

July 16, 2002	Comments on draft decision (no change to current schedule).
July 18, 2002	Moving Parties' and carrier-aligned parties' Workshop Session 1 proposed topic summaries served.
July 25 & 26, 2002	Workshop Session 1 (Carrier concerns).
July 30, 2002	Consumer-aligned parties' Workshop Session 2 proposed topic summaries served.
August 5 & 6, 2002	Workshop Session 2 (Consumer concerns).
August 16, 2002	Replies to comments on draft decision, combined with comments on workshops.

The schedule for events after August 16<sup>th</sup> will be determined later.

### **Workshop Session 1**

Workshop Session 1 will be the primary opportunity for Moving Parties and other carrier-aligned parties to present and answer questions about their concerns with the draft decision, as suggested in the Motion. Moving Parties will be required to prepare jointly a summary of each topic they propose be covered in Session 1, following these criteria:

All information relating to each proposed workshop topic must be on a separate sheet, and must not exceed the equivalent in length of one twelve-point, one and one-half line spaced page with standard margins.

Each topic sheet shall very briefly describe the concern it addresses and reference the specific part(s) of the draft decision and rules to which it relates, or state that it is not in the current draft decision and rules if that is the case. The workshop, not the topic sheet, is the proper place for more detailed explanation and advocacy.

Each topic sheet must identify a pre-workshop contact person and a suggested topic coordinator and/or presenter(s) for that topic. Show each individual's name, party, telephone, and e-mail address.

The suggested time to be allotted to each topic must be shown.

Legal issues are not proper topics for these workshops and are not to be listed. This includes, e.g., claims of overlap or conflict with statutes and/or FCC mandates, jurisdictional concerns, and legal inadequacies in the decision or rules or in the process the proceeding has followed. Any legal claims and argument must instead be presented in the written comments and replies to comments.

It is strongly suggested that parties focus most of their attention on any perceived factual and technical errors, inconsistencies, and implementation problems in the draft decision and proposed rules. Rearguing policy-based outcomes without pointing to errors or previously unconsidered facts is unlikely to be the best use of the available workshop time.

Other carrier-aligned parties are strongly encouraged to collaborate with Moving Parties in drafting the Session 1 proposed topics. However, any carrier-aligned party may at its option propose alternative topics, following the same criteria, if it is unable to endorse those jointly prepared by Moving Parties.

Not later than July 18<sup>th</sup>, Moving Parties and other carrier-aligned parties are to serve (but need not file) their Session 1 proposed topic summaries on all other parties in the Appearances and State Service categories of the then-current service list for the proceeding on the Commission's Web site. In addition to the service set forth in the Commission's Rules of Practice and Procedure, Rule 2.3, parties are required to provide an electronic copy of their proposed topic summaries to all other parties who have included an e-mail address in their service list information (see the comma-delimited file linked from the Web site), and to: the Assigned Commissioner's office (jol@cpuc.ca.gov); the Administrative Law Judge (jcm@cpuc.ca.gov); and the Telecommunications Division representative (rhh@cpuc.ca.gov).

## **Workshop Session 2**

Workshop Session 2 will be the primary opportunity for consumer-aligned parties to present and explain their concerns with the draft decision and rules in a workshop setting, and to rebut material addressed in Session 1. Consumer-aligned parties who wish to have input to the Session 2 agenda are invited to prepare and serve proposed topic summaries for Session 2 following the same criteria and service procedures set forth above for carrier-aligned parties. Consumer-aligned parties' topic summaries are to be served by July 30<sup>th</sup>.

## **For Both Workshop Sessions**

The final workshop agenda may not include all topics submitted, and those topics that are included may be limited to meet the time available. Parties should not defer discussing important points in their July 16 comments on the draft decision in the expectation that their concerns will be fully expressed in workshops.

The agenda for each session will be made public as soon as possible after the parties' topic summaries for that session have been received and reviewed. Parties who have not provided current e-mail addresses to the Commission's Process Office for the proceeding service list would be well advised to do so as soon as possible.

Moving Parties have recommended that a court reporter's transcript of the workshops be made a part of the record. Because of resource constraints and the short notice period, that may not be possible. If a Commission reporter is not available and Moving Parties wish to do so, they may provide a certified court reporter at their expense and the transcript will be included in the Commission's file for the proceeding, provided that Moving Parties agree to make copies timely available without charge to the other parties.

## Replies to Comments

The current July 26<sup>th</sup> due date for replies to comments on Commissioner Wood's June 6<sup>th</sup> draft decision is canceled. Parties who wish to do so may instead file replies to comments on Commissioner Wood's June 6<sup>th</sup> draft decision, combined with any reply comments they may have on material presented in the Session 1 and Session 2 workshops, not later than August 16, 2002. The page limit for these combined replies is expanded to 20 pages. A redline version of some or all the rules may be included as a separate attachment and not counted against the 20-page limit; provided, however, that in that case any earlier redline attachment included with that party's July 16<sup>th</sup> comments will thereafter be considered as having been superseded. In all other respects, Article 19 of the Commission's Rules of Practice and Procedure pertaining to replies to comments on proposed decisions will apply to these combined replies.

Therefore, **IT IS RULED** that:

1. Two workshop sessions will be held in this proceeding.
2. The Moving Parties shall jointly prepare and by July 18, 2002 serve a summary of each topic they propose be covered in Workshop Session 1, following the criteria and service procedures set forth in the body of this Ruling.
3. Any carrier-aligned party may prepare and by July 18, 2002 serve alternative proposed topic summaries or suggest specific additional or alternative topics for Workshop Session 1, following the same criteria and service procedures as for Moving Parties.
4. Consumer-aligned parties who wish to have input to the Workshop Session 2 agenda may prepare and by July 30, 2002 serve proposed topic summaries for Session 2, following the same criteria and service procedures set forth above for Moving Parties and carrier-aligned parties.

5. The schedule for this proceeding from today through August 16, 2002 shall be as set forth in the body of this Ruling.

6. The previously established July 26<sup>th</sup> due date for replies to comments on Commissioner Wood's June 6, 2002 draft decision is canceled. Parties may instead file replies to comments on Commissioner Wood's June 6<sup>th</sup> draft decision, combined with any reply comments they may have on material presented in Workshop Sessions 1 and 2, not later than August 16, 2002. The page limit for these combined replies is expanded to 20 pages. A redline version of some or all of the rules may be included as a separate attachment and not counted against the 20-page limit. In all other respects, Article 19 of the Commission's Rules of Practice and Procedure pertaining to replies to comments on proposed decisions will apply to these combined replies.

7. Workshops will be held beginning at 9:00 a.m., July 25, 2002 and continuing on July 26, August 5, and August 6, 2002 in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

8. The Moving Parties' June 27, 2002 motion is granted to the extent set forth above, and in all other respects is denied.

Dated July 12, 2002, at San Francisco, California.

          /s/ CARL WOOD            
Carl Wood  
Assigned Commissioner

          /s/ JAMES C. MCVICAR            
James C. McVicar  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner and Administrative Law Judge's Ruling on Motion to Modify Comment Procedure and Schedule Workshops on all parties of record in this proceeding or their attorneys of record.

Dated July 12, 2002, at San Francisco, California.

/s/ ERLINDA PULMANO  
Erlinda Pulmano

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. Parties must indicate the proceeding number on the service list on which their names appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.