

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

DSLExtreme.com, Inc. and Sonic.net, Inc.

Complainants,

vs.

SBC California Inc. (U-1001-C); SBC Advanced  
Solutions, Inc. (U-6346-C); and Verizon  
Advanced Data Inc. (U-6454-C),

Defendants.

Case 03-01-007  
(Filed January 10, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
SETTING BRIEFING SCHEDULE ON MOTIONS TO DISMISS**

During the hearing in this matter on January 30, 2003 concerning complainants' amended request for a temporary restraining order (TRO), I stated that complainants would be afforded an opportunity to file an amended complaint. (Tr. 15, 126.) I set February 19, 2003 as the due date for the amended complaint, and instructed the defendants to advise me by March 7, 2003 whether they intended to answer or move to dismiss the amended complaint. (*Id.* at 138-39.)

The amended complaint was filed and served on February 19, 2003. On March 7, counsel for defendant Verizon Advanced Data, Inc. (VADI) and counsel for SBC Advanced Solutions, Inc. (SBC ASI) informed me by separate letters that their respective clients both intended to move to dismiss the amended complaint. Counsel for SBC ASI also stated in his letter that he had been authorized by SBC California to inform me that SBC California also intended to file a motion to

dismiss. Counsel for both VADI and SBC ASI proposed that the motions to dismiss be filed on Friday, March 28, 2003.

I agree that March 28 is a reasonable due date for the motions to dismiss. However, in addition to their motions to dismiss, all defendants will be required to file answers to the amended complaint on that date. In this way, if the motions to dismiss are denied, the Commission will be able to schedule a prehearing conference and issue a scoping memo more promptly.

Another question, of course, is when complainants' responses to the motions to dismiss should be due. Owing to the factual complexities of this case, and the possibility that the motions to dismiss may be supported with extensive declarations, it is appropriate to allow complainants additional time to respond to the motions. I will therefore set Friday, April 18, 2003, as the due date for complainants' responses.

As has previously been the case in this proceeding, all parties should serve their pleadings electronically on each other and on me, in addition to the paper copies required for filing by the Commission's Rules of Practice and Procedure.

In accordance with the discussion above, **IT IS RULED** that:

1. All defendants wishing to file and serve motions to dismiss the amended complaint shall do so on or before Friday, March 28, 2003.
2. Any defendant filing a motion to dismiss shall at the same time file and serve an answer to the amended complaint.
3. Complainants' responses to the motions to dismiss shall be filed and served on or before April 18, 2003.

4. All parties shall serve each other and the undersigned by electronic mail, in addition to the paper copies required by the Commission's rules.

Dated March 18, 2003, at San Francisco, California.

/s/ A. KIRK MCKENZIE

A. Kirk McKenzie  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Briefing Schedule on Motions to Dismiss on all parties of record in this proceeding or their attorneys of record.

Dated March 18, 2003, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**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 insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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