

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

Pasadena Neighborhood Coalition,  
Complainant,

vs.

Altrio Communications, Inc.,  
Defendant.

Case 02-11-053  
(Filed November 19, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING ON PASADENA  
NEIGHBORHOOD COALITION'S MOTION TO COMPEL**

**Background**

Complainant Pasadena Neighborhood Coalition (Coalition) alleges that defendant Altrio Communications, Inc. (Altrio) is in violation of the requirements of Decision 01-07-022 (July 12, 2001), which granted Altrio a limited Certificate of Public Convenience and Necessity to provide competitive local exchange services in communities in Los Angeles, Orange, and Ventura counties. At the prehearing conference (PHC) held on February 28, 2003, the parties discussed discovery. The Scoping Memo and Ruling of Assigned Commissioner issued March 19, 2003 identified the issues in the proceeding and set a schedule for discovery, with formal discovery ending May 12, 2003.

On April 14, 2003, the Coalition filed a Motion for an Expedited Order Compelling a Response from Altrio to the Coalition's First Set of Data Requests, Approving Non-disclosure and Protective Agreement and Establishing a

Discovery Response Period. The Administrative Law Judge (ALJ) informed counsel for the parties by electronic mail of the ruling that the time to respond to the motion to compel was shortened to April 21, 2003. The parties participated in oral argument by telephone on April 29, 2003. Further argument, addressed to the request for a nondisclosure agreement, was held by telephone on May 5, 2003. The ALJ ruled orally at each of these telephone conferences, and the parties have completed discovery in accordance with the oral rulings. This Ruling formalizes those rulings.

## **Discussion**

### **1. General rulings**

- a. Both parties are under a continuing obligation to supplement their responses to discovery requests if new responsive information is found.
- b. Both parties must review their positions on particular discovery requests in light of the discussions in the telephone conferences and to determine whether a fully responsive submission has been made.
- c. The parties must cooperate in good faith to resolve any ambiguities or uncertainties that may be identified in complying with this Ruling.
- d. The date for response to all then-outstanding discovery requests is May 5, 2003.

### **2. The Coalition's Motion to Compel**

The disputed requests are resolved as set forth below.

- Data request 1-1.**<sup>1</sup> DENIED as to all aspects of this request to which Altrio has not already responded.
- 1-2. DENIED; duplication.
  - 1-3. DENIED.
  - 1-4. DENIED.
  - 1-5. GRANTED as to subsections (1) and (2); DENIED as to subsection (3).
  - 1-6. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.<sup>2</sup>
  - 1-7. GRANTED.
  - 1-8. GRANTED as to subsections a) and b); DENIED as to subsections c) and d).
  - 1-9. GRANTED.
  - 1-10. GRANTED.
  - 1-11. DENIED; Altrio responded.
  - 1-12. GRANTED.
  - 1-13. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.
  - 1-15. DENIED; Altrio responded.
  - 1-16. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.
  - 1-17. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.

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<sup>1</sup> This is the numbering system adopted by the parties. Subsequent requests will be referred to only by the number.

<sup>2</sup> This and several following requests are covered by General Ruling 2, above.

1-18. GRANTED.

1-19. GRANTED.

1-20. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.

1-21. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.

1-22. GRANTED to the extent that Altrio may have further responsive information that has not yet been supplied.

1-23. GRANTED.

1-24. GRANTED, subject to any existing confidentiality restrictions.

1-25. GRANTED.

1-26. GRANTED.

1-27. DENIED.

### **3. Confidentiality Agreement**

The revised Nondisclosure and Protective Agreement submitted by the Coalition on May 5, 2003 and agreed to by Altrio is approved, with the following conditions:

- a. The only document to which it applies as of May 5, 2003 is Altrio's construction manual.
- b. Counsel for the Coalition will review the construction manual after signing the agreement.
- c. If counsel for the Coalition decides that the construction manual contains information that would be relevant and useful for the Coalition's testimony, she may make a copy only of that information.
- d. Counsel for the Coalition may show the copy, if any, of the construction manual or parts thereof, to any witness the

Coalition will put forward in this proceeding, as long as the witness signs the access agreement and agrees to be subject to the terms of the nondisclosure agreement.

- e. Any witness for the Coalition who has a copy of the construction manual may not make any additional copy and may not show the copy to any other person.
- f. Counsel for the Coalition shall promptly retrieve the copy from the witness when it is no longer needed for the testimony of the witness.

**IT IS RULED** that:

- 1. The motion to compel filed by the Pasadena Neighborhood Coalition is granted in part and denied in part, as set forth herein.
- 2. The nondisclosure and protective agreement agreed to by the parties is approved with the conditions set forth herein.

Dated June 2, 2003, at San Francisco, California.

/s/ ANNE E. SIMON  
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Anne E. Simon  
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 on Pasadena Neighborhood Coalition’s Motion To Compel on all parties of record in this proceeding or their attorneys of record.

Dated June 2, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS  
Elizabeth Lewis

**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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C.02-11-053 AES/hl2

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