

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In Touch Communications, Inc. and Inflexion California Communications Corp., for the sale and purchase, respectively, of the customer base, operating authorities and other assets.

Application 03-11-011
(Filed November 11, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING APPROVING
STIPULATION BETWEEN APPLICANT AND PACIFIC BELL/SBC**

This ruling approves a stipulation between Inflexion California Communications Corp. (Inflexion) and Pacific Bell Telephone Company doing business as SBC Pacific Bell (SBC) relating to certain former customers of In Touch Communications (In Touch), the assets of which Inflexion recently purchased in connection with In Touch's Chapter 7 bankruptcy proceeding. At a recent hearing, I entered an oral order prohibiting SBC from disconnecting the service of the former In Touch end-user customers that were served via SBC's unbundled network element (UNE) platform (UNE-P) until such time as the Commission ruled on Inflexion's 851 Application. My order also required Inflexion to pay SBC for keeping the former In Touch UNE-P customers on the network with the understanding that those payment(s) would be trued-up at a future date, if needed.

On December 17, 2003, Inflexion informed me that (i) all of the In Touch end-users who were being served using SBC's UNE-P were sent invoices on November 16, 2003 to pre-pay by December 1, 2003, for December service, (ii) none of the end-users, if any, who remained on SBC's UNE-P as of

Sarah R. Thomas
Administrative Law Judge

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application by In-Touch Communications, Inc.
(U-5972-C) and Inflexion California
Communications Corp. for the Sale and Purchase,
Respectively, of the Customer Base, Operating
Authorities and Other Assets of In Touch
Communications, Inc.

Case No. A.03-11-011

JOINT STIPULATION OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C)
D/B/A SBC CALIFORNIA
AND INFLEXION CALIFORNIA COMMUNICATIONS CORP.
FOR RESCISSION OF TEMPORARY RESTRAINING ORDER

PACIFIC TELESIS GROUP

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December 18, 2003

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WHEREAS, on November 10, 2003, Inflexion California Communications Corp. (“Inflexion”) filed (i) an Application with the California Public Utilities Commission (“Commission”) to acquire the assets of In Touch Communications, Inc. (“In Touch”) pursuant to Public Utilities Code Section 851 (“851 Application”) and (ii) a Motion For Emergency Ex Parte Temporary Restraining Order And Additional Interim Relief (“Motion for TRO”);

WHEREAS, on November 14, 2003, Administrative Law Judge (“ALJ”) Thomas granted Inflexion’s request for a TRO against SBC California;

WHEREAS, the TRO enjoined SBC California from disconnecting the service of the former In Touch end user customers remaining on the network and who In Touch previously had served via SBC California’s UNE platform (“UNE-P”) until such time as the Commission ruled on Inflexion’s 851 Application;

WHEREAS, a condition of the TRO was that Inflexion would pay SBC California for keeping the former In Touch UNE-P customers on the network and that said payment(s) would be tried-up at a future date, if needed;

WHEREAS, on December 17, 2003, Inflexion informed the parties and ALJ Thomas that (i) all of the In Touch end users who were being served using SBC California’s UNE-P were sent invoices on November 16, 2003 to pre-pay by December 1, 2003, for December service, (ii) none of the end users, if any, who remained on SBC’s UNE-P as of December 17, 2003, had remitted such payment, (iii) in many cases, Inflexion had received return mail indicating that the end users have moved, (iv) service to end users who were still on SBC’s UNE-P should be terminated for failure to pre-pay for December service and Inflexion no longer wished to pay SBC California for keeping these customers on the network, and (v) Inflexion had no objection to rescission of the TRO against SBC California;

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WHEREAS, in addition to notifying the former In Touch UNE-P end users through the invoices sent on November 16, 2003 that pre-payment for December service was due by December 1, 2003, and that service would be discontinued upon failure to pre-pay, Inflexion also attempted to telephone all end users to determine whether they desired to continue to receive telephone service. All end users who answered affirmatively, and pre-paid for service, were transferred to resale service under an SBC wholesale account held in the name of EZ Phone as the wholesale-customer-of-record.

WHEREAS, SBC California will provision Quick Dial Tone at no charge where facilities and operating conditions permit upon disconnection of the service of the former UNE-P In Touch customers;

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NOW THEREFORE, SBC California and Inflexion hereby stipulate and agree that the TRO against SBC California should be withdrawn.

Dated at San Francisco, California, this 18th day of December 2003.

Respectfully submitted,

PACIFIC TELESIS GROUP

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the **JOINT STIPULATION OF PACIFIC BELL TELEPHONE COMPANY (U 1001 C) D/B/A SBC CALIFORNIA AND INFLEXION CALIFORNIA COMMUNICATIONS CORP. FOR RESCISSION OF TEMPORARY RESTRAINING ORDER**, in A.03-11-011 to be served by e-mail and by U.S. mail to the parties below:

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SARAH R THOMAS CALIF PUBLIC UTILITIES COMMISSION ALJ DIVISION 505 VAN NESS AVENUE, ROOM 5105 SAN FRANCISCO, CA 94102-3214	

Executed this 18th day of December 2003, at San Francisco, California.

SBC CALIFORNIA
140 New Montgomery Street
San Francisco, CA 94105

Michelle K. Choo

(END OF ATTACHMENT A)

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge’s Ruling Approving Stipulation Between Applicant and Pacific Bell/SBC on all parties of record in this proceeding or their attorneys of record.

Dated December 22, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN
Helen Friedman

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. You must indicate the proceeding number on the service list on which your name appears.

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