

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AT&T Communications of California, Inc.
(U 5002 C), TCG Los Angeles, Inc. (U 5462 C),
TCG San Diego (U 5389 C) and TCG
San Francisco (U 5454C),

Complainants,

vs.

Verizon California Inc. (U 1002 C),

Defendant.

Case 04-08-026
(Filed August 19, 2004)

Telescope Communications, Inc. (U 6589 C),
Wholesale Airtime, Inc. (U 5751 C), and Blue
Casa Communications, LLC (U 6764 C),

Complainants,

vs.

Verizon California, Inc. (U 1002 C),

Defendant.

Case 04-09-001
(Filed September 1, 2004)

ACN Communication Services, Inc. (U 6342 C),
Covad Communications Co. (U 5752 C), and
Vycera Communications, Inc. (U 5477),

Complainants,

vs.

Verizon California Inc. (U 1002 C),

Case 04-09-010
(Filed September 7, 2004)

Defendant.

SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER AND ADMINISTRATIVE LAW JUDGE

Summary

This ruling and scoping memo (Scoping Memo) confirms certain rulings made at the October 8, 2004 prehearing conference (PHC), as modified by an October 15, 2004 conference call between the assigned Administrative Law Judge (ALJ) and the parties. The ruling sets forth the schedule and issues, and addresses other procedural requirements.

Schedule

Event	Schedule
Parties file cross-motions for summary judgment	Monday, November 8, 2004
Parties file responses to motions for summary judgment	Friday, December 3, 2004
Parties notify the Administrative Law Judge by conference call if they believe there are disputed issues of material fact which require a hearing. Verizon shall set up the conference call, with notification to all parties.	Wednesday, December 15, 2004 at 9:00 a.m.
Parties file replies to motions for summary judgment	Friday, December 17, 2004
Hearing (if necessary)	Friday, January 21, 2005, commencing at 9:30 a.m. in the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California
Concurrent briefs on hearing issues; case submitted	Friday, January 28, 2005
Presiding Officer's Decision due	March 29, 2005 (if hearings are not

	held, the draft decision would issue no later than February 15, 2005)
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Our goal is to resolve this case as soon as possible. We anticipate that the resolution will not exceed 12 months from the date of filing the complaints, pursuant to Pub. Util. Code § 1701.2(d).¹

Scope of the Proceeding

The scope of the proceeding is defined by the three consolidated complaints. In summary, the major issue presented is as follows: If Verizon changes its office switch to a packet switch, what are Verizon’s obligations pursuant to its existing interconnection agreements with complainants and intervenors to provide them with the Local Switching and Common Transport network elements, and associated linesplitting?

Category of Proceeding

This proceeding is categorized as adjudicatory, and hearings appear to be necessary. Depending on the outcome of the cross-motions for summary judgment, an evidentiary hearing may not be necessary.

Presiding Officer

Pursuant to Rule 6(c), Assigned Commissioner Brown designates ALJ Econome as the presiding officer.

¹ Section 1701.2(d) states that adjudication cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline.

Exhibits

Parties shall follow the requirements set forth in Appendix B regarding service, correction and identification of, and cross-examination with, exhibits in the hearing room.

Motion to Intervene

On October 11, 2004, after the prehearing conference, Fones4All Corp. filed a motion to intervene in this case, seeking intervention under the established schedule. Fones4All Corp. states that its participation will not broaden the issues under consideration in this proceeding. No party opposes this motion. We grant Fones4All Corp.'s Motion to Intervene in this consolidated proceeding to the extent that its participation does not unduly broaden the issues presented by the consolidated complaints.

Service List

The service list for this proceeding is attached to this Scoping Memo as Appendix A. Parties are requested to serve everyone, whether appearance, state service, or information only, with all pleadings, prepared testimony, etc. All documents shall be served by email, where an email address is given, and by regular mail.

Based on the ruling on the motion to intervene discussed above, the Commission's Process Office shall add the following person to the service list as an appearance: Ross A. Buntrock, Womble Carlyle Sandridge & Rice PLLC, for Fones4All Corp. Additionally, Peter Hanson, Advisor to Commissioner Brown, should be added to the state service portion of the service list, and Colleen R. Jones, Global VP and General Counsel to ACN Communications Services, Inc. should be added to the information only portion of the service list.

Communications With Decision Makers (Ex Parte Communication)

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding. For example, a party or any other person who has a financial interest in this proceeding is prohibited from speaking with a decision maker on a substantive issue in this case. (See Pub. Util. Code §§ 1701.1, 1701.2, and Rules 7 and 7 of the Commission's Rules of Practice and Procedure for specific rules on ex parte communications.)

Discovery Disputes

If the parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes with the Commission pursuant to Resolution ALJ-164.

IT IS RULED that:

1. The schedule and scope of this case are as set forth in this Scoping Memo, unless subsequently modified by Assigned Commissioner or Administrative Law Judge (ALJ) directive.
2. ALJ Econome is the presiding officer in this proceeding.
3. Fones4All Corp.'s October 11, 2004 Motion to Intervene in the proceeding is granted to the extent that this participation does not unduly broaden the issues presented by the consolidated complaints.
4. The Commission's Process Office should add the following names to the service list:

Ross A. Buntrock
Womble Carlyle Sandridge & Rice PLLC
1401 Eye Street, N.W., Seventh Floor
Washington D.C. 20005
Telephone: (202) 857-4479
Fax: (202) 261-0067
Email: rbuntrock@wcsr.com

For Intervenor Fones 4 All Corp. (appearance)

Peter Hanson
California Public Utilities Commission
505 Van Ness Avenue, Room 4104
San Francisco, California 94102
Telephone: (415) 703-1053
Email: pgh@cpuc.ca.gov (state service)

Colleen R. Jones
Global VP and General Counsel
ACN Communication Services, Inc.
32991 Hamilton Court
Framington Hills, MI 48334
Telephone: (248) 699-3333
Email: cjones@acninc.com (information only)

5. The service list for this proceeding is attached as Appendix A. Parties shall serve everyone on the service list, and shall serve their documents by both email, where an email address is given, and by regular mail.

6. Parties shall follow the instructions in Appendix B regarding exhibits.

7. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.

8. Parties shall comply with the procedures set forth in Resolution ALJ-164 regarding discovery disputes.

Dated October 21, 2004, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown
Assigned Commissioner

/s/ JANET A. ECONOME

Janet A. Econome
Administrative Law Judge

Appendix A

SERVICE LIST

***** APPEARANCES *****

Rose Johnson
Attorney At Law
AT&T COMMUNICATIONS OF CALIFORNIA, INC.
795 FOLSOM STREET
SAN FRANCISCO CA 94107-1243
(415) 442-2603
rjohnson@att.com
For: AT&T

W. Clay Deanhardt
AT&T COMMUNICATIONS OF CALIFORNIA, INC.
795 FOLSOM STREET, ROOM 2161
SAN FRANCISCO CA 94107
(415) 442-2657
deanhardt@att.com
For: AT&T Communications of Calif., Inc., TCGSF, TCGSD & TCGLA

John Clark
Attorney At Law
GOODIN MACBRIDE SQUERI RITCHIE & DAY LLP
505 SANSOME STREET, 9TH FLOOR
SAN FRANCISCO CA 94111
(415) 765-8443
jclark@gmssr.com
For: Telscape Communications, Inc., BlueCasa Communications, LLC, Wholesale Airtime, Inc., NII Commu

Glenn Stover
Attorney At Law
STOVER LAW
301 HOWARD STREET, SUITE 830
SAN FRANCISCO CA 94105
(415) 495-7000
glenn@stoverlaw.net
For: Call America

Harry N. Malone
SWIDLER BERLIN SHEREEF FRIEDMAN,LLP
3000 K STREET, NW, SUITE 300
WASHINGTON DC 20007
(202) 424-7705
hnmalone@swidlaw.com
For: ACN Communications Services, Inc.; Vycera Communications, Covad Communications

Anita Taff-Rice
Attorney At Law
235 MONTGOMERY STREET, SUITE 920
SAN FRANCISCO CA 94104
(415) 699-7885
anitataffrice@earthlink.net

Elaine Duncan
Attorney At Law
VERIZON CALIFORNIA INC.
711 VAN NESS AVENUE, SUITE 300
SAN FRANCISCO CA 94102
(415) 474-0468
elaine.duncan@verizon.com
For: Verizon

Jesus G. Roman
VERIZON CALIFORNIA, INC.
112 LAKEVIEW CANYON ROAD, CA501LB
THOUSAND OAKS CA 91362
(805) 372-6233
jesus.g.roman@verizon.com

Ross A. Buntrock
WOMBLE CARLYLE SANDRIDGE & RICE PLLC
1401 EYE STREET, N.W. SEVENTH FLOOR
WASHINGTON DC 20005
(202) 857-4479
rbuntrock@wcsr.com
For: Fones 4 All Corp.

William C. Harrelson
Attorney At Law
WORLD COM, INC.
201 SPEAR STREET, 9TH FLOOR
SAN FRANCISCO CA 94105
(415) 228-1090
william.harrelson@mci.com
For: WORLD COM, INC.

***** STATE EMPLOYEE *****

Janet A. Econome
Administrative Law Judge Division
RM. 5113
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1494
jjj@cpuc.ca.gov

Phillip Enis
Telecommunications Division
AREA 3-E
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1633
pje@cpuc.ca.gov

For: MCI

Peter Hanson
Executive Division
RM. 4104
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1053
pgh@cpuc.ca.gov

Maxine Harrison
Executive Division
RM. 500
320 WEST 4TH STREET SUITE 500
Los Angeles CA 90013
(213) 576-7064
omh@cpuc.ca.gov

Robert C. Lane
Executive Division
RM. 5221
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-1062
bob@cpuc.ca.gov

Aram Shumavon
Telecommunications Division
AREA 3-E
505 VAN NESS AVE
San Francisco CA 94102
(415) 703-2117
sap@cpuc.ca.gov

***** INFORMATION ONLY *****

Colleen R. Jones
Global Vp And General Counsel
ACN COMMUNICATIONS SERVICES, INC.
32991 HAMILTON COURT
FARMINGTON HILLS MI 48334
(248) 699-3333
cjones@acninc.com

Jason M. Wakefield
COVAD COMMUNICATIONS COMPANY
100 CONGRESS AVENUE, SUITE 2000
AUSTIN TX 78791
(512) 495-6735
jwakefie@covad.com
For: COVAD COMMUNICATIONS COMPANY

Eric J. Branfman
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K ST., N.W. STE. 300
WASHINGTON DC 20007-5116
(202) 424-7500
For: ACN COMM. SER. INC., COVAD COMM. CO., VYCERA
COMM. INC.

R. Dale Dixon Jr.
Attorney At Law
VYCERA COMMUNICATIONS, INC.
12750 HIGH BLUFF DRIVE, SUITE 200
SAN DIEGO CA 92130
(858) 792-2400
ddixon@vycera.com

(End of Appendix A)

[Insert Appendix B]

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge on all parties of record in this proceeding or their attorneys of record.

Dated October 21, 2004, 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.

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.