

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'S RULING

On March 10, 2005, the Assigned Commissioner issued a Ruling ("the March 10 ACR") implementing D.05-01-058 ("Order"), in which the Commission initiated a reexamination of the consumer protection rules set out in new General Order 168 ("Rules") to "address implementation issues, ensure that California's consumer protection structure will be viable and enforceable, and to consider a broader re-examination of policy...." The March 10 ACR established a comment cycle and a prehearing conference to discuss six specific questions related to the scope and schedule of this phase of the proceeding. Following receipt of comments on the March 10 ACR, the Assigned Commissioner issued a further ruling on May 2, 2005 ("the May 2 ACR") which proposed to reinstate Parts 1, 4 and 5 of GO 168, together with Rules 13, 14 and 15 of Part 2, as amended and renumbered in an attachment to the May 2 ACR. The May 2 ACR established a comment cycle and sought comments on the reinstatement proposal set out therein and three specific issues:

1. Are the consumer rights listed in Part I, as amended, sufficiently comprehensive to protect and empower consumers or are there additional rights or issues that should be addressed?

2. Are current laws and regulations, federal or state, including those conferring enforcement authority on the CPUC and/or other government agencies but not including the remaining portions of General Order 168, sufficient to enforce these rights? In responding to this question, parties should be specific as to each of the enumerated rights and support their responses with reference to applicable facts and law.

3. If current laws and regulations are not sufficient to enforce these rights and principles, what are the most cost-effective changes to law or regulation necessary for effective enforcement?

Thirteen sets of comments or reply comments were filed by nine parties or groups of parties. In response to all three questions, comments fell into two broad categories.

- (1) Carriers and industry groups generally argued that the proposed consumer rights enumerated in the May 2 ACR are sufficiently comprehensive to protect and empower consumers, while disagreeing with the need for, or the manner of expressing, certain rights. Consumer representatives generally argued that the rights as amended were insufficiently comprehensive for this purpose.
- (2) A similar division of opinion was reflected in the responses to the second question, with carriers arguing for the sufficiency of existing laws and regulations and consumer representatives arguing that, at a minimum, all of General Order 168 needed to be reinstated.

(3) With regard to the third question in the May 2 ACR, carriers urged broader and more effective consumer education programs while consumer groups urged both increased consumer education and additional regulation.

While there was sharp disagreement on these broad policy questions, no party identified specific factual issues for which evidentiary hearings would be required, as directed by the Assigned Commissioner in the May 2 ACR. Accordingly, formal hearings on the issues described above and such other matters, if any, that the Assigned Commissioner designates will be ordered as set out in the revised schedule below. Hearings will take place at the Commission's San Francisco office, located at 505 Van Ness Avenue.

Pursuant to Rule 8(d) of the Commission's Rules of Practice and Procedure, a party to a quasi-legislative proceeding has a right to make a final oral argument to the Commission if the party so requests within the time specified in a ruling. Accordingly, any party that wishes to make a final oral argument must file its request in writing no later than Friday, September 2. Oral arguments, if any are requested, will be scheduled for the first week in November.

In a letter to the Assigned Commissioner, TURN requested that the schedule proposed in the May 2 ACR be lengthened in view of the multiple major telecommunications proceedings currently before the commission. TURN's request is reasonable, and in the schedule set out below, we have granted it:

August 5	Opening testimony
August 19	Reply testimony

August 29-Sep 2	Formal hearings
October 15	Opening briefs
October 31	Reply briefs
November	Proposed decision
December	Commission decision

Therefore, **IT IS RULED** that:

1. Formal hearings are scheduled in this proceeding to be conducted during the week commencing August 29, 2005.
2. Parties wishing to present final oral arguments to the Commission must file written requests no later than the close of business on Friday, September 2, 2005.
3. The schedule of this proceeding is as set out herein.

Dated June 30, 2005, at San Francisco.

/s/SUSAN P. KENNEDY

Susan P. Kennedy
Assigned Commissioner

