

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

In the matter of the Order Instituting  
Investigation into the operations and practices of  
Arnold Ray Baeza, an Individual doing business  
as Best Movers,

Respondent.

Investigation 01-06-021  
(Filed June 14, 2001)

**RULING AND SCOPING MEMO OF ASSIGNED COMMISSIONER AND  
ADMINISTRATIVE LAW JUDGE**

**Summary**

This ruling and scoping memo confirm rulings made at the prehearing conference (PHC) in this investigation, held on Thursday, August 9, 2001,<sup>1</sup> and set forth the schedule, the issues, and procedural requirements for respondent Arnold Baeza, an individual doing business as Best Movers (Baeza), to defend himself against the allegations set forth in the Order Instituting Investigation (OII).

At the PHC, Baeza was advised that the Commission considers this OII a very serious matter. For example, Ordering Paragraph 3 of the OII puts Baeza on notice that “he may be fined for the above listed violations [in the OII] to the extent provided in the Household Goods Carriers Act, sections 5101 et seq. of the Public Utilities Code, (up to \$20,000 per violation) and/or that his permit may be suspended or revoked.”

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<sup>1</sup> Respondent requested and received permission to appear at the hearing by telephone.

.Baeza may obtain general information on Commission proceedings by calling the Commission's Public Advisor at 213/576-7055.

### **Schedule**

At the PHC, the following schedule was discussed.<sup>2</sup> Baeza is advised that if he fails to serve <sup>3</sup> the written testimony at the time outlined below, he will be deemed to have waived the opportunity to present his affirmative case at the hearing. If either Baeza or CSD have witnesses whose direct testimony will be

limited to 10 minutes (or less) in length, they may list those witnesses and a brief but full summary at the end of the written testimony. In order for this testimony to be admitted, these witnesses will have to be present to testify at the evidentiary hearings. CSD and Baeza shall also list their witnesses at the end of the written testimony.

Baeza and the Consumer Services Division (CSD) must advise ALJ Econome in writing as to whether they plan to cross-examine witnesses at the

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<sup>2</sup> To the extent the dates in this ruling differ from those stated in the transcript, the dates in this ruling govern.

<sup>3</sup> "Served" in this case means mailing a copy of the proposed testimony to each person on the service list which is attached to this ruling as Appendix A. CSD and Baeza must each retain the original and two copies of the testimony that they sponsor and bring it to the hearing.

hearing and include their time estimates for cross-examination (and which witnesses they plan to cross-examine) no later than the date indicated in the following schedule.

<b>Date</b>	<b>Event</b>
Friday, August 31, 2001	CSD shall serve supplemental testimony.
Friday, September 14, 2001	Baeza shall serve testimony addressing the allegations and evidence advanced by CSD in the OII and related investigative report and attachments, as well as any supplemental testimony CSD may serve on August 31.
Friday, September 28, 2001	CSD serves reply testimony.
Thursday, October 4, 2001	<p>(1) CSD and Baeza shall contact ALJ Econome in writing no later than 5:00 p.m. on October 4 to inform her whether or not they will be conducting cross-examination at the evidentiary hearings and if so, to give her a time estimate for cross-examination for each witness. (See also Ordering Paragraph 5 of the OII.) ALJ Econome's fax number is 415/703-1723, and her email address is <a href="mailto:jjj@cpuc.ca.gov">jjj@cpuc.ca.gov</a>.</p> <p>(2) Last day for Baeza to notify ALJ Econome in writing if he elects to participate in the 10/5/01 PHC by telephone and to obtain a call-in number.</p>
Friday, October 5, 2001, commencing at 10:00 a.m.	PHC at the Commission's Courtroom, 505 Van Ness Avenue, San Francisco, California
Wednesday, October 10 through Friday, October 12 (if necessary), commencing at 9:30 a.m.	<p>Evidentiary hearings at the Commission's Courtroom, California Public Utilities Commission, 320 West 4<sup>th</sup> Street, Los Angeles, CA</p> <p>Hearings on Oct 10 and 12 to be held in Suite 500; hearing on Oct. 11 to be held on 5<sup>th</sup> Floor.</p>

Friday, October 26, 2001	Parties file and serve opening briefs.
Monday, November 5, 2001	Parties file and serve reply briefs.
No later than Friday, January 4, 2002	Presiding Officer's Decision due

Our goal is to resolve this case as soon as possible, and we anticipate that the resolution will not exceed 12 months from the date of filing the investigation, pursuant to Pub. Util. Code § 1701.2(d).<sup>4</sup>

**Scope of the Proceeding**

The OII and accompanying investigative report of James H. Badgett, including attachments A through R, set forth the detailed allegations against Baeza. The scope of the proceeding is framed by the OII and accompanying report.

**Category of Proceeding**

The OII categorized this investigation as an adjudicatory proceeding and stated that hearings were necessary.<sup>5</sup>

**Presiding Officer**

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

**Service List**

The service list for this proceeding is attached to this Scoping Memo as Appendix A. Parties are required to serve all pleadings, testimony, etc. on the Appearances and State Service categories, and may, but are not required, to serve

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<sup>4</sup> 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.

<sup>5</sup> Specifically, the OII states that absent a settlement between staff and the respondent (Baeza), the matter will be set for evidentiary hearing. The OII also states that a hearing may also be held on any settlement for the purpose of enabling parties to justify that it is in the public interest or to answer the ALJ's questions about the settlement.

such documents on the Information Only list. Persons designated as Information Only do not have status to appeal a Commission decision.

**Communications With Decisionmakers (Ex Parte Communications)**

Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this investigation. For example, a party or any other person who has a financial interest in this proceeding is prohibited from speaking with a decisionmaker on a substantive issue in this case. (*See* Pub. Util. Code §§ 1701.1, 1701.2 and Rules 5 and 7 of the Commission's Rules of Practice and Procedure for specific rules on ex parte communications.)

**IT IS RULED** that:

1. The schedule and issues to be addressed are set forth in this Scoping Memo, unless subsequently modified by Assigned Commissioner or Assigned Administrative Law Judge (ALJ) directive.
2. If respondent Baeza fails to serve testimony before or at the time designated in the schedule set forth above, he will have waived the right to present an affirmative case at the evidentiary hearings.
3. ALJ Econome is the presiding officer in this investigation.
4. The service list for this proceeding is attached as Appendix A.
5. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.

Dated August 24, 2001, at San Francisco, California.

/s/ GEOFFREY BROWN  
Geoffrey F. Brown  
Assigned Commissioner

/s/ JANET A. ECONOME  
Janet A. Econome  
Administrative Law Judge



\*\*\*\*\* APPEARANCES \*\*\*\*\*

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**End of Appendix A  
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 all parties of record in this proceeding or their attorneys of record.

Dated August 24, 2001, at San Francisco, California.

/s/ JEANNIE Y. CHANG  
Jeannie Y. Chang

**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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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.

I.01-06-021 GFB/JJ/jyc