



FILED
05/03/21
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of James Hankins, an individual, d/b/a Hankins Information Technology, for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis.

Application 21-02-009

ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING

This Scoping Memo and Ruling sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities Code Section 1701.1. and Article 7 of the Commission's Rules of Practice and Procedure (Rules).

1. Procedural Background

On February 5, 2021, James Hankins, an individual, d/b/a Hankins Information Technology (Hankins IT or Applicant), a sole proprietorship located in California, filed an application requesting a Certificate of Public Convenience

and Necessity (CPCN) to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis. No parties protested the application.

On March 4, 2021, Hankins IT amended its application, requesting designation as an Eligible Telecommunications Carrier (ETC) for certain census blocks within the area for which it is seeking CPCN. Hankins IT also filed a revised Exhibit E (financial showing), as well as a motion to file the revised Exhibit E under seal.

On March 18, 2021, the assigned Administrative Law Judge (ALJ) issued a ruling requiring Hankins IT to file and serve additional information by April 1, 2021. Thereafter, the ALJ issued a ruling requiring Hankins IT to file and serve additional financial information by June 1, 2021.

A prehearing conference (PHC) was held on March 25, 2021 to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. Only the Applicant appeared at the PHC. During the PHC, the assigned ALJ ruled that Hankins IT's request for designation as an ETC shall be addressed in the current proceeding rather than requiring Hankins IT to separately submit the request to the Communications Division through the normal Advice Letter process.

After considering the Application and discussion at the PHC, I have determined the issues and initial schedule of the proceeding to be as set forth in this scoping memo.

2. Issues

The issues to be determined or otherwise considered are:

1. Whether Hankins IT's request for a CPCN to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis meets all California Public Utilities Commission (Commission) statutory and regulatory requirements;
2. Whether Hankins IT's request for a CPCN complies with the California Environmental Quality Act (CEQA) requirements;
3. Whether Hankins IT's request for ETC status meets all Commission requirements;
4. The impact of Hankins IT's proposed operations on environmental and social justice communities, including the extent to which the proposed operations would impact achievement of any of the nine goals of the Commission's Environmental and Social Justice Action Plan; and
5. Whether Hankins IT plans to offer services on a non-discriminatory basis and at competitive rates through individual case basis contracts.

3. Need for Evidentiary Hearing

There are no issues of material disputed fact. Accordingly, I change the preliminary determination in Resolution ALJ 176-3480 that hearing was necessary and find that evidentiary hearing is not needed.

4. Oral Argument

Unless comment is waived pursuant to Rule 14.6(c)(2) for granting the uncontested relief requested, motion for oral argument shall be served and filed by no later than the time for filing comment on the proposed decision.

5. Schedule

This matter will stand submitted upon the filing of financial information due by June 1, 2021, unless the ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 18 months as required by Public Utilities Code Section 1701.5.

6. Category of Proceeding and Ex Parte Restrictions

This ruling confirms the Commission's preliminary determination¹ that this is a ratesetting proceeding. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Rules.

7. Public Outreach

Pursuant to Public Utilities Code Section 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on communities and business that subscribe to it and posted on the Commission's website.

8. Intervenor Compensation

Pursuant to Public Utilities Code Section 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by April 26, 2021, the first business day that is at least 30 days after the PHC.

9. Response to Public Comments

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the

¹ Resolution ALJ 176-3480 at page 1.

“Add Public Comment” button on the “Public Comment” tab of the online docket card for the proceeding.

10. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission’s procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission’s Public Advisor at 866-849-8390 or 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

11. Filing, Service, and Service List

The official service list has been created and is on the Commission’s website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission’s Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission’s website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents. Rule 1.10 notwithstanding, parties are directed to serve the ALJ only electronic copies of any filed or served documents. Parties shall not provide the ALJ with paper copies of any documents unless specifically instructed to do so.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide

electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

12. Assignment of Proceeding

Martha Guzman Aceves is the assigned Commissioner and Joanna Gubman is the assigned ALJ and designated presiding officer for the proceeding.

IT IS RULED that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearing is not needed.
4. The category of the proceeding is ratesetting.
5. The presiding officer is Administrative Law Judge Joanna Gubman.

This order is effective today.

Dated May 3, 2021, at San Francisco, California.

/s/ MARTHA GUZMAN ACEVES

Martha Guzman Aceves
Assigned Commissioner