



COM/GSH/nd3 11/24/2021

**FILED**  
11/24/21  
11:16 AM

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

Application of Teliix, Inc. For a Certificate of Public Convenience and Necessity to Operate as a Provider of Resold or Limited Facilities-Based Local Exchange and Resold Interexchange Service within the State of California.

Application 21-05-015

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

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

**1. Procedural Background**

On May 20, 2021, Teliix, Inc. (Teliix) filed this instant Application with the California Public Utilities Commission (Commission) for a certificate of public convenience and necessity (CPCN) to operate as a provider of resold and/or limited facilities-based local exchange, and resold interexchange service within the state of California. The Application appeared on the Commission's public Calendar on May 24, 2021. No protests to the Application have been received by the Commission.

On July 22, 2021, the Administrative Law Judge (ALJ) issued a Ruling (ALJ's Ruling) directing Teliix to clarify the territories where it intends to operate; explain the relationship between Teliix and Leap Telecom, LLC, a

registrant with the commission and holder of commission's (U-1784-C) certificate; and clarify its Sworn Verification included with the application in light of Teliix's post-filing "investigatory record" with the Federal Communications Commission. On August 9, 2021, Teliix's filed its Response to the ALJ's Ruling, providing the requested information and/or clarifications.

A prehearing conference (PHC) was held on August 30, 2021, to address issues of law and fact in the proceeding, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary. After considering the Application and supporting documents filed with the Application; the response to the ALJ's Ruling and discussion at the PHC, I determine that the issues and initial schedule for the proceeding are as set forth in this Scoping Memo below.

## **2. Issues**

The issues to be determined or otherwise considered are:

1. Whether Teliix meets all of the Commission's requirements for certification as a competitive local exchange carrier such that it should be granted a CPCN to provide Resold and Limited Facilities-Based Local Exchange, and Resold Interexchange Service within the State of California;
2. Whether Teliix's request complies with the California Environmental Quality Act requirements;
3. Whether Teliix's requests in this Application raises any environmental or social justice issues; and
4. Whether Teliix plans to offer its services on a non-discriminatory and individual contract basis to its customers.

## **3. Need for Evidentiary Hearing**

In Resolution (Res.) ALJ 176-3487, this Commission preliminarily determined that evidentiary hearings were necessary. There are no issues of

material disputed fact. Accordingly, I change the preliminary determination and find that evidentiary hearing is not needed.

#### **4. Schedule**

The schedule adopted here may be modified by the ALJ as required to promote the efficient and fair resolution of the Application.

This matter will be deemed submitted upon the ALJ's review of the record and determination that there is no additional information or argument required. If a need for additional information arises, a ruling will be issued by the ALJ, identifying the additional information required, and when the information must be submitted.

Based on this schedule, the proceeding will be resolved within 18 months as required by Pub. Util. Section 1701.5. The proposed decision is expected to be filed no later than 90 days from the Submission Date for public review and comment pursuant to Pub. Util. Section 311(d) except that, if the proposed decision grants an uncontested requested relief, public review and comment shall be waived pursuant to Rule 14.6(c)(2).

#### **5. Category of Proceeding and *Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination<sup>1</sup> that this is a ratesetting proceeding. Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Rules.

#### **6. Public Outreach**

Pursuant to Pub. Util. Section 1711(a), I hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it

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<sup>1</sup> Res. ALJ 176-3487 at 2.

in the Commission's monthly newsletter that is served on communities and business that subscribe to it and posted on the Commission's website.

## **7. Intervenor Compensation**

Pursuant to Pub. Util. 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 September 30, 2021, 30 days after the PHC.

## **8. 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 "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

## **9. 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 1-866-849-8390 or 1-866-836-7825 (TTY), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **10. 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.

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](mailto:process_office@cpuc.ca.gov) to request addition to the “Information Only” category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission’s subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

## **11. Receiving Electronic Service from the Commission**

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission proceedings to ensure their ability to receive e-mails from the Commission. Please add “@cpuc.ca.gov” to your e-mail safe sender list and update your e-mail screening practices, settings and filters to ensure receipt of e-mails from the Commission.

## **12. Assignment of Proceeding**

Genevieve Shiroma is the assigned Commissioner and Adeniyi A. Ayoade is the assigned ALJ 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.

This order is effective today.

Dated November 24, 2021, at San Francisco, California.

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma  
Assigned Commissioner