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A2109009

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Quality Voice & Data
Inc. for Registration as an Interexchange
Carrier Telephone Corporation
Pursuant to the Provisions of Public
Utilities Code Section 1013.

Application 21-09-009

**ASSIGNED COMMISSIONER AND
ASSIGNED ADMINISTRATIVE LAW JUDGE
ORDER OF DISMISSAL OF ORDER TO SHOW CAUSE**

On September 9, 2021, Quality Voice & Data, Inc. (Respondent) filed Application 21-09-009 (Application), requesting approval for registration as an interexchange carrier telephone corporation pursuant to Public Utilities (Pub. Util.) Code Section (§) 1013. After reviewing Respondent's Application, the Commission converted the Application to one seeking a certificate of public convenience and necessity (CPCN) pursuant to Pub. Util. Code § 1001, because Respondent did not meet the requirements to register with the Commission pursuant to Pub. Util. Code § 1013.

On December 19, 2022, the assigned Commissioner and assigned Administrative Law Judge (ALJ) issued a Ruling directing Respondent to show cause why Respondent should not be found in contempt, fined, or penalized for failing to comply with Pub. Util. Code §§1001 and 2113, as well as Rule 1.1¹ of the Commission's Rules of Practice and Procedure (Rule). On January 9, 2023, Respondent filed a verified statement in response to the December 19, 2022,

¹ Unless otherwise indicated, all references to Rules are to the Commission's Rules of Practice and Procedure.

Order to Show Cause (OSC) Ruling in support of its position that the OSC proceeding should be dismissed. On January 10, 2023, an OSC Evidentiary Hearing was held.

At the OSC Hearing, Respondent denied the allegation that it unlawfully began operating as a telephone corporation in California prior to obtaining authority from the Commission to do so and reasserted its contention that the OSC proceeding should be dismissed. Specifically, Respondent argued that any commencement on its part of nomadic interconnected Voice over internet protocol (VoIP) service in California prior to obtaining operating authority did not violate any (current) law or rule, decision, or order of the Commission. Respondent concluded that for this reason, amongst others, it could not be found in contempt or violation of Rule 1.1.

On January 17, 2023, Respondent filed a Declaration from Katherine Barker Marshall (Baker), Counsel to the Respondent, in support of its position that the OSC proceeding should be dismissed. In the Declaration from Respondent, Baker declared, "I prepared the non-dominant inter exchange carrier (NDIEC) application in consultation with the Company, noting on the application form that the Company would provide interconnected VoIP services, as the form did not have 'interconnected VoIP' as an option. I do not recall why we included a start date of September 1, 2021, on the NDIEC application. The date was never updated when the filing was made approximately a week later. This was a complete oversight and inadvertent mistake, not intended to deceive the Commission of the Company's activities."²

² Declaration in Response to ALJ Ruling in Response to ALJ's Ruling Inviting Applicant to File an Affidavit or Other Pleading at 3-4. January 17, 2023.

We are in agreement with the Respondent's contentions that it did not violate any (current) law or rule, decision, or order of the Commission and therefore should not be found in contempt or violation of Rule 1.1. Therefore, upon the written and unopposed request of Respondent, the OSC proceeding is dismissed pursuant to Pub. Util. Code §308 and Rule 4.5, effective today.

The Order to Show Cause proceeding is closed.

Dated February 6, 2023, at San Francisco, California.

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma
Assigned Commissioner

/s/ MARGERY L MELVIN

Margery L. Melvin
Administrative Law Judge