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06/08/23

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

11:41 AM

A2202020

Application of Dagobah Systems, Inc.
dba Dagobah Communications
Systems, Inc. for Registration as an
Interexchange Carrier Telephone
Corporation pursuant to the
Provisions of Public Utilities
Code Section 1013.

Application 22-02-020

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 (Pub. Util.) Code Section 1001 and Article 7 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

1. Procedural Background

On February 28, 2022, Dagobah Systems, Inc. (Applicant or Dagobah) filed Application (A.) 22-02-020 for Registration as an Interexchange Carrier Telephone Corporation pursuant to Pub. Util. Code Section 1013 with the Commission. On review, the Commission determined that the application should be treated as an application for a certificate of public convenience and necessity (CPCN) under Pub. Util. Code Section 1001.

On April 15, 2022, the Consumer Protection and Enforcement Division (CPED) filed a Protest to the Application. On April 25, 2022, Dagobah filed its Reply.

On June 14, 2022, a prehearing conference (PHC) was held. At the PHC, the parties expressed that they reached an agreement regarding the issues raised in CPED's Protest to the Application. On June 28, 2022, the parties filed a Joint Motion for Commission Adoption of Settlement Agreement. On July 7, 2022, the assigned Administrative Law Judge (ALJ) issued an e-mail ruling setting a second PHC for August 5, 2022.

On August 3, 2022, the assigned ALJ issued an e-mail ruling directing the Applicant to file additional information regarding the Applicant's financial fitness. On August 5, 2022, counsel for the CPED appeared at the PHC but no representative for the Applicant appeared. On August 8, 2022, the assigned ALJ issued an e-mail ruling directing the Applicant to provide an explanation for the Applicant's non-appearance at the August 5, 2022, PHC. The assigned ALJ found the Applicant's explanation for non-appearance excusable and scheduled a third PHC for September 20, 2022.

A third PHC was held on September 20, 2022, 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.

On January 23, 2023, February 6, 2023, and February 13, 2023, the assigned ALJ issued rulings requesting additional information on the type of services the Applicant would be providing should the Applicant require a CPCN. On February 27, 2023, the Applicant sent a procedural email to the service list requesting additional time to file its response to the assigned ALJ's January 23, 2023, February 6, 2023, and February 13, 2023, rulings. On February 27, 2023, the assigned ALJ issued a ruling granting the Applicant until March 3, 2023, to file a response to the assigned ALJ's rulings. On March 3, 2023, the Applicant

provided a response to the ALJ's January 23, 2023, February 6, 2023, and February 13, 2023, rulings.

Having received no response from the Applicant to the August 3, 2023, ruling, the assigned ALJ issued a second ruling requesting a response from the Applicant on April 26, 2023.

2. Issues

After considering the Application and discussion at the PHC, the following issues to be considered are:

- a. Whether the Applicant requires a Certificate of Public Convenience and Necessity (CPCN), and if so, does it meet all Commission requirements.
- b. Is the proposed Settlement Agreement between the Applicant and CPED reasonable in light of the whole record, consistent with the law, and in the public interest?
- c. Does this proceeding impact any of the nine goals of the Commission's Environmental and Social Justice Action Plan?

3. Need for Evidentiary Hearing

There are no issues of material disputed fact. Accordingly, no evidentiary hearing is needed.

4. Schedule

This matter is submitted. The proposed decision is expected to be filed no later than 90 days from the date of submission for public review and comment per Pub. Util. Code Section 311(d), except that, if it grants the uncontested requested relief, public review and comment shall be waived per Rule 14.6(c)(2). The assigned ALJ or Commissioner may revise the schedule as needed.

**5. 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.

Anyone who disagrees with this categorization must file an appeal of the categorization no later than 10 days after the date of this ruling (*See* Rule 7.6).

6. Public Outreach

Pursuant to Pub. Util. Code Section 1711(a), 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.

7. 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.

8. 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.

¹ ALJ Resolution 176-3505.

9. 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 1.4².

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 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

² The form to request additions and changes to the Service list may be found at <https://www.cpsc.ca.gov/-/media/cpsc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>

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.

10. 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.

11. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Margery L. Melvin is the assigned ALJ in this 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. This matter is submitted.

This order is effective today.

Dated June 8, 2023, at San Francisco, California.

/s/ JOHN REYNOLDS

John Reynolds
Assigned Commissioner