

ALJ/TJG/jds 12/19/2023



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12/19/23

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A2303003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Bell Telephone Company d/b/a/ AT&T California (U1001C) for Targeted Relief from its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations.

Application 23-03-003

ADMINISTRATIVE LAW JUDGE'S RULING SETTING EVIDENTIARY HEARING, REVISING THE PROCEEDING SCHEDULE AND RELATED MATTERS

This ruling dismisses the joint motion to amend the schedule filed on December 1, 2023 by the Public Advocates Office at the California Public Utilities Commission, The Utility Reform Network, the Center for Accessible Technology, and the Rural County Representatives of California. This ruling revises the schedule for this proceeding, notices the in-person evidentiary hearing and remote status conferences, and provides additional instructions to parties.

1. Intervenor's Motion to Amend Schedule

On December 1, 2023, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), The Utility Reform Network (TURN), the Center for Accessible Technology (CforAT), and the Rural County Representatives of California (RCRC) (collectively "Joint Intervenors") jointly filed a motion to amend the schedule ("Joint Motion"). Joint Intervenors request an extension of the deadlines to file and serve their Testimony, from January 19, 2024 to March 11, 2024, and an extension of the deadline for the Applicant to file and serve its Rebuttal Testimony, from February 2, 2024 to

March 25, 2024. Joint Intervenors also request adjustments to the dates of the public participation hearings, and the evidentiary hearing. Joint Intervenors assert the amount of time allowed for in the Assigned Commissioner's Scoping Memo and Ruling does not allow for the meaningful review and discovery that is necessary to inform Joint Intervenors' Testimony. Additionally, Joint Intervenors request accommodation for the scheduled unavailability of one expert witness.

2. Response of AT&T California

On December 5, 2023, AT&T California filed a response in opposition to the Joint Motion. AT&T California argues that the Assigned Commissioner's Scoping Memo and Ruling allows Joint Intervenors ample time to prepare testimony. Additionally, AT&T California contends that Joint Intervenors have had a significant amount of time to review its Application and supporting materials. AT&T California counters that it would "agree to" a one-week extension of the two filing deadlines, but it opposes any further delay to other dates and deadlines on the schedule established in the Assigned Commissioner's Scoping Memo and Ruling.

3. Joint Intervenors' Alternate Proposal

In a reply filed and served on December 11, 2023, Joint Intervenors propose an alternate schedule, where the deadline for Joint Intervenors' Testimony would be February 19, 2024, and the deadline for Applicant's Rebuttal Testimony would be March 4, 2024. Joint Intervenors do not support this proposal, asserting it would impair severely their ability to submit meaningful direct testimony.

Joint Intervenors assert they need at least six weeks of uninterrupted time to review Applicant's opening testimony, issue additional discovery requests,

provide Applicant with the customary ten business days (two calendar weeks) to respond to data requests, review AT&T's responses to discovery, and draft and finalize prepared direct testimony. Joint Intervenors also assert the six-week timeframe is optimistic and assumes no discovery disputes.¹

4. Revised Schedule

This ruling denies the Joint Motion. The requested seven-week extension and other proposed modifications to the timing of public participation and evidentiary hearings would impact the schedule in a significant manner, reducing the ability to complete the proceeding in 18 months. A seven-week delay also will impact the schedules of other proceedings managed by the assigned Administrative Law Judge.

However, the additional one-week extension AT&T would "agree to" does not appear to provide sufficient time for Joint Intervenors to prepare their case.

The Assigned Commissioner's Scoping Memo and Ruling authorizes the assigned Administrative Law Judge (ALJ) to amend the proceeding schedule.² A shorter extension of roughly three weeks should not impact the schedule of this proceeding, while still providing more time for Joint Intervenors to prepare their case and accommodate the scheduled unavailability. The one-week extension AT&T California states it would "agree to" provides virtually no relief. Thus, this ruling extends the filing deadlines for Intervenors' Testimony and Applicant's Rebuttal Testimony and revises the schedule as outlined below.

¹ *Joint Reply of the Public Advocates Office, The Utility Reform Network, the Center for Accessible Technology, and the Rural County Representatives of California in Support of Motion to Amend the Procedural Schedule*, filed December 11, 2023, at 2.

² *Assigned Commissioner's Scoping Memo and Ruling*, issued November 21, 2023, at 4.

Event	Date(s)
Applicant's Opening Testimony, filed and served	December 19, 2023 (date not changed from Scoping Memo)
Status Conference	January 10, 2024
Public Participation Hearings	February 6, February 22, March 14, and March 19 (dates not changed from ruling issued on December 4, 2024)
Intervenors' Testimony, filed and served	February 29, 2024
Applicant's Rebuttal Testimony, filed and served	March 14, 2024
Draft Witness Lists, filed and served	March 26, 2024
Joint Statement on Stipulations and Disputed Material Facts (if any exist), filed and served	March 26, 2024
Parties' Joint Proposed Schedule for Evidentiary Hearing, filed and served	March 29, 2024
Status Conference	April 2, 2024
Final Exhibits, served	April 15, 2024
Deadline for Pre-Hearing Motions	April 15, 2024
Status Conference	April 19, 2024
Evidentiary Hearing	April 23-25, 2024
Opening Briefs, filed and served	May 24, 2024
Reply Briefs, filed and served (matter submitted)	June 17, 2024
Proposed Decision, issued	September 2024

Parties should note that a significant focus of the January 10, 2014 status conference is to receive an update on discovery requests.

5. Evidentiary Hearing

An in-person evidentiary hearing is scheduled for April 23 through April 25, 2024. The evidentiary hearing shall take place in a Commission hearing room at 505 Van Ness Avenue, San Francisco, CA 94102.

The evidentiary hearing will begin each day at 10:00 a.m., unless otherwise announced. Parties shall closely monitor emails and other communications related to this proceeding leading into and during the evidentiary hearing period, to ensure awareness of schedule changes and other issues that may arise.

All party representatives and the witnesses for each day of evidentiary hearing shall be present at the hearing room no later than 30 minutes prior to the start of each day of hearing to address any procedural issues, including the pre-marking of exhibits. Additionally, cross-examination will end at 4:00 p.m. each day, to allow for tracking and entering exhibits into the record, and any discussion about procedural matters.

Additional instructions on exhibits, witness lists and other information shall be provided in a subsequent ruling and discussed at status conferences.

6. January 10, 2024 Status Conference

A remote status conference is scheduled for January 10, 2024 at 2:00 p.m. The purpose of the status conference is to discuss any outstanding disputes that have arisen but not yet been raised with the assigned ALJ, as well as other preparation for the evidentiary hearing. Below is the information for parties to participate:

- WebEx meeting URL:

<https://cpuc.webex.com/cpuc/j.php?MTID=m2f4fa4bbc5d94062347922ef5c38884e>

- Meeting number (access code): 2495 873 6957
- Meeting password: EkGDgZHi239
- Telephone number: 1-855-282-6330,,24958736957## (US Toll Free)

7. April 2, 2024 Status Conference

A remote status conference is scheduled for April 2, 2024 at 11:00 a.m. The purpose of the status conference is to discuss any outstanding disputes that have arisen but not yet been raised with the assigned ALJ, as well as other preparation for the evidentiary hearing, including recent filings. Below is the information for parties to participate:

- WebEx meeting URL:

<https://cpuc.webex.com/cpuc/j.php?MTID=m494821ca210920b91ab56cf090073e8f>

- Meeting number (access code): 2493 871 9775
- Meeting password: EwPmAeyx384
- Telephone number: 1-855-282-6330,,24938719775## (US Toll Free)

8. April 19, 2024 Status Conference

A remote status conference is scheduled for April 19, 2024 at 2:00 p.m. The purpose of the status conference is to discuss any final preparations for the evidentiary hearing. Below is the information for parties to participate:

- WebEx URL:

<https://cpuc.webex.com/cpuc/j.php?MTID=m57e9f26cac2945c74c97d6fbbaced897>

- Meeting number (access code): 2487 638 9462
- Meeting password: MZmiRqGG542
- Telephone number: 1-855-282-6330,,24876389462## (US Toll Free)

9. Instructions for Parties

Parties shall meet and confer to prepare the following items:

- A combined draft witness list;
- A proposed schedule for the evidentiary hearing; and

- A joint statement on stipulations and disputed material facts (if any exist).

Applicant shall be responsible for organizing the meet and confer sessions in manner that allows for the participation of all parties, drafting documents that result from the meetings, and filing and serving the documents by the deadlines required in the revised adopted schedule contained in Section 4.

IT IS RULED that:

1. The joint motion to amend the schedule, filed on December 1, 2023 by the Public Advocates Office at the California Public Utilities Commission (Cal Advocates), The Utility Reform Network (TURN), the Center for Accessible Technology (CforAT), and the Rural County Representatives of California (RCRC) (collectively “Joint Intervenors”), is denied.
2. Notice is given of the evidentiary hearing in this proceeding, which shall take place from April 23, 2024 through April 25, 2024.
3. The schedule in this proceeding is revised as set forth in Section 4 and is adopted.
4. Notice is given that status conferences in this proceeding shall be held on January 10, 2024, April 2, 2024, and April 19, 2024.

Dated December 19, 2023, at San Francisco, California.

/s/ THOMAS J. GLEGOLA
Thomas J. Glegola
Administrative Law Judge