



**FILED**

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

4/2/24

01:10 PM

K2306021

Appeal of Frontier California Inc. (U1002C), Citizens Telecommunications Company of California Inc. (U1024C), Frontier Communications of the Southwest Inc. (U1026C), Frontier Communications of America Inc. (U5429C), and Frontier Communications Online and Long-Distance Inc. (U7167C) from Resolution T-17734 Penalty Assessment issued on June 1, 2023 in the amount of \$330,000 issued on June 8, 2023 by the California Public Utilities Commission's CD Staff.

K.23-06-021

**ADMINISTRATIVE LAW JUDGE'S NOTICE OF EX PARTE COMMUNICATION**

Pursuant to Rule 8.4 of the Commission's Rules of Practice and Procedure, the assigned Administrative Law Judge (ALJ) Kelly, the decision maker in this proceeding hereby files this notice of an ex parte communication. On March 27, 2024, Mr. Roderick Hill, a party in this proceeding sent the Service List in this matter an email. The email was sent after hours and the assigned ALJ did not see the email until March 28, 2024.

The assigned ALJ read the first two lines of the email and stopped reading it as he suspected that the communication was possibly an ex parte communication. The email in question was included in the record of this proceeding via an email ruling issued by the assigned ALJ on

March 30, 2024. This Notice of Ex Parte Communication is being issued out of an abundance of caution.

Parties are reminded to ensure that they are aware of the relevant rules concerning the Commission's rules against ex parte communications.

Dated April 2, 2024, at San Francisco, California.

/s/ GERALD F. KELLY  
Gerald F. Kelly  
Administrative Law Judge

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**From:** Kelly, Gerald F.  
**Sent:** Saturday, March 30, 2024 1:33 PM  
**To:** [mdt@cpuc.ca.gov](mailto:mdt@cpuc.ca.gov) <[mdt@cpuc.ca.gov](mailto:mdt@cpuc.ca.gov)>; [Sarah@BRBlawgroup.com](mailto:Sarah@BRBlawgroup.com) <[Sarah@BRBlawgroup.com](mailto:Sarah@BRBlawgroup.com)>; [Darren@BRBLawGroup.com](mailto:Darren@BRBLawGroup.com) <[Darren@BRBLawGroup.com](mailto:Darren@BRBLawGroup.com)>; [John.Cullina@FTR.com](mailto:John.Cullina@FTR.com) <[John.Cullina@FTR.com](mailto:John.Cullina@FTR.com)>; [gk1@cpuc.ca.gov](mailto:gk1@cpuc.ca.gov) <[gk1@cpuc.ca.gov](mailto:gk1@cpuc.ca.gov)>; [lct@cpuc.ca.gov](mailto:lct@cpuc.ca.gov) <[lct@cpuc.ca.gov](mailto:lct@cpuc.ca.gov)>; [llt@cpuc.ca.gov](mailto:llt@cpuc.ca.gov) <[llt@cpuc.ca.gov](mailto:llt@cpuc.ca.gov)>; [rhi@cpuc.ca.gov](mailto:rhi@cpuc.ca.gov) <[rhi@cpuc.ca.gov](mailto:rhi@cpuc.ca.gov)>; [Patrick@BRBlawGroup.com](mailto:Patrick@BRBlawGroup.com) <[Patrick@BRBlawGroup.com](mailto:Patrick@BRBlawGroup.com)>; [Jenny.Smith@FTR.com](mailto:Jenny.Smith@FTR.com) <[Jenny.Smith@FTR.com](mailto:Jenny.Smith@FTR.com)>  
**Cc:** ALJ\_Support ID <[alj\\_supportid@cpuc.ca.gov](mailto:alj_supportid@cpuc.ca.gov)>; ALJ Docket Office <[ALJ\\_Docket\\_Office@cpuc.ca.gov](mailto:ALJ_Docket_Office@cpuc.ca.gov)>; ALJ Process <[alj\\_process@cpuc.ca.gov](mailto:alj_process@cpuc.ca.gov)>  
**Subject:** K.23-06-021 Email Ruling to Include an Email into the Record

I issue this email ruling in K.23-06-021 to include the email from Communication Division's attorney Roderick Hill into the record.

The Docket Office shall officially file this email ruling.

**Gerald F. Kelly**  
Administrative Law Judge  
California Public Utilities Commission – Los Angeles Office  
[Gerald.kelly@cpuc.ca.gov](mailto:Gerald.kelly@cpuc.ca.gov)  
415.355.5506

Notice: This communication may contain confidential and/or legally privileged information for the use of the intended recipient(s). Unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

**From:** Hill, Roderick <[Roderick.Hill@cpuc.ca.gov](mailto:Roderick.Hill@cpuc.ca.gov)>  
**Sent:** Wednesday, March 27, 2024 6:17 PM  
**To:** Kelly, Gerald F. <[Gerald.Kelly@cpuc.ca.gov](mailto:Gerald.Kelly@cpuc.ca.gov)>  
**Cc:** Delaporta, Megan <[Megan.Delaporta@cpuc.ca.gov](mailto:Megan.Delaporta@cpuc.ca.gov)>; Darren Lee <[darren@brblawgroup.com](mailto:darren@brblawgroup.com)>; [John.Cullina@FTR.com](mailto:John.Cullina@FTR.com); Tano, Liza C. <[Liza.Tano@cpuc.ca.gov](mailto:Liza.Tano@cpuc.ca.gov)>; Tan-Walsh, Llela <[llela.tan-walsh@cpuc.ca.gov](mailto:llela.tan-walsh@cpuc.ca.gov)>; Hill, Roderick <[Roderick.Hill@cpuc.ca.gov](mailto:Roderick.Hill@cpuc.ca.gov)>; Patrick Rosvall <[patrick@brblawgroup.com](mailto:patrick@brblawgroup.com)>; [Jenny.Smith@FTR.com](mailto:Jenny.Smith@FTR.com); [Sarah@BRBLawGroup.com](mailto:Sarah@BRBLawGroup.com)  
**Subject:** RE: [EXTERNAL] K.23-06-021 Frontier et al Reply in Support of Motion to Compel

Dear Judge Kelly, I must respond to Ms. Banola's allegations, supported by a signed declaration, that I misled the Court regarding "material facts" about the meet and confer process in this matter.

Much of her affidavit involves a phone call that I took from Ms. Banola while I was travelling to my San Francisco office.

Recalling the brief call, and in response to Ms. Banola's allegations of false statements, I informed her (as San Francisco traffic was speeding by) that the facts regarding the meet and confer process contained in CD's Response to the Motion were accurate and supported by Appellants own Exhibit 3 attached to its Motion to Compel.

I still count three meet and confer emails I sent to her; the first on March 14, 2024, where I offered to call her per her email request of March 13, 2024; and two emails from March 15, 2024.

I also informed her on the call that CD's position regarding its responses to the DR's has remained consistent throughout, as seen in the emails mentioned above in Appellants' Exhibit 3 and in CD's response to the motion.

Ms. Banola's rebuttable and incomplete declaration should be disregarded. I would be happy to appear at a hearing on this matter if you have any further questions or concerns. Thank you.

Very Truly Yours,

Roderick D. Hill | Staff Counsel | California Public Utilities Commission  
505 Van Ness Avenue, SF, CA 94102 | W: 415.703.4478

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