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FILED

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

12 PM

A2408010

Application of PAETEC iTEL, LLC for authorization to obtain a Certificate of Public Necessity and Convenience as a Telephone Corporation pursuant to the provisions of the Public Utilities Code Section 1001.

Application 24-08-010

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 California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules).

1. Procedural Background

On August 22, 2024, PAETEC iTEL, L.L.C. (PAETEC iTEL or Applicant) filed an application to obtain a Certificate of Public Necessity and Convenience (CPCN) to operate as a telephone corporation pursuant to Pub. Util. Code Section 1001. Applicant proposed to operate as a "resold-based carrier" providing statewide service in the State of California.¹

On September 25, 2024, the Administrative Law Judge (ALJ) issued a Ruling requesting additional information about the type of communication service the Applicant intends to offer. On October 3, 2024, Applicant responded

¹ Application at Box-4 and 5.

that it intended to operate as a non-facilities-based provider of both nomadic and fixed interconnected Voice over Internet Protocol (VoIP) service in the State of California.

On October 15, the ALJ issued a Ruling (October 15 Ruling) directing Applicant to file an amended application and submit the outstanding information needed to evaluate its application to obtain a CPCN. On November 18, 2024, a second Ruling issued directing the Applicant to file an Amended Application conforming to the requirements for a CPCN application pursuant to Pub. Util. Code Section 1001, Decision (D.) 13-05-035, Attachment A, and D.95-12-056. The second Ruling reiterated that the application's deficiencies were listed in the Discussion section of the October 15 Ruling. On November 12, 2024, Applicant late-filed an Amended Application, responding to the list of deficiencies noted in the October 15 Ruling.

A prehearing conference (PHC) was held on February 7, 2025, 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. Following the PHC, I have determined the issues and initial schedule of the proceeding to be set forth in this scoping memo. I have also determined that no environmental and social justice issues have been raised at this time.

2. Issues

The issue to be determined or otherwise considered is whether PAETEC iTEL meets all the Commission requirements, including but not limited to financial, technical, and California Environmental Quality Act requirements, for a CPCN.

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 pursuant to 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 determination² 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. Code Section 1711(a), where feasible and appropriate, before determining the scope of the proceeding, the Commission sought the participation of those likely to be affected, including those likely to derive benefit from, and those potentially subject to, a decision in this proceeding. This matter was noticed on the Commission's daily calendar. Where feasible and appropriate, this matter was incorporated into engagements conducted by the Commission's External Affairs Division with local governments and other interested parties.

² Resolution ALJ-3551, September 12, 2024, at 1.

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 <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office> 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.

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 1.4.³

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

³ The form to request additions and changes to the Service list may be found at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>.

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. The ALJ in this proceeding, however, waives the requirement to serve paper copies of 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 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 the Proceeding

Matthew Baker is the assigned Commissioner and Jamie Ormond 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 March 18, 2025, at San Francisco, California.

/s/ MATTHEW BAKER

Matthew Baker
Assigned Commissioner