



BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE

STATE OF CALIFORNIA

ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
KATHERINE MacDONALD, in attendance

ADMINISTRATIVE LAW JUDGES GARRETT TOY and
EILEEN ODELL, co-presiding

FILED

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11:18 AM

A2606003

Application of American Broadband and	)	PREHEARING
Telecommunications Company LLC	)	CONFERENCE
(U-4457-C) for Appeal Request for	)	
Expedited Schedule	)	Application
	)	26-06-003

REPORTERS' TRANSCRIPT
Virtual Proceeding
September 8, 2026
Pages 1 - 31
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Reported by: Shannon Ross Winters, CSR No. 8916
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PUBLIC UTILITIES COMMISSION STATE OF CALIFORNIA
SAN FRANCISCO, CALIFORNIA

VIRTUAL PROCEEDING

SEPTEMBER 8, 2026 - 10:33 A.M.

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ADMINISTRATIVE LAW JUDGE TOY: We will be on the record. The Commission will come to order.

Good morning, everybody, it is 10:30 a.m. on September 8th -- excuse me -- 10:33 a.m.

This is the time and place for the telephonic -- excuse me -- virtual prehearing conference for A.26-06-003 filed by American Broadband and Telecommunications Company.

My name is Garrett Toy. I am one of the assigned administrative law judges in this proceeding. The assigned commissioner is President Reynolds. I will be reporting what happens at today's prehearing conference to his office.

The purpose of a prehearing conference is to discuss the category, scope and schedule of the proceeding. As such, my agenda for today is to first go over the service list then discuss the categorization of this proceeding followed by the scope of issues, and then we will discuss the need for hearings and the schedule for the remainder of the proceeding.

Nothing will be decided today and any final determinations will be made in the scoping memo issued

1 by President Reynolds.

2 A reminder for everyone to please speak slowly
3 and clearly for the benefit of our court reporter and do
4 not interrupt or speak over one another.

5 The first order of business is to take
6 appearances from the parties in attendance followed by
7 motions for party status if there are any.

8 Please spell out your full name the first time
9 you speak and give your last name before speaking every
10 time thereafter.

11 Turning to the applicant, American Broadband
12 and Telecommunications Company, which I will now refer
13 to as AMBT, do I have Mr. John Heitmann in attendance?

14 MR. HEITMANN: You do. Good morning, your
15 honor. This is John Heitmann, J-o-h-n, Heitmann,
16 H-e-i-m-a-n-n, and -- on behalf of American Broadband,
17 AMBT.

18 ALJ TOY: Thank you. And will -- are there
19 others that will be participating in today's PHC on
20 behalf of AMBT?

21 MR. HEITMANN: There are, your Honor, my
22 colleague Ms. Mercer is next.

23 ALJ TOY: Okay. Ms. Mercer, please spell your
24 full name for the court reporter.

25 MS. MERCER: Sure. Good morning, Debra Mercer,

1 D-e-b-r-a, and then M-e-r-c-e-r.

2 Thank you.

3 ALJ TOY: Thank you.

4 Mr. Simon?

5 MR. SIMON: Yes, Timothy -- good morning, your
6 Honors, Timothy Alan Simon, T-i-m-o-t-h-y, A-l-a-n,
7 S-i-m-o-n.

8 ALJ TOY: Thank you.

9 Mr. Myers, are you there?

10 MR. HEITMANN: He is not, your Honor.

11 ALJ TOY: Okay.

12 MR. HEITMANN: We can resume without him.

13 ALJ TOY: Oh.

14 MR. SIMON: He is here. He's on mute, but I
15 can see him.

16 ALJ TOY: Okay.

17 MR. MYERS: Good afternoon, your Honor. Josh
18 Myers on behalf of American Broadband as well.

19 ALJ TOY: Okay.

20 MR. MYERS: J-o-s-h, M-y-e-r-s.

21 ALJ TOY: Thank you.

22 And Mr. Ansted?

23 MR. ANSTED: Good morning, your Honors.

24 J-e-f-f, A-n-s-t-e-d, Jeff Ansted.

25 ALJ TOY: Thank you.

1 Now, on behalf of the Consumer Protection and
2 Enforcement Division, which I will now refer to CPED, do
3 I have Michael Damasco in attendance?

4 MR. DAMASCO: Yes, good morning, your Honor.
5 This is Michael Damasco, M-i-c-h-a-e-l, D-a-m-a-s-c-o,
6 like you said, on behalf of CPED.

7 ALJ TOY: Thank you. And is there anyone else
8 in attendance for CPED that will be participating today?

9 MR. DAMASCO: No, it'll only be myself.

10 ALJ TOY: Thank you.

11 Off the record for a second.

12 (Off the record.)

13 ALJ TOY: Okay. Back on the record.

14 Moving on, the next order of business is to
15 develop the service list. The applicant and those who
16 have filed protests or responses are automatically added
17 to the service list.

18 Is there anyone else on the line wishing to
19 become a party to the proceeding?

20 (No response.)

21 ALJ TOY: I am not seeing anyone currently, so
22 hearing none, the service list is complete.

23 MR. SIMON: Your Honor, I may need to be added
24 to the service list. I will go file -- log into the
25 docket office and see if that is necessary.

1 ALJ TOY: Okay.

2 MR. SIMON: Timothy Alan Simon speaking.

3 ALJ TOY: Yeah. Just -- as you probably well
4 know, only one person per party may be added as the
5 service for the proceeding, but anyone can add
6 themselves as information only.

7 MR. SIMON: Okay, thank you.

8 ALJ TOY: It is practice of the Commission to
9 designate one party representative on the service list
10 to communicate on behalf of the party. Others wishing
11 may add themselves as information only.

12 MR. SIMON: Thank you for that clarification.
13 I will go to the information only list.

14 Thank you.

15 ALJ TOY: Okay, thank you.

16 As you may know, the Commission encourages
17 electronic service and requires all documents served
18 electronically go to everyone on the list. This
19 includes those who are listed as information only.

20 As this is a virtual prehearing conference, I
21 want to, again, remind everyone to please speak slowly
22 and clearly for the benefit of the court reporter and to
23 not interrupt or speak over one another.

24 I will provide opportunities for the parties to
25 speak on all the issues. I request that parties not

1 speak until I call on them.

2 If anyone would like an expedited transcript of
3 today's prehearing conference, please email
4 reporting@cpuc.ca.gov.

5 Moving on to the categorization of this
6 proceeding. In this application, AMBT proposed
7 categorizing this proceeding as adjudicatory.
8 Resolution ALJ-176-3582 issued on June 11, 2026, also
9 preliminarily categorized this proceeding as
10 adjudicatory.

11 No party objected to the proposed category,
12 which was required to do under Rule 2.6(d) if they had
13 any objections or proposed alternative.

14 Accordingly, I agree that the adjudicatory
15 categorization is appropriate for this proceeding and
16 will be recommending that to President Reynolds.

17 With an adjudicatory categorization, ex-parte
18 communications with commissioners and their advisors are
19 prohibited.

20 Finally, any party wishing to communicate with
21 me should limit their communications to procedural
22 matters only and do so via email CCing the entire
23 service list.

24 Does anybody have any questions?

25 (No response.)

1 ALJ TOY: Okay. Moving on to the issues.
2 Let's go ahead and move on to the scope of issues in
3 this application.

4 I have before me AMBT's application, the
5 protest filed by CPED, and the response by AMBT. I am
6 going to propose -- I am going to go through a --
7 there's three numbered issues and one of -- two of them
8 have subset issues underneath them. I am going to go
9 through the whole list, and then I will double back and
10 go through each one and take any comments that the
11 parties have on each particular set of issues.

12 So issue set one: Did AMBT violate federal and
13 state laws and/or Commission orders by utilizing the
14 services of third parties SurgePay/USA Phone, Unity
15 Wireless, Volt Mobile or any other third party in
16 connection with the provisioning of California Lifeline
17 services?

18 And if anybody needs me to repeat, certainly
19 feel free to ask again.

20 Moving on to sub issue (a), what services were
21 provided by these -- by these third parties and under
22 what terms?

23 Sub issue (b), what was the financial
24 relationship between the parties?

25 Sub issue (c), if there are violations, what

1 penalties should be imposed on AMBT?

2 And sub issue (d), did AMBT submit California
3 Lifeline reimbursement claims for subscribers enrolled
4 or served by third parties? And if so, how many
5 subscribers and what reimbursement amounts are
6 attributable for each third party for each month?

7 Okay. Moving on to number two: Has AMBT
8 complied with the Communication Division's cease and
9 desist notice?

10 Sub issue (a), if not, how is AMBT still out of
11 compliance?

12 Sub issue (b), what are the penalties for
13 noncompliance?

14 Moving on to issue three: How much, if
15 anything, in payments is owed to AMBT and what access
16 should be restored if at all?

17 MR. SIMON: Excuse me, your Honor?

18 ALJ TOY: Yep.

19 MR. SIMON: What -- in item three -- or issue
20 three, when you reference "access," are you speaking of
21 the SBIA access, S-B-I-A?

22 ALJ TOY: Yes, that's -- that would fall under
23 that --

24 MR. SIMON: Okay, thank you.

25 ALJ TOY: -- issue.

1 Does anybody need me to repeat anything before
2 I take comments from anyone?

3 (No response.)

4 ALJ TOY: Okay.

5 Going back to issue one then. AMBT, do you
6 have any comments on that issue and -- and the related
7 subset questions underneath it?

8 MR. HEITMANN: This is John Heitmann for AMBT.

9 Your Honor, you mentioned a brand USA Phone in
10 connection with SurgePay and that -- that is a brand
11 that has not been used in California. It's not a
12 separate entity. I just wanted to point that out.

13 I mean, I -- I don't know that it's something
14 we can't work through, but SurgePay is just the entity
15 just like Volt Mobile or Unity Wireless. These are the
16 particular entities -- third parties.

17 ALJ TOY: Okay. So you would propose just
18 deleting the USA Phone portion?

19 MR. HEITMANN: Yes.

20 ALJ TOY: Okay, noted.

21 Any other comments from -- and please note your
22 name for the court reporter especially since you guys
23 have multiple speakers on your behalf.

24 MR. HEITMANN: Your Honor, this is John
25 Heitmann again for AMBT.

1 In this list, there are a number of questions
2 about services provided by third parties and -- and as
3 you may have seen from our briefing, we think the
4 ultimate question is, was Lifeline Service, as defined
5 by the Commission's rules, provided by AMBT? And I
6 don't see that clearly presented as an issue, and I
7 think that is the issue for the case.

8 ALJ TOY: Okay. So what would you propose? I
9 guess, what question would you propose be added, or how
10 would you reword, I guess, 1(a)?

11 MR. HEITMANN: I think the question, I -- I
12 would -- you know, you have (a), did American Broadband
13 violate federal or state laws in connection with its
14 relationships with third parties, but I would say, did
15 American Broadband provide California Lifeline service
16 to its subscribers in accordance with the GO 153? And I
17 think that's the -- that's the core question to be
18 decided, whether American Broadband provided the service
19 or if a third party provided the service.

20 I think it's more important to understand what
21 American Broadband did. We can certainly fair to
22 address what the third party vendors did, but the core
23 question is did the designated Lifeline service provider
24 provide the Lifeline service?

25 ALJ TOY: Okay. Any other comments on 1(a)

1 through (d) for AMBT?

2 (No response.)

3 ALJ TOY: And that -- if you have more
4 questions later or you think of something else later,
5 certainly we can double back, but if I am not hearing
6 anything else right now, we are going to move on and you
7 can let me know later.

8 Okay. CPED, any comments on issues 1(a)
9 through (d)?

10 MR. DAMASCO: This is Michael Damasco on behalf
11 of CPED, and I as far as the Surge -- no, no questions
12 on the issues as you stated them.

13 As far as AMBT requests changes to those, the
14 SurgePay/USA Phone, if -- if that makes it more clear to
15 just refer to as SurgePay, we have no issues with that.

16 As far as the second suggestion regarding
17 rewording the -- the umbrella portion of issue one
18 there, CPED prefers to keep it the way it is, as you
19 stated it, as it more accurately captures the issues
20 here.

21 As far as whether it was AMBT's actions here,
22 it's important to remember AMBT 's actions, in a sense,
23 through these third-party vendors; and I feel your
24 original wording more accurately captures that.
25 Otherwise, no issues with CPED here.

1 ALJ TOY: Okay. Thank you.

2 If there's nothing else for now on issue 1(a)
3 to (d), I am going to move on to issue two. Certainly
4 if anybody thinks of something else, I can double back.

5 Moving on to issue -- proposed issue two
6 related to the cease and desist notice.

7 AMBT, do you have any comments or concerns?

8 MR. HEITMANN: John Heitmann for AMBT, your
9 Honor, and no. No concerns with this issue.

10 ALJ TOY: Thank you.

11 CPED, any comments or concerns?

12 MR. DAMASCO: This is Damasco on behalf of
13 CPED, and no questions or concerns. It's fine as it is.

14 Thank you.

15 ALJ TOY: Thank you. Moving on to issue three.

16 AMBT, any comments or concerns?

17 MR. HEITMANN: Your Honor, John Heitmann for
18 AMBT again.

19 In our request for relief, in addition to
20 having the payments restored and made since
21 September '25 forward, we have also requested the
22 approval of payment of interest on the amounts that have
23 been withheld now for close to a year on that; and so,
24 we think that should be expressed as a sub issue.]

25 ALJ TOY: Okay. I think that's sufficiently

1 covered in your testimony and briefing. I would expect
2 you to cover that portion, and I think that fits within
3 what's written there.

4 MR. HEITMANN: Thank you.

5 ALJ TOY: CPED, any comments or concerns?

6 MR. DAMASCO: Damasco on behalf of CPED, and,
7 no, no questions, no comments. Accurate as is.

8 ALJ TOY: Thank you.

9 Any further comments or concerns regarding
10 Issues 1.(a.) to (d.)?

11 (No response.)

12 ALJ TOY: Okay. Thank you.

13 Given the heavily factual nature, I think, of
14 this scope and proceeding, I would like to flag for the
15 parties that I'm considering issuing a ruling directing
16 that they meet and confer and possibly submit a list of
17 facts that they stipulate to as well as a list of facts
18 that might be in contention.

19 I think having that will help focus the scope
20 of the proceeding and possibly allow for faster
21 disposition in this case just so we're not -- both
22 parties aren't arguing about stuff that they ostensibly
23 mostly agree with already and don't waste their time on
24 it. I hope to issue that fairly soon.

25 Anything further related to scope that needs to

1 be addressed starting with AMBT?

2 MR. HEITMANN: Heitmann again for AMBT, your
3 Honor. The issues that have to be addressed have been
4 addressed actually in the application and motion.
5 What's not clear to me is that if there's a process to
6 sort of address both the application and motion.

7 ALJ TOY: You're referring to the preliminary
8 injunction motion?

9 MR. HEITMANN: Yes.

10 ALJ TOY: So the motion is being dealt with.
11 It's under consideration. So it would be under a
12 separate track other than what these issues would be.

13 MR. HEITMANN: Okay. Thank you, your Honor,
14 for the clarification.

15 MR. DAMASCO: This is Damasco on behalf of
16 CPED. I did have one question. We're -- you know,
17 discovery is still currently ongoing, and we feel fairly
18 confident in the scope of issues as it is right now as
19 it stands, but there are a number of redactions still in
20 the application that we haven't been able to view.

21 So just as discovery is ongoing, I'm wondering
22 if we can request an unredacted version, and as a
23 result, perhaps add to that scope of issues.

24 ALJ TOY: I would say, yes.

25 Have the parties discussed getting CPED an

1 unredacted version of the documents at all until now?

2 MR. DAMASCO: We have not. I have not brought
3 it up. I wanted to know -- there were some issues with
4 obtaining those unredacted versions, even the version we
5 currently had at our last prehearing conference or
6 conference. So I just wanted to raise that issue here
7 at this prehearing conference to make sure there was no
8 issues in obtaining those unredacted versions --

9 ALJ TOY: Okay.

10 MR. DAMASCO: -- and confirm with you prior to.

11 ALJ TOY: I mean, I think the way Issue 1 is
12 written is relatively broad if it's left as is such that
13 I don't think you'd come up with anything in discovery
14 that wouldn't be covered under Issue 1. But, certainly,
15 if something comes up, that's something we can talk
16 about, think about, whether we need an amended scoping
17 memo.

18 MR. DAMASCO: Right. Thank you very much.

19 MR. HEITMANN: Your Honor, may I comment?

20 ALJ TOY: Certainly.

21 MR. HEITMANN: Heitmann on behalf of AMBT.
22 With respect to the redacted version of the filing,
23 we've never received a request from CPED for a copy of
24 it. They can have a copy of it. We assumed they did
25 have a copy of it. And so as long as they respect that

1 it has been filed under seal and that we oppose it. It
2 is a very lightly redacted document, and we just ask
3 they treat the portions that are under seal
4 appropriately, but they can have a copy of it.

5 ALJ TOY: Okay. Mr. Damasco said he hadn't
6 asked.

7 MR. HEITMANN: Right. And he can have it.

8 Secondly, with regard to discovery, your Honor,
9 this application comes to you in the form of an appeal
10 as though you're the higher court presiding over appeal
11 from the lower court. This appeal deals with the
12 actions of the CD, including the cease and desist, the
13 denial of any kind of expedient access in the recoupment
14 letter. And so our view is you are sitting today, and
15 Commissioner Reynolds will be sitting as an appellate
16 court over this proceeding in that, you know, while
17 additional discovery can go on between CD or CPED and
18 American Broadband, that it would be actually outside of
19 the context of this particular controversy.

20 We've appealed the decision from below and
21 that's what is in front of the Commission. And we don't
22 think that it's necessary to decide this matter -- we
23 don't think additional discovery is necessary to decide
24 this matter.

25 ALJ TOY: CPED, do you have a response?

1 MR. DAMASCO: Yeah. This is Damasco on behalf
2 of CPED. Let's see. Thank you very much for offering
3 to share the unredacted version. Of course, we'll
4 respect the privacy and confidentiality of it. So
5 please expect a request for that after this PHC.

6 As far as ongoing discovery, I understand that
7 you feel it's an appeal, but this is an entirely
8 different proceeding now. So I want to keep everything
9 within the record of this specific proceeding.

10 Once we have -- you may be very correct that we
11 don't have any additional issues, and that Issue 1 is
12 very broad, but we will still request an unredacted
13 version and provide our thoughts on discovery issues
14 after the fact.

15 Again, we just want to keep it within this
16 proceeding. So I don't -- so I'm not familiar with
17 other proceedings. So thank you.

18 ALJ TOY: I agree. The sort of procedural
19 setup for this proceeding is a little strange. I do
20 think some discovery should be allowed by CPED.

21 To the extent that, you know, AMBT thinks
22 that's going beyond the bounds of the violations as set
23 forth, I think certainly AMBT is free to flag that for
24 us -- or flag that for the ALJs and bring that up, but
25 as of right now, I don't see any need to, sort of, put

1 restrictions on CPED with regards to discovery.

2 And to the extent that discovery is slowing
3 down the disposition of the proceeding, I definitely
4 want to avoid that outcome.

5 MR. SIMON: Your Honor, if I may. Timothy Alan
6 Simon for AMBT. I simply want to clarify for the record
7 that CPED was not a party or present in the status
8 hearing when you directed us regarding the redacted
9 version, sealed and public versions of the document. I
10 think that's important for purposes of going forward in
11 this proceeding, and I simply wanted to add that to the
12 record.

13 ALJ TOY: Okay.

14 Do parties have anything else they want to
15 discuss related to -- we sort of got beyond the bounds
16 of scope there, but anything with regards to scope?

17 And I'll give everyone an opportunity to sort
18 of bring up any other issues that they want to discuss.

19 (No response.)

20 ALJ TOY: Okay. I'm going to move on now to
21 the schedule then. Moving on now to the proceeding
22 schedule and the need for evidentiary hearing.

23 I believe the application and protest -- well,
24 the application actually did not see the need for
25 evidentiary hearing; I believe the protest did.

1 I think at this time, I will schedule
2 evidentiary hearings. We may not need them depending on
3 the outcome of what facts you guys agree to and dispute,
4 but at this time I'm going to recommend to
5 Commissioner Reynolds that the scoping memo include the
6 potential holding of evidentiary hearings.

7 Now, moving to schedule, I have reviewed the
8 proposals in the application and protest and
9 preliminarily will suggest the following:

10 So, again, as I said earlier, the plan is to
11 issue a ruling directing the parties meet and confer on
12 factual stipulations, and that will be issued shortly.

13 And the plan is for the scoping ruling to be
14 issued in October 2026, and intervenor testimony in
15 December 2026, rebuttal testimony in January of 2027,
16 evidentiary hearings, if needed, in February 2027, and
17 then opening briefs 30 days after evidentiary hearing,
18 and reply briefs 21 days after opening briefs.

19 Comments starting with AMBT.

20 MR. HEITMANN: Heitmann for AMBT. Your Honor,
21 obviously, this is a robust schedule that extends well
22 into the next year, and I know that you've told us the
23 motion for preliminary injunctive relief will be heard,
24 but this company may well not be here through the
25 duration of this proceeding nor will its 19,000

1 California Lifeline subscribers, who are under the
2 threat of being cut off any day, and that has been an
3 issue now for coming up on a year. And so whatever we
4 can do to expedite this process, I would appeal to you
5 to do that.

6 ALJ TOY: Okay. Thank you. Yeah, you've made
7 that clear I think in the motion, and it's under
8 consideration.

9 MR. HEITMANN: I appreciate that.

10 ALJ TOY: It's under review.

11 MR. HEITMANN: It's just incumbent upon me to
12 say that because we will not likely be around for the
13 conclusion of this proceeding the way it's going. All
14 right. Thank you, your Honor.

15 ALJ TOY: All right.

16 CPED.

17 MR. DAMASCO: This is Damasco on behalf of CPED
18 and we came prepared -- or I came prepared with a
19 proposed schedule, and this is fairly similar to the one
20 we had. This is more than acceptable to CPED. Thank
21 you.

22 ALJ TOY: Okay. Thank you.

23 I guess, Mr. Heitmann, do you have a proposed,
24 I guess, compressed schedule for us to consider?

25 MR. HEITMANN: Your Honor, I --

1 ALJ TOY: Or does it just mean getting the
2 motion ruled on?

3 MR. HEITMANN: Heitmann here for AMBT. No, I
4 don't have a schedule because of the view point that we
5 have about the way this case presents itself as an
6 appeal; right.

7 And because of that, my view is that both the
8 motion for preliminary injunctive relief and the
9 application have been fully briefed. We've submitted
10 our application, and CPED has filed its opposition.
11 We've submitted a motion. Actually, CPED filed an
12 opposition to the motion rather and a protest to our
13 application, and our view is that we believe the case is
14 fully briefed and is ripe for decision today.

15 So we're, frankly, respectful of the
16 Commission's process and procedure, but we think that,
17 you know, the position in this case is an appellate case
18 essentially, and that should be decided in the papers,
19 and the papers are complete at this point on both the
20 motion and the application.

21 ALJ TOY: Okay. Thank you.

22 CPED, do you want to respond?

23 MR. DAMASCO: Yes. This is Damasco on behalf
24 of CPED. I don't -- I feel like I don't need to state
25 this, but, perhaps, an opposition to a preliminary

1 injunction is not the same as a brief.

2 We feel like we have not briefed this
3 proceeding fully. We haven't issued testimony. We sent
4 you a brief. It's just opposition is not the same as a
5 brief, you know. We would like the opportunity to
6 actually move forward with the proceeding as we should.

7 ALJ TOY: Okay. Thank you.

8 Okay. Moving on. No further comments on the
9 schedule?

10 MR. SIMON: Your Honor, if I may. Timothy Alan
11 Simon on behalf AMBT. It's already been stated that the
12 payments for the services that AMBT is providing to now
13 its 19,000 customers, reimbursements have not occurred
14 since September of 2025. Mr. Heitmann, please correct
15 me if I'm wrong on that.

16 And I would say that this process by which we
17 have been unable up until now, when we anticipate your
18 ruling, to be able to have meaningful dialogue with the
19 Communication Division, as CPED has just recently joined
20 the proceeding, on resolving the issues that are clearly
21 resolvable that is strangulating this company that is
22 providing very important public service to the
23 community, to the California community, at a time when
24 affordability is the primary issue.

25 I'm not in any way implying that there is a

1 lack of good faith here, but this process in and of
2 itself begs that question because what we're witnessing
3 is where every effort that we've made to try to reduce
4 the number of issues we are discussing in today's PHC
5 have been blocked procedurally.

6 And so the net, net, net result of that is the
7 financial deterioration of the applicant. I cannot find
8 anywhere else where a division or a department
9 unilaterally pretty much reduced the company's ongoing
10 concern without some speedy, expedited process to
11 resolve whatever issues or concerns that the
12 Communication Division has.

13 I think that's important for the record because
14 it sheds light on the agency, an agency that you know
15 that I served with honor, and now that I have grave
16 concerns about them. So I think whatever steps, in all
17 due respect, ALJ Toy and Odell, you can take to restore
18 this company's ability to provide the service with the
19 financial means, a service that it continues to provide
20 without payment, I think is clearly essential at this
21 stage.

22 ALJ TOY: Okay. Thank you.

23 MR. HEITMANN: May I also add a comment?

24 ALJ TOY: Certainly.

25 MR. HEITMANN: So, again, we're looking for as

1 speedy a process as we can to get to resolution. We
2 realize we presented two tracks for resolution for you,
3 our motion and our application. I believe at the last
4 time we met, the last conference, we also talked about
5 settlement.

6 American broadband is amenable to working with
7 the CD and CPED, but to the extent CPED would like to be
8 involved, and CD would like to be involved, it's not
9 clear to me how who does what, but we're amenable to
10 trying to work through toward a settlement, but our
11 overtures to do that have not been particularly
12 successful.

13 So I would ask you to consider ALJ-supervised
14 settlement discussions in some manner or there's
15 mediation or we have, you know, conferences that are
16 supervised, but if we're going to be at this for another
17 six months, I want to try and figure out whether -- in
18 addition to agreeing on stipulated facts, maybe we can
19 agree on how this all should be resolved. And,
20 hopefully, save resources of both the Communications
21 Division and the Consumer Protection Enforcement
22 Division, as well as your Honors, and the Commission, as
23 well as the company's.]

24 I don't know the appropriate time to raise
25 that, but it seemed as we were talking about process and

1 the length of this and our goal is to get this thing
2 resolved as quickly as possible. That's another lane
3 that could be traveled.

4 ALJ TOY: Okay. I will take that under
5 advisement.

6 MR. HEITMANN: Thank you, your Honor.

7 MR. SIMON: And ALJ Toy, Timothy Alan Simon
8 again for AMBT.

9 As I emphasized earlier, I think something that
10 can be resolved posthaste is reinstating AMBT's access
11 to SBIA, the SBIA system. The inability to have the
12 automated process is -- is causing the customer decline
13 because the competitors have an immediate access where
14 the manual process is simply unacceptable to the average
15 California Lifeline customers -- to the California
16 Lifeline customers.

17 So the extent that you and ALJ Odell can lift
18 this ban either by way of ruling or whatever process
19 would allow, I think would allow the viability until
20 such time that we can have the funds released that are
21 being held by the Communications Division.

22 So what's happening by way of their actions is
23 that they are being pretty much estopped on both sides.
24 They are not competitive in the -- in the signing up of
25 California Lifeline customers while at the same time

1 they are being denied the funds. The very funds that
2 make it possible to provide the service.

3 As you know, the law abhors forfeiture. This
4 is in effect what is occurring is that there's a
5 forfeiture of a process and the proceeds.

6 I think this can be alleviated, your Honor, in
7 all due respect by you and ALJ Odell and we are making
8 that request today.

9 ALJ TOY: Okay. Thank you.

10 CPED, do you want to respond to any of that?

11 MR. DAMASCO: This is Damasco on behalf of the
12 CPED. I do. Thank you for the opportunity.

13 In the interest of cooperation, I -- I think --
14 CPED doesn't have an issue with perhaps expediting the
15 schedule slightly. Perhaps testimony in November
16 instead of December and so forth and alter the schedule
17 so forth from there; and we are definitely open to, you
18 know, our meet and confer to stipulate facts to make
19 this go easier and having settlement discussions.

20 That said, it -- it does seem that the
21 applicant here is trying to decide the merit of the case
22 with this opposite -- or with this motion for
23 preliminary injunction without allowing us to go through
24 the proceeding here.

25 We do have a right to go forward through this

1 proceeding, and it just seems that we are arguing the
2 merits of the issues here rather than -- I am not sure
3 this is the appropriate avenue for us to be discussing
4 this at the PHC.

5 Yeah, I -- I -- I think we're interested in
6 cooperating but not trying to close the proceeding here
7 and now. We still would like the opportunity -- our
8 right to complete discovery, issue testimony and draft a
9 brief.

10 ALJ TOY: Yeah, and I don't think that is what
11 AMBT is proposing at this time. They -- what you would
12 say is closing the proceeding sounds mainly like they
13 are asking for the relief that was requested in their
14 motion and just reiterating their support for it.

15 I will note that since we -- this has been
16 categorized as adjudicatory, there is a lot less
17 ex-parte restrictions and discussion restrictions on
18 this sort of proceeding, but I certainly hear you that
19 CPED wants their opportunity to prosecute the case in
20 full but, again, I don't think that is necessarily what
21 AMBT is proposing.

22 But I think in any case, I have heard enough
23 from the parties on this issue and certainly I will take
24 it all under advisement and discuss with ALJ Odell as
25 well as the commissioner's office.

1 MR. DAMASCO: Thank you.

2 ALJ TOY: Thank you. That's all I have for
3 today.

4 Before we adjourn, is there anything else we
5 should discuss today that I missed?

6 Starting with AMBT.

7 MR. HEITMANN: No, your Honor, thank you.

8 ALJ TOY: Thank you.

9 CPED?

10 MR. DAMASCO: None from CPED. Thank you, your
11 Honor.

12 ALJ TOY: Thank you. Okay. Going off the
13 record for a second.

14 (Off the record.)

15 ALJ TOY: Back on the record. That's it for
16 today. I want to conclude by thanking all for your
17 participation.

18 There being nothing further, we are adjourned
19 and off the record. Thank you.

20 (At the hour of 11:20 a.m., this matter
21 having been concluded, the Commission then
22 adjourned.)]

23 * * * * *

24

25

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDINGS

I, ASHLEIGH BUTTON, CERTIFIED SHORTHAND REPORTER
NO. 14013, IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY
CERTIFY THAT THE PAGES OF THIS TRANSCRIPT PREPARED BY ME
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
TESTIMONY AND PROCEEDINGS HELD IN THIS MATTER ON
SEPTEMBER 8, 2026.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.

EXECUTED THIS 9TH DAY OF SEPTEMBER, 2026.


ASHLEIGH BUTTON
CSR NO. 14013

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDINGS

I, SHANNON ROSS WINTERS, CERTIFIED SHORTHAND
REPORTER NO. 8916, IN AND FOR THE STATE OF CALIFORNIA,
DO HEREBY CERTIFY THAT THE PAGES OF THIS TRANSCRIPT
PREPARED BY ME COMPRISE A FULL, TRUE, AND CORRECT
TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN THIS
MATTER ON SEPTEMBER 8, 2026.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
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EXECUTED THIS 9TH DAY OF SEPTEMBER, 2026.


SHANNON ROSS WINTERS
CSR NO. 8916

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