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

Luis Enrique Landa Rodriguez,
Complainant,

vs.

Pacific Bell d/b/a AT&T California and AT&T
Mobility Wireless Operation Holdings d/b/a AT&T
Mobility,

Defendants.

Case No. C.25-11-008
(ECP)

**COMPLAINANT'S MOTION FOR DISQUALIFICATION OF ADMINISTRATIVE LAW
JUDGE VALERIE U. KAO FOR CAUSE (RULE 9.4)**

Luis Enrique Landa Rodriguez
Complainant, In Propria Persona
7121 Woodley Ave., Apt. 118, Van Nuys, CA 91406
Telephone: (818) 235-5538
E-mail: luenle881@gmail.com

October 3, 2026

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I. INTRODUCTION AND RELIEF REQUESTED

Complainant Luis Enrique Landa Rodriguez, appearing in propria persona, respectfully moves under Rule 9.4 of the Commission’s Rules of Practice and Procedure for disqualification of Administrative Law Judge (ALJ) Valerie U. Kao from this proceeding for cause.

Because Rule 9.4(d) provides that the assigned ALJ shall not rule on a motion to disqualify herself, this motion is addressed to the Chief Administrative Law Judge, in consultation with the President of the Commission, and is being filed and served on the full service list, the Chief Administrative Law Judge, and the President of the Commission, consistent with Rule 9.2(a).

Timeliness: This motion is filed within 10 days of the events described below, as required by Rule 9.4(c). The most recent event giving rise to this motion occurred on October 2, 2026.

II. FACTUAL BASIS (Rule 9.4(a)(2)(A))

Rule 9.4 permits a party to seek disqualification for bias or prejudice and, in an adjudicatory proceeding, recognizes that actions taken during the proceeding may demonstrate bias or prejudice. Complainant relies on the following facts.

A. Service-list instructions directed to Complainant

1. On September 25, 2026, ALJ Kao sent a procedural response stating: “It appears from your below email that you intended to serve your email on the entire service list for Case 25-11-008; by this procedural response, I have included the service list for Case 25-11-008.”

2. On October 1, 2026, ALJ Kao again responded to a Complainant communication with a procedural instruction concerning service on the full service list.

3. Complainant acknowledged those instructions and thereafter endeavored to include the full service list on communications concerning the proceeding.

B. Substantive communications from Defendant's counsel

4. On September 29, 2026, Defendant's counsel Richard T. Howell sent Complainant a substantive communication stating Defendant's position concerning the reopened proceeding, including Defendant's contention that the sole issue was whether the \$720.60 credit had been applied, Defendant's proposal to submit a declaration, its request for additional time or an evidentiary hearing, and its position regarding alternative dispute resolution.

5. According to Complainant's copy of the September 29 communication, it was sent to Complainant and did not copy ALJ Kao or the full service list.

6. On October 2, 2026, Mr. Howell sent another substantive communication to Complainant concerning the proceeding and requested a document referenced in connection with the upcoming prehearing conference. According to Complainant's copy, that communication likewise did not copy ALJ Kao or the full service list.

7. Complainant expressly acknowledges that the present record does not establish that ALJ Kao knew of the communications described in paragraphs 4 through 6 when they were sent. Complainant therefore does not offer those communications as proof that ALJ Kao deliberately permitted Defendant to disregard a requirement imposed on Complainant.

8. Complainant nevertheless raises these circumstances because service-list compliance has been expressly addressed with Complainant during the reopened proceeding, and because the different practical treatment of communications between the parties has caused Complainant, who is self-represented, to question whether procedural requirements are being applied evenhandedly.

C. Procedural history relevant to Complainant's concern

9. On January 23, 2026, following a hearing, ALJ Kao directed Defendant to provide supplemental information concerning whether Complainant had been charged for services not rendered. Additional rulings directing supplemental information followed, and Defendant submitted responses.

10. On April 1, 2026, Defendant filed a response in which it acknowledged multiple service suspensions and relied on its Consumer Service Agreement in support of its billing position during suspension periods.

11. On April 7, 2026, ALJ Kao issued a ruling stating that Defendant's April 1 response "addresses the outstanding concerns," removed the April 10 hearing, closed the proceeding record, and restricted further filings without prior approval.

12. On July 2, 2026, the Commission issued Decision 26-07-009. The Decision concluded, among other things, that Defendant acted unreasonably in imposing charges during suspension periods and ordered a \$720.60 credit.

13. Complainant does not offer the April 7 ruling, the later Commission Decision, or any disagreement between them as an independent ground for disqualification. They are included only as procedural context for Complainant's concern regarding evenhanded treatment as the reopened proceeding moves forward.

D. Reopened proceeding and current posture

14. On September 11, 2026, ALJ Kao advised the service list that a ruling reopening Case C.25-11-008 would issue and directed that no new filings be tendered until instructed.

15. On September 16, 2026, ALJ Kao formally served a Ruling Ordering Defendant to Show Cause in the reopened proceeding.

16. On September 25, 2026, ALJ Kao permitted the meet-and-confer process to proceed in writing by e-mail and, as described above, addressed service-list compliance with Complainant.

17. A prehearing conference is scheduled for October 5, 2026. Because that conference will determine or affect the procedure for the reopened matter, Complainant submits this motion now rather than waiting until after further proceedings.

III. LIMITATIONS OF THE MOTION

Complainant recognizes that Rule 9.6 identifies circumstances that do not constitute cause for disqualification. This motion is not based merely on ALJ Kao having expressed a legal or factual view, nor on the fact that Complainant disagreed with prior rulings. Complainant also recognizes that the record presently available does not establish that ALJ Kao saw Defendant's September 29 or October 2 communications at the time they were sent.

For accuracy, Complainant notes precisely what the record shows regarding the April 7, 2026 closure: in its April 1, 2026 response, Defendant acknowledged in writing that Complainant's wireless service was suspended seven times, and did not dispute that it billed full monthly charges during those suspension periods. Defendant's position was that such billing was permitted under Section 1.5 of its Consumer Service Agreement, which states there is "no proration of charges" upon suspension or termination. Defendant did not admit this billing was an error, and ALJ Kao's ruling closing the record did not itself resolve whether Defendant's suspension-period billing was proper — it stated only that Defendant's response "addresses the outstanding concerns." Complainant notes that the Commission's subsequent Decision 26-07-009 (July 2, 2026) found that Defendant "acted

unreasonably in imposing charges” during suspension periods — reaching, on the full record, a conclusion at odds with the position Defendant took in its April 1, 2026 response.

Complainant presents these limitations expressly so that the motion rests only on facts Complainant can attest to. The requested determination is whether the documented circumstances, considered in the context of the reopened proceeding, provide cause for reassignment under Rule 9.4.

IV. RELIEF REQUESTED

Complainant respectfully requests:

(a) That the Chief Administrative Law Judge, in consultation with the President of the Commission as provided by the Commission’s Rules, review this motion and the declaration below;

(b) That Case C.25-11-008 be reassigned to a different Administrative Law Judge if the Chief Administrative Law Judge determines that the requirements of Rule 9.4 are satisfied;

(c) Alternatively, if reassignment is not ordered, that the ruling on this motion clarify that procedural and service requirements will be applied consistently to both parties in the reopened proceeding; and

(d) That such other relief be granted as the Chief Administrative Law Judge determines lawful and appropriate.

Dated: October 3, 2026

Respectfully submitted,

/s/ LUIS ENRIQUE LANDA RODRIGUEZ
Luis Enrique Landa Rodriguez
Complainant, In Propria Persona
7121 Woodley Ave., Apt. 118
Van Nuys, CA 91406
Telephone: (818) 235-5538
E-mail: luenle881@gmail.com

DECLARATION OF LUIS ENRIQUE LANDA RODRIGUEZ

I, Luis Enrique Landa Rodriguez, declare as follows:

1. I am the Complainant in CPUC Case C.25-11-008 and am representing myself.
2. I have personal knowledge of the e-mail communications described in Sections II.A and II.B because I sent or received those communications and have reviewed my copies of them.
3. The dates and descriptions of the procedural events stated in this motion are based on my case correspondence and the CPUC rulings and decisions maintained in my case record.
4. I have not stated that ALJ Kao saw Defendant's September 29 or October 2 communications when they were sent, because I do not have evidence establishing that fact.
5. I am bringing this motion because the procedural circumstances described above have caused me to question whether I can receive evenhanded procedural treatment in the reopened proceeding. I bring the motion in good faith and not for purposes of delay.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 3, 2026, at Van Nuys, California.

Dated: October 3, 2026

Respectfully submitted,

/s/ LUIS ENRIQUE LANDA RODRIGUEZ
Luis Enrique Landa Rodriguez
Declarant, In Propria Persona
7121 Woodley Ave., Apt. 118
Van Nuys, CA 91406
Telephone: (818) 235-5538
E-mail: luenle881@gmail.com