ALJ/RWH/mln/avs  **PROPOSED DECISION** **Agenda ID #18784**

**Adjudicatory**

Decision \_\_\_\_\_\_\_\_\_\_\_\_

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

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| --- | --- |
| Pacific Bell Telephone Company d/b/a AT&T California (U1001C),  Complainant,  vs.  TruConnect Communications, Inc. f/k/a Telscape Communications, Inc. (U4380C) and Blue Casa Telephone, LLC (U7222C),  Defendant. | Case 17‑08‑003 |
| And Related Matter. | Case 18‑01‑005 |

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in these proceedings to   
December 30, 2020.

1. **Background**

Pub. Util. Code § 1701.2(i) provides that adjudicatory matters such as this complaint case shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the 12‑month deadline. The Commission has extended the 12‑month statutory deadline of these proceedings. The most recent Decision (D.) 20-06-059 issued on June 25, 2020 extended the statutory deadline to   
September 30, 2020.

On August 3, 2017, Pacific Bell Telephone Company, doing business as AT&T California (AT&T) filed a Complaint, alleging that TruConnect Communications (TruConnect), formerly known as Telscape Communications, and Blue Casa Telephone (Blue Casa) have not paid for services rendered under approved interconnection agreements and a state tariff. Blue Casa filed its answer on September 20, 2017, and TruConnect filed its answer on November 7, 2017. On November 30, 2017, a Prehearing Conference (PHC) was held in Case (C.) 17‑08‑003 to determine parties, discuss the scope, the schedule, and other procedural matters in that case.

On January 4, 2018, Blue Casa filed a Complaint, alleging it overpaid AT&T, for services AT&T provided in the transfer of customers from TruConnect to Blue Casa. Blue Casa is seeking a refund of the amounts it overpaid to AT&T for services rendered under approved interconnection agreements. Blue Casa amended its Complaint on February 22, 2018. AT&T filed its answer on March 9, 2018.

On February 20, 2018, a PHC was held in C.18‑01‑005 to determine parties, discuss the scope, the schedule, and other procedural matters in that case. On April 24, 2018, the Scoping Memo and Joint Ruling was issued consolidating the proceedings, setting the scope, and the schedule of the proceedings. The parties have filed several motions requesting the revision of their testimonies and schedule. At the request of the parties, the Evidentiary Hearing schedule was postponed to December 17, 2018, where the assigned Administrative Law Judge (ALJ) identified many of the proposed exhibits for the record, heard testimony from the AT&T witness about the changes made in the proposed corrected testimony, and heard arguments regarding TruConnect’s motion. After considering the nature of the proposed changes to AT&T’s testimony and the arguments of the parties, the ALJ continued the evidentiary hearings to February 13 and 14, 2019. At the evidentiary hearing, the assigned ALJ notified parties that because of the delays in prosecuting the complaint and intervening assignments, the schedule for completion of this proceeding would need to be extended, and that while every effort would be made to issue a Presiding Officer’s Decision (POD) before the end of the year it may not be issued before early 2020. Opening and Reply Briefs were submitted in March 2019.

The POD will be filed and served upon all parties of record pursuant to Pub. Util. Code § 1701.2(d) imminently. An extension of the statutory deadline in this case to December 30, 2020, is necessary to provide parties time to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request for review of the POD pursuant to Rule 14.4(b)..

# Waiver of Comments on Proposed Decision

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30‑day period for public review and comment on a decision that extends the 12‑month deadline set forth in Pub. Util. Code § 1701.2(i). Under the circumstances of this case, it is appropriate to waive the 30‑day period for public review and comment.

# Assignment of Proceeding

Clifford Rechtschaffen is the assigned Commissioner and Robert W. Haga is the assigned ALJ and presiding officer in these proceedings.

Findings of Fact

1. AT&T’s complaint was filed on August 3, 2017.
2. Blue Casa’s complaint was filed on January 4, 2018.
3. PHCs were held on November 30, 2017 for C.17 08 003 and on February 20, 2018 for C.18 01 005.
4. The scoping memo was issued on April 24, 2018, in which these complaints were consolidated.
5. After resetting the schedule, parties requested additional time to allow them to pursue alternative dispute resolution.
6. At the request of the parties, the Evidentiary Hearing schedule was postponed to December 17, 2018, and then continued to February 13 and 14, 2019.
7. The POD will be filed and served upon all parties of record pursuant to Pub. Util. Code § 1701.2(d) imminently.
8. An extension of time until December 30, 2020, is necessary to provide parties enough time to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and to provide any concerned Commissioner enough time to file a request for review of the POD pursuant to Rule 14.4(b).

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), the statutory deadline should be extended to December 30, 2020.

**IT IS ORDERED** that the statutory deadline in these proceedings is extended until December 30, 2020.

This order is effective today.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at San Francisco, California.