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**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

July 13, 2021

Agenda ID # 19680

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-407:

This is the draft Resolution of Administrative Law Judge (ALJ) Peter Wercinski resolving the Appeal K.20-12-019 of Citation No. CD-2020-11-037 by International Telcom, Ltd. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution. Comments shall be served (but not filed) within 20 days of the date that the draft Resolution is noticed in the Commission's Daily Calendar, <http://docs.cpuc.ca.gov/SearchRes.aspx?DocTypeID=9&Latest=1>, as provided in Rule 14.5 of the Commission's Rules of Practice and Procedure. Comments shall be served upon all persons on this proceeding's service list and on ALJ Wercinski at [peter.wercinski@cpuc.ca.gov](mailto:peter.wercinski@cpuc.ca.gov).

/s/ MICHELLE COOKE for  
Anne E. Simon  
Chief Administrative Law Judge

AES:gp2/sgu

Attachment

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

Resolution ALJ-407  
Administrative Law Judge Division  
[Date]

**RESOLUTION**

RESOLUTION ALJ-407. Resolves K.20-12-019, the Appeal by International Telcom, Ltd. of Citation No. CD-2020-11-037 issued by the Communications Division.

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**SUMMARY**

This resolution resolves the appeal of Citation No. CD-2020-11-037 issued to International Telecom, Ltd. by the California Public Utilities Commission's Communications Division. Citation No. CD-2020-11-037 fines International Telcom, Ltd. for failure to submit its Annual Performance Bond by March 31, 2020. The appeal is denied because International Telcom, Ltd. failed to appear at the duly noticed evidentiary hearing on May 25, 2021. This proceeding is closed.

**BACKGROUND**

The Communications Division (CD) of the California Public Utilities Commission (Commission) issued Citation No. CD-2020-11-037 (Citation) to International Telcom, Ltd. (ITL) on November 16, 2020, for ITL's failure to submit its Annual Performance Bond by March 31, 2020. The Citation sets a fine of \$1,000. On December 18, 2020, ITL filed an appeal of the Citation. On April 14, 2021, the assigned Administrative Law Judge (ALJ) issued a Ruling setting the evidentiary hearing for May 25, 2021 at 9:00 a.m. through Webex audio and video. ITL did not notify the assigned ALJ at any time before May 25, 2021 at 9:00 a.m. that it would not appear for the scheduled evidentiary hearing at that date and time, and ITL did not submit any request to the assigned ALJ to change the date and time of the scheduled evidentiary hearing.

On May 25, 2021 at 9:00 a.m., CD appeared before the assigned ALJ. The assigned ALJ and CD were ready to proceed with the evidentiary hearing. However, ITL did not appear at 9:00 a.m. The assigned ALJ and CD waited until 9:15 a.m. but ITL failed to

appear. At that time, the assigned ALJ stated that ITL's appeal would be denied because of its failure to appear at the duly noticed evidentiary hearing.

### **DISCUSSION**

An order of dismissal is appropriate when a party to a proceeding fails to appear at a duly noticed hearing.<sup>1</sup> The Commission has also ordered the dismissal of a proceeding for lack of prosecution when a party neither appeared at a prehearing conference nor advised the Commission of the reason for the non-appearance.<sup>2</sup> In this proceeding, ITL did not appear at a duly noticed evidentiary hearing and did not advise the assigned ALJ that it would not appear or request a change of the date and time of the scheduled evidentiary hearing. Therefore, we deny ITL's appeal and affirm the Citation and fine set in the Citation.

### **COMMENTS**

The draft resolution was served on the parties for public review and comment in accordance with Public Utility Code Section 311(g)(1), Article 14 of the Commission's Rules of Practice and Procedure, and Rule 18 of Resolution ALJ-377. Comments were served on \_\_\_\_\_, by \_\_\_\_\_. Reply comments were served on \_\_\_\_\_, by \_\_\_\_\_.

### **FINDINGS AND CONCLUSIONS**

1. On April 14, 2021, ITL received notice of the evidentiary hearing scheduled in this proceeding for May 25, 2021 at 9:00 a.m.
2. ITL did not appear for the scheduled May 25, 2021 evidentiary hearing.
3. ITL did not notify the assigned ALJ that it would not appear for the scheduled May 25, 2021, evidentiary hearing.
4. ITL did not make any request to the assigned ALJ before May 25, 2021, to change the date and time of the scheduled May 25, 2021 evidentiary hearing.
5. ITL's appeal of the Citation should be dismissed.
6. The violation and penalty set in the Citation should be affirmed.
7. This proceeding should be closed.

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<sup>1</sup> Decision (D.) 03-10-043.

<sup>2</sup> D.98-01-011.

Therefore, **IT IS ORDERED** that:

1. The Appeal of International Telecom, Ltd. of Citation No. CD-2020-11-037 issued on November 16, 2020 by the California Public Utilities Commission's Communications Division is dismissed.
2. The violation and penalty set in Citation No. CD-2020-11-037 are affirmed.
3. International Telecom, Ltd. must pay the penalty of \$1,000.00 within 30 days of the date of issuance of this resolution by check or money order payable to the California Public Utilities Commission and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, San Francisco, CA 94102-3298. International Telecom, Ltd. shall write on the face of the check or money order "For deposit to the State of California General Fund per Resolution ALJ-407."
4. This proceeding is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on \_\_\_\_\_, the following Commissioners voting favorably thereon:

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RACHEL PETERSON  
Executive Director

ALJ/PWI/gp2/sgu

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

RESOLUTION ALJ-407. Resolves K.20-12-019, the Appeal by International Telcom, Ltd. of Citation No. CD-2020-11-037 issued by the Communications Division.

**INFORMATION REGARDING SERVICE**

I have electronically served all persons on the attached official service list who have provided an e-mail address for K.20-12-019.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served by U.S. mail on all parties listed in the "Party" category of the official service list for whom no e-mail address is provided.

Dated July 13, 2021, at San Francisco, California.

/s/ GABRIELA PEREZ

Gabriela Perez

/s/ SHANE GUTTO

Shane Gutto

**N O T I C E**

Persons should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 13-JUL-2021 by: KB3  
K2012019 LIST

\*\*\*\*\* PARTIES \*\*\*\*\*

Leslie Beach  
Assist. Controller  
INTERNATIONAL TELCOM  
200 W MERCER ST., STE. 202  
SEATTLE WA 98119  
(206) 479-2260  
LeslieB@itltd.net  
For: International Telcom

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Peter Wercinski  
Administrative Law Judge Division  
RM. 5021  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-3923  
pwi@cpuc.ca.gov

Amy C. Yip-Kikugawa  
Public Advocates Office  
RM. 4107  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-5256  
ayk@cpuc.ca.gov

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

Alj Appeal  
Appeals  
CPUC  
EMAIL ONLY  
EMAIL ONLY CA 00000  
ALJ\_Div\_Appeals\_Coordinator@cpuc.ca.gov

Christopher Clay  
Legal Division  
RM. 4300  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-1123  
cec@cpuc.ca.gov

Risa Hernandez  
Communications Division  
RM. 3211  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-2132  
rhh@cpuc.ca.gov

Robert B. Osborn  
Communications Division  
RM. 414  
770 L Street, Suite 1250  
Sacramento CA 95814  
(916) 327-7788  
ro1@cpuc.ca.gov

Llela Tan-Walsh  
Communications Division  
AREA 3-E  
505 Van Ness Avenue  
San Francisco CA 94102 3298  
(415) 703-5213  
llt@cpuc.ca.gov