

Decision 22-05-025 May 19, 2022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Etheric Communications, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange and Non-Dominant Interexchange Service and Designation as an Eligible Telecommunications Carrier in California.

Application 21-01-002

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding to October 20, 2022.

1. Background

Public Utilities (Pub. Util.) Code Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding, within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met and issues an order extending the deadline. The 18-month statutory deadline for resolving the instant application is June 5, 2022.

On January 5, 2021, Etheric Communications, LLC (Etheric) filed this application to request authority to operate as a competitive local exchange carrier

in the territories currently served by AT&T California, Frontier California, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California d/b/a Frontier Communications of California, Inc., and as a non-dominant interexchange carriers in the entire State of California. Etheric is concurrently seeking designation as an Eligible Telecommunications Carrier (ETC) to fulfill Federal Communications Commission (FCC) compliance requirements under the Rural Digital Opportunities Fund.

A prehearing conference was held on March 2, 2021, to determine the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter and address other matters, as necessary.

The assigned Commissioner issued a Scoping Memorandum and Ruling on April 7, 2021 (Scoping Memo). No protests or responses were filed with respect to the application.

On April 19, 2021, Etheric filed supplemental information in response to the assigned Administrative Law Judge (ALJ) ruling dated March 22, 2021, which requested additional information.

On July 28, 2021, Etheric filed additional information in response to the assigned ALJ ruling dated May 17, 2021, which required audited financial information.

On September 24, 2021, Etheric filed a response to the assigned ALJ ruling dated September 24, 2021, which requested certain information about Etheric's responses to the FCC.

On December 12, 2021, counsel for Etheric uploaded (via the Commission's secure document transfer platform) numerous documents to Communications Division (CD) in response to a data request. Scrutiny of the uploaded documents

revealed that Etheric had provided materials to the FCC without notification to the Commission. CD staff had no prior information from the applicant that this material had been submitted to FCC staff.

The additional information required CD staff to thoroughly re-review the application, particularly with respect to the requested designation as an ETC.

An extension of the statutory deadline to October 20, 2022, is necessary to allow the assigned ALJ sufficient time to complete the proposed decision and to provide the CD and assigned Commissioner adequate opportunity to review the Proposed Decision (PD). Lastly, the Commission requires sufficient time thereafter to deliberate and to issue its final decision.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of PDs extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

3. Assignment of Proceeding

Genevieve Shiroma is the assigned Commissioner and Patricia B. Miles is the assigned ALJ in this proceeding.

4. Findings of Fact

1. The statutory deadline for resolving the issues identified in the Scoping Memo is June 5, 2022.

2. An extension of the statutory deadline to October 20, 2022, is necessary to allow the assigned ALJ adequate time to complete the PD, to permit the CD adequate time to review the PD and to allow the Commission sufficient time to deliberate and to issue its final decision addressing the application.

5. Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code Section 1701.5(a), the statutory deadline should be extended to October 20, 2022.

IT IS ORDERED that the statutory deadline in this proceeding is extended until October 20, 2022.

This order is effective today.

Dated May 19, 2022, at San Francisco, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN R.D. REYNOLDS

Commissioners