

Decision 22-09-019 September 15, 2022

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

Utility Telecom Group, LLC (U5807C),

Complainant,

vs.

Case 20-08-003

Bandwidth.com CLEC, LLC (U7038C),

Defendant.

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in this adjudicatory proceeding to April 14, 2023.

**1. Background**

Public Utilities Code (Pub. Util. Code) § 1701.2(i) provides that the Commission shall resolve the issues raised in the scoping memo of an adjudicatory proceeding within 12 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 that deadline. In this proceeding, the original 12-month statutory deadline for resolving the Complaint was August 4, 2021. Decision 21-07-031, issued July 15, 2021, extended the statutory deadline to February 4, 2022. Decision 22-01-032, issued January 27, 2022, extended the statutory deadline to October 13, 2022.

On August 4, 2020, Utility Telecom Group, LLC (UTG) filed its Complaint against Bandwidth.com CLEC, LLC (Bandwidth) alleging that Bandwidth is in violation of Federal Communications Commission and California Public Utilities Commission's rules governing customer telephone number porting. On September 24, 2020, Bandwidth filed its Answer and on October 29, 2020, filed an Amended Answer.

On November 5, 2020, a prehearing conference (PHC) was held to address the issues of law and fact, determine the need for hearing, and to set the schedule for resolving the matter. The assigned Commissioner issued the Scoping Memo and Ruling on December 7, 2020.

Parties have requested continuation of the schedule and to meet and confer pursuant to Rule 13.9. The parties have continued to hold settlement discussions in separate ongoing federal litigation, which may produce a settlement and thereby a dismissal in the instant case. The assigned Administrative Law Judge (ALJ) has granted their continued requests to be allowed to conduct settlement negotiations. The parties' last settlement statement on July 19, 2022 committed to providing another update on the status of their settlement discussions, as well as a potential proceeding schedule should those negotiations fail, October 18, 2022. Therefore, an order extending the statutory deadline until April 14, 2023, is necessary for parties to continue to meet and confer and discuss a potential settlement and dismissal of this proceeding. This extension would be in keeping with the provisions of Pub. Util. § 1701.2(i).

## **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 proposed decisions extending the deadline for resolving issues raised in adjudicatory proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

### **3. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Garrett Toy is the assigned ALJ and presiding officer in this proceeding.

### **Findings of Fact**

1. On August 4, 2020, UTG filed its Complaint.
2. On November 5, 2020, a PHC was held.
3. On December 7, 2020, the Scoping Memo was issued.
4. The parties requested continuations of the schedule and to meet and confer pursuant to Rule 13.9. On June 3, 2021, a ruling was issued approving the requests.
5. Decision 22-01-032 previously extended the statutory deadline until October 4, 2022.
6. Parties have filed status updates requesting continued time to negotiate a settlement.
7. An extension of time until April 14, 2023, is necessary to allow parties to meet and confer and discuss a potential dismissal of this proceeding.

### **Conclusion of Law**

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.2(i), due to the need to allow the parties time to meet and confer and for all related due process steps to take place, the statutory deadline in this proceeding should be extended to April 14, 2023.

**IT IS ORDERED** that the statutory deadline in this proceeding is extended until April 14, 2023.

This order is effective today.

Dated September 15, 2022, at Clovis, California.

ALICE REYNOLDS

President

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

JOHN REYNOLDS

Commissioners