

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

Investigation on the Commission's own Motion  
and Order to Show Cause into the Operations,  
Practices and Conduct of Titan  
Telecommunications, Inc. (U-6224), and  
Christopher Bucci, its President and Owner,  
  
Respondents.

Investigation 01-03-021  
(Filed March 15, 2001)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

**Summary**

Pursuant to Rules 6(c)(1) and 6.3 of the Commission's Rules of Practice and Procedure, this Ruling sets forth the procedural schedule, assigns a presiding officer, and addresses the scope of the proceeding after the August 15, 2001 prehearing conference (PHC).

**Background**

The Commission filed this Order Instituting Investigation (OII) to determine whether Titan Telecommunications, Inc. (Titan) and its sole shareholder and president, Christopher Bucci, have 1) violated Rule 1 of the Rules of Practice and Procedure by including false and/or misleading information on Titan's application for a certificate of public convenience and necessity (A.99-07-029); and 2) used money wrongfully obtained through slamming ACI Communication's Inc.'s customers in establishing Titan.

### **Scope of the Proceeding**

The scope of this investigation is as established in Ordering Paragraphs 1 and 8 of the Order instituting this investigation. Ordering Paragraph 6 of the OII directs CSD to continue to investigate the operations of Respondents, as well as the financial records left by ACI, in order to find additional evidence and to provide that evidence to Respondents in advance of any hearings. At the PHC, CSD stated it intends to present additional declarations in Phase I hearings (revocation) with allegations concerning Titan's failure to provide a registered agent for service of process who could be served.

### **Category of Proceeding and Need for Hearing**

The Commission preliminarily categorized this matter as an adjudicatory proceeding expected to go to hearing. The OII also advised that this categorization is appealable under the procedures in Rule 6.4. No party has filed a timely appeal. This ruling confirms this case as an adjudication scheduled for hearing. The Commission will hold the scheduled Phase I hearings, listed below, in its San Francisco office, 505 Van Ness Avenue, California, starting at 10:00 a.m. on October 24, 2001.

## Schedule

The schedule for this proceeding is as follows:

|                         |  |
|-------------------------|--|
| September 19, 2001      | CSD serves supplemental declarations for Phase I (revocation)  |
| October 3, 2001         | Respondents serve declarations and/or testimony for Phase I  |
| October 24 and 25, 2001 | Evidentiary hearings (Phase I)   |
| ....                    | Concurrent briefs filed, per schedule to be set by later ruling  |
| ....                    | Presiding officer's decision filed within 60 days of submission  |
| ....                    | Presiding officer's decision becomes effective (unless appeal filed within 30 days per Pub. Util. Code § 1701.2(a) and Rule 8.2) |
| November 5, 2001        | CSD serves declarations for Phase II (alter ego)   |
| December 3, 2001        | Respondents serve declarations and/or testimony for Phase II   |
| January 2-4, 2002       | Evidentiary hearings (Phase II)  |
| ....                    | Concurrent briefs filed, per schedule to be set by later ruling  |
| ....                    | Presiding officer's decision filed within 60 days of submission  |
| ....                    | Presiding officer's decision becomes effective (unless appeal filed within 30 days per Pub. Util. Code § 1701.2(a) and Rule 8.2) |

## Designation of Presiding Officer

ALJ Janice Grau will be the presiding officer.

## Ex Parte Rules

Ex parte communications are prohibited in adjudicatory proceedings under Pub. Util. Code § 1701.2(b) and Rule 7 of the Commission's Rules of Practice and Procedure.

**IT IS RULED** that:

1. The schedule and scope of the proceeding are as set forth herein.
2. The presiding officer will be Administrative Law Judge Grau.
3. This ruling confirms that this proceeding is an adjudication scheduled for hearing.
4. Ex parte communications are prohibited under Pub. Util. Code § 1701.2(b) and Rule 7 of the Rules of Practice and Procedure.

Dated August 27, 2001, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated August 27, 2001, at San Francisco, California.

/s/ MAUREEN S. LITTLE  
Maureen S. Little

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure 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.