

BEFORE THE PUBLIC UTILITIES COMMISSION
 OF THE
 STATE OF CALIFORNIA



FILED
 08/05/20
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IN ATTENDANCE: PRESIDENT MARYBEL BATJER, COMMISSIONER
 MARTHA GUZMAN ACEVES

ADMINISTRATIVE LAW JUDGE PETER WERCINSKI presiding

)	PREHEARING
)	CONFERENCE
Application of Frontier)	
Communications Corporation, Frontier)	
California Inc. (U 1002 C), Citizens)	
Telecommunications Company of)	
California Inc. (U 1024 C), Frontier)	Application
Communications of the Southwest Inc.)	20-05-010
(U 1026C), Frontier Communications)	
Online and Long Distance Inc.)	
(U 7167 C), Frontier Communications)	
of America, Inc. (U 5429 C) For)	
Determination that Corporate)	
Restructuring is Exempt from or)	
Compliant with Public Utilities Code)	
Section 854.)	

REPORTER'S TRANSCRIPT
 Telephonic Proceeding
 July 24, 2020
 Pages 1 - 52

Reported by: Doris Huaman, CSR No. 10538

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TELEPHONIC PROCEEDING

JULY 24, 2020 - 9:07 A.M.

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ADMINISTRATIVE LAW JUDGE WERCINSKI:

The Commission will now come to order. I am Administrative Law Judge Peter Wercinski. It is now 9:07 a.m. on July 24, 2020. This is the time and place for the prehearing conference in Application 20-05-010, the application of Frontier Communications Corporation, Frontier California, Inc., Citizens Telecommunications Company of California, Inc., Frontier Communications of Southwest, Inc., Frontier Communications Online and Long Distance, Inc., and Frontier Communications of America, Inc. for determination that a corporate restructuring is exempt from or compliant with Public Utilities Code Section 854.

The assigned Commissioner in this proceeding is Martha Guzman Aceves, and Commissioner Aceves is present on this conference.

Commissioner Guzman Aceves, before I proceed any further with this conference, would you like to make any introductory remarks?

COMMISSIONER GUZMAN ACEVES: Yes.

1 Thank you, Judge Wercinski. And thank you
2 everyone for being here this morning. I know
3 these weeks are a little longer, and
4 obviously the logistics are much more
5 different and at times difficult. I want to
6 just make a brief remark of the importance of
7 this application and obviously coming at a
8 time of great need for this quality service
9 and the importance of really doing what is in
10 the application that Frontier is proposing
11 the improvement of the quality service.

12 This is an area -- the service
13 areas, the Frontier, are areas that obviously
14 have lacked severe disinvestment and will be
15 my focus in these following months on how
16 this reorganization really focuses in those
17 areas and improves, as was stated in the
18 application, the quality of service.

19 So with that, I hope we have a
20 logistically positive meeting, and I want to
21 thank Judge Wercinski for putting together
22 this prehearing conference.

23 Thank you.

24 ALJ WERCINSKI: Very good. Thank you,
25 Commissioner Guzman Aceves. I also want to
26 recognize Commission President Marybel
27 Batjer, who is also on this conference.

28 President Batjer, are you there with

1 us?

2 PRESIDENT BATJER: Yes, Judge. And
3 Commissioner Guzman Aceves, thanks very much
4 for your words. I will just be listening in
5 today, but thank you for the opportunity.

6 ALJ WERCINSKI: Very good. Thank you,
7 President Batjer.

8 This conference is being conducted
9 by telephone and is being transcribed by a
10 court reporter. Here are my procedural
11 instructions to the parties regarding their
12 participation in this conference:

13 Please speak only when I address
14 you. Please speak slowly and clearly.
15 Please identify yourself each time you speak.
16 Please do not interrupt or speak over anyone
17 else. The court reporter may interrupt you
18 and have you repeat or clarify what you're
19 saying if it's not understandable to the
20 court reporter. As I go through the issues
21 in this hearing, I will ask the
22 representative for each party to separately
23 respond to my questions. I'll be following
24 this order for each issue. First the
25 applicants. I'll be referring to them in
26 this conference collectively as Frontier,
27 then Public Advocates Office, then the
28 Utility Reform Network, who I will be

1 referring to as TURN, then the Greenlining
2 Institute, then the Center For Accessible
3 Technology, then the Communications Workers
4 of America District 9.

5 After I've heard from each party on
6 an issue, if appropriate, I will allow each
7 party an additional opportunity to respond to
8 statements made by the other parties. If
9 anyone wants a transcript of this conference,
10 please send an email to
11 reporting@cpuc.ca.gov. The purpose of this
12 prehearing conference is to address the
13 following matters in this proceeding:

14 Appearances and party status, the
15 service list, the categorization of this
16 proceeding, the necessity for hearings, the
17 issues and scope, the scheduling of events
18 and other procedural issues.

19 I'm now going to have the
20 representatives for all the parties identify
21 themselves for the record and have each of
22 you state and spell your name.

23 I'm going to start with the
24 applicants Frontier. Please identify
25 yourself and please spell your names.

26 MR. ROSVALL: Yes. Good morning, your
27 Honor. This is Patrick Rosvall representing
28 Frontier and the various applicants. My name

1 is spelled Patrick, P-A-T-R-I-C-K. Last name
2 Rosvall, R O-S-V-A-L-L.

3 Thank you.

4 ALJ WERCINSKI: Thank you, Mr. Rosvall.

5 For Public Advocates, please state
6 your name and spell it.

7 MR. OBIORA: Thank you, your Honor.

8 This is Noel Obiora for Public Advocates. My
9 name is spelled N-O-E-L, Noel, O-B-I-O-R-A,
10 Obiora.

11 Thank you.

12 ALJ WERCINSKI: Thank you, Mr. Obiora.

13 Now I'm now going to go to the
14 representative for TURN. Please identify
15 yourself.

16 MS. MAILLOUX: Thank you, your Honor.

17 This is Christine Mailloux on behalf of TURN.
18 It's Christine, C-H-R-I-S-T-I-N-E, and
19 Mailloux is M-A-I-L-L-O-U-X.

20 Thank you.

21 ALJ WERCINSKI: Thank you,

22 Ms. Mailloux.

23 For the Greenlining Institute, sir,
24 if you please identify yourself and spell
25 your name.

26 MR. GOODMAN: Good morning, your Honor.

27 My name is Paul Goodman on behalf of the
28 Greenlining Institute. Paul is P-A-U-L and

1 Goodman is G-O-O-D-M-A-N.

2 ALJ WERCINSKI: Thank you, Mr. Goodman.

3 The representative for the Center
4 For Accessible Technology, please state and
5 spell your name.

6 MS. KASNITZ: Thank you. This is
7 Melissa Kasnitz for the Center For Accessible
8 Technology. Melissa is M-E-L-I-S-S-A.
9 Kasnitz is K-A-S-N-I-T-Z. Thank you.

10 ALJ WERCINSKI: Thank you, Ms. Kasnitz.

11 And for the Communications Workers
12 of America District 9, please identify
13 yourself and spell your name.

14 MS. KOSS: This is Rachael Koss for
15 Communications Workers of America District 9.
16 Rachael, R-A-C-H-A-E-L. Koss, K-O-S-S.

17 ALJ WERCINSKI: Thank you, Ms. Koss.

18 Other than the representatives who
19 have just identified themselves, is there
20 anyone else on this call that intends to
21 participate in this proceeding? I understand
22 Mr. Rosvall has already identified general
23 counsel Kevin Saville as a possible person.
24 We talked about a procedure for having Mr.
25 Saville participate, if that's appropriate.

26 Other than Mr. Saville, is there
27 anyone else on this conference that intends
28 to participate in this proceeding that has

1 not yet identified themselves?

2 (No response.)

3 ALJ WERCINSKI: No? All right. Other
4 than the representatives who have already
5 identified themselves, is there anyone else
6 on this conference that wants me to determine
7 whether or not they or the entity that they
8 represent can be a party to this proceeding?

9 (No response.)

10 ALJ WERCINSKI: No? All right. We
11 will continue on. After this hearing, each
12 of the parties can go to the CPUC website and
13 confirm, put the name of the one person
14 designated as a party and the names of any
15 other persons on the service list as
16 information only to receive served documents
17 are correct, and if they are not correct,
18 there is a form that is available on the
19 website that could be submitted to the
20 Commission to update the names.

21 I'm now going to move onto
22 categorization and necessity for hearings.
23 Administrative Law Judge Resolution 176-3462
24 filed on May 28, 2020 preliminarily
25 determined that this matter is categorized as
26 ratesetting and that hearings are necessary.

27 I'm going to turn to you first, Mr.
28 Rosvall. Do you agree with the ratesetting

1 categorization for this proceeding?

2 MR. ROSVALL: Your Honor, yes, we do
3 agree that it would be ratesetting.

4 ALJ WERCINSKI: Very good. Thank you,
5 Mr. Rosvall. And then, Mr. Rosvall, from the
6 meet-and-confer report that was submitted on
7 July 20, it appears that Frontier does not
8 believe that hearings in any form are
9 necessary; is that correct?

10 MR. ROSVALL: So, your Honor, that's
11 generally correct, but I would modify that a
12 little bit. I think our perspective is that
13 we set aside some days for hearing in the
14 schedule that was agreed upon. If indeed it
15 turns out that a full 854 analysis is applied
16 and there are disputed issues of fact, we
17 certainly agree that the hearings would be
18 necessary to address those issues, but we
19 continue to believe that this should be
20 addressed based upon on 854 -- I mean, 853,
21 rather.

22 So we've agreed with the parties to
23 set aside those dates, but we still believe
24 that there is a faster more efficient
25 mechanism for resolving this proceeding that
26 may not, in fact, require evidentiary
27 hearings. That would be our position.

28 ALJ WERCINSKI: Fine. Very good. Mr.

1 Rosvall, is there anything else you want to
2 add now with regard to the issue of necessity
3 of hearings?

4 MR. ROSVALL: Only, your Honor, that we
5 did, as parties, build in a status conference
6 that would accommodate determining what the
7 disputed issues of fact may be much closer to
8 the event, and so the issue in our minds,
9 should our schedule be adopted, would be
10 built into that event where we could revisit
11 the issue after the parties have submitted
12 testimony.

13 ALJ WERCINSKI: All right. Very good.

14 Let me turn to you, Mr. Obiora, for
15 Public Advocates. First, Mr. Obiora, do you
16 agree with the ratesetting categorization in
17 this proceeding?

18 MR. OBIORA: Yes, your Honor, the
19 Public Advocates Office agrees with the
20 ratesetting categorization for this
21 proceeding.

22 ALJ WERCINSKI: And Mr. Obiora, from
23 the meet-and-confer report, it appears that
24 Public Advocates believes that hearings are
25 necessary. Is that correct? And is there
26 anything else you want to add with regard to
27 the issue of the necessity of hearings?

28 MR. OBIORA: Yes, your Honor. That's

1 correct. The Public Advocates Office
2 believes that hearings are necessary for this
3 proceeding in light of the fact that the
4 determination to be made is whether the
5 restructuring was in the public interest and
6 the determination of hearings has to be
7 done --

8 THE COURT REPORTER: Excuse me, Judge.
9 This is the court reporter. Can we go off
10 the record for one second?

11 ALJ WERCINSKI: Sure. Let's go off the
12 record.

13 (Off the record.)

14 ALJ WERCINSKI: Very good. I was just
15 going to say the same thing. So go ahead,
16 Mr. Obiora. Again, the issue is is there
17 anything else you want to add with regard to
18 the issue of the necessity of hearings,
19 things that have not already been covered in
20 the meet-and-confer report. Mr. Obiora?

21 MR. OBIORA: Certainly. Yes. I was
22 just going to say that we believe that
23 hearings are necessary in light of the public
24 interest requirement of this proceeding --
25 for this proceeding and the fact that the
26 determination should be made at this time.
27 We -- Public Advocates Office is willing to
28 work with the parties to -- in any way

1 necessary to expedite matters, but we do
2 believe that hearings are necessary.

3 ALJ WERCINSKI: All right. Let me go
4 to my -- for TURN, is my -- on behalf of
5 TURN, do you agree with the ratesetting
6 categorization for this proceeding?

7 MS. MAILLOUX: Yes, your Honor. We do.

8 ALJ WERCINSKI: And, Ms. Mailloux, from
9 the meet-and-confer report, it appears that
10 you also -- TURN also believes that hearings
11 are necessary. Is there anything else that
12 you want to add with regard to the issue of
13 the necessity of hearings.

14 MS. MAILLOUX: We do agree hearings are
15 likely to be necessary. We believe there's
16 some real impact on customers that need to be
17 sorted through. However, we do support the
18 idea of a status conference and hope to work
19 with the parties and with the applicant to
20 minimize the scope of the hearings as best as
21 we can. But there's some very real concrete
22 impacts here that we think will potentially
23 lend itself to disputed issues of fact and
24 wanted to reserve those dates for that
25 purpose.

26 ALJ WERCINSKI: All right. Very good.

27 Let me turn to Mr. Goodman for the
28 Greenlining Institute. Mr. Goodman, on

1 behalf of Greenlining, do you agree with the
2 ratesetting categorization for this
3 proceeding?

4 MR. GOODMAN: I do, your Honor.

5 ALJ WERCINSKI: Okay. And Mr. Goodman,
6 from the meet-and-confer report, it also
7 appears that the Greenlining Institute
8 position is that hearings are or may be
9 necessary. Is there anything else that you
10 want to add with regard to that issue?

11 MR. GOODMAN: Simply that Greenlining
12 takes the same position as TURN.

13 ALJ WERCINSKI: Okay.

14 Okay. Let me turn to Ms. Koss then
15 on behalf of Communications Workers of
16 America. I'm sorry. I skipped over
17 Ms. Kasnitz. I want to stay in the same
18 order. Let me turn to you, Ms. Kasnitz. On
19 behalf of the Center For Accessible
20 Technology, do you agree with the ratesetting
21 categorization in this proceeding?

22 MS. KASNITZ: Yes, your Honor.

23 ALJ WERCINSKI: Okay. And Ms. Kasnitz,
24 from the meet-and-confer report, it also
25 appears that the Center For Accessible
26 Technology believes that hearings are or may
27 be necessary. Is there anything else that
28 you want to add with regard to that issue?

1 MS. KASNITZ: No, I'm in agreement with
2 the other intervenors. Thank you.

3 ALJ WERCINSKI: Okay. All right.

4 Now let me turn to Ms. Koss on
5 behalf of Communications Workers of America.
6 Ms. Koss, do you agree with the ratesetting
7 categorization for this proceeding?

8 MS. KOSS: Yes, your Honor.

9 ALJ WERCINSKI: Okay. And Ms. Koss,
10 the Communications Workers of America, from
11 the meet-and-confer report, also appears to
12 believe that hearings are or may be
13 necessary. Is there anything else that you
14 want to add with regard to that issue?

15 MS. KOSS: I have nothing to add, your
16 Honor. I agree with the other intervenors.
17 Thank you.

18 ALJ WERCINSKI: Very good. All right.
19 I have now heard from all the parties. I'm
20 just going to go back very quickly. I don't
21 think that there was anything controversial
22 that was said. But let me just go back to
23 you, Mr. Rosvall. Anything else you want to
24 add? I don't need a repetition. Is there
25 anything else you want to add to what you
26 previously said regarding the issue of
27 hearings?

28 MR. ROSVALL: No, your Honor.

1 ALJ WERCINSKI: Okay. Any of the other
2 parties, the intervenors, anything else that
3 you believe I need to hear that I haven't
4 already heard with regard to the issue of the
5 necessity of hearings?

6 (No response.)

7 ALJ WERCINSKI: No? Very good. We
8 will move on then to the issues in scope. I
9 will now address the issues in scope for this
10 proceeding. I have reviewed the
11 meet-and-confer report that sets forth the
12 parties' positions regarding the issues of
13 scope. I do appreciate and thank the parties
14 for following my directions to meet and
15 confer and to provide the meet-and-confer
16 report. I think it was very useful in
17 achieving consensus on many of these issues.
18 So I appreciate your time and efforts in
19 doing that.

20 I do understand, from the
21 meet-and-confer report, that there remains a
22 disagreement about whether the Public
23 Utilities Code Section 853 should apply, and
24 I understand that intervenors believe that
25 Public Utilities Code Section 854 should
26 apply in full. From the meet-and-confer
27 report, Frontier's position appears to be
28 that if Public Utilities Code Section 854

1 should apply that the Commission should not
2 consider Section 854(b)(3) regarding whether
3 the restructuring adversely affects
4 competition, and it also requires an
5 adverse -- an advisory opinion about
6 competition from the Attorney General.

7 So with that, I'm going to go to
8 each of the parties. I don't need for the
9 parties to repeat positions that I think I've
10 articulated now with regard to the issues in
11 the scope.

12 But let me turn first to you, Mr.
13 Rosvall, on behalf of Frontier applicants, do
14 you have anything to add to the issue
15 regarding what the issues in the scope are
16 for this proceeding?

17 MR. ROSVALL: Yes, your Honor, briefly.
18 I have one overall comment and then a
19 specific response to something you mentioned.
20 The overall comment is just that Frontier
21 really believes that it has submitted a
22 focused application that should be narrowly
23 tailored to the questions at hand, which are
24 a transfer of control at the parent company
25 level and a financial restructuring that is
26 attached to that transfer of control.

27 And so in addition to mentioning the
28 statutes, which you've just done, I think

1 correctly, stating that we believe an
2 exemption is warranted under Section 853(b),
3 we just want to emphasize that even if 854
4 applies that the scope should remain focused
5 on the transaction at hand I think consistent
6 with the precedent surrounding 854. And
7 that's my overall comment, just that we're a
8 little bit concerned from some of the
9 protests and even the statements reflected in
10 the joint statement that we supplied about
11 some of the ways in which the intervenors are
12 framing the proceeding. And our view is that
13 it should be narrowly focused on just the
14 transaction at hand and of course the public
15 interest ramifications of those transactions.

16 So in addition to that overall
17 comment, I did want to clarify one thing
18 about the statement about 854(b)(3), which is
19 the revision of Section 854 relating to the
20 impact on competition. It's really the
21 Attorney General report that we were
22 particularly concerned with. I think our
23 view is that entire subsection isn't
24 necessary, as we've stated in our pleadings,
25 but it's at least the Attorney General report
26 which would require a different agency to
27 produce a document that frankly, in our view,
28 would be irrelevant under these

1 circumstances.

2 So it's -- and our concern mainly is
3 just the timing that that would take and the
4 involvement of that other agency. And so
5 even if 854 applies, just from a streamlining
6 perspective, we don't believe that that
7 report should be necessary. But I did want
8 to provide that clarification.

9 ALJ WERCINSKI: All right. Very good.

10 Anything else, Mr. Rosvall, on the
11 issues and scope?

12 MR. ROSVALL: No, your Honor. I would
13 just reserve the right to clarify once we
14 hear from the other parties.

15 ALJ WERCINSKI: I understand. And I
16 will give you that opportunity.

17 All right. Let me turn to you, Mr.
18 Obiora, for the Public Advocates. Do you
19 have anything else to add with regard to the
20 issues and scope that's not already been
21 covered in the meet-and-confer report or the
22 description of what I see is the continuing
23 disagreements between the parties? Anything
24 else you want to add to that, Mr. Obiora?

25 MR. OBIORA: No, your Honor, except I
26 would just like to bring the issues more
27 clearly in the sense that we continue to
28 believe that the scope of the proceeding is

1 defined by Section 854 and the public
2 interest requirement in that section.

3 To the extent that any other issues
4 are indicated that goes to the definition of
5 public interest, we are not trying to add or
6 expand the scope beyond what's stated in 854.
7 And that's -- I state that only to respond
8 briefly to what Mr. Rosvall said. But yes,
9 that is our position.

10 ALJ WERCINSKI: All right. Thank you,
11 Mr. Obiora.

12 Let me turn to you, Ms. Mailloux, on
13 behalf of TURN, is there anything else that
14 you want to add? I'm sorry?

15 MS. MAILLOUX: No. Yes. Sorry.

16 ALJ WERCINSKI: That's all right. Ms.
17 Mailloux, is there anything else you want to
18 add with regard to the issues and scope that
19 has not already been covered in the
20 meet-and-confer report?

21 MS. MAILLOUX: Your Honor, I think the
22 issue that I would like to just highlight is
23 what was a chunk of our discussion amongst
24 the parties. We agree with the applicants
25 that we only do intend to look at the
26 transaction of part of this docket. However,
27 as I think our protest suggested and some of
28 the discussions subsequent suggest that

1 there's many elements to the transaction
2 itself that do implicate then other parts of
3 other issues that come up under Section 854
4 and the public interest analysis. And so we
5 want to keep this proceeding moving forward,
6 and we want to make sure that all the issues
7 are covered.

8 But indeed, I think the transaction
9 itself is very complicated, and there's many
10 issues that will implicate Section 854. But
11 also then the issues, for example, that you
12 listed in your email, other proceedings,
13 other things that Frontier is doing at this
14 Commission and how this transaction will
15 impact those things. So that's the
16 perspective that TURN is coming from and how
17 those things then impact end-user customers.

18 Thank you.

19 ALJ WERCINSKI: All right. Thank you,
20 Ms. Mailloux.

21 Mr. Goodman, on behalf of the
22 Greenlining Institute, do you want to make
23 any comment that has not already been covered
24 in the meet-and-confer report regarding the
25 issues and scope?

26 MR. GOODMAN: Thank you, your Honor.
27 Greenlining shares the position of Public
28 Advocates and TURN, and again, we are

1 primarily interested on the impacts of the
2 proposed transaction on communities of color.

3 ALJ WERCINSKI: All right. Thank you,
4 Mr. Goodman.

5 Ms. Kasnitz, on behalf of the Center
6 For Accessible Technology, anything else you
7 want to add to the issues and scope beyond
8 what was already covered in the
9 meet-and-confer report?

10 MS. KASNITZ: Only to say that we agree
11 with the other intervenors, and we're
12 specifically here to represent the interests
13 of vulnerable customers with disabilities who
14 might be impacted by the transaction.

15 ALJ WERCINSKI: All right. Thank you,
16 Ms. Kasnitz.

17 And, Ms. Koss, on behalf of the
18 Communications Workers of America, anything
19 else you want to add regarding the issues and
20 scope beyond what was already covered in the
21 meet-and-confer report?

22 MS. KOSS: Oh. Nothing to add. CWA
23 agrees with the other intervenors. And I
24 would just highlight that under 854 the
25 Commission needs to look at the impacts on
26 utility employees, and we will be focusing on
27 that in this proceeding. Thank you.

28 ALJ WERCINSKI: All right. Thank you,

1 Ms. Koss.

2 I'm going to go back to you now, Mr.
3 Rosvall. You've heard from representatives
4 for the intervenors. I've heard what you had
5 to say before. Is there anything else you
6 want to add, Mr. Rosvall, to what you've
7 already said regarding the issues and scope?

8 MR. ROSVALL: I think I only have a
9 very brief comment to add which is just that
10 I think we actually appreciate the
11 clarification that some of the intervenors
12 have supplied regarding the focus of the
13 proceeding on the transaction. Just to
14 clarify that a little further from our point
15 of view. There's a list of things that
16 appeared in your notice for this prehearing
17 conference that are essentially other
18 proceedings and other subjects. And so the
19 clarification is just that if indeed some of
20 those other things that were implicated by
21 the transaction, and the transaction defined
22 as the transfer of control and the
23 restructuring, then, you know, we understand
24 that those would be in scope insofar as they
25 relate to the transaction.

26 But what we want to make sure of in
27 scoping this is that those things don't
28 become issues unto themselves. There are

1 many Commission proceedings in which things
2 like service quality and broadband deployment
3 and the many other things on that list could
4 be examined for their own merits. So if
5 that's something that someone wants to look
6 at, we think that's outside the scope as
7 opposed to looking at whatever issues may be
8 implicated under the public interest
9 standards from the transaction. And so
10 that's our clarification.

11 ALJ WERCINSKI: Sorry. Thank you, Mr.
12 Rosvall.

13 Mr. Obiora, anything else you want
14 to add to what you previously said? You've
15 had the opportunity to hear the other
16 intervenors. Mr. Rosvall just responded to
17 the comments of the intervenors. Anything
18 else, Mr. Obiora, that you want to add to
19 what you've already said?

20 MR. OBIORA: Yes, your Honor. I think,
21 only because I doubt that I made myself clear
22 the first time I spoke, my concern is that
23 Mr. Rosvall's clarifications, the focus is
24 trying to define the public interest
25 components, and we can't do that in
26 determining the scope of this proceeding. I
27 believe that the scope of this proceeding
28 should be defined according to the statutes

1 and then the elements of what constitutes
2 public interest, and what goes as public
3 interest should be left for the determination
4 within the proceeding. But we can't narrowly
5 define the public interest and state that
6 what Mr. Rosvall is saying should be out of
7 the scope -- should be out of the scope in
8 considering what the public interest is. I
9 think that continues to confuse matters, and
10 we should just focus on what the statute
11 provides.

12 I believe the parties'
13 meet-and-confer agreement clearly agrees that
14 if 853 does not apply, which is the exception
15 to the provision, then 854 applies. And that
16 854 -- the very letter of 854 defines the
17 scope of this proceeding. And that's the
18 clarification I want to make.

19 ALJ WERCINSKI: Okay. I understand.
20 And I appreciate your clarification, Mr.
21 Obiora. I understand that there's a
22 different point of view among the parties
23 about how to read 854, and you know, I -- we
24 will certainly, in the scoping memo, address
25 the issue, what the appropriate scope of this
26 proceeding is.

27 So I think I understand what the
28 parties have had to say, and so let's move on

1 from there. I do want to give the other
2 parties -- Ms. Mailloux, is there anything
3 else you want to add to what you've already
4 said after hearing from the other
5 representatives here regarding the issues and
6 scope?

7 MS. MAILLOUX: I guess, your Honor, the
8 one point I will make that might be helpful,
9 the way TURN is approaching this proceeding,
10 is recognizing that this transaction has both
11 potential risks for the consumer and benefits
12 for the consumer. And we look forward to
13 learning more about the transaction and
14 understanding more about how Frontier plans
15 to proceed in order for us to ensure that
16 this transaction is in the public interest
17 both from potential benefits, which there
18 very well may be, and risks that we can
19 identify. So that's really our goal here,
20 and we look forward to moving forward with
21 that under these different elements that are
22 listed within 854.

23 So thank you, your Honor.

24 ALJ WERCINSKI: All right.

25 Mr. Goodman, anything else you want
26 to add to what you already said?

27 MR. GOODMAN: Briefly, your Honor. I
28 just want to clarify Greenlining's position.

1 We certainly don't think it's necessary to
2 relitigate any of the past proceedings or
3 past decisions or resolutions you mentioned
4 in your email. However, to the extent those
5 decisions or orders included mitigation
6 measures, conditions, commitments, things of
7 that nature, I believe it is within the scope
8 to determine whether those were sufficient in
9 order to make sure the public interest is
10 being served in this transaction.

11 ALJ WERCINSKI: All right. Thank you,
12 Mr. Goodman.

13 Ms. Kasnitz, anything else you want
14 to add to what you already said?

15 MS. KASNITZ: Nothing further, your
16 Honor.

17 ALJ WERCINSKI: Thank you.

18 Ms. Koss, anything else you want to
19 add to what you already said regarding the
20 issues of scope?

21 MS. KOSS: No, your Honor. Thank you.

22 ALJ WERCINSKI: Okay. Mr. Rosvall, I'm
23 going to give you another opportunity.
24 Again, I don't want -- I've heard from what
25 you've had to say twice now, and I've heard
26 what the other intervenors have had to say.
27 Is there anything else that you haven't
28 already covered that you think I should know

1 with regard to the issues and the scope?

2 MR. ROSVALL: Yes, your Honor. Thank
3 you. Very briefly. In response to
4 Greenlining, on the subject of mitigation
5 matters, I just want to be clear that we
6 believe that's definitely outside of the
7 scope. To the extent that something from the
8 previous Verizon transaction or some other
9 proceeding, you know, generated a compliance
10 requirement, the Commission has the ability
11 to look at those. But those are not related
12 to this transaction. And so I just wanted to
13 address that one subject that was raised in
14 the intervenor's comments.

15 ALJ WERCINSKI: All right. Fair
16 enough. And since you raised it, I'll give
17 Mr. Goodman -- again, I've heard what you've
18 had to say. Mr. Rosvall has a different take
19 on that. Anything else, Mr. Goodman, in
20 regard to the issues and the scope that you
21 have not already covered?

22 MR. GOODMAN: Nothing further, your
23 Honor.

24 ALJ WERCINSKI: Very good. I think
25 I've given all the parties a fair opportunity
26 to address the issues and the scope. So I'm
27 going to move on now. I'm going to -- I will
28 consult with the assigned Commissioner's

1 office with regard to the issues and the
2 scope, and those issues will be identified in
3 the scoping memo. All right. We're going to
4 move on now to the scheduling. I've reviewed
5 the parties' proposed schedules from the
6 application in the protest and particularly
7 the consensus schedule that was reflected in
8 the meet-and-confer report. That report
9 reflects the general agreement regarding the
10 scheduling dates except my reading that
11 Frontier believes the public participation
12 hearings are not necessary. Intervenors
13 proposed public participation hearings, and
14 the schedule does provide for dates of
15 September 3, September 8th and September 9th
16 for public participation hearings.

17 My reading from the report is that
18 Frontier is not clear, at least at this
19 point, about what the facts are that are in
20 dispute that may be addressed in evidentiary
21 hearings. Intervenors propose that
22 evidentiary hearings be scheduled, and I've
23 heard what some of the representatives, at
24 least, have addressed, that it's -- there's a
25 status conference built into the schedule now
26 that would be an appropriate time to address
27 whether or not there are material issues of
28 disputed fact that would necessitate

1 evidentiary hearings. So the schedule
2 appropriately sets out evidentiary hearings,
3 if needed, for October 26th, 27 and 28.

4 Also, Frontier preferred to have a
5 scheduling meet-and-confer report --
6 scheduling a target end date of February 15,
7 if not sooner, for the Commission to issue a
8 decision. The intervenors defer to the
9 Commission with regard to a date for the
10 final decision. The consensus schedule
11 doesn't reflect a specific date for the
12 Commission to issue a decision, but I think
13 Frontier's made their position with regard to
14 a target date clear enough from the
15 meet-and-confer report.

16 So with that, Mr. Rosvall, anything
17 else that you want to add with regard to the
18 issue regarding the proceeding schedule?

19 MR. ROSVALL: Yes. I'll address, I
20 think, three issues briefly. The first is
21 the question of the PPHs. So Frontier, you
22 know, in the spirit of meeting and
23 conferring, we put in some dates into the
24 schedule where if there are PPHs and there
25 are three like -- intervenors would like,
26 then that's when maybe they could happen.
27 But I do want to make clear that Frontier
28 doesn't believe that PPHs are likely to

1 generate useful information given the nature
2 of this matter, which is a technical
3 transaction, a transfer of control at the
4 parent company level and the restructuring
5 that involves, you know, a lot of technical
6 financial matters, balance sheets and things
7 like that.

8 You know, PPHs tend to be more
9 useful when you're talking about something,
10 you know, with very direct, you know, impacts
11 on rates, impacts on particular
12 protection-type items. And we note in
13 particular that in the recent PG&E matter
14 that, you know, resolves PG&E's emergency
15 bankruptcy, there were requests for PPHs, and
16 in fact, they were denied. PPHs didn't take
17 place in that context, and yet, in that
18 context, there were, in our minds, a lot more
19 present kind of public safety-type concerns,
20 and yet, there still weren't PPHs. That was
21 also pre-COVID, which certainly -- in the
22 current environment, I think that a PPH
23 really can't take place in the same way that
24 maybe it has in the past. But for a lot
25 reasons, we just don't think that that's
26 going to be a useful exercise. And frankly,
27 we think that it's likely to generate a lot
28 of comments on the subject but that don't

1 relate to the transaction. You know, we have
2 the experience from the Verizon matter, and
3 we think that's just not going to be a useful
4 event given the nature of this matter.

5 That's one --

6 THE COURT REPORTER: Excuse me. This
7 is the court reporter. Can we go off the
8 record one second?

9 ALJ WERCINSKI: Yes. Let's go off the
10 record.

11 (Off the record.)

12 ALJ WERCINSKI: We are back on the
13 record.

14 We had a discussion while we were
15 off the record with the court reporter just
16 regarding making sure that the court reporter
17 was getting Mr. Rosvall's words correctly.

18 So with that, Mr. Rosvall, you want
19 to go back and start where the court reporter
20 had left off in her transcription and proceed
21 from there?

22 MR. ROSVALL: Yes, your Honor. I was
23 going to turn to my second topic, which is
24 the insertion of dates for the proposed
25 decision and decision, as your Honor noted,
26 in describing the joint statement. I just
27 wanted to clarify that, you know, this
28 schedule, as presented, pushes Frontier quite

1 a bit from its original position on the
2 schedule. And the dates that are put in
3 here, although the meet-and-confer document
4 doesn't specify proposed decisions and
5 decisions, it's critical to Frontier that
6 this get resolved as quickly as possible in
7 light of the expense that Frontier is
8 incurring in the bankruptcy process, which
9 will continue until all of the approvals are
10 received.

11 So we don't know what the meetings
12 will look like, and I don't presume to, you
13 know, say what the Commission's workload or
14 your Honor's workload will look like. But it
15 is our intention that the Commission target a
16 proposed decision in mid-January with the
17 assumption that there will be a Commission
18 meeting in the middle of February where this
19 could be considered in final at a Commission
20 meeting. So I just wanted to clarify that
21 that is important to Frontier. And in my
22 experience, those events do often get
23 included in scoping memos. So it's our
24 proposal that those be put in.

25 My third topic is just related to
26 the compromised schedule that is reflected in
27 the meet-and-confer document. I just wanted
28 to clarify that Frontier has put in a very

1 aggressive date for its own testimony, which,
2 in some sense, depends on the scoping memo
3 being issued quickly. And, you know, we
4 would love, if possible, to get clarification
5 at least on that one date in this process
6 today just so that we can proceed with filing
7 our testimony as of that very early date.

8 And, again, I don't presume to
9 understand your Honor's schedule or exactly
10 what, you know, the Commission needs to do to
11 confirm that. But it would allow us to
12 proceed with this consensus schedule if we
13 could go ahead and file testimony by August
14 4th.

15 So those are my comments.

16 ALJ WERCINSKI: Let me -- before we go
17 onto the representatives for the intervenors,
18 let me address, Mr. Rosvall, that issue.
19 I've heard what you've had to say about the
20 issue. I appreciate your efforts in getting
21 consensus regarding the schedule, and you
22 know, as a result of this conference, we'll
23 prepare a scoping memo. I will need to
24 consult with the Commissioner's office, and
25 then we will get it out as soon as we
26 reasonably can. I want to make sure that the
27 scoping memo properly addresses all the
28 issues. I appreciate the timing. I agree

1 that the schedule does have some deadlines
2 that are coming up fairly soon. And I
3 appreciate that. So I'm aware of that. And
4 we will be making our best efforts to get out
5 the scoping memo as soon as is appropriate to
6 do so.

7 With that, let me turn to you, Mr.
8 Obiora, for the Public Advocates regarding
9 the issue of scheduling. Mr. Obiora,
10 anything you want to add to what the
11 meet-and-confer report says with regard to
12 the schedule?

13 MR. OBIORA: Very briefly, your Honor.
14 Yeah, the parties both worked very hard on
15 their various sides to come up with a
16 schedule that would be a consensus schedule.
17 I would like to talk briefly on what Mr.
18 Rosvall said about the PPHs. First, I don't
19 think it's in the public interest to avoid
20 PPHs in order to expedite this proceeding for
21 the sake of reaching a deadline that Frontier
22 prefers.

23 ALJ WERCINSKI: Mr. Obiora, can I stop
24 you for just a minute. I just want to make
25 sure that the court reporter's getting
26 everything you're saying. Since you -- slow
27 down a little bit so that we make sure we
28 have a good record. So go ahead.

1 MR. OBIORA: All right. Thank you. I
2 appreciate that Frontier is concerned that
3 the current situation with COVID-19 and
4 people's request to self-quarantine might
5 affect the advocacy of the PPHs. But I
6 think -- in the 17 or 18 years I've been at
7 the Commission, I find that the technical
8 nature of the material or the technical
9 nature of the proceeding is not a valid basis
10 for avoiding or reducing PPHs. That is why
11 we have a lot of advocacy representation and
12 a lot of parties who represent this entity to
13 be able to make -- simplify matters to them
14 and bring things clearer to them -- and make
15 things clearer to them on these technical
16 issues.

17 Also, I find that -- I have come to
18 find that these PPHs help very much,
19 especially when matters -- issues are very
20 technical because they reduce and cite to
21 that, ratepayers still, when they keep
22 hearing this restructuring of margins and
23 seeing these things in the newspapers, they
24 can't get any direct feedback from the
25 Commission or from advocacy groups regarding
26 what they are hearing or what they are
27 seeing. If the PPHs go to essentially
28 alleviating that alone, it will still be a

1 public interest -- very good public interest
2 purpose. And I just don't think the analogy
3 to PG&E is operable in this situation
4 because, one, as I previously noted before,
5 PG&E did not change its entire management of
6 its entire service or eliminate its entire
7 shareholders so that bondholders can take
8 over the company.

9 Secondly, PG&E was already going in
10 this -- a safety culture proceeding that was
11 comparable to anything that the PPH would
12 address in the first instance. So what
13 decision the Commission needs with reference
14 to the PPHs in this PG&E proceeding is not --
15 should not be a basis for what the Commission
16 thought in this proceeding.

17 Thank you.

18 ALJ WERCINSKI: All right. Thank you,
19 Mr. Obiora.

20 Ms. Mailloux, for TURN, anything
21 else that you want to add regarding the issue
22 of scheduling not covered by the
23 meet-and-confer report?

24 MS. MAILLOUX: Yes, your Honor. Thank
25 you. A couple of things. First, on the PPH
26 issue, first, technically, in light of the
27 different way that we would have to do PPHs
28 most likely, TURN found that the

1 telephonic/online PPHs that were held in the
2 Edison GRC recently were actually quite
3 successful. We felt like the Commission got
4 some good information. And it actually
5 opened up the door to some peoples to
6 participate that maybe wouldn't have
7 otherwise if they had to go somewhere to do
8 it. So there are pros and cons to the
9 different ways of handling a PPH.

10 On the issue of the scope of the
11 PPHs, I'll echo what Mr. Obiora said, but
12 also, I think what you're seeing is -- what
13 Mr. Rosvall was saying about the PPHs kind of
14 reflects the slight difference of opinion
15 about how the scope of this proceeding really
16 should be characterized. Really, if you look
17 at the applicant's application and the
18 accompanying materials to that application,
19 it is clear that there are lots of decisions
20 to be made by the company in this bankruptcy
21 process that will directly impact consumers,
22 and how this company emerges from bankruptcy,
23 the priorities that it will set, the
24 competency of the management that it will
25 emerge from bankruptcy with, it has, you
26 know, direct implications for end-user
27 consumers as a business plan and investment
28 strategies, just to name a few things, that

1 we believe this Commission would benefit from
2 hearing from Frontier customers about what
3 they think this new reorganized Frontier
4 should be looking like and what the
5 competency of this company should be focusing
6 on. And so that's where we believe PPHs
7 really would benefit this Commission and its
8 decision to determine public interest in how
9 this company emerges from bankruptcy.

10 I also think Mr. Obiora made a good
11 point about -- because the idea of the
12 bankruptcy could be technical, you know. The
13 customers are not going to be opining about
14 the debt ratio of the new company, of course,
15 but educating consumers and Frontier
16 customers on these issues is also another
17 benefit to having PPHs.

18 TURN, however -- we put those dates
19 in the schedule. However, we believe that
20 TURN is not wedded to the dates specifically
21 that the PPHs are listed right now in the
22 schedule. We believe that it's really
23 important that customers get sufficient
24 notice of these PPHs to be able to
25 participate. So that would be a criteria for
26 the actual dates of the PPHs, and we hope
27 that you could work with the company to set
28 those.

1 We also are not wedded to there
2 being three PPHs particularly. I think -- I
3 believe the Edison docket had two perhaps. I
4 may be corrected on that, but because they
5 are telephonic, we have a little bit more
6 flexibility there. So that's the other thing
7 I wanted to say. And I guess -- I think
8 that's it for me.

9 Thank you, your Honor.

10 ALJ WERCINSKI: Thank you, Ms.
11 Mailloux.

12 Mr. Goodman, for the Greenlining
13 Institute, anything you want to add regarding
14 the issue of scheduling not covered by the
15 meet-and-confer report?

16 MR. GOODMAN: Thank you, your Honor.
17 Very briefly. I think the PPHs are critical
18 because they would be able to allow the
19 Commission to get input from residents of
20 tribal lands, and that's a very important
21 issue for the Commission to look at.

22 ALJ WERCINSKI: Thank you, Mr. Goodman.

23 Ms. Kasnitz, for the Center For
24 Accessible Technology, anything you want to
25 add to what's already been stated in the
26 meet-and-confer report regarding the issue of
27 scheduling?

28 MS. KOSS: Nothing further, your Honor.

1 ALJ WERCINSKI: Very good.

2 And Ms. Koss, for the Communications
3 Workers of America, anything you want to add
4 regarding the issue of scheduling not already
5 covered by the meet-and-confer report?

6 MS. KOSS: No, your Honor. Thank you.

7 ALJ WERCINSKI: Okay. Let me go back
8 to Mr. Rosvall. You've heard what some of
9 the representatives from the intervenors had
10 to say. Briefly, can you -- if you want to
11 respond, please go ahead and do so.

12 MR. ROSVALL: Sure. Just a few brief
13 points. With regard to some of the analogies
14 that have been made, there was an analogy to
15 the PG&E situation that I offered and some
16 dispute about that analogy and then a
17 reference to the Edison rate case. To take
18 those examples briefly, Edison was a rate
19 case, you know, with very direct impacts on
20 pricing for customers. This isn't that
21 situation. And PG&E did involve 854 issues.
22 If you look at the decision to D.20-05-053,
23 you'll find references to Section 854
24 throughout. So that parallel, in our minds,
25 is apt.

26 And one other just clarification.
27 There were a couple of references in the
28 intervenor's comments to changes in

1 management, and I think the application
2 doesn't suggest that that's occurring. That
3 will, of course, be an issue for the
4 proceeding. But I just wanted to clarify
5 that I think that's an overstatement based on
6 the application.

7 The final comment I'll make is just
8 that there are alternatives to holding three
9 days of PPHs. A focused notice could go out
10 to customers and solicit email input, for
11 example. That might be a more efficient way
12 to kind of focus some feedback from
13 customers. It's also possible that the
14 Commission could hold -- instead of three
15 days, can hold one day. And so those are
16 alternatives that we think ought to be
17 explored if indeed PPHs are put on the
18 schedule.

19 ALJ WERCINSKI: All right. Thank you,
20 Mr. Rosvall.

21 Mr. Obiora, if you have a brief
22 response, that's fine. Again, I don't need
23 for you to repeat what you've already said.
24 I've heard it.

25 MR. OBIORA: Yes, your Honor. My brief
26 response is that the direct impact on rates
27 is just -- actually, the direct impact on
28 service quality, which should be a part of

1 this proceeding under 854, is just as
2 important as the direct impact on rates. So
3 even if we accept that there is no direct
4 impact on rates, it could change dispute that
5 there will be a direct impact on poor service
6 quality, which is under 854. That should be
7 an element that ratepayers should be allowed
8 to respond to in a PPH.

9 ALJ WERCINSKI: All right. Thank you.

10 Ms. Mailloux, do you have any brief
11 response in addition to what you've already
12 said regarding the scheduling issue?

13 MS. MAILLOUX: Just that I would echo
14 what Mr. Rosvall said about email input. I
15 understand the Commission is actually sort of
16 increasing the importance of written public
17 input. And we would support that as well,
18 but we believe that obviously not everybody
19 has great access to email or is comfortable
20 with that. And so the telephonic PPHs are
21 still a valuable tool and that the -- I think
22 the pricing example is a great one of where
23 we don't know exactly, and we're trying to
24 understand from the application materials
25 whether there will be an impact on pricing
26 and other management decisions even at the
27 parent company level that may indeed impact
28 end-user consumers. And so ultimately,

1 that's to the scope of the docket, but it
2 does implicate the importance of PPHs as
3 well.

4 Thank you.

5 ALJ WERCINSKI: All right.

6 Mr. Goodman, anything else that you
7 haven't already covered after hearing the
8 other representatives?

9 MR. GOODMAN: No, your Honor.

10 ALJ WERCINSKI: Okay. I think I've
11 heard -- I mean, everybody had a fair
12 opportunity to address the issue of
13 scheduling. So I am going to move on. I
14 will consider the parties' proposals
15 regarding the schedule including the comments
16 that were made in this conference today, and
17 a schedule will be set forth in the scoping
18 memo.

19 Let's move on to other procedural
20 issues. First, with regard to alternative
21 dispute resolution, the Commission offers a
22 free alternative dispute resolution process
23 to assist the parties with informal
24 resolution. If parties are interested in the
25 ADR process, please contact assistant chief
26 ALJ Kimberly Kim.

27 I'm just going to address an issue
28 regarding briefs in the course of this

1 proceeding. I'd like parties to meet and
2 confer. With regard to the format for
3 briefs, that they are in a standard format,
4 that for the issues themselves, they are in
5 the same order. So that makes it easier for
6 me to look at each brief and match up issues
7 that I'm not looking around at particular
8 briefs trying to match it up with the issues.
9 So I want the parties to meet and confer.
10 With regard to that format, there is a
11 standard format regarding the ordering of
12 issues in briefs. If a party chooses not to
13 address a particular issue in a brief, it's
14 fine to just go ahead and state that in the
15 heading that there's no position of the
16 parties.

17 E-filing and service rule. Just
18 want to remind the parties to review the
19 Commission's rules regarding electronic
20 filing and service. It appears that the
21 parties are well aware of that from what's
22 going on in this proceeding to date. I just
23 want to make sure that the parties are aware
24 of those, particularly those new rules in
25 place as a result of the state of emergency.

26 I will turn now to discovery. There
27 was an issue raised about discovery in the
28 meet and confer that I do want to address

1 here, the meet-and-confer report outline
2 proposal by Frontier regarding
3 confidentiality and a proposal to have me
4 consider a protective order. I'll just note
5 that the meet-and-confer report stated that
6 no other party that had a position regarding
7 a proposed protective order -- it doesn't
8 appear, from my reading of the
9 meet-and-confer report, that there is an
10 issue in dispute yet. I'm not going to
11 consider the protective order unless there is
12 a genuine dispute between the parties and
13 there's been a good faith effort to meet and
14 confer to attempt to resolve the dispute, the
15 standard requirements in order for a
16 discovery motion to happen.

17 So with that, let me just ask you,
18 Mr. Rosvall, is there any concurrent dispute
19 that requires you, on behalf of the
20 applicants, to have me address whether or not
21 a protective order is appropriate?

22 MR. ROSVALL: Your Honor, I think, as
23 you stated it, there is no dispute, but I did
24 want to be clear -- and we called it a
25 protective order. I think you could just as
26 easily call it a -- you know, a
27 confidentiality process ruling. It wouldn't
28 need be to called a protective order. So I

1 do want to be clear that our proposal isn't
2 really hinging on whether or not there is a
3 present dispute. Its function is to allow
4 for faster and less cumbersome exchange of
5 this confidential information. So it's more
6 of an addition to the Commission's existing
7 confidentiality process that Frontier
8 believes very strongly would speed up our
9 exchange of information simply because it
10 would back-load the burden of providing
11 specific legal authorities and declarations
12 to support document confidentiality
13 designation, which, you know, is an issue the
14 Commission has recognized in various
15 contexts, but you know, this is sort of a
16 byproduct of the existing rules.

17 As we understand the General Order
18 that governs this, which is 66-D, a judge in
19 an individual case can order a different
20 process that would, you know, in the interest
21 of efficiency and economy here introduce
22 something that I think would be better for
23 everyone. I don't want to overstate and say
24 that the other parties are supporting this.
25 I think it's fair to say this is a Frontier
26 proposal on which the other parties don't
27 have a position. But I did want to clarify
28 that it's really not a protective order that

1 we are seeking in the traditional sense of
2 the document ruling responding to a discovery
3 dispute. It's an addition to the
4 Commission's confidentiality process that
5 we're seeking.

6 ALJ WERCINSKI: So here's my direction
7 to you: I want to encourage you to
8 communicate with the parties with regard to
9 any issues regarding discovery, particular
10 issues regarding confidentiality, attempt to
11 reach agreement with the other parties
12 regarding those issues. Again, if there is a
13 dispute and it's something that you've made
14 good faith attempts to meet and confer, then
15 I think it's appropriate to come to me to try
16 to get those resolved. But I don't want you
17 to -- I'm not going to consider right now
18 what I would consider to be an advisory
19 opinion by this Commission on an issue of
20 confidentiality when I don't have a dispute
21 in front me of me. So I just want to -- I
22 want to encourage you to continue your
23 communication. It seems like at this point
24 there haven't been disputes that have got to
25 that level. I want to encourage that
26 communications continue and to meet and
27 confer if there are disputes. And I am
28 available to address discovery disputes when

1 there is a controversy and when there's been
2 a good faith attempt to meet and confer.

3 So anything else on that, Mr.
4 Rosvall?

5 MR. ROSVALL: No, your Honor. We
6 understand your direction. We will continue
7 to work with the parties.

8 ALJ WERCINSKI: Okay. And I really
9 don't think -- I mean, I think I've addressed
10 this. I really don't think I need to hear
11 from the other intervenors on that issue. So
12 let me then move on.

13 Ex-parte communications. This
14 proceeding has been preliminarily categorized
15 as ratesetting. Again, please review Article
16 8 of the Commission's Rules of Practice and
17 Procedure dealing with ex-parte issues and
18 comply with that rule.

19 Regarding the service list, please
20 keep in mind that I am on the service list.
21 If you are sending data requests or setting
22 up meetings, please remember to remove me
23 from the service list for those matters. It
24 seems like that's been followed so far. I
25 appreciate that. Please continue to do so.

26 I think we're coming to the end of
27 this conference. So before I adjourn this
28 conference, I'm going to ask each of the

1 parties whether there's anything else that
2 they think I should address.

3 I'm going to start with you, Mr.
4 Rosvall. Is there anything else that you
5 believe should be addressed at this
6 conference that we haven't already covered?

7 MR. ROSVALL: I don't think so, your
8 Honor, other than I did want to just
9 emphasize one thing. And I think maybe it's
10 implicit in the scoping discussion. From the
11 joint statement we supplied earlier in the
12 week, there was agreements that Sections 851
13 and 852 are not necessary to be stated as
14 part of the scope. That was the question
15 that you posed in your notice.

16 I will note that the Public
17 Advocates and other intervenors had suggested
18 that 851 is subsumed within 854, and I think
19 we understand that on the grounds that, you
20 know, if you're transferring control of an
21 entire company, obviously that includes the
22 assets. So I just wanted to clarify that I
23 think there's agreement that the focus can
24 just be on 853 and 854. That may have been
25 covered already by the discussion we already
26 had, but since it was specifically enumerated
27 in your notice, I wanted to mention it.

28 ALJ WERCINSKI: All right. Fair

1 enough. Thank you for addressing that.
2 You're right. I did include that as an issue
3 for the parties to discuss. I appreciate you
4 making it explicit in this conference.

5 All right. Anything else, Mr.
6 Rosvall?

7 MR. ROSVALL: No, your Honor. I think
8 that's it.

9 ALJ WERCINSKI: Okay.

10 Mr. Obiora, on behalf of Public
11 Advocates, is there anything else that you
12 think should be addressed in this hearing
13 that we have not already covered?

14 MR. OBIORA: No, your Honor. On behalf
15 of Public Advocates, we believe it's already
16 covered.

17 Thank you.

18 ALJ WERCINSKI: Very good. Thank you,
19 Mr. Obiora.

20 Ms. Mailloux, on behalf of TURN,
21 anything else that you think should be
22 addressed?

23 MS. MAILLOUX: No, your Honor. Thank
24 you very much.

25 ALJ WERCINSKI: Very good.

26 Mr. Goodman, from the Greenlining
27 Institute, anything else that you think we
28 need to address that we have not already

1 covered?

2 MR. GOODMAN: No, your Honor. Thank
3 you.

4 ALJ WERCINSKI: Very good.

5 Ms. Kasnitz, for Center For
6 Accessible Technology, anything else that you
7 think we need to cover we have not already
8 addressed?

9 MS. KASNITZ: Nothing further, your
10 Honor.

11 ALJ WERCINSKI: Very good.

12 And Ms. Koss, on behalf of
13 Communications Workers of America, anything
14 else that you think we need to cover that we
15 have not already addressed?

16 MS. KOSS: No, your Honor. Thank you
17 very much.

18 ALJ WERCINSKI: Very good. All right.
19 I thank you all for participating in this
20 conference. It was very helpful. I will
21 consult with the assigned Commissioner
22 regarding the matters addressed in this
23 conference, and a scoping memo will be
24 issued. I thank you all.

25 We are adjourned.

26 (Whereupon, at the hour of 10:14 a.m.,
27 the Commission then adjourned.)

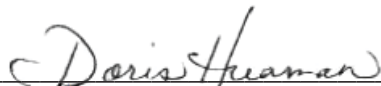
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

CERTIFICATION OF TRANSCRIPT OF PROCEEDING
I, DORIS HUAMAN, CERTIFIED SHORTHAND REPORTER
NO. 10538, IN AND FOR THE STATE OF CALIFORNIA, DO
HEREBY CERTIFY THAT THE PAGES OF THIS TRANSCRIPT
PREPARED BY ME COMPRISE A FULL, TRUE, AND CORRECT
TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN
THIS MATTER ON JULY 24, 2020.

I FURTHER CERTIFY THAT I HAVE NO INTEREST IN THE
EVENTS OF THE MATTER OR THE OUTCOME OF THE PROCEEDING.
EXECUTED THIS JULY 30, 2020.



DORIS HUAMAN
CSR NO. 10538

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