



FILED

05/29/20
04:59 PM

ATTACHMENT A

From: [Baldwin, Vanessa](#)
To: [Zhang, Zhen](#)
Cc: [hyepin@gmail.com](#); [Mail@BBALA.org](#); [JTseng@HillFarrer.com](#); [LOrtega@OneMillionniu.org](#); [Shek, Selina](#); [dfong@apcf.org](#); [rms2979@aol.com](#); [Hom, Brian](#); [Lo, Jeanette](#); [Sastra, Rudy](#)
Subject: I1807009 Update on Procedural Items
Date: Friday, May 22, 2020 5:02:00 PM

Greetings Your Honor:

CPED provides the following status updates regarding certain procedural items discussed during the May 4, 2020 Status Conference.

CU's Response to CPED's Data Request

- According to the ALJ's email ruling on May 18, 2020, the deadline for Community Union (CU) to respond to CPED's data request, issued on February 21, 2020, was extended to 5/19.
- As of the date of this email, CPED has not received CU's written responses.
- CPED initiated a webex with Mr. Ortega on May 21, 2020 and provides the following summary:
 - Mr. Ortega emailed documents related to requests 1-5. CPED reviewed the documents with Mr. Ortega and identified areas where CPED would require additional information for CU's complete and full response.
 - Mr. Ortega mentioned he would provide complete responses to the data request by EOD May 22, 2020.
 - For request. 10 Mr. Ortega stated that he only had complete data for 34 of his total 142 classes. CPED is willing to accept the 34 classes by EOD May 22, 2020 as a partial response to question 10 and requests that Mr. Ortega prepare data for the remaining 108 classes by EOD May 29, 2020.
 - For No. 14 and 15, Mr. Ortega claims that there are some responsive documents in the 5 boxes of non-digitized material. Mr. Ortega stated that he had 90% of the responsive documents and indicated he would provide those documents and notify CPED by EOD May 22, 2020 how he would provide the remaining 10% of responsive documents.
 - CPED has provided Mr. Ortega with access to Kiteworks, the Commission's file sharing service, to more easily upload digital documents.
 - Furthermore, CPED reminded Mr. Ortega that written responses are still required.

CU's Discovery Requests

- On May 7, 2020, CU sent CPED several discovery requests including ten questions and two requests for documents.
- Earlier today, CPED sent responses to CU's ten questions.
- Regarding the request for documents, CPED intends to begin providing responsive emails next week, 5/26.

CU's Witnesses – Contact Information

- At the May 4, 2020 Status Conference, the ALJ required Mr. Ortega to provide the contact information for the Neri Rivas, Debra Janes, Ron Vera and Jane Does by May 6, 2020. As of the date of this email, CPED does not have this information. Mr. Ortega mentioned on the May 21, 2020 webex call that he would provide the contact information for Neri Rivas, Debra Janes, and Ron Vera by EOD May 22, 2020. The identity and contact information for the Jane Does still remain outstanding.

CU's Opening Testimony

- According to the ALJ's email ruling on May 5, 2020, CU's opening testimony was due on May 19, 2020.
- As of the date of this email, CPED has not received CU's opening testimony. On the May 21,

2020 webex with Mr. Ortega, CPED reminded Mr. Ortega that the submission of his opening testimony is past due. Mr. Ortega did not indicate a date certain on when CU's testimony would be filed.

Thank you.

Sincerely,

Vanessa Baldwin
Counsel for CPED

Vanessa M. Baldwin
Attorney
Legal Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
(415) 703-3942
Vanessa.Baldwin@cpuc.ca.gov

ATTACHMENT B

From: LOrtega@OneMillionniu.org
To: [Zhang, Zhen](#)
Cc: [Hom, Brian](#); [Baldwin, Vanessa](#); [Sastra, Rudy](#)
Subject: Data Request Response Attached, Re: I1807009 Update on Procedural Items:
Date: Tuesday, May 26, 2020 3:40:10 PM
Attachments: [cped daa request.pdf](#)

ALJ Zhang,

I am submitting here my responses to CPED Data Requests. The large files referenced in the Data Request Response have been transmitted via Kiteworks to CPED. As Ms. Baldwin pointed out in her most recent communication to you on this issue, this is a late submission from the deadlines set during the May 4th Status Conference Hearing. I continue to be under extreme financial difficulty. These are extraordinary times. And as such, keeping food on the table and a roof over my head is my primary time consumer.

From our conversation with CPED on 5/21, they seemed to be okay with me getting the information to them by last Friday. This submission is one business day past that deadline.

I will now turn to the remaining items outstanding in this matter and attempt to provide those as soon as possible. My apologies your Honor, I mean no disrespect to the timeline you set and sincerely appreciate the flexibility you have offered, given the current circumstances.

Larry Ortega
For Community Union, Inc.

On May 22, 2020 5:02 PM Baldwin, Vanessa <vanessa.baldwin@cpuc.ca.gov> wrote:

Greetings Your Honor:

CPED provides the following status updates regarding certain procedural items discussed during the May 4, 2020 Status Conference.

CU's Response to CPED's Data Request

- According to the ALJ's email ruling on May 18, 2020, the deadline for Community Union (CU) to respond to CPED's data request, issued on February 21, 2020, was extended to 5/19.
- As of the date of this email, CPED has not received CU's written responses.
- CPED initiated a webex with Mr. Ortega on May 21, 2020 and provides the following summary:
 - Mr. Ortega emailed documents related to requests 1-5. CPED reviewed the documents with Mr. Ortega and identified areas where CPED would require additional information for CU's complete and full response.
 - Mr. Ortega mentioned he would provide complete responses to the

data request by EOD May 22, 2020.

- For request. 10 Mr. Ortega stated that he only had complete data for 34 of his total 142 classes. CPED is willing to accept the 34 classes by EOD May 22, 2020 as a partial response to question 10 and requests that Mr. Ortega prepare data for the remaining 108 classes by EOD May 29, 2020.
- For No. 14 and 15, Mr. Ortega claims that there are some responsive documents in the 5 boxes of non-digitized material. Mr. Ortega stated that he had 90% of the responsive documents and indicated he would provide those documents and notify CPED by EOD May 22, 2020 how he would provide the remaining 10% of responsive documents.
- CPED has provided Mr. Ortega with access to Kiteworks, the Commission's file sharing service, to more easily upload digital documents.
- Furthermore, CPED reminded Mr. Ortega that written responses are still required.

CU's Discovery Requests

- On May 7, 2020, CU sent CPED several discovery requests including ten questions and two requests for documents.
- Earlier today, CPED sent responses to CU's ten questions.
- Regarding the request for documents, CPED intends to begin providing responsive emails next week, 5/26.

CU's Witnesses – Contact Information

- At the May 4, 2020 Status Conference, the ALJ required Mr. Ortega to provide the contact information for the Neri Rivas, Debra Janes, Ron Vera and Jane Does by May 6, 2020. As of the date of this email, CPED does not have this information. Mr. Ortega mentioned on the May 21, 2020 webex call that he would provide the contact information for Neri Rivas, Debra Janes, and Ron Vera by EOD May 22, 2020. The identity and contact information for the Jane Does still remain outstanding.

CU's Opening Testimony

- According to the ALJ's email ruling on May 5, 2020, CU's opening testimony was due on May 19, 2020.
- As of the date of this email, CPED has not received CU's opening testimony. On the May 21, 2020 webex with Mr. Ortega, CPED reminded Mr. Ortega that the submission of his opening testimony is past due. Mr. Ortega did not indicate a date certain on when CU's testimony would be filed.

Thank you.

Sincerely,

Vanessa Baldwin
Counsel for CPED

Vanessa M. Baldwin

Attorney

Legal Division

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

(415) 703-3942

Vanessa.Baldwin@cpuc.ca.gov

Data Request CPED

1. Identify all addresses of all facilities, owned or used by respondents relating to CASF activity.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of Files:
 1. Site Task Manager for Brian
 2. One Million NIU - No. 1 Office, rooms CASF Activities iii
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed: 5/21, updated 5/26
 - e. In fulfillment of Activities 1 thru 7 Work Plan (not just Activity 5, training courses)
Community Union used Excel Spreadsheets to manage the flow of work. There were two documents provided in support of answering this question. The two documents are to be used in tandem. The Site Task Manager for Brian contains the details (class name, dates of classes, addresses of where classes were provided, names of trainers) and a detailed list of activities performed for each site irrespective if courses were ultimately offered at a particular site, for approximately 80 sites. There are numbers running across the top of the sheet (row 1) named Site Task Manager for Brian . These same numbers can be cross-referenced in a column "E" in the sheet One Million NIU - No. 1 Office, rooms CASF Activities iii . In this sheet, sites specific to Activity 5 and 6 work performed is provided, by date and quarter as listed.
2. Provide contact name and last known phone number and address of all NIU staff March 2012 – 2015.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s): One Million NIU No. 2 Trainers Contact Information ii
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed: 5/21 and updated on 5/26
 - e. This is the last known contact sheet for Community Union Trainers.
3. Provide all general ledgers itemizing all CASF related expenses.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. One Million NIU No. 3 Audit Period to Sep 2014 Full G L - FINAL KEY SORT BY COST CATAGORY v
 - ii. Missing Qtrs. 1, 2, 11, 12 and 13 - FINAL KEY SORT BY COST CATAGORY Ver.3 May21st
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed: 5/21, Missing Qtrs. 5/25
 - e. This question calls for all general ledgers itemizing all (keyword) CASF related expenses. We are a sponsored organization and therefore do not have **all** expenses. The file One Million NIU No. 3 above represents all G/L activity through September 2014 and a majority of incurred expenses. The sheet Missing Qtrs 1, 2, 11, 12 and 13 when added to the One Million NIU No. 3 sheet represents all expenses and revenues as represented in Community Union's 2 bank accounts for the period of qtr. 1 thru Qtr. 13 of the contract.

Data Request CPED

- i. **Disclaimer:** The above mentioned G/L and supporting bank statements represent only expenses and revenues of Community Union, and therefore are not representative of all expenses or revenues for the entire contract.
4. Provide Audited financial statements, or unaudited if audited not available:
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. No. 4 CUI Balance Sheet as of Aug. 31, 2014
 - ii. No. 4 CUI Profit and Loss Statement Sept. 1, 2012 to August 31, 2014.xls
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed: 5/21
 - e. We provided financial statements for the audit period. These same financial statements were provided to the auditor during the audit, yet CPED not the Auditor acknowledged receipt of these financials.
5. Provide copies of Federal and California filed tax returns, 2012 – 2015:
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. No. 4 CUI Balance Sheet as of Aug. 31, 2014
 - ii. No. 4 CUI Profit and Loss Statement Sept. 1, 2012 to August 31, 2014.xls
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed:
 - e. I am having some challenges finding the copies of these documents, should have them by end of the week.
6. Provide all supporting documentation relating to CASF related expenses March 2012 – March 2015:
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. Schedules detailing each cost category with totals. Information taken from bank statements and physical receipts:
 1. Community Union, Inc. Mar 1, 2012 - February 28, 2015 INSURANCE
 2. Community Union, Inc. Mar 1, 2012 - February 28, 2015 MILEAGE, BUS_TRAIN STIPEND
 3. Community Union, Inc. Mar 1, 2012 - February 28, 2015 REVENUE
 4. Community Union, Inc. Mar 1, 2012 - February 28, 2015 SUPPLIES
 5. Community Union, Inc. Mar 1, 2012 - February 28, 2015 TELEPHONE
 6. Community Union, Inc. Mar 1, 2012 - February 28, 2015 TRAVEL
 - ii. Equipment Backup: Addl Equipment recpts - ca , Equipment Backup.zip
 - iii. Supplies Backup: 2ndBatch.zip, 3rd batch.zip, 4th batch.zip and DR Card and Check-cut Scan, Supplies backup recpts Jan2013-feb2014 , Supplies backup recpts Mar2014 - Feb2015 , SUPPLIES Cash Only Mar-Dec 2012 backup receipts
 - iv. Meals and Meetings Backup: Batch1 DR Card Feb 15 – A , Batch2 DR Card 2014.zip and MM Cash Receipts 2014 - 2

Data Request CPED

- v. Telephone Backup: Telephone Backup, Tele 1st 6, Tele next 7, Tele last 8
 - vi. Travel Backup: Travel Backup
 - c. Persons Emailed to: Brian, Vanessa and Rudy
 - d. Date Emailed: 5/26
 - e. Please find the response to #6 in the attached files. File names starting with **Community Union, Inc. Mar 1, 2012 - February 28, 2015** are the schedules used to calculate total receipts/invoices. The remaining files are titled by their respective category, e.g. equipment, supplies and travel which represent the detailed actual receipts and invoices within each of the cost categories. For example: Telephone Backup and Telephone Backup 2 represent the details to the schedule on Telephone expenses. The Trainers invoices are not scanned and are not part of these batches of documents. CPED can find the Invoices in our Quarterly Reimbursement Packages submitted to CD's office for reimbursement. The Consultant invoices served as backup to the reimbursement requests. They are what is in the 5 large boxes. It will take 8 - 16 hours to pull a sample set of selected invoices for selected quarters.
7. Provide supporting documentation relating to revenue March 2012 - March 2015
- a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. Community Union, Inc. Mar 1, 2012 - February 28, 2015 REVENUE.pdf
 - c. Persons Emailed to: Vanessa, Rudy, Brian
 - d. Date Emailed: 5/26/2020
 - e. Source documents used to build the schedule mentioned in 7.b.i above, pertaining to scanned check stubs and checks listed in the schedule, MOU's etc. are in the 5 large boxes. It will take 3-4 hours to locate a sample set of the MOU's and check stubs paid on the other funding detail.
8. Provide copies of monthly bank statement March 2012 - March 2015
- a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. 2014 jan - aug 6515.zip
 - ii. 2013 Jan - Dec 6515.zip
 - iii. Jan - Aug 2014 7120.zip
 - iv. 2015, Jan and Feb (both accts).zip
 - v. Jul - Dec 2013 7120.zip
 - vi. Sep 2014 (both accts).zip
 - vii. Mar - May 2012.zip
 - viii. Jun - Jul 2012zi[
 - ix. Oct - Dec 2014.zip
 - c. Persons Emailed to: Brian
 - d. Date Emailed: 5/22/2020
 - e. The following periods were found, scanned and emailed to Brian for both accounts. Community Union used two bank accounts for the CASF activity. Here are those periods:
 - i. June 2013 - February 2015

Data Request CPED

- ii. March 2012 – July 2012
 - iii. Periods in one of the 5 big boxes August 2012 – May 2013 not scanned not submitted
 9. Please identify all facilities including address and last known point of contact associated with carrying-out CASF grant related activities.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Names of File(s):
 - i. Site Task Manager – for Brian
 - ii. One Million NIU - No. 1 and No. 9, Office, rooms CASF Activities i ii
 - c. Persons Emailed to: Brian, Vanessa and Rudy
 - d. Date Emailed: originally 5/22/2020, updated 5/26/2020
 - e. Addresses where Administrative Activities were conducted,
 - i. 3626 E, 1st Street, Los Angeles, 90036
 - ii. 4360 Dozier Ave., Los Angeles, 90022
 - iii. 1649 Flanagan Street, Pomona, 91766
 - iv. Other Promotional Activities and Courses are listed in the files named in this response.
 - v. In the Site Task manager for Brian the type of course offering is listed on row number 8 "type of class" in the spreadsheet. Also see response in No. 1 above.
 10. Answered in response No. 9 above.
 11. Identify any audits on respondent covering the period of March 2012 – 2015.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. There are no audits covering the period stated.
 12. Provide all written and electronic correspondence involving either respondent and/or KCCD, including but not limited to the following: a) provide all electronic mail and information, emails containing information related to the funds received CASF program and NIU's related efforts toward encouraging the deployment of broadband, b) data files and file fragments, c) spreadsheets.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. This question is mostly vague, ambiguous, and unintelligible to the extent that Community Union is unclear how "containing information related to funds received from CASF program and NIU's related efforts toward encouraging the deployment of broadband" would be distinguishable from every email ever sent from any staff person working with Community Union. Moreover, Community Union would not have access to KCCD's nor any other NIU member's email details. We are unable to answer this question as stated.
 13. Identify all grants ever granted to either respondent or that respondent received grant money from.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Please see response to No. 7 above.
 14. Provide a copy of the document authorizing each grant listed in question 13.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Please see response to No. 7 above.

Data Request CPED

15. Identify all payments each respondent received from KCCD. For each payment identify the grant source, amount received from the grant corresponding to the payment.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Please see response to No. 7 above. This item was discussed extensively during the 5/22 Webex call as it related to the information in the 5 large boxes.
16. Provide copy of W-2's for employees.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Community Union is a very small non-profit organization. Members working with Community during the period of the grant were hired as consultants. There were no W-2's required.
17. Provide copy of W-2's for officers.
 - a. Larry Ortega, President, Community Union, Inc.
 - b. Community Union is a very small non-profit organization. No officers were paid.
18. Provide a copy of all Form 1099's 2012, 2013, 2014 and 2015, for all agents or contractors of respondent retained to work on CASF related activities during the period March 2012 - March 2015.
 - a. This information may have been lost over the years. We had stated during the 5/21 Webex call that we had the electronic version of the documents. Upon review of our records we did not have them readily available. We may have backup copies in the 5 large boxes. This could take 4-5 hours to recover.