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To: [Zhang, Zhen](#)
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Subject: RE: I.18-07-009 Motion for Extension of Time July 14th Deadline Community Union Response
Date: Wednesday, July 15, 2020 12:31:00 PM

Your Honor:

The Consumer Protection and Enforcement Division (CPED) opposes Community Union's (CU) late-filed request for an extension of time for its opening testimony because CU's claims are unfounded and unjustified. Mr. Ortega fails to provide a legitimate reason for CU's request.

Regarding the issue of confidentiality, CPED has explained to Mr. Ortega on numerous occasions that it remains Community Union's burden to specifically designate and identify what information it claims to warrant confidential treatment. CPED pointed Mr. Ortega to the Commission's General Order 66-D relating the procedures for submitting information with a claim of confidentiality. Mr. Ortega has acknowledged several times the need to file a motion seeking confidential treatment, yet no motion has been forthcoming to date. CPED had previously submitted a "Confidential Only" version of its Supplemental Report on June 16, 2020, with the understanding the CU's motion seeking confidential treatment would be forthcoming. Given that nearly a month has passed, CPED notified Mr. Ortega on July 8, 2020 that if no motion seeking confidential treatment is filed by July 14, 2020, the due date for the submission of CU's opening testimony, CPED would proceed to file a public version of the Supplemental Report. Ultimately, Mr. Ortega's accusations against CPED do not explain why CU needs additional time to submit its opening testimony.

Mr. Ortega misrepresents our conversation on July 8, 2020. In our conversation, I clarified that CPED has responded in full to CU's initial discovery requests. I informed Mr. Ortega that CPED would await CU's additional discovery requests which at the time, Mr. Ortega stated would be forthcoming in the next day or so. Mr. Ortega again attempts to bring up his belief that CPED has not produced all the emails that CU requested, specifically the email CU sent to CD regarding Quarterly Reimbursement requests. To the contrary, as I explained during the June 18, 2020 status conference, which I explained again to Mr. Ortega during our July 8th call, CU's initial request did not seek "everything that had to do with California's One Million NIU from October 2014 through June 30, 2015." CU's discovery request was specifically for "emails by and between Robert Wullenjohn and Communications Division's staff on Reimbursement packages sent for Quarters 11, 12, and 13" and "emails by and between Robert Wullenjohn and former Deputy Executive Director, Mr. Ryan Dulin to ascertain if they acknowledged receipt of quarterly reimbursement requests for quarters 11, 12, and 13 from California's One Million NIU and what instructions were given for handling of these requests." On our July 8, 2020 call, Mr. Ortega acknowledged the ambiguity in his initial request as well as the need to be specific in CU's requests as oppose to asking for "everything that had to do with..." I also reminded Mr. Ortega that Your Honor had previously explained to CU at the June 18, 2020 status conference that CU was required to put together a document specifically identifying all of CU's new discovery requests rather than relying on piecemeal requests through phone conversations or requests embedded in emails. To date, CPED has not received additional discovery requests. Mr. Ortega now misrepresents our conversation on July 8th by presenting only parts of our

conversation to Your Honor as a justification for CU's extension request. On this basis, CU's request should be denied.

Regarding the inadvertent release of personal information, CPED profusely apologizes. CPED took steps to immediately rectify the situation. As soon as it learned of the release, CPED immediately notified the service list to delete and destroy previous versions of CPED's opening testimony and attachments that contained personal information. CPED also reviewed the downloaded activities from CPUC's secured transfer portal (Kiteworks) and determined that two individuals (Mr. Ortega and Mr. Blum) from the service list had viewed or downloaded the files sent. CPED contacted Mr. Blum and confirmed that he had deleted and destroyed the prior versions. That same evening, CPED sent a redacted version of the testimony and attachments that contained personal information.

Given that CU received CPED's opening testimony and attachments on July 7, 2020, Mr. Ortega's now claim that it could not timely serve its reply testimony is without merit.

Yet again, Mr. Ortega seeks to delay the schedule for this proceeding. If additional time is granted to CU, CPED respectfully requests a corresponding amount of additional time to file its rebuttal testimony currently scheduled for July 21, 2020.

Respectfully,

Vanessa Baldwin
Counsel for CPED

From: LOrtega@OneMillionniu.org <LOrtega@OneMillionniu.org>

Sent: Tuesday, July 14, 2020 5:26 PM

To: Zhang, Zhen <Zhen.Zhang@cpuc.ca.gov>

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Judge Zhang,

It has come to our attention that CPED has once again breached confidentiality of records provided by Community Union to CPED regarding this matter. We know Mr. Blum who is on this distribution list has taken information provided to him and skewed stories that have negatively impacted Community Union. We have also found emails by and between Mr. Blum and Mr. Baker, Communications Division's Director, that suggest our organization and its work has been a matter of

"demeaning" discussion on more than one occasion by and between them.

We have thus far went to great lengths to insist that certain records should be made confidential and not disclosed to the public, person's names, addresses, phone numbers, social security numbers, in some cases children's names, schools they attended, dates they attended and other very personal information. CPED is well aware of our intent to keep these records confidential.

The matter of confidentiality is huge, particularly for the clients we serve and the folks that worked with us. I am pro se, and had almost no idea what my options were relative to this breach of confidentiality, and what recourse was at our disposal regarding this breach. I am still in the process of seeking legal consultation, but have been unable to secure anyone as of the date of this note. How can I be expected to respond with documents that are designated confidential if CPED cannot be trusted to respect that confidentiality.

Further, Ms. Baldwin and I spoke on July 8th. I was very clear with her in terms of the emails I sought from Communications Division (CD's), everything that had to do with California's One Million NIU from October 2014 through June 30, 2015. I specifically brought to her attention that CPED's production of emails thus far should have included an email we sent to them on the Quarterly Reimbursement Request. To the date of this note, we still have not received that email.

Simply stated the crux of our case is the lack of experience and knowledge CD's staff had relative to broadband promotion and adoption. The emails will make this abundantly clear. In the short three years of the contract, the turnover for CD's staff persons handling our contract was at least 6 different persons. Add to the inexperience in closing the digital divide CD staff had to the institutional racism we will argue is present and fixed within the CPUC staffing and management levels, and you get a cocktail of by-the-book "mischief" that can be engaged on a tiny non-profit corporation from East L.A. [Community Union did more to promote broadband adoption](#) than all 18 organizations combined, that were funded at the time California's One Million NIU consortia was funded - to include Mr. Blum's Central Coast Broadband Consortia.

For the above reasons we respectfully request to be granted until July 15th to submit our response to CPED's Opening Testimony filed on July 7, 2020.

Larry Ortega
For Community Union, Inc.

