

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds Previously Demanded by the Commission's Division.

Investigation 18-07-009

**CONSUMER PROTECTION AND ENFORCEMENT DIVISION
PROPOSED EXHIBIT LIST AND WITNESS LIST**

VANESSA M. BALDWIN

Attorney for

Consumer Protection & Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-3942
Email: vanessa.baldwin@cpuc.ca.gov

July 27, 2020

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds Previously Demanded by the Commission's Division.

Investigation 18-07-009

**CONSUMER PROTECTION AND ENFORCEMENT DIVISION
PROPOSED EXHIBIT LIST AND WITNESS LIST**

Pursuant to the Administrative Law Judge's July 16, 2020 *Ruling Confirming Dates, Times, and the Location of the Evidentiary Hearing and Directing Prehearing Filings* (Ruling), the California Public Utilities Commission's Consumer Protection and Enforcement Division (CPED) respectfully submits its proposed exhibit list¹ and witness list.² CPED sent Community Union, Inc. (CU) a copy of CPED's proposed witness list asking CU to confirm the names of its witnesses, however, CU has not responded.³

The Ruling sets forward the schedule of prehearing opening briefs.⁴ Since CU is no longer serving reply testimony and instead providing its reply orally at hearing, CPED seeks clarification of what the prehearing briefs will cover and how CPED can address CU's opening testimony during hearings most efficiently.

¹ Attachment 1, CPED's Exhibit List.

² Attachment 2, CPED's Witness List.

³ Attachment 3, Declaration of Vanessa Baldwin.

⁴ Administrative Law Judge's July 16, 2020 *Ruling Confirming Dates, Times, and the Location of the Evidentiary Hearing and Directing Prehearing Filings* (Ruling), pp. 3-4.

Respectfully submitted,

/s/ VANESSA M. BALDWIN
Vanessa M. Baldwin

Attorney
Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
Telephone: (415) 703-3942
E-mail: vanessa.baldwin@cpuc.ca.gov

July 27, 2020

ATTACHMENT 1

EXHIBIT LIST

EXHIBIT LIST

<u>CPED Exhibit Number</u>	<u>Description</u>	<u>Date Identified</u>	<u>Date Received/Withdrawn</u>	<u>Sponsor/Witness</u>
CPED-01	CPED Staff Report dated May 1, 2018 (Same document as Attachment A of the OII)			Brian Hom
CPED-01 Ex. 1	Gen Ledger CASF Only Sep 12 - Sep 14 payment to Asian Pacific Community Fund.xlsx			Brian Hom
CPED-01 Ex. 2	Email dated 7/31/2012 from Alicia Ortega to Angel Ahsam containing: 1) Letter to Hye-pin Im of KCCD from Mr. Larry Ortega regarding categorical changes to the CASF budget; 2) CASF Budget re-allocation spreadsheet			Brian Hom
CPED-01 Ex. 3	Coalition Grant Application Attachment E			Brian Hom
CPED-01 Ex. 4	Memo from CD staff, Devla Singh, to CD management regarding NIU visit on 10/14 and 10/15 in 2014 (Refer to CPED-07 Att. 7 for email and Memo from CD staff)			Brian Hom
CPED-01 Ex. 5	Letter from CD, Ryan Dulin, to KCCD and Community Union, Inc. dated 12/17/2014 RE: Response to Letters from California's 1 Million NIU's To Request Full Restoration of Consortia Funding for Year 3			Brian Hom
CPED-01 Ex. 6	Coalition Grant Application Attachment H - Action Plan			Brian Hom
CPED-01 Ex. 7	Coalition Grant Application Attachment A (Fiscal Agent Agreement) and Attachment K (Affidavit Form from Hye-pin Im).			Brian Hom
CPED-01 Ex. 8	Coalition Consent Form dated 2/22/2012			Brian Hom
CPED-01 Ex. 9	Coalition Grant Application Attachment I (Work Plan Jan 2012 - Dec. 2012)			Brian Hom
CPED-01 Ex. 10	Letter from CD, Ryan Dulin, to KCCD and Community Union, Inc. dated 1/14/2013 RE: Coalition Year 3 Workplan			Brian Hom
CPED-01 Ex. 11	Letter from Hye-pin Im to CD, Robert Wullenjohn, dated 6/12/2014 RE: Restoring NIU's budget			Brian Hom
CPED-01 Ex. 12	Letter from CD, Ryan Dulin, to KCCD and Community Union, Inc. dated 7/22/2014 RE: Coalition's Request to Reconsider CPUC Decision to Reduce NIU's Budget			Brian Hom
CPED-01 Ex. 13	Letter from KCCD, Hye-pin Im, to Ryan Dulin dated 8/8/2014 RE: Request to Reconsider NIU's Budget and Compliance with Contract			Brian Hom
CPED-01 Ex. 14	Letter from Larry Ortega from One Million Internet Users to CD, Devla Singh, dated 10/23/14, RE: Anticipated NIU Graduates			Brian Hom
CPED-01 Ex. 15	Letter from CD, Ryan Dulin, to KCCD and Community Union, Inc. dated 12/17/2014 RE: Response to Letters from California's 1 Million NIU's To Request Full Restoration of Consortia Funding for Year 3			Brian Hom
CPED-01 Ex. 16	Letter from Hye-pin Im to Executive Director, Tim Sullivan, dated 1/19/2016 RE: Audit Report - Consortia Program, dated November 9, 2015			Brian Hom
CPED-01 Ex. 17	NIU Coalition Expense Reimbursement Forms (March 2012, June 2012, August 2012, September 2012, January 2013, May 2013, June - August 2013, September - November 2013, December 2013 - February 2014, March - May 2014 (Refer to CPED-07 Att. 5 for a complete set)			Brian Hom
CPED-01 Ex. 18	Letter from CD, Ryan Dulin, to KCCD and Community Union Inc. dated April 18, 2016 Demand Letter			Brian Hom
CPED-01 Ex. 19	Letter from CD, Ryan Dulin, to KCCD and Community Union Inc. dated 6/23/16 RE: Request for Extension to CD Demand Letter			Brian Hom
CPED-01 Ex. 20	Data Request from UEB, Briam Hom, to the Coalition, Alicia Ortega, dated 7/21/17 and Data Request from UEB, Briam Hom, to the KCCD, Hye-pin Im, dated 7/21/17			Brian Hom
CPED-01 Ex. 21	Larry Ortega responses dated 7/23/17, 7/28/17, 8/1/17, 8/4/17 to UEB Data Request			Brian Hom
CPED-01 Ex. 22	Notice of Violation to the Coalition (including Attachments)			Brian Hom
CPED-01 Ex. 23	Coalition Quarterly Report Year 3 Quarter 1			Brian Hom
CPED-01 Ex. 24	Coalition Calendar for October 2014			Brian Hom

EXHIBIT LIST

CPED-01 Ex. 25	Chronological correspondence to/from Coalition			Brian Hom
CPED-01 Ex. 26	Letter from Hyepin Im dated 2/27/13 RE: Changes in Year 2 to budget and work plan			Brian Hom
CPED-01 Ex. 27	Coalition Grant Application Attachment J - Work Plan and Budget, Fiscal Year 2012			Brian Hom
CPED-01 Ex. 28	KCCD's response to Data Request, email dated 8/25/2017 (includes attachments)			Brian Hom
CPED-01 Ex. 29	CPUC Data Request 2 dated August 22, 2017			Brian Hom
CPED-01 Ex. 30	Memorandum of Understanding APR 2014 HBUHSD Ocean View High School_140425			Brian Hom
CPED-01 Ex. 31	ACSD_fall2013_MOU CVUSD_CypressElem_signed-1-7-2014-Y2Q4 DuarteMOU_Winter2013 MOU IUSD and CU_Sep 2014_PE+T and QSTE ii MOU LAUSD Bethune and CU_Aug 2014_QSTE MOU Revised DEC 2012-SAMPLE_121212 ii mou signature_HB			Brian Hom
CPED-02	California State Controller Audit Report dated November 2015 (same document as Attachment B of OII)			Chris Prasad/ Andrew Finlayson
CPED-03	CPED Supplemental Staff report dated June 16, 2020			Brian Hom/Vicky Zhong
CPED-03 Ex. 1	Anaheim Elementary Responses			Brian Hom
CPED-03 Ex. 2	AT&T Responses			Brian Hom
CPED-03 Ex. 3	Covina Valley Responses			Brian Hom
CPED-03 Ex. 4	Duarte Unified School District Responses			Brian Hom
CPED-03 Ex. 5	Frontier Responses			Brian Hom
CPED-03 Ex. 6	Huntington Beach USD Responses			Brian Hom
CPED-03 Ex. 7	Inglewood Responses			Brian Hom
CPED-03 Ex. 8	LAUSD Responses			Brian Hom
CPED-03 Ex. 9	PG&E Responses			Brian Hom
CPED-03 Ex. 10	Pomona Unified School District Responses			Brian Hom
CPED-03 Ex. 11	SCE Responses			Brian Hom
CPED-03 Ex. 12	West Covina Responses			Brian Hom
CPED-03 Ex. 13	Data Requests			Brian Hom
CPED-03 Ex. 14	Reconciliation of Data Requested Additional Revenue to General Ledger			Vicky Zhong
CPED-03 Ex. 15	Snapshot of General Ledger for missing Quarters			Vicky Zhong
CPED-03 Ex. 16	School and Utility Data Requested Revenue			Vicky Zhong
CPED-03 Ex. 17	Community Union General Ledgers			Vicky Zhong
CPED-04	CPED Direct Testimony Vicky Zhong			Vicky Zhong
CPED-04 Att. 1	One Million NIU Activities, Roles, Hours, and Relationship Summary			Vicky Zhong/Nina Enriquez
CPED-04 Att. 2	CASF class sites			Vicky Zhong
CPED-04 Att. 3	SCO interview notes with Larry Ortega			Vicky Zhong/Nina Enriquez
CPED-04 Att. 4	Anaheim Elementary School District Cash Payments to Community Union between 2010 and 2016			Vicky Zhong
CPED-04 Att. 5	Huntington Beach Union High School District MOU			Vicky Zhong

EXHIBIT LIST

CPED-04 Att. 6	Updated Responses to CPED Data Requests			Vicky Zhong
CPED-04 Att. 7	West Covina USD Vendor System Record			Vicky Zhong
CPED-04 Att. 8	Y1Q2 Invoice No. 10 for Araceli Gutierrez			Vicky Zhong
CPED-04 Att. 9	Y1Q2 Invoice No. 10 for Francisco Galvan Jr.			Vicky Zhong
CPED-04 Att. 10	Community Union Inc. Contract Review- A Department of Public Social Services Community Services Block Grant Program Provider			Vicky Zhong
CPED-04 Att. 11	lodging invoices and google maps			Vicky Zhong
CPED-04 Att. 12	Y1Q2 CD Payment Letter			Vicky Zhong
CPED-05	Direct Testimony of Brian Hom			Brian Hom
CPED-05 Att. 1	Community Union/s Motion for Extension of Time May 15, 2020			Brian Hom
CPED-05 Att. 2	ALJ Ruling Granting Community Union's Extension to Submit Responses to CPED's Data Request May 18, 2020			Brian Hom
CPED-05 Att. 3	CPED's Update on Procedural Items May 22, 2020			Brian Hom
CPED-05 Att. 4	May 22, 2020 Community Union Responses			Brian Hom
CPED-05 Att. 5	May 26, 2020 Community Union Responses			Brian Hom
CPED-05 Att. 6	Community Union's Motion for Extension of Time for Discovery Cut Off June 16, 2020			Brian Hom
CPED-05 Att. 7	Email from Larry Ortega to Vanessa Baldwin dated June 16, 2020			Brian Hom
CPED-05 Att. 8	Email from Larry Ortega to Rudy Sastra and Brian Hom dated June 17, 2020			Brian Hom
CPED-05 Att. 9	ALJ Ruling Granting CPED's Motion to Compel June 22, 2020			Brian Hom
CPED-05 Att. 10	Summary of Community Union's Data Request Responses July 7, 2020			Brian Hom
CPED-05 Att. 11	California Secretary of State, Business Search-Entity Detail			Vicky Zhong
CPED-05 Att. 12	DOJ, Office of the Attorney General, Registrant Details			Vicky Zhong
CPED-05 Att. 13	IRS Tax Exempt Organization Search			Vicky Zhong
CPED-05 Att. 14	NIU CETF Grant Application			Vicky Zhong
CPED-05 Att. 15	CETF Grant Cancellation Letter			Vicky Zhong
CPED-06	Direct Testimony of Selena Huang			Selena Huang/ Nina Enriquez
CPED-06 Att. 1	Administrative Manual September 2012			Selena Huang
CPED-06 Att. 2	Letter from Michael Amato to Hyepin Im dated March 4, 2013			Selena Huang
CPED-07	Direct Testimony of Devla Singh			Devla Singh/ Nina Enriquez
CPED-07 Att. 1	Email from Penney Legakis to Larry Ortega daated April 1, 2014			Devla Singh
CPED-07 Att. 2	Larry Ortega April 3, 2014 Email One Million NIU in Action Details to Curriculum Changes			Devla Singh
CPED-07 Att. 3	NIU Quarterly Reports			Devla Singh
CPED-07 Att. 4	Year 2 Work Plan dated October 1, 2012			Devla Singh
CPED-07 Att. 5	Communications Division Payment Packages			Devla Singh
CPED-07 Att. 6	Email from Ryan Dulin to Mr. Ortega dated April 20, 2015			Devla Singh
CPED-07 Att. 7	Memo from Devla Singh to Robert Wullenjohn on (sic) Zenaida Tapawan dated October 22, 2014			Devla Singh
CPED-08	Direct Testimony of Nina Enriquez			Nina Enriquez
CPED-08 Att. 1	CPED calculation of hours based on One Million NIU Activities, Roles, Hours, Relationship Summary			Nina Enriquez
CPED-08 Att. 2	CU DR response #10 - log of trainings schedule			Nina Enriquez
CPED-08 Att. 3	CPED calculation of hours based on CU DR response #10			Nina Enriquez

EXHIBIT LIST

CPED-08 Att. 4	CPED spreadsheet - completed version of CD's summary of Quarterly Reports			Nina Enriquez
CPED-08 Att. 5	SCO 4B-1 Analysis of Services Scope Sheet (Duplicate of CPED-09 Att. 8)			Nina Enriquez
CPED-08 Att. 6	SCO 4C-1-2 Lead Trainer Matrix (Duplicate of CPED-09 Att. 10 and 11)			Nina Enriquez
CPED-09	Direct Testimony of State Controllers Office			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 1	2C - EPM Addendum			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 2	2E - Engagement Letter			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 3	2I - Entrance Conference			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 4	2H - Correspondence with Auditee			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 5	FW_ We are a subcontractor recently audited - Auditor is fabricating statements			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 6	3A-2 - Internal Control Seavey Circle Strengths and Weaknesses			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 7	Exit Conference MX-5071_20200702_153036 (002)			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 8	4B-1 - Analysis of Services Scope Sheet			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 9	4B-2 - Sample Selection Methodology			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 10	4C-1-1 - Analysis of Trainers			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 11	4C-1-2 - Analysis of Lead Trainers			Chris Prasad/ Andrew Finlayson
CPED-09 Att. 12	4C-1-3 - Analysis of Liaisons			Chris Prasad/ Andrew Finlayson
CPED-10	CPED/CD Responses to Community Union's May 7, 2020 Questions			Selena Huang
CPED-11	Larry Ortega LinkedIn page & Vicky Zhong Declaration			Vicky Zhong
CPED-12	Email dated 10/06/2014 from Teresa Cortes to Devla Singh containing updated October 2014 training schedule			Devla Singh
CPED-13	NIU Requests for Changes to Work Plan			Nina Enriquez
CPED-14	Emails dated 03/2014 from Larry Ortega to Zenaida Tapawan regarding directions for submission of sign in sheets			Nina Enriquez
CPED-15	Emails dated February 23, 2015 between CD staff regarding the delay in commencing the SCO audit			
CPED-16	2011 travel Personnel Management Liaison Memo from CalHR			Vicky Zhong
CPED-17	Chronological Order Of NIU Audit Delay dated September 1, 2015			Vicky Zhong/Devla Singh
CPED-18	Email from Robert Wullenjon to Larry Ortega dated February 24, 2015			Vicky Zhong
CPED-19	Email from Robert Wullenjon to Ryan Dulin dated February 23, 2015			Devla Singh
CPED-20	Email from Penney Legakis to Angel Ahsam dated March 26, 2015			Vicky Zhong
CPED-21	Email from William Goedecke to Alicia Ortega April 7, 2014			Vicky Zhong

EXHIBIT LIST

CPED-22	A Tag Team of Gross Incompetency by CPUC and SCO ver. 11			Vicky Zhong

ATTACHMENT 2

WITNESS LIST

I.18-07-009				
Witness Order of Appearances and Estimated Testimony Time				
Hearing Schedule 8/24-8/27				
	8/24/2020 (Mon.)	8/25/2020 (Tues.)	8/26/2020 (Wed.)	8/27/2020 (Thurs.)
10:00 - 10:15	Brian Hom (direct)	Nina Enriquez (direct)	Mr. Ortega (Cross)	Neri Rivas (Cross)
10:15 - 10:30	Brian Hom (direct)	Nina Enriquez (direct)	Mr. Ortega (Cross)	Neri Rivas (Cross)
10:30 - 10:45	Brian Hom (direct)	Nina Enriquez (direct)	Mr. Ortega (Cross)	Ron Vera (Cross)
10:45 - 11:00	Brian Hom (direct)	Nina Enriquez (direct)	Mr. Ortega (Cross)	Ron Vera (Cross)
11:00 - 11:15	BREAK	BREAK	BREAK	BREAK
11:15 - 11:30	Vicky Zhong (direct)	Chris Prasad (direct)	Mr. Ortega (Cross)	Commissioner Simon (Cross)
11:30 - 11:45	Vicky Zhong (direct)	Chris Prasad (direct)	Mr. Ortega (Cross)	Commissioner Simon (Cross)
11:45 - 12:00	Vicky Zhong (direct)	Chris Prasad (direct)	Mr. Ortega (Cross)	Deborah Janes (Cross)
12:00 - 1:00	LUNCH	LUNCH	LUNCH	LUNCH
1:00 - 1:15	Vicky Zhong (direct)	Chris Prasad (direct)	Mr. Ortega (Cross)	Deborah Janes (Cross)
1:15 - 1:30	Selena Huang (direct)	Andy Finlayson (direct)	Mr. Ortega (Cross)	John Does (Cross)
1:30 - 1:45	Selena Huang (direct)	Andy Finlayson (direct)	Mr. Ortega (Cross)	John Does (Cross)
1:45 - 2:00	BREAK	BREAK	BREAK	
2:00 - 2:15	Selena Huang (direct)	Andy Finlayson (direct)	Mr. Ortega (Cross)	
2:15 - 2:30	Selena Huang (direct)	Andy Finlayson (direct)	Mr. Ortega (Cross)	
2:30 - 2:45	Devla Singh (direct)		Mr. Ortega (Cross)	
2:45 - 3:00	Devla Singh (direct)		Mr. Ortega (Cross)	
3:00 - 3:15	Devla Singh (direct)		Mr. Ortega (Cross)	
3:15 - 3:30	Devla Singh (direct)		Mr. Ortega (Cross)	

ATTACHMENT 3

DECLARATION OF VANESSA BALDWIN

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the California's One Million New Internet Users Coalition's Misuse of California Advanced Services Fund Grant Funds; and Order to Show Cause Why the Commission Should Not Impose Penalties and/or Other Remedies for Violating Terms of Their Grant and for Refusing to Return Funds Previously Demanded by the Commission's Division.

Investigation 18-07-009

DECLARATION OF VANESSA BALDWIN

My name is Vanessa Baldwin and I am an attorney in the Legal Division of the California Public Utilities Commission (Commission). I have personal knowledge of the facts stated herein.

1. In representing the Consumer Protection and Enforcement Division (CPED) of the Commission in the Commission's proceeding investigating California's One Million New Internet Users Coalition (NIU Coalition), I sent Mr. Larry Ortega a copy of CPED's proposed witness list on July 24, 2020 and asked him to confirm Community Union Inc.'s witnesses.
2. To date, I have not received a response from Mr. Ortega.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Dated: July 27, 2020

/s/ VANESSA BALDWIN

Vanessa Baldwin