



**FILED**

03/25/19  
03:37 PM

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

In the Matter of the Joint Application of Sprint Communications Company L.P. (U-5112) and T-Mobile USA, Inc., a Delaware Corporation, For Approval of Transfer of Control of Sprint Communications Company L.P. Pursuant to California Public Utilities Code Section 854(a).

Application 18-07-011

And Related Matter.

Application 18-07-012

**ADMINISTRATIVE LAW JUDGE’S RULING GRANTING THE MOTION OF THE OFFICE OF THE PUBLIC ADVOCATE TO COMPEL RESPONSES TO DATA REQUESTS AND REVISING THE SCHEDULE OF THIS PROCEEDING**

**Summary**

The Motion of the Public Advocates Office to Compel Responses to Data Requests dated March 7, 2019 is granted. The schedule of the proceeding is modified accordingly.

**1. Discussion**

**1.1 The Motion to Compel**

On March 7, 2019 the Public Advocates Office (Cal Advocates) filed a motion to compel responses from applicant T-Mobile USA Inc. (T-Mobile) to data requests DR-010 and DR-011. This motion follows upon my February 26, 2019 ruling partially granting Cal Advocates prior motion to amend and supplement

its testimony. In response to that ruling, Cal Advocates served the referenced data requests on T-Mobile, but received only objections to the data requests without substantive responses. On March 5 and 6, 2019, Cal Advocates and T-Mobile representatives met and conferred regarding the data requests. In those meetings, T-Mobile representatives asserted their belief that my February 26 Ruling limited Cal Advocates to using information already in its possession when preparing its briefs in this matter. Cal Advocates contends that my February 26 Ruling permits inquiry into matters raised in T-Mobile's rebuttal testimony. I listed those matters in the February 26 Ruling. Consistent with that ruling, Cal Advocates sought via the data requests information about Susan Brye's rebuttal testimony relating to privacy, Neville Ray's testimony regarding T-Mobile's proposed 5G network, Michael Sievert's testimony regarding home broadband, and projected 5G coverage maps prepared by Mr. Ray. Cal Advocates also sought information about submissions by T-Mobile to the United States Department of Justice since January 1, 2019 which has not been presented here. It is self-evident that the information sought would be of value to Cal Advocates in preparing its briefs.

This matter is governed by Rule 13.10 of the Commission's Rules of Practice and Procedure:

"The Administrative Law Judge or presiding officer, as applicable, may require the production of further evidence upon any issue."

In light of my earlier ruling granting Cal Advocates' motion to amend and supplement its testimony in response to the rebuttal testimony submitted by T-Mobile, I find that pursuant to Rule 13.10, T-Mobile is required to produce responses to DR-010 and DR-011.

## **1.2 Revised Schedule of the Proceeding**

Granting Cal Advocates' March 7, 2019 motion to compel necessitates revision of the remaining schedule of this proceeding. Although this order will be effective immediately on issuance, T-Mobile will require time to provide responsive answers to DR.010 and DR-011 and Cal Advocates will require time to review those answers and incorporate the information obtained from them in its briefs.

Accordingly, the schedule will be as set out in the ordering paragraphs.

**IT IS RULED** that:

1. T-Mobile USA Inc. shall provide substantive responses to the Public Advocates Office data requests DR-010 and DR-011 by 5:00 p.m. April 5, 2019.
2. Opening briefs are due April 26, 2019.
3. Reply briefs are due May 10, 2019.

Dates March 25, 2019, at San Francisco, California

/s/ KARL J. BEMESDERFER

Karl J. Bemesderfer  
Administrative Law Judge