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

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In the Matter of the Joint Application of
Frontier Communications Corporation,
Frontier Communications of America, Inc.
(U 5429 C), Verizon California, Inc.
(U 1002 C), Verizon Long Distance LLC
(U 5732 C), and Newco West Holdings LLC
for Approval of Transfer of Control Over
Verizon California, Inc. and Related Approval
of Transfer of Assets and Certifications

A. 15-03-005
(Filed March 18, 2015)

**JOINT MOTION OF FRONTIER COMMUNICATIONS CORPORATION, FRONTIER
COMMUNICATIONS OF AMERICA, INC., THE UTILITY REFORM NETWORK, THE
OFFICE OF RATEPAYER ADVOCATES, AND THE CENTER FOR ACCESSIBLE
TECHNOLOGY FOR WAIVER OF RULE 12.1(A) RESTRICTION ON SETTLEMENTS
SUBMITTED 30 DAYS FOLLOWING LAST DAY OF HEARINGS AND WAIVER OF
RULE 12.1(B) SETTLEMENT CONFERENCE REQUIREMENT AS TO PARTIAL
SETTLEMENT**

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October 30, 2015

1 **I. INTRODUCTION.**

2 Pursuant to Rule 11.1 of the Rules of Practice and Procedure (“Rules”) of the California
3 Public Utilities Commission (“Commission”), Frontier Communications Corporation, Frontier
4 Communications of America, Inc. (collectively, “Frontier”), the Office of Ratepayer Advocates
5 (“ORA”), The Utility Reform Network (“TURN”), and the Center for Accessible Technology
6 (“CforAT”) (the parties collectively are referred to as the “Parties”) hereby submit this Joint
7 Motion for a waiver of two elements of Rule 12.1 in connection with the Commission's
8 consideration of the Settlement Agreement between the above-referenced parties and submitted
9 contemporaneously with this Joint Motion (“Settlement Motion”). Specifically, to ensure that the
10 Parties' Settlement Motion can be considered in a timely manner in this proceeding, and to ensure
11 that a Final Decision can still be adopted by the end of 2015, the Parties request that the restriction
12 on submitting settlements more than 30 days following the last day of hearings (Rule 12.1(a)) and
13 the "settlement conference" requirement in Rule 12.1(b) be waived as to the Parties' Settlement
14 Agreement.

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17 Good cause exists to grant this motion for waiver, as granting the motion will permit the
18 Settlement Motion and the associated Settlement Agreement to be considered in a timely manner
19 in advance of issuance of the Proposed Decision. If these Rule 12.1 requirements are waived, all
20 parties to the proceeding will be able to comment on the Parties' Settlement Agreement and a
21 Proposed Decision can still be issued in time to allow it to be considered for final adoption before
22 the end of the year.

23
24 **II. GOOD CAUSE EXISTS TO WAIVE THE 30-DAY RESTRICTION ON
25 SUBMISSION OF SETTLEMENTS AGREEMENTS.**

26 Under Rule 12.1(a), motions seeking approval of settlements must be submitted within 30
27 days of the "last day of hearing" in a proceeding. In this case, there was a hearing on a specific
28 sub-set of issues in the case – the state of the Verizon California network – on September 23,

1 2015. Consequently, a strict application of Rule 12.1(a) could be interpreted to bar submission of
2 the Parties' Settlement Agreement.¹ Because the Settlement Agreement resolves virtually all of
3 the issues between some of the principal parties in the case, prohibiting submission of the
4 Settlement Agreement would not be in the public interest. Frontier, TURN, ORA, and CforAT
5 have undertaken significant efforts to resolve as many of their issues as possible, and it would be
6 efficient and consistent with the public interest for the Commission to consider this significant
7 resolution of issues as it crafts its Proposed Decision in this proceeding. The 30-day submission
8 restriction should not be a bar to this consideration.

9
10 No parties will be prejudiced by waiving the 30-day submission limitation. The Parties'
11 Settlement Agreement is being submitted only 37 days after the one-day hearing that took place on
12 September 23, 2015, so the 30-day period has only recently expired. Moreover, the focus of the
13 September 23, 2015 hearing was limited to a factual evaluation of Verizon's network, and the
14 Settlement Agreement does not reach specific findings regarding that subject. In addition, other
15 parties will have an opportunity to offer comments on the Settlement Agreement so that they can
16 be heard on the merits of the areas of agreement reached by the Parties.

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18 For all of these reasons, Rule 12.1(a) should not foreclose submission of the Parties'
19 Settlement Agreement. An appropriate ruling waiving this provision should be issued.

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21 **III. GOOD CAUSE EXISTS TO WAIVE THE SETTLEMENT CONFERENCE REQUIREMENT.**

22 A waiver of Rule 12.1(b) is also in the public interest. Rule 12.1(b) requires that parties to
23 a settlement convene a settlement conference, to be noticed seven days in advance, before signing
24 a Settlement Agreement. In this case, given the expectation that a Proposed Decision is being

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27 ¹ In light of the narrow scope of the September 23, 2015, it is not clear whether the 30-day
28 limitation would strictly apply to the Settlement Agreement that the Parties now submitting, which
addresses a wide range of issues that are beyond the scope of the subject matter of the September
23, 2015 hearing.

1 prepared in November for final consideration in December, sufficient time does not exist for a
2 settlement conference to take place in advance of signature and submission of the Settlement
3 Agreement. If the parties were to notice a settlement conference today, it could not take place
4 until November 6, 2015 and further work would likely be required after the conference to finalize
5 the Settlement. By that time, the Commission may have already released the Proposed Decision.
6 Submitting this Settlement Agreement today allows for the Commission to review the Settlement
7 Agreement as it prepares its Proposed Decision, along with any comments on the Settlement
8 Agreement that may be offered within the expedited timeframe proposed by the Parties in a related
9 motion.
10

11 This Settlement Agreement represents a significant agreement amongst parties with
12 disparate and opposing views on many of the key issues in the case. The Commission should take
13 appropriate steps to ensure that this important agreement can be considered. A waiver of Rule
14 12.1(b) will promote efficiency and advance the public interest. The waiver should be granted.
15

16 **IV. CONCLUSION.**

17 Good cause supports granting waivers as to two sub-parts of Rule 12.1 addressing the 30-
18 day submission restriction and the pre-settlement conference. These procedural provisions can
19 and should be waived when administrative efficiency and fairness dictates such waivers. That is
20 the case here, so waivers should be granted for the purpose of facilitating the submission and
21 consideration of the Settlement Motion and the associated Settlement Agreement filed
22 contemporaneously with this motion.
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1 Respectfully submitted this 30th of October, 2015.

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for Approval of Transfer of Control Over
Verizon California, Inc. and Related Approval
of Transfer of Assets and Certifications

A. 15-03-005
(Filed March 18, 2015)

**[PROPOSED] RULING OF ASSIGNED ADMINISTRATIVE LAW JUDGE
GRANTING JOINT MOTION OF FRONTIER COMMUNICATIONS CORPORATION,
FRONTIER COMMUNICATIONS OF AMERICA, INC., THE UTILITY REFORM
NETWORK, THE OFFICE OF RATEPAYER ADVOCATES, AND THE CENTER FOR
ACCESSIBLE TECHNOLOGY FOR WAIVER OF RULE 12.1(a) RESTRICTION
ON SETTLEMENTS SUBMITTED 30 DAYS FOLLOWING LAST DAY OF HEARINGS
AND WAIVER OF RULE 12.1(b) SETTLEMENT CONFERENCE REQUIREMENT AS
TO PARTIAL SETTLEMENT**

1. Pursuant to Rule 11.1 of the Commission's Rules of Practice and Procedure, and for good cause shown, the Joint Motion of Frontier Communications Corporation, Frontier Communications of America, Inc., The Utility Reform Network, the Office of Ratepayer Advocates, and the Center for Accessible Technology for Waiver of Rule 12.1(a) Restriction on Settlements Submitted 30 Days Following Last Day of Hearings and Waiver of 12.1(b) Settlement Conference Requirement as to Partial Settlement, filed on October 30, 2015, is hereby GRANTED.

2. The Rule 12.1 restrictions on submitting settlements more than 30 days following the last day of hearings (Rule 12.1(a)), and the "settlement conference" requirement in Rule 12.1(b) are waived as to the Parties' Partial Settlement Agreement.

By: _____
Administrative Law Judge