

Decision 19-12-060 December 19, 2019

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

In the Matter of the Joint Application of Sprint Communications Company L.P. (U5112) 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

**ORDER EXTENDING STATUTORY DEADLINE**

**Summary**

This decision extends the statutory deadline in these proceedings to July 12, 2020.

**1. Background**

Public Utilities Code (Pub. Util. Code) Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a ratesetting proceeding within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met, and issues an order extending that deadline. In these proceedings, the 18-month statutory deadline for resolving these applications is January 1, 2020.

On July 13, 2018, Sprint Communications Company L.P. and T-Mobile USA, Inc., filed Application (A.) 18-07-011 for approval of transfer of control pursuant to Pub. Util. Code Section 854(a). On July 13, 2018, Sprint Spectrum L.P., Virgin Mobile USA L.P., and T-Mobile USA, Inc. (Joint Applicants), filed A.18-07-012 for review of wireless transfer notification per Commission Decision 95-10-032.

On August 16, 2018, protests were filed by The Greenlining Institute (Greenlining) and The Utility Reform Network (TURN), and by the then Office of Ratepayers Advocates, now the Public Advocates Office (PAO) in A.18-07-011 and in A.18-07-012. On August 27, 2019 the Joint Applicants filed their replies.

On September 11, 2018, the assigned Administrative Law Judge (ALJ) issued a ruling consolidating A.18-07-011 and A.18-07-012. A prehearing conference (PHC) was held on September 13, 2018, to discuss the issues of law and fact and to determine the need for hearing and schedule for resolving the matter. The assigned Commissioner issued the Scoping Memo and Ruling on September 28, 2018 and an Amended Scoping Memo and Ruling on October 4, 2018.

Public Participation Hearings (PPH) were held on January 15, 17, and 29, 2019. Evidentiary Hearings (EHs) were held on February 5 through 8, 2019. Briefs were filed on April 26, 2019 and reply briefs were filed on May 10, 2019. On August 27, 2019, the assigned ALJ issued a ruling reopening the record to take additional evidence and directing Joint Applicants to amend A.18-07-012. The Amended Application was filed on September 19, 2019 and on October 9, 2019 a joint protest was filed by PAO, Communication Workers of America, District 9 (CWA), TURN, and Greenlining.

On October 10, 2019, a second PHC was held and the ALJ listed a series of material modifications in the proposed transaction that needed further examination. The assigned Commissioner issued an Amended Scoping Memo and Ruling on October 24, 2019, which included specific questions to the Joint Applicants and required testimony to develop the record on this issue. A second set of EHs were held on December 5-6, 2019.

Therefore, an extension of the statutory deadline until July 12, 2020, is necessary to allow enough time to issue a proposed decision for public review and comments, and to allow the Commission enough time to deliberate and issue its final decision.

## **2. Waiver of Comment Period**

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of the proposed decisions extending the deadline for resolving ratesetting proceedings. Accordingly, the otherwise applicable period for public review and comment is being waived.

## **3. Assignment of Proceeding**

Clifford Rechtschaffen is the assigned Commissioner and Karl J. Bemesderfer is the assigned ALJ in this proceeding.

## **Findings of Fact**

1. Joint Applicants filed A.18-07-011 and A.18-07-012 on July 13, 2018 and on September 11, 2018, the assigned ALJ issued a ruling consolidating these applications.
2. PHCs were held on September 13, 2018 and on October 10, 2019.
3. On September 28, 2018 the scoping memo and ruling was issued and later amended on October 4, 2018 and on October 24, 2019.

4. A series of public participation hearings were held on January 15, 17, and 29, 2019.
5. Evidentiary hearings were held on February 5 through 8, 2019 and on December 5-6, 2019.
6. An extension of the statutory deadline to July 12, 2020 is necessary to allow enough time to issue a proposed decision for public review and comments.

**Conclusion of Law**

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline in these proceedings should be extended to July 12, 2020.

**IT IS ORDERED** that the statutory deadline in these proceedings is extended until July 12, 2020.

This order is effective today.

Dated December 19, 2019, at San Francisco, California.

MARYBEL BATJER  
President  
LIANE M. RANDOLPH  
MARTHA GUZMAN ACEVES  
CLIFFORD RECHTSCHAFFEN  
GENEVIEVE SHIROMA  
Commissioners