

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 Matters.

Application 18-07-012

**MOTION OF THE PUBLIC ADVOCATES OFFICE
FOR AN ORDER SHORTENING TIME**

On March 7, 2019, the Public Advocates Office filed a motion to compel responses to data requests against T-Mobile USA, Inc. (T-Mobile). Pursuant to Rule 11.1 of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure (Rules), the Public Advocates Office respectfully submits this Motion for Shortened Time (Motion for Shortened Time) for responses to its motion to compel. Typically, under Rule 11.1 parties have 15 days to respond to a motion. However, where good cause exists the Administrative Law Judge (ALJ) may shorten the time to respond.¹

On February 26, 2019, ALJ Bemesderfer granted a motion by the Public Advocates Office for additional time to digest the voluminous amount of new information provided by Joint Applicants, and permitted the inclusion of new additional evidence and arguments in opening briefs. The deadline for opening briefs is now extended to March 29, 2019. However, if T-Mobile does not respond until March 22 (15 days) to the motion to compel, even if the ALJ grants the motion to compel the next day, T-Mobile would have just 6 days to provide responsive answers and the Public Advocates Office would have just a few days (if any) to receive the responses, review and analyze them, and prepare additional evidence and arguments for the briefs. Good cause exists to shorten the response time so that the Public Advocates Office has

¹ Rule 11.1(e).

sufficient time to obtain the information it needs and to prepare new additional evidence and arguments for its briefs.

The Public Advocates Office has acted quickly and expeditiously in this proceeding. After the voluminous rebuttal testimony was submitted 4 business days before the hearings, and after the close of hearings, the Public Advocates Office began preparing additional data requests, which are necessary to supplement, verify, and clarify the Joint Applicants rebuttal testimony. Joint Applicants failed to provide responsive answers. After the February 26 ALJ Ruling, the Public Advocates Office on the same day emailed T-Mobile seeking responsive answers. After a short delay by T-Mobile, the Public Advocates Office met and conferred with T-Mobile on March 5 and March 6. On March 7, the Public Advocates Office filed its motion to compel. The Public Advocates Office has not attempted to delay this proceeding any more than necessary.

Public Utilities Code Section 309.5(e) authorizes the Public Advocates Office to obtain “any information it deems necessary to perform its duties,” without limitation by time. The February 26 ALJ Ruling permits the Public Advocates Office to include new information in its briefs, and did not deem the case submitted or close discovery. Therefore, additional discovery is necessary and permitted, and the responses are past due.

In order to avoid more delay in this proceeding, the Public Advocates Office requests that T-Mobile be required to respond to the motion to compel by March 11, 2019.

Respectfully submitted,

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