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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERIZON CALIFORNIA, INC.,

No. C 03-3441 CW

Plaintiff,

v.

ORDER SETTING

MICHAEL R. PEEVEY, et al.,

BRIEFING SCHEDULE

Defendants.

_____/

PAC-WEST TELECOMM, INC,

Counterclaimant,

v.

VERIZON CALIFORNIA, INC.,

Counterdefendant.

_____/

Plaintiff Verizon California, Inc. appealed this Court's decision that the Commissioners of the Public Utilities Commission's decision was not arbitrary or capricious. See June 17, 2004 Order Resolving Cross-Motions for Summary Judgment. The Ninth Circuit affirmed all the Court's rulings, except for the Court's ruling on

United States District Court
For the Northern District of California

1 calls to paging customers. Verizon California, Inc. v. Peevey, ___
2 F.3d ___, 2006 WL 2563879, *1 (9th Cir. 2006). As to that issue,
3 the Ninth Circuit reversed and remanded.

4 Defendants Michael R. Peevey, Loretta M. Lynch, Carl W. Woods,
5 Goeffrey F. Brown and Susan P. Kennedy, in their official capacities
6 as Commissioners of the Public Utilities Commission of the State of
7 California, are ordered to file a brief, by October 6, 2006, on
8 whether more briefing in this case is necessary or whether the Court
9 should remand this case, and the outstanding calls to paging
10 customers issue, to the CPUC. Plaintiff and Counterclaimant Pac-
11 West Telecomm, In. may file a response within one week of
12 Defendants' brief. If the mandate has not issued by October 6,
13 2006, Defendants shall submit their brief one week after the mandate
14 is issued; Plaintiff and Counterclaimant will continue to have a
15 week to file their responses.

16 The Court will review the parties' papers and issue an order.

17 IT IS SO ORDERED.

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19 Dated: 9/14/06



20 CLAUDIA WILKEN
21 United States District Judge
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