

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

*Application of Pacific Bell Telephone Company
d/b/a AT&T California (U 1001 C) for Targeted
Relief from Its Carrier of Last Resort Obligation
and Certain Associated Tariff Obligations*

Application 23-03-003
(Filed March 3, 2023)

**OPENING COMMENTS OF THE RURAL COUNTY REPRESENTATIVES OF
CALIFORNIA ON THE DECISION DISMISSING WITH PREJUDICE THE
APPLICATION OF AT&T CALIFORNIA TO WITHDRAW AS A CARRIER OF
LAST RESORT**

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Dated: May 30, 2024

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I. INTRODUCTION

Pursuant to Rule 14.3 of the California Public Utilities Commission (“CPUC” or “Commission”) Rules of Practice and Procedure, the Rural County Representatives of California (“RCRC”) submits Opening Comments to *Decision Dismissing with Prejudice the Application of AT&T California to Withdraw as a Carrier of Last Resort*, issued by Administrative Law Judge Thomas J. Glegola on May 10, 2024.

II. DISCUSSION

RCRC greatly appreciates the Proposed Decision to dismiss AT&T California’s Amended Application, with prejudice, and strongly supports its adoption as written. Customer-supported surcharges have subsidized universal access to high-cost areas and its underlying infrastructure to serve the public interest through basic service. It is not uncommon for rural residents to pay for plain old telephone service (POTS) as a personal safety net because they cannot rely on alternative voice options, such as wireless service, to reliably communicate. During a natural disaster, severe

weather event, or a wildfire, local emergency responders must ensure the safety of residents and visitors alike. Currently, POTS can withstand power outages to provide continuous access to contact emergency services, while alternative or advanced services, such as Voice over Internet Protocol (VoIP) phones, do not have any underlying redundancy to operate during power outages that often precede an emergency event.

Communications technology are essential resources not only when disaster strikes, but also for educational opportunities, health care access, economic growth, and civic engagement. While we are unfortunately nowhere near the finish line to bridge the digital divide, it is unconscionable to compromise existing, legacy infrastructure and the minimal consumer protection standards underpinning it. It is regrettable that AT&T California has perpetuated a false narrative through their Amended Application to equate legacy infrastructure with an obstruction to broadband modernization. *Any* carrier may use *any* technology to satisfy *any* obligation to provide basic service.¹

AT&T California's Amended Application

RCRC wholeheartedly agrees with the Proposed Decision that AT&T California's Amended Application is fatally flawed. AT&T's Amended Application would have untold—and disproportionate—impacts on rural and remote areas of the state that are hardest to serve, chronically under resourced, and without competitive, reliable alternatives. Eliminating Carrier of Last Resort (COLR) obligations, would effectually guarantee that rural and remote customers (i.e. “unprofitable” customers) will not have any assurances following a storm or disaster that necessary infrastructure will be rebuilt, and service restored (let alone in a timely fashion). Universal and basic service guarantees must be in place for essential utility services that companies like AT&T are entrusted to provide. COLR obligations ensure customers can be served now *and* in the future.

Given the considerable, if not overwhelming, public sentiment at the Public Participation Hearings and through public comments in the proceeding docket identifying current service gaps, RCRC would additionally suggest that the Commission consider providing greater scrutiny of existing POTS networks, perhaps through an Order Instituting Investigation. These public

¹ California Public Utilities Commission, Basic Service Definition, <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-mapping-program/broadband-public-feedback/basic-service-definition>. Accessed March 21, 2024.

observations appear to systemically frustrate legacy POTS customers across the state. At the very least, the Commission should consider substantial improvements to how it manages complaints and enforces existing universal service standards.

New Order Instituting Rulemaking

The Proposed Decision's intention to initiate an Order Instituting Rulemaking to consider Carrier of Last Resort rules is warranted; such a review should benefit the integrity of the market as a whole given the ubiquity of communications services and evolving technological advancements. Consumer protections should have uniform applicability and not marginalize large geographic areas. COLR relief, specifically the relief sought by AT&T California's misguided Amended Application, perpetuates inequity and should not be granted on an ad hoc basis.

III. CONCLUSION

Relieving COLR obligations, especially in the manner sought through AT&T California's Amended Application, is a negative bellwether for the public interest because COLR is the last line of defense to ensure basic service is available in hard to serve rural and vulnerable communities. RCRC, therefore, respectfully requests the Commission adopt the Proposed Decision without modification and dismiss AT&T California's Amended Application with prejudice.

Respectfully submitted,

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