

**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)

**RESPONSE OF RURAL COUNTY REPRESENTATIVES OF CALIFORNIA TO AT&T  
CALIFORNIA'S REQUEST FOR RELIEF**

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Dated: April 3, 2023

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**I. Introduction**

Pursuant to Rule 2.6 of the California Public Utilities Commission (“Commission” or “CPUC”) Rules of Practice and Procedure, the Rural County Representatives of California (RCRC) submits this response to *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”) filed on March 3, 2023.

**II. Discussion**

**A. It is premature to grant AT&T California targeted relief without first establishing minimum service quality standards for non-wireline telephone services.**

The Commission is currently reviewing potential changes to G.O. 133-D to establish uniform, future-proof minimum service quality standards and updated penalty mechanisms through *Order Instituting Rulemaking Proceeding to Consider Amendments to General Order 133* (R.22-03-016). Until the Commission equitably measures and treats new and evolving telephone and broadband services, it is premature to force existing customers to abruptly relinquish their current services for known inferior options, especially higher-priced ones, when they do not provide equivalent protections of plain old telephone service (POTS). As such, the Application’s request for relief is premature given the voice

alternatives identified, such as Voice Over Internet Protocol (VoIP), provide no regulatory certainty for customers to receive comparable service.

Recently, AT&T has notified residents of Bear Valley, Sky High Ranch, Tamarack and Sherman Acres (communities in Alpine County) it will no longer provide service calls to their properties during the winter months. Alpine County's library in the Perry Walther Building is the only shelter and community center location in Bear Valley and currently does not have internet access to provide residents and guests; as a result, safety net services such as telehealth are currently unavailable. Given the heavy snowfall, AT&T may not be able to resume service calls until late May or early June 2023. Aside from the Commission's need to address this specific issue separately, the Commission should reject AT&T's Application for relief given its own inability to consistently deliver voice alternatives concurrently with its Carrier of Last Resort (COLR) obligations. Additionally, it begs the question of whether the competitors that legacy POTS customers will have to switch to are providing timely, year-around service calls.

**B. VoIP, fixed and mobile wireless are insufficient voice alternatives to POTS customers as currently regulated.**

It is essential for customers to retain, at their option, resilient communication services such as plain old telephone service (POTS). During an emergency, such as a natural disaster or electrical power outage, customers and first responders must have reliable access to 9-1-1 and 2-1-1 service, including the ability to receive alerts and notifications.<sup>1</sup> The technologies identified in the Application do not have consistent regulatory treatment and resulting consumer protection. Remaining POTS consumers need continued service, especially rural residents located in areas prone to natural disasters and/or extreme weather with acute needs for reliable telecommunication.

While the Application points to today's modern and competitive marketplace to provide consumers options, the record of the *Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California* (R.20-09-001)<sup>2</sup> indicates the

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<sup>1</sup> Despite Commission Decisions 20-07-011 and D.21-02-029 adopting, respectively, wireless and wireline provider resiliency strategies—including that wireless and wireline providers install 72-hour backup power requirements in Tier 2 and Tier 3 High Fire Threat Districts—many of these customers still do not have access to 9-1-1 when the power goes out. This is a common experience during automatic fast-trip electrical outages such as PG&E's Enhanced Powerline Safety Settings (EPSS) program.

<sup>2</sup> The Phase II-B Amended Scoping Memo issued April 20, 2021 includes "an investigation into whether Internet service providers (ISPs) are refusing to serve certain communities or neighborhoods within their service or franchise areas, a practice commonly called redlining. Redlining may exist within communities and across communities, as a result of

existence of digital redlining in inner-city urban neighborhoods and rural areas alike due to substandard—or nonexistent—investments in broadband infrastructure given the high deployment costs and lower revenue returns. Although AT&T California indicates few remote rural customers will be affected, the Application does not provide the census blocks affected under AT&T California’s request for targeted relief. As a result, RCRC (and the public) is unable to identify the location or total number of customers affected and evaluate whether market-based redlining concurrently exists in those census blocks. Additionally, the Application allows for the removal of the COLR obligation where a “voice alternative to AT&T California’s POTS service” exists in the census block, including if a wireless carrier demonstrates its footprint covers 50 percent of the census block<sup>3</sup>. Wireless service coverage is many times different than actual service at the household level, especially in rural areas, as topography can affect service availability and quality. Further, sunseting POTS service to any household in a census block because another household may have access to an alternative service is antithetical to the purpose of COLR obligation.

**C. The Application’s proposed transition timeline for existing AT&T POTS customers is insufficient.**

The Application leaves affected customers with fewer market options in terms of choice, quality and affordability. As such, the Application’s six-month minimum timeframe for AT&T POTS customers to transition to a different technology<sup>4</sup> for voice service is woefully insufficient. While AT&T will be able to pre-position its resources to withdraw its wireline infrastructure, customers will not be similarly situated to find a suitable alternative service to transition their households and/or businesses. COLR relief should not be granted without first establishing uniform, technologically neutral minimum service quality standards of POTS alternatives.

**D. Streamlined process for future relief is improper.**

The Commission should reject the Application’s proposed streamlined process for future relief from COLR obligations through a Tier 1 Advice Letter process. The tailored relief this Application

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systemic issues in the communications marketplace that disadvantage specific communities. To begin this investigation, this ruling requests comments on several studies on the issue, in addition to allowing parties to offer their own data and analysis.”

<sup>3</sup> Page 37

<sup>4</sup> Page 38.

purports to seek does not lend itself to a process that would fast-track future requests with less public scrutiny. As such, we urge the Commission to reject far-reaching regulatory reforms within the scope of the proceeding.

### **III. Categorization and Proposed Schedule**

RCRC concurs with the March 16, 2023 preliminary decision of the Commission to categorize this as a rate-setting proceeding.<sup>5</sup>

RCRC would additionally suggest the inclusion of a Workshop in the proposed schedule for AT&T California to present granular details of the areas and census blocks subject to the Application's COLR relief, its outreach plan to customers (including affected public agencies and businesses, if applicable), as well as a comparison of service quality and pricing information for the voice alternatives that AT&T California claims to exist for these affected AT&T POTS customers.

Additionally, the proposed schedule appropriately acknowledges Public Participation Hearings (PPH) be included. Given the targeted relief from a discreet set of customers, the Workshop should identify how AT&T California and/or the Commission will conduct public outreach and target the audience of the PPH for maximum effectiveness. For example, if the affected customers are located within a census block that is an unserved or underserved broadband area, a data-rich email that cannot download from the server, or the Hearing being conducted in a webinar format, may preclude their participation. Therefore, outreach strategies should be considered in advance of the PPH.

Lastly, upon the conclusion of the Workshop and PPH, we urge the Commission to develop a staff proposal or issue a ruling seeking party comments prior to issuing a Proposed Decision. Proposed Decisions limit party input pursuant to Rule 14.3 of the Commission's Rules of Practice and Procedure.

### **IV. Conclusion**

RCRC appreciates AT&T California's commitment to closing the digital divide and broadband availability gap in low-income, rural, and tribal communities. However, COLR relief should potentially follow, not precede, such investments.

For these reasons, RCRC opposes Application 23-03-003, *Application of Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) for Targeted Relief from Its Carrier of Last Resort*

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<sup>5</sup> ALJ Resolution 176-3524, March 16, 2023

*Obligation and Certain Associated Tariff Obligations.* Having a resilient communications network is central to public safety and the alternatives AT&T California seeks to replace its POTS obligations may be unreliable at best and, therefore, not a meaningful safety-net alternative to its COLR obligation.

Respectfully submitted,

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