

**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 AMENDED APPLICATION FOR “TARGETED” RELIEF**

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Dated: June 30, 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, and Administrative Law Judge Thomas J. Glegola’s May 3, 2023 ruling ordering the AT&T California to amend its application due to substantial incompleteness, the Rural County Representatives of California (RCRC) submits this response to *Amended 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* (“Amended Application”) filed on May 17, 2023. On June 6, 2023, ALJ Glegola extended the deadline for protests to June 30, 2023.

**II. Discussion**

**A. The Amended Application is exceptionally far reaching and not in any way limited to a discreet subset of customers.**

We thank ALJ Glegola’s May 3, 2023 ruling requiring census information and other pertinent details of affected customers and communities under AT&T California’s request for “targeted” relief. The information provided by AT&T makes it clear they intend to litigate their Carrier of Last Resort (COLR) obligations generally and is not driven by customers having commensurate options, such as a replacement COLR provider.

Additionally, the volume of information AT&T provided (52,101 total pages of text) in its Amended Application continues to purposefully obscure necessary information. It does so by meeting the letter of the ruling, but not the underlying intent of the order. For example, the Amended Application does **not**:

1. Specify whether the census block population is fully or partially affected under the “targeted” relief in Attachment D1;
2. Provide the community and county information in Attachments D2 and D3;
3. Specify whether each alternative service carrier is available in whole or in part to the census block in Attachment D3;
4. Include any pertinent information provided in Attachment E, including the location of the community and county, any census blocks that overlap with High Fire Threat zones or floodplains, are prone to natural disasters, or are part of a disadvantaged community;
5. Include the facilities-based fixed and mobile broadband coverage available in Attachment G.

AT&T provides the information requested in such a way that effectively prevents stakeholders from conveniently accessing the full scope of its request, or from conducting side-by-side comparisons of the estimated 428,900 census blocks for relief. Additionally, the Amended Application does not glean any insight as to the make-up of the 1,482 people<sup>1</sup> and communities *not* proposed for “targeted” COLR relief – including the most basic information, such as location of the community and county. The information provided by AT&T would require the public and stakeholders to retain a GIS professional to discern.

This is a blatant attempt to rewrite the Commission’s rules on the COLR status, which AT&T purports does not explicitly require the presence of a replacement COLR<sup>2</sup>, and does not represent an appeal for “targeted” relief, as presented. AT&T continues to portray in its Amended Application that it is not seeking “total” relief; however, seeking relief for all but 1,482 of the over 580,000 Plain Old Telephone Service (POTS) customers, seems to rest on a mere technicality.

## **B. Streamlined process for future relief is improper.**

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<sup>1</sup> Page 44, *Amended 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.*

<sup>2</sup> Page 19, *Amended 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.*

Given how wide-reaching this Amended Application is, the Commission should reject AT&T's request to streamline the process for future relief from COLR obligations through a Tier 1 Advice Letter. The breadth of the so-called "tailored" relief this Application purports to seek does not lend itself to a process that would fast-track future requests with even less public scrutiny. Even if the Commission decides to provide limited COLR relief to AT&T, undoubtedly AT&T will pursue any remaining census blocks contained in this Amended Application through the Tier 1 Advice Letter process it proposes as an expedited work-around.

**C. 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 Amended 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. Furthermore, until there are uniform service quality standards and are universally applied, the competitive barriers that AT&T identifies will assuredly continue.

**D. 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>3</sup> The technologies identified in the Amended Application do not have consistent regulatory treatment and resulting consumer protection. Remaining POTS consumers need

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<sup>3</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 (and spontaneous) fast-trip electrical outages such as PG&E's Enhanced Powerline Safety Settings (EPSS) program.

continued service, especially rural residents located in areas prone to natural disasters and/or extreme weather with acute needs for reliable telecommunication. AT&T's Amended Application does not omit census blocks that overlap with high fire threat districts (HFTDs), are prone to natural disasters, or are part of a disadvantaged community (DAC).

**E. 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. This is greatly compounded by the vast scope of customers and communities affected. AT&T will be undoubtedly be able to pre-position its resources to withdraw its wireline infrastructure, but 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.

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

While RCRC concurred with the Commission's preliminary decision to categorize this as a rate-setting proceeding<sup>5</sup> in our April 3, 2023 response, the evidence, however, in AT&T's Amended Application more obviously seeks to litigate the underlying policy changes to the Commission's long-established policies and create a new process for future COLR relief. In the event the Commission does not dismiss the Amended Application outright, the Commission should consider whether Commission policy or process changes should be included into a ratesetting proceeding (versus a quasi-legislative proceeding).

The Amended Application's two Public Participation Hearings (PPH) and four regional public outreach events are woefully inadequate given 55 of California's 58 counties are impacted by the "targeted" relief. Furthermore, our previous concerns with how AT&T will effectively conduct public outreach and target customer affected are only amplified given the volume of areas and customers affected.

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<sup>4</sup> Page 38, *Amended 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*.

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

The proceeding schedule should also include a Workshop for any potential or underlying policy or process changes that accompany the Amended Application.

Lastly, upon the conclusion of Workshops, PPH, and/or Regional Public Outreach Events, 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**

Any COLR relief should potentially follow, not precede, the unprecedented public investments to close the digital divide and broadband availability in low-income, rural and tribal communities. For these reasons and the ones stated above, RCRC opposes Application 23-03-003, *Amended 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*. As such, we request the Commission to dismiss this far-reaching Amended Application that seeks to undermine the Commission's underlying rules to comply with the California Public Utilities Code.

Respectfully submitted,

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