

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

*Order Instituting Rulemaking Proceeding to  
Consider Amendments to General Order 133.*

Rulemaking 22-03-016  
(Filed March 17, 2022)

**OPENING COMMENTS OF THE RURAL COUNTY REPRESENTATIVES OF CALIFORNIA  
ON DECISION CLOSING PROCEEDING**

**TRACY RHINE**  
Senior Policy Advocate  
Email: [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org)

Rural County Representatives of California  
1215 K Street, Suite 1650  
Sacramento, CA 95814  
Tel: (916) 447-4806

**LEIGH KAMMERICH**  
Senior Policy Advocate  
Email: [lkammerich@rcrcnet.org](mailto:lkammerich@rcrcnet.org)

Rural County Representatives of California  
1215 K Street, Suite 1650  
Sacramento, CA 95814  
Tel: (916) 447-4806

Dated: February 12, 2026

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

*Order Instituting Rulemaking Proceeding to  
Consider Amendments to General Order 133.*

Rulemaking 22-03-016  
(Filed March 17, 2022)

**OPENING COMMENTS OF THE RURAL COUNTY REPRESENTATIVES OF CALIFORNIA  
ON DECISION CLOSING PROCEEDING**

**I. Introduction**

Pursuant to Rule 14.3 of the California Public Utilities Commission (“Commission” or “CPUC”) Rules of Practice and Procedure, the Rural County Representatives of California (“RCRC”) submits comments to *Decision Closing Proceeding*, issued by assigned Commissioner Darcie L. Houck on January 23, 2026. RCRC is an association of forty rural California counties, and its Board of Directors is comprised of one elected Supervisor from each of those member counties. RCRC was granted party status via email ruling by ALJ Thomas J. Glegola on April 26, 2022.

**II. Discussion**

RCRC opposes the closure of Rulemaking 22-03-016, which would abandon its central purpose to establish minimum service quality standards and an enforcement framework that reflects today’s communications marketplace. The Commission opened this Rulemaking to modernize General Order 133 more holistically by addressing service quality standards and enforcement mechanisms across plain old telephone service (POTS), VoIP, and wireless service.<sup>1</sup> While the Commission ultimately adopted General

---

<sup>1</sup> Broadband was also considered in the *Assigned Commissioner’s Scoping Memo and Ruling*, issued July 22, 2022.

Order 133-E, it did so only after removing wireless service rules, deferring that work to a future Phase 2 of this proceeding.<sup>2</sup>

As a result, this proceeding has not accomplished its objectives with respect to facilities-based wireless service, despite an extensive record documenting persistent outages and prolonged restoration times. The Commission itself found that “market forces, as they currently exist, have not disciplined the service quality of VoIP and wireless service”<sup>3</sup> and that wireless outages have increased in frequency and duration to levels exceeding 24, 48, 72, and even 96 hours.<sup>4</sup> These findings compel immediate action, not administrative closure.

#### **A. The “Vintage Data” Rationale is Legally and Logically Flawed**

The Proposed Decision asserts that the age of wireless outage data renders continued consideration impractical. This reasoning misunderstands the nature of this proceeding, which is quasi-legislative and not an enforcement investigation. The purpose of R.22-03-016 is to establish a body of policy to set prospective standards and accountability mechanisms, not to adjudicate past violations. The existence of “vintage” data does not undermine the scope of its mission; if anything, it underscores the consequences of continued regulatory delay. It also creates a perverse incentive for wireless providers to delay, obstruct, or withhold cooperation long enough for the Commission to declare the record stale and walk away.

#### **B. Removal of Wireless from General Order 133-E Was a Dereliction of Duty**

The Commission’s decision to redline wireless service out of General Order 133-E immediately prior to adoption was both procedurally troubling and substantively difficult to justify on the record developed in this proceeding. The final adopted Decision 25-09-031 contradicted the Commission’s own factual findings, ignored documented experiences of rural and high-risk communities, and rewarded Respondents that repeatedly refused to engage constructively. Given the Commission’s express findings regarding the inadequacy of market discipline and worsening performance of wireless services, the most consequential portion of the Commission’s work is unfinished.

#### **C. A Successor Proceeding Would Disenfranchise Stakeholders**

Closing this docket in favor of a successor proceeding would severely prejudice consumer, local government, and community-based stakeholders that have participated in good faith throughout this multi-

---

<sup>2</sup> *Decision Adopting General Order 133-E* (D.25-09-031), at page 206, Conclusion of Law 36 (issued September 26, 2025).

<sup>3</sup> D. 25-09-031, page 200, Findings of Fact 19.

<sup>4</sup> D. 25-09-031, page 35.

year process. Participating in Commission proceedings is expensive for public stakeholders: it often requires legal representation, technical expertise, and sustained staff time—costs that are not always recoverable or qualify for intervenor compensation—posing significant barriers particularly for smaller organizations.

Requiring parties to relitigate settled issues, reestablish standing, and rebuild a record—while wireless providers and industry representatives will undoubtedly reuse the same rejected legal preemption arguments—does not serve the public interest. The Commission has already acknowledged these legal objections “simply recycle previous misstatements of law” and lack merit.<sup>5</sup> There is no basis to assume reopening the issue elsewhere will suddenly yield cooperation that has been consistently withheld here.

Keeping this proceeding open is the most equitable and efficient way to complete the Commission’s scope of unfinished work without further disenfranchising stakeholders.

### **III. Conclusion**

For the reasons stated above, RCRC respectfully urges the Commission to reject the Proposed Decision closing Rulemaking 22-03-016, and to keep the proceeding open for the purpose of completing wireless service quality standards and an enforcement framework. Given the high stakes in other proceedings, particularly R.24-06-012, consumers cannot afford further delays in accountability that disproportionately disadvantage wireless consumers.

Respectfully submitted,

/s/ Leigh Kammerich

Leigh Kammerich

Senior Policy Advocate

Rural County Representatives of California

Tel: (916) 447-4806

E-mail: [lkammerich@rcrcnet.org](mailto:lkammerich@rcrcnet.org)

Dated: February 12, 2026

---

<sup>5</sup> D.25-09-031