Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of Petition of AT&T for Preemption and Declaratory Ruling Regarding California's Carrier of Last Resort and Related Requirements	))))))	WC Docket No. 26-125

COMMENTS OF RURAL COUNTY REPRESENTATIVES OF CALIFORNIA, CALIFORNIA ALLIANCE FOR DIGITAL EQUITY, CALIFORNIA FARM BUREAU FEDERATION, CALIFORNIA STATE ASSOCIATION OF COUNTIES, COMMUNICATIONS WORKERS OF AMERICA, SMALL BUSINESS UTILITY ADVOCATES, AND THE UTILITY REFORM NETWORK

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EXECUTIVE SUMMARY

Universal service and the states' role in advancing it are integral to the Communications Act. Under the guise of network modernization and alleged federal preemption, AT&T's petition asks the Commission to abruptly end universal service in California, and everywhere. AT&T's petition is not only factually inaccurate but also seeks relief beyond the Commission's authority to grant. The Commission cannot preempt as requested.

California's carrier of last resort obligations advance the universal service principles reflected in Sections 214, 253, and 254 of the Communications Act and help protect public safety, ensure the continued quality of telecommunications services, and safeguard consumers. AT&T's proposed alternate services have not been vetted by the California Public Utilities Commission; if its preemption petition is granted now, people in California will be left with inadequate services, especially during emergencies. Wireless coverage is not adequate and does not reliably work indoors. California's experience has shown that because alternate technologies are dependent upon local electricity, they suffer more outages. AT&T's desire to put its business interests ahead of the safety of California residents cannot stand.

As important, Title II bars Commission preemption of state power. Section 152 withholds authority over intrastate services from the Commission. Section 214 expressly preserves state power to require service to otherwise unserved areas by eligible telecommunications carriers, including AT&T. Sections 253 and 254 confirm that California's authority is not preempted.

Congress has expressly retained state authority here. A plain statement by Congress is required to overturn state authority, and there is none. The impossibility exception does not override Section 152. AT&T incorrectly invokes sweeping Commission authority over broadband, mobile data and mobile voice. The Commission simply does not have authority over wired or wireless broadband internet access service. States have some jurisdiction over mobile services to ensure universal service. The petition must be denied and California's authority to ensure continued access to basic telephone service must be preserved.

TABLE OF CONTENTS

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I. Introduction

Rural County Representatives of California (RCRC), California Alliance for Digital Equity (CADE), California Farm Bureau Federation (CFBF), California State Association of Counties (CSAC), Communications Workers of America (CWA), Small Business Utility Advocates (SBUA), and The Utility Reform Network (TURN)[1] respectfully submit their strong opposition to the AT&T's Petition for Preemption and Declaratory Ruling (Petition)[2] because AT&T's effort to end Carrier of Last Resort (COLR) rules in California, if granted, would dictate an end to universal service, perhaps the most enduring and important principle in telecommunications policy.[3] AT&T's Petition is not only factually inaccurate but also seeks relief beyond the Commission's authority to grant, and therefore should be denied.

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[1] See **Appendix A** for a brief description of each commenting organization.

[2] *Petition of AT&T for Preemption and Declaratory Ruling Regarding California's Carrier of Last Resort and Related Requirements*, WC Docket No. 26-125 (filed May 20, 2026) (Petition), https://www.fcc.gov/ecfs/document/1052056507747/1.

[3] Pursuant to Section 1.2 of the Commission's rules[3] and the Commission's recent *Network Modernization Order*, WC Docket Nos. 25-209 & 25-208, FCC Docket No. 26-19, (released Mar. 27, 2026) (*NMO*), https://docs.fcc.gov/public/attachments/FCC-26-19A1.pdf, AT&T's Petition seeks a declaratory ruling that "any California regulation that interferes with or

II. AT&T's Petition Seeks to End Universal Service in California, and Everywhere

This Petition cannot be viewed in isolation. AT&T has embarked on a multi-pronged attack via five proceedings at the Commission and in district court litigation[4] seeking to put a dagger in the heart of a principle that has animated communications policy for almost as long as AT&T has been a phone company: universal service.[5] While AT&T characterizes the situation in California as being barred from replacing existing technologies with new technologies, its real goal is clear: to eliminate a core regulatory tool used by California (and other states[6]) to achieve universal service—the need for a carrier of last resort. Carrier of last resort regulations ensure that at least one carrier is obligated to serve, and will receive support to do so, such that no consumer within the state will be without service. If AT&T succeeds here, no state will be able to enforce this essential universal service mechanism. Achieving and protecting universal service was deliberately put in states' hands, and rather than recognizing each state's authority to choose the best way to achieve universal service, many more communities will abruptly find themselves

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otherwise conditions AT&T's ability to discontinue Plain Old Telephone Service (POTS) as authorized by the Commission is preempted," Petition at 9, "including Carrier of Last Resort obligations." Petition at 5-6.

[4] Compl., *AT&T Corp. v. Reynolds*, No. 3:26-cv-03148-LL-JAC (S.D. Cal. filed May 20, 2026); *Section 63.71 Application of AT&T*, WC Docket No. 26-120 (filed May 20, 2026), https://www.fcc.gov/ecfs/document/1052088398339/1; *AT&T Section 63.71 Application of AT&T*, WC Docket No. 26-121 (filed May 20, 2026), https://www.fcc.gov/ecfs/document/1052026865813/1; *AT&T Petition of AT&T for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 26-123 (filed May 20, 2026), https://www.fcc.gov/ecfs/document/10520920917144/1; *AT&T Petition for Preemption and Declaratory Ruling*, WC Docket No. 26-125 (filed May 20, 2026), https://www.fcc.gov/ecfs/document/1052056507747/1.

[5] Joseph H. Weber, *The Bell System Divestiture: Background, Implementation, and Outcome*, 61 Fed. Com. L.J. 21, 22 (2008), https://www.repository.law.indiana.edu/fclj/vol61/iss1/4/ (describing the 1913 Kingsbury commitment by AT&T creating the idea of universal service).

[6] E.g., Washington: RCW 80.36.090 and generally WAC ch. 480-120; Oregon: ORS §§759.506, 759.560 and OAR 860-025-0027.

without a basic communications tool critical for living in a modern society, and nowhere to turn for recourse.

A. Universal Service and the State Role in Advancing It are integral to the Communications Act.

Universal Service is a cornerstone of this nation's telecommunications policy. The express purpose of the Federal Communications Act of 1934 (Communications Act or Act) is "to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges."[7] Universal service, and the states' role in preserving it, is woven throughout the Communications Act. It is found in the opening jurisdictional section of the Act which limits FCC Title II authority to interstate telecommunications service;[8] in Section 214, which puts authority over intrastate lines in the hands of state commissions[9] and directs state commissions to ensure that unserved areas receive service from at least one carrier;[10] in Section 253 which protects the state role to "preserve and advance universal service,"[11] and in Section 254, which explicitly adopts universal service directives and preserves the state role.[12]

The Communications Act makes clear that state authority is essential to ensure all people in the U.S. will receive service, and leaves the judgment on how best to achieve that goal to

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[7] 47 U.S.C. § 151.

[8] The core opening section after the purpose in Section 1, codified at 47 U.S.C. § 151, is Section 2 of the Communications Act, which is codified at 47 U.S.C. § 152.

[9] 47 U.S.C. § 214(a).

[10] 47 U.S.C. § 214(e)(1)-(4).

[11] 47 U.S.C. § 253(b).

[12] 47 U.S.C. § 254(b)(5), (f), (i), (k).

individual states, not the Commission. It does so because universal service is critical to public safety, economic development, education, and civic discourse but at the same time recognizing circumstances on the ground in individual states vary widely. From 911 during a life threatening emergency, to work from home, calls to check on a neighbor in need or to report a road hazard to 311, to access for people with disabilities, communications are part of the fabric of everyday life. As previous filings before the Commission have demonstrated, disruptions in voice communications services can impair access to 911 and emergency alerts, interfere with alarm and medical monitoring systems, affect transportation management infrastructure, and leave residents and businesses without reliable communications during power outages and natural disasters.[13] The issues presented by AT&T's Petition therefore have particular significance for the communities RCRC, CADE, CFBF, CSAC, CWA, SBUA, and TURN represent, many of whom face unique geographic and infrastructure challenges that make dependable communications services critical.

B. AT&T Seeks to Abruptly End Its Obligation to Offer Service, Not Modernize Its Network.

Instead of coming up with a proposal to continue offering service by continuing to participate in ongoing universal service regulatory reforms at the state level, AT&T asks this Commission to invalidate California's COLR obligations so it will not be required to offer any service whatsoever. AT&T incorrectly characterizes several aspects of California's regulatory framework, including basic service obligations, tariff requirements, and CPUC approval processes, as creating barriers to transitioning to newer technologies.[14] In fact, California's

[13] *Comments of The Utility Reform Network and Rural County Representatives of California*, WC Docket Nos. 26-120 & 26-121, at 5-6 (filed June 15, 2026), https://www.fcc.gov/ecfs/document/1061550269151/1.

[14] Petition at 10-19.

COLR rules are designed to ensure that all people in California, including those in rural, remote, and high-cost areas, continue to have access—via any technology— to basic services, such as access to 911 emergency services, Lifeline service for eligible low-income customers, Telecommunications Relay Service, and directory and operator services.[15] This also ensures AT&T cannot choose to withhold service from any neighborhood, community, region, or even specific individuals and prevents discriminatory practices. California's COLR requirements do not require carriers to maintain copper facilities or use any particular technology, but instead ensure the continued availability and reliability of those essential services.[16] These obligations advance the universal service principles reflected in Sections 214, 253, and 254 of the Communications Act and help protect public safety, ensure the continued quality of telecommunications services, and safeguard consumers. As the California Public Utility Commission (CPUC) recently explained, "the COLR 'concept is important to universal service policy because it ensures that customers receive service.'"[17] As the CPUC explained when

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[15] CPUC Decision Docket No. D. 96-10-066, attached as **Appendix B** (the "1996 Decision"), https://www.cpuc.ca.gov/-/media/cpuc-website/files/uploadedfiles/cpuc_public_website/content/utilities_and_industries/communications-telecommunications_and_broadband/consumer_programs/california_teleconnect_fund/decision-96-10-066-1996-.pdf.

[16] *See, e.g.*, *Assigned Commissioner's Scoping Memo and Ruling*, R.24-06-012, at 5 (CPUC Feb. 4, 2025) ("Current COLR service requirements are technology neutral, meaning a COLR must offer basic service to any resident in its service territory that requests it, but may determine what technology to use to provide that service."), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M555/K967/555967147.PDF.

[17] *Decision Dismissing with Prejudice the Application of AT&T California to Withdraw as a Carrier of Last Resort*, Decision 24-06-024 (CPUC June 25, 2024), Application 23-03-003, at 5-6, (*2024 Dismissing Decision*) https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M534/K542/534542934.PDF (quoting the 1966 Decision at 109).

rejecting AT&T's request to give up its COLR status, eliminating AT&T as a COLR would render the state's "Universal Service Rules meaningless."[18]

Under the CPUC's existing rules, a COLR is a telephone company "who provides local exchange service, and stands ready to provide basic service to any customer requesting such service within a specified area."[19] California adopted its COLR framework in 1996 to preserve universal access to basic telephone service during the transition from monopoly telephone service to a competitive telecommunications marketplace. The CPUC designated incumbent local exchange carriers (LECs), including AT&T, as COLRs and required them to retain that designation unless and until another carrier assumes responsibility for the applicable geographic service territory.[20] As a result, the COLR framework supports California's universal service objectives by ensuring that each designated geographic service territory has at least one carrier responsible for providing basic telephone service upon request. Designated COLRs are eligible to receive subsidies for providing service in eligible high-cost areas. These mechanisms reflect the CPUC's broader universal service policies aimed at maintaining the availability and affordability of basic telecommunications service throughout the state.[21]

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[18] *2024 Dismissing Decision*, 24-06-024 at 12.

[19] *1996 Decision*, Appendix B at 1, Definitions 1.F.

[20] *1996 Decision*, Appendix B at 10, Rule 6.D.1.

[21] *See, e.g.*, *Decision Adopting Basic Telephone Service Revisions* at 15, D.12-12-038, CPUC Docket No. R.09-06-019, (Dec. 24, 2012) ("Basic Service Decision") https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M039/K603/39603602.PDF ("The principles of universal service extend to all segments of the public, not just the technologically sophisticated whose calling needs may be met by wireless or other alternative technologies."); *2024 Dismissing Decision*, D.24-06-024 at 3; *Assurance Wireless USA, L.P. v. Reynolds*, No. 23-CV-00483-LB, 2023 WL 2780365, at *10 (N.D. Cal. Mar. 31, 2023), *aff'd*, 100 F.4th 1024 (9th Cir. 2024) ("[T]he public interest is advanced by sustaining universal service, as the PUC's rulemaking process established."). *See also* infra Section III.B.

As AT&T acknowledges, the CPUC is currently evaluating potential updates to its COLR rules including what technologies can adequately replace traditional basic telephone service as communications technologies continue to evolve and how and in what circumstances COLRs may be relieved of COLR status.[22] Replacement service determinations require a consideration of factors such as reliability during power outages, compatibility with life-safety equipment, accessibility for persons with disabilities, indoor coverage, and service availability in rural and high-cost areas. Because replacement technologies vary significantly in these respects, whether a particular technology adequately protects California consumers cannot be resolved through a categorical assumption that all newer technologies are functionally equivalent. At its core, AT&T's Petition complains California is simply taking too long, which is remarkably callous and dismissive of the need to be careful and deliberative in a process that can easily have life and death consequences for consumers if new rules are not well designed. The CPUC is not an outlier here; other state utility commissions have also urged caution in COLR reform.[23] Given the large size and diverse nature of California, it should come as no surprise that the CPUC's reform process takes time. Conveniently, AT&T ignores that the CPUC does have a statutory deadline in place to resolve its COLR rulemaking proceeding — February 19, 2027 – and that the extension was issued to allow the CPUC sufficient time "to consider party comments on the

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[22] *Order Instituting Rulemaking Proceeding to Consider Changes to the Commission's Carrier of Last Resort Rules*, Rulemaking 24-06-012 (June 28, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M534/K685/534685783.PDF.

[23] *E.g.*, Robin Freeman, Director of Policy, Oregon Public Utility Commission, *Report on HB* 3065 (2019), Carrier of Last Resort (September 15, 2020), https://www.oregonlegislature.gov/committees/2019I1-HAGLU/Reports/HB%203065%20(2019)%20-%20Oregon%20PUC%20(executive%20summary).pdf.

Staff Proposal and on the joint proposal made by the Commission's Public Advocates Office and AT&T."[24]

In short, everything is working according to how the Communications Act envisioned it. The FCC should not preempt a state commission for doing its job to ensure that adequate service is provided to its residents.

C. AT&T's Proposed Alternate Services Have Not Been Vetted by the CPUC; if Its Preemption Petition is Granted Now, People in California will be Left with Inadequate Services, Especially During Emergencies.

AT&T complains that the CPUC will not permit it to update its technology,[25] but in truth the CPUC's existing processes require carriers to demonstrate that any replacement services adequately protect consumers before services are discontinued. The services that AT&T seeks to rely on as an adequate replacement have not been vetted by the CPUC and there are good reasons to be concerned that they do not function for all consumers in California, particularly during emergencies. AT&T has not received approval from the CPUC to replace existing service, by its own admission, because it did not ask, and it believes its proposed replacements would not be approved.[26]

This is particularly important in California's areas with high risk for disasters such as wildfires, flooding and mudslides. For example, as the attached maps show, AT&T's service area overlaps with high fire threat districts throughout California.[27] Losing access to emergency communications can be a matter of life and death. Mobile service is particularly vulnerable, and

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[24] *Order Extending Statutory Deadline*, Rulemaking 24-06-012 at 2 (June 18, 2026), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M609/K167/609167014.PDF.

[25] Petition at 13-15.

[26] Petition at 4.

[27] *See* **Appendix B** showing AT&T's service area overlapping with high fire threat districts in throughout California.

both mobile voice services and AT&T's proposed alternative, AP-A, rely on mobile networks to function.

If the FCC grants AT&T's petition, it will endanger people living in California because the alternative services they can supposedly rely upon are not adequate.

1. Wireless coverage is not adequate and does not reliably work indoors.

Wireless coverage—even if theoretically available as shown on a coverage map—is in practice limited, or dependent on other conditions such as tower height, equipment quality, clear line of site, coverage capacity, capacity demands, terrain, vegetation, end user location, and whether the end user location is fixed or mobile. Danger lies in the gap between the theoretical availability of coverage and the practical reality experienced by California residents on the ground.[28]

AT&T incorrectly claims that the National Broadband Map's data shows its service is widely available as a replacement service, [29] but those maps are based largely on provider-reported information, remain subject to FCC audits and consumer challenges, and generally reflect outdoor rather than indoor coverage. The Commission itself has cautioned map users against relying on the map for indoor service availability and that actual availability may differ from what is shown as available on the maps.[30] For example, the California Public Advocates

[28] *The Utility Reform Network's Reply Comments in Response to the Administrative Law Judge's Ruling on Comments to Joint Proposal of* AT*&T California and Cal Advocates,* CPUC Docket No. 24-06-012 at 10-12 (June 20, 2024), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M605/K875/605875164.PDF .

[29] Petition at 37.

[30] *FCC National Broadband Map, About*, https://broadbandmap.fcc.gov/about (last visited July 6, 2026) ("The coverage areas are meant to represent the areas where a user should be able to establish a mobile connection, either outdoors or moving in a vehicle, and achieve certain upload and download speeds. Please note that the map does not include information on the availability of mobile wireless broadband service while indoors. Moreover, because the coverage map is based on propagation modeling, a user's actual, on-the-ground experience may vary due to

submitted maps to the CPUC comparing coverage from the National Broadband Map with a carrier's own map based on signal propagation.[31] The maps show a dramatic difference between what a carrier claims in marketing maps, the coverage on the National Broadband Map and the scientific signal propagation map.

Further, mobile networks can become unusable during emergencies. When one cell tower fails or loses power, traffic shifts to neighboring towers, leading to additional congestion, which is especially dangerous for callers during an emergency. These concerns are not theoretical. During wildfires, public safety power shutoffs and fire damage took off-line hundreds of cell sites across the state, with the result that "wireless communications failed at critical times during wildfire and PSPS [Public Safety Power Shutoff] events which resulted in many wireless customers being unable to make calls during times of emergency or disaster."[32] As a result of these cell sites being out of service, hundreds of thousands of California residents were left without a wireless service, resulting in millions of blocked calls, including over 2 million blocked calls in Butte County and Paradise during the 2018 Camp Fire and over 4 million blocked calls in Southern California during the 2018 Hill and Woolsey Fires.[33]

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factors such as the end-user device used to connect to the network, cell site capacity, and terrain. The coverage maps on mobile wireless service providers' websites may be based on different parameters and assumptions, such as service availability provided through roaming agreements, and therefore may differ from the information shown here.").

[31] Josh Srago, Sr. Regulatory Analyst, California Public Advocates, *Wireless Service Quality Outage Metrics*, Docket No. R.26-02-027 (June 25, 2026), provided at **Appendix C.**

[32] *Decision Adopting Wireless Provider Resiliency Strategies* at 47, CPUC Docket No. D.20-07-011 (July 20, 2020) (*Wireless Resiliency Decision*), https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M344/K021/344021480.PDF.

[33] *Wireless Resiliency Decision*, CPUC Docket No. D.20-07-011 at 49-50.

2. California's Experience Has Shown that because Alternate Technologies, are Dependent upon Local Electricity, They Suffer More Outages.

Contrary to AT&T's claims,[34] in California plain old telephone service (POTS) *is* inherently more resilient. When the power is out, customers who rely on wireless and voice over IP (VoIP) services for telephone service may become unreachable by reverse 911 and other emergency alert systems. The CPUC 2024 Service Quality Proceeding Phase One Staff Proposal found that between 2021 and 2023 VoIP and wireless reported outages were significantly higher than POTS reported outages.[35] Over the course of those three years VoIP services accounted for 53% of reported outages, wireless service accounted for 27% and POTS accounted for only 12%.[36] CPUC data also shows that wireless facilities lack battery backup power despite state regulations requiring it,[37] but less than 2.2 % (276 of 12,737) of wireline facilities lacked adequate backup power.[38]

Moreover, in the fall of 2019, the FCC's daily Disaster Information Reporting System reports—for which participation by wireless providers is voluntary—showed that 2.5% of ***all cell sites in California*** were out of service on October 27, 2019; 3.3% on October 28, and 1.8%

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[34] Petition at 3.

[35] CPUC Communications Division, *Service Quality Proceeding Phase One Staff Proposal* (*2024 CPUC Staff Proposal*) (filed June 27, 2024) at 3, https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M534/K529/534529539.PDF.

[36] *2024 CPUC Staff Proposal* at 3.

[37] CPUC Communications Division, *Site Visits Report, Emergency Disaster Relief Program Years 2021, 2022 and 2023* at 36 (*2024 CPUC Site Visits Report*) (Oct. 31, 2024), https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/reports/site-visit-reports/2021-2022-and-2023-site-visits-report-final.pdf

[38] *2024 CPUC Site Visits Report* at 36.

on October 29.[39] Marin County was particularly hard hit, losing ***over half*** of its cell sites on October 28, 2019, due to power outages.[40]

AT&T's proposed alternative, AP-A,[41] and mobile voice services require power at two locations—both at the origination point and at the tower relaying the call. Thus, when power is scarce there are two points of vulnerability. This is particularly important in California because electric utilities may initiate Public Safety Power Shutoffs to reduce fire risk, *e.g.*, during high-heat and high-wind events.[42] Those planned outages can last through an entire weather event, up to several days or longer.[43] Utilities also use automatic fast-trip protection that shuts off power when a disturbance is detected, with no advance notice and with outages lasting hours, and in some cases up to 12 hours or more.

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[39] FCC *Communication Status Reports for Areas Impacted By California Public Safety Power Shutoffs* (Oct. 27, 2019), https://docs.fcc.gov/public/attachments/DOC-360454A1.pdf; FCC *Communications Status Reports for Areas Impacted by California Public Safety Power Shutoffs* (Oct. 28, 2019), https://docs.fcc.gov/public/attachments/DOC-360482A1.pdf; FCC *Communications Status Reports for Areas Impacted by California Public Safety Power Shutoffs* (Oct. 29, 2019), https://docs.fcc.gov/public/attachments/DOC-360526A1.pdf (collectively, 2019 *FCC Status Reports*).

[40] *2019 FCC Status Report* at 3.

[41] Petition at 5.

[42] California Public Utilities Commission, Public Safety Power Shutoffs (PSPS), https://www.cpuc.ca.gov/psps/ (visited July 1, 2026).

[43] Patrick Murphy, Ph.D., *Preventing Wildfires with Power Outages: the Growing Impacts of California's Public Safety Power Shutoffs*, PSE Healthy Energy (March 19, 2021), https://www.psehealthyenergy.org/preventing-wildfires-with-power-outages-the-growing-impacts-of-californias-public-safety-power-shutoffs/ (maximum outage duration of 162 hours and average outage of 41 hours between 2013 and 2020).

The copper network is also critical for medical alert devices and burglar alarms. For example, replacing school fire alarm systems entails significant cost, equipment, and a multi-step decision process by school officials.[44]

California's COLR rules guarantee that at least one provider remains responsible for furnishing basic telephone service throughout each designated service territory. If those obligations are eliminated, consumers would instead depend upon providers' voluntary business decisions regarding where, and for how long, replacement services remain available. Thus, even assuming AP-A could effectively replace POTS today, California consumers would not retain any enforceable right to adequate replacement service in the future if AT&T later discontinued that service.

III. Title II Bars Commission Preemption of State Power

The Communications Act clearly withholds from the Commission power to preempt a state's Carrier of Last Resort regulations as requested by AT&T.

States' authority over COLR obligations aligns with Congress's explicit authorizations to states in Section 214,[45] and its preservation of state authority to impose "requirements necessary

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[44] *Opening Comments of The Utility Reform Network and Center for Accessible Technology on the Administrative Law Judge's Ruling Regarding Comments on Topics Discussed at August 22, 2025 Workshop*, CPUC Docket R.24-06-012 (filed June 20, 2024) at 25 *(2024 TURN/RCRC Comments*), https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M589/K625/589625107.PDF ("[V]ery expensive, very. It costs a lot of money to submit…it's very costly and time consuming for the customer. And that is a communication change. So even if the fire alarm system is staying as designed, you're not changing any devices, all you're doing is changing the communication system from POTS to cellular or network, you still have to submit that. And it's required by fire code to do so in order to ensure the life safety standard of those systems.").

[45] 47 U.S.C. § 214(e)(3), (4).

to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers."[46]

Moreover, California's COLR rules arise from the State's core police powers to protect public safety, ensure continuity of essential communications services, and promote universal access. Courts have consistently recognized that, absent clear congressional intent, federal law should not be read to displace state authority in areas such as consumer protection, emergency preparedness, and access to essential infrastructure.

A. Section 152 Withholds Authority Over Intrastate Services from the Commission.

The opening jurisdictional section of the Communications Act, Section 2(b) (codified at 47 U.S.C. § 152(b)), sets forth the scope of Commission authority. Section 152(b) expressly withholds from the FCC jurisdiction over "charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service by wire or radio." 47 U.S.C. § 152(b). In *Louisiana Public Service Commission v. FCC,*[47] the Supreme Court confirmed that Section 152(b) constitutes "a congressional *denial* of power to the FCC. . . . [t]o permit an agency to expand its power in the face of a congressional limitation on its jurisdiction would be to grant to the agency power to override Congress."[48] Outside the bounds of its authority established by Section 152, the Commission "literally has no power to act, let alone pre-empt the validly enacted legislation of a sovereign State, unless and until Congress confers power upon

[46] 47 U.S.C. § 253(b).

[47] *Louisiana Public Service Com'n v. FCC,* 476 U.S. 355 (1986) (*La. PSC*).

[48] *La. PSC,* 476 U.S. at 374-75 (emphasis in original).

it."[49] The Communications Act establishes "a system of dual state and federal regulation over telephone service…."[50]

All of AT&T's arguments, and the findings in the *NMO* upon which AT&T relies, fail under Section 152. The Supreme Court and appellate courts have affirmed this demarcation repeatedly. In *La. PSC* itself, the Court rejected the FCC's attempt to regulate facilities used for both interstate and intrastate communications—the fig leaf which AT&T now attempts to use to bypass this statutory requirement[51] — holding that Congress had affirmatively denied the Commission authority over the intrastate component of those services.[52] Even though the facilities at issue in *La. PSC* were used for both intrastate and interstate service, the jurisdictional bar held fast.[53]

The D.C. Circuit explained, Section 152(b) is both "a jurisdictional limitation and a rule of statutory construction."[54] In applying this directive, the D.C. Circuit overruled the Commission's efforts to regulate the local for service to incarcerated people,[55] even though Congress specifically authorized state preemption under the relevant statutory provision[56] and

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[49] *La. PSC,* 476 U.S. at 374.

[50] *La. PSC,* 476 U.S. at 360.

[51] Petition at 40-43.

[52] *La. PSC,* 476 U.S. at 374-75. *See also New York State Telecommunications Ass'n, Inc. v. James*, 101 F.4th 135, 150–51 (2d Cir.), *cert. denied*, 145 S. Ct. 984 (2024), *reh'g denied*, 145 S. Ct. 1229 (2025).

[53] In *Iowa Utilities*, the Court confirmed that Section 152 preserves state authority where Congress has not made intrastate matters part of the federal statutory scheme. *AT&T Corp. v. Iowa Utilities Bd.*, 525 U.S. 366, 380 (1999).

[54] *La. PSC*, 476 U.S. at 373; *USTelecom Broadband Ass'n v. Reynolds*, No. 25-CV-08959-LB, 2026 WL 516167, at *2 (N.D. Cal. Feb. 24, 2026) ("[A]bsent a specific provision giving the FCC intrastate authority, the jurisdictional limits remain.").

[55] *Global Tel*Link v. FCC*, 866 F.3d 397, 409 (D.C. Cir. 2017).

[56] 47 U.S.C. § 276(c).

authorized Commission action intrastate.[57] Despite these grants of authority, the D.C. Circuit concluded, "the 1934 Act erects a presumption against the Commission's assertion of regulatory authority over intrastate communications."[58]

B. Section 214 Expressly Preserves State Power to Require Service to Otherwise Unserved Areas by Eligible Telecommunications Carriers, including AT&T.

AT&T attempts to subvert Section 214 by focusing on Section 214(c) to the exclusion of the rest of the provision.[59] Section 214(a) makes clear that a carrier can construct and operate an intrastate line without FCC approval.[60] Section 214(e) covers provision of universal service.[61] Section 214(e) sets up a regime whereby carriers designated as Eligible Telecommunications Carriers by the states must offer the services designated for federal universal service support and are eligible to receive funding. Section 214(e)(3) and (e)(4) make explicit the state role in ensuring that no area goes unserved and every area has a carrier to serve it. Section 214(e)(3) states:

> If no common carrier will provide the services . . . a State commission, with respect to intrastate services, *shall determine which common carrier or carriers are best able to provide* such service to the requesting unserved community or portion thereof and *shall order such carrier or carriers to provide such service for that unserved community* or portion thereof.[62]

[57] 47 U.S.C. § 276(b)(1)(A).

[58] *Global Tel*Link*, 866 F.3d at 409 . *See also Nat'l Ass'n of Regulatory Util. Comm'rs v. FCC*, 533 F.2d 601, 613-14 (D.C. Cir. 1976).

[59] Petition at 25-27.

[60] 47 U.S.C. § 214(a) (no FCC certificate shall be required for constructing or operating a line within a single state).

[61] 47 U.S.C. § 214(e).

[62] 47 U.S.C. § 214(e)(3) (emphasis added).

Similarly, Section 214(e)(4) preserves the states' power to ensure that residents in their jurisdictions will continue to receive universal service. Section 214(e)(4) states:

> Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission . . .*shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served* by the relinquishing carrier will continue to be served . . . .[63]

Section 214 only permits the Commission to designate an eligible telecommunications carrier (ETC) for interstate service, pursuant to Section 214(e)(3), or pursuant to Section 214(e)(6), if a common carrier "is not subject to the jurisdiction of a State commission."[64] California exercises this authority under its own law and regulation through the designation and obligations of COLR and ETC.[65]

AT&T, as an ETC, is required to offer the services designated for federal universal service support under Section 254.[66] The CPUC requires ETCs to commit to serve all requesting customers in the designated service area, provide supported basic-service elements, maintain service quality, remain functional in emergencies, report outages and unfulfilled service requests,

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[63] 47 U.S.C. § 214(e)(4) (emphasis added).

[64] 47 U.S.C. § 214(e)(6).

[65] Given this scheme, it is little wonder that AT&T also would need forbearance of the ETC framework in one of its many simultaneous filings at the Commission. *Petition of AT&T for Forbearance Under 47 U.S.C. § 160(c),* WC Docket. No. 26-123 (filed May 20, 2026), https://www.fcc.gov/ecfs/document/10520920917144/1.

[66] The Commission has engaged in limited forbearance with respect to high cost carriers' obligation to offer voice service. *In the Matter of Connect Am. Fund*, 29 F.C.C. Rcd. 15644 at *16 (2014) (forbearing from the obligation to offer voice telephony service for (1) low-cost census blocks, (2) all census blocks served by an unsubsidized competitor offering voice and broadband at speeds of 10/1 Mbps to all eligible locations, and (3) census blocks where another ETC is receiving federal high-cost support to deploy modern networks capable of providing voice and broadband to fixed locations).

demonstrate consumer-protection compliance, and certify that high-cost support is used only for supported facilities and services.[67]

In making its argument for preemption, AT&T and the Commission's *NMO* upon which it relies, incorrectly interpret Section 214(c) out of context,[68] ignoring the affirmative authority granted to states in 214(e) and the jurisdictional bounds on the Commission in Section 152. Section 214(c) cannot be interpreted to contradict Section 214(e)'s explicit command.

Section 214(c) describes the state role when the Commission might authorize discontinuance *under its own authority over interstate services*.[69] The state role in the federal process regarding discontinuance make senses only in the context of the Communications Act's clear demarcation between state and federal authority and boundaries around FCC authority in Section 152.[70] The states have an advisory role with respect to a federal decision on *interstate* service, but they retain their own authority over their own decisions as to whether local customers or communities have access to intrastate service. Not only is the text of Section 214 clear, but the legislative history of the 1996 amendments to Section 214 illustrate the importance Congress placed on ensuring all areas would continue to have access to telecommunications service.[71]

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[67] Cal. Pub. Utils. Comm'n, *Resolution No. T-17002 Adopting Comprehensive Procedures and Guidelines for Eligible Telecommunications Carrier Designation and Requirements for Eligible Telecommunications Carriers,* Res. No. T-17002 (May 25, 2006), https://docs.cpuc.ca.gov/word_pdf/FINAL_RESOLUTION/56844.pdf.

[68] Petition at 26 (citing *NMO* at ¶110).

[69] Petition at 25-27.

[70] *Contra* Petition at 24.

[71] The 1996 Act adopted by Congress adopted with very few changes the language in the Senate bill. S. Rep. No. 104-230, at 137 (1996) (Conf. Rep.), https://www.govinfo.gov/content/pkg/CRPT-104srpt230/pdf/CRPT-104srpt230.pdf, S. Rep. No.

AT&T and the Commission incorrectly claim that Section 152(b)'s general division of authority does not displace the more specific and express terms of Section 214(c), whereas in fact Section 152, as explained above, denies jurisdiction over intrastate service to the Commission for the whole Act. Section 214(c)'s terms which state a carrier need not obtain any other approval after receiving a discontinuance certificate from the Commission apply within the Commission's authority over interstate telecommunications service granted to it by Section 152.

The Commission has recognized the role of Section 214 and its relationship to the goals of the Communications Act. "[T]he notice and discontinuance requirements of Section 214(a) are directed at preventing a loss or impairment of a service offering to a community or part of a community without adequate public interest safeguards."[72] "The standard of the public convenience and necessity must be interpreted to secure the broad aims of the Communications Act as set forth in Section 1."[73]

C. Sections 253 and 254 Confirm that California's Authority Is Not Preempted.

Section 253 of the Telecommunications Act further demonstrates that California's COLR obligations are not preempted. Most fundamentally, Section 253 illustrates how Congress chose

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104–23, at 31 (1995) (Rep.), https://www.govinfo.gov/content/pkg/CRPT-104srpt23/pdf/CRPT-104srpt23.pdf, described their purpose:

> These amendments are not intended to change the traditional jurisdictional division between Federal and State authority with respect to telecommunications. . . . .[The new provision] makes explicit the implicit authority of the FCC or a State to *require a common carrier to provide service* to any community or portion of a community that requests such service.

S. Rep. No. 104-23 at 31 (emphasis added).

[72] *In the Matter of W. Union Tel. Co. Petition for Ord. to Require the Bell Sys. to Continue to Provide Grp./supergroup Facilities*, 74 F.C.C.2d 293, 295 (1979).

[73] *In the Matter of Sw. Bell Tel. Co. US W. Commc'ns Bell Atl. Tel. Companies Bellsouth Tel. Companies Applications for Auth. Pursuant to Section 214 of the Commc'ns Act of 1934 to Cease Providing Dark Fiber Serv.*, 8 F.C.C. Rcd. 2589 (1993).

to address preemption when it intended federal law to displace state telecommunications regulation. Rather than broadly authorizing the FCC to invalidate any state laws that may impact interstate telecommunications services, Congress enacted a specific preemption mechanism directed at a narrow category of state requirements that prohibit or effectively prohibit the provision of telecommunications service.[74]

The existence of this express preemption framework is significant. Where Congress intended the FCC to possess preemptive authority, it said so expressly in Section 253. Section 253's express preemption also explicitly protects state actions to promote universal service: "Nothing in this section shall affect the ability of a State to impose, on a competitively neutral basis and consistent with section 254 of this title, requirements necessary to preserve and advance universal service . . . ."[75] The standards in Section 253(b) cannot be replaced with broad and unbounded preemption under Section 214.[76] Congress created an express preemption mechanism wherein it simultaneously *preserved* state authority to advance universal service. Section 253 reflects the statutory judgment that state universal-service measures occupy an important and protected role within the federal telecommunications framework. Nor does Section 253 contain language authorizing the FCC to preempt state authority over intrastate telecommunications services, confirming Congress did not intend for the Commission's authority to extend so far.

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[74] 47 U.S.C. § 253(a).

[75] 47 U.S.C. § 253(b).

[76] The Commission's *NMO* was therefore wrong when it concluded that, because Section 253(b)'s reservation of authority applies to "this section," the safe harbor does not constrain the Commission's authority under Section 214(c) to authorize discontinuance. *NMO* at 58-59, para. 111. Section 253 offers the appropriate path to preempt state law and the Commission cannot end-run the statutory limits outside of its jurisdictional limit.

The mechanism Congress established in Section 253 can also be used to challenge state requirements that allegedly impede network transitions. If a carrier believes a state law materially prohibits the provision of telecommunications services or unlawfully restricts modernization efforts, it may seek relief under Section 253(a) and (d), subject to the specific protection of state authority in Section 253(b).[77]

If Section 253 were not enough, Congress again explicitly recognized the role of states in Section 254, which governs the designation of services receiving universal service support. Subsection 254(b)(5), (f), (i) and (k) all recognize a state role. Subsection 254(b)(5) provides: "There should be specific, predictable and sufficient Federal *and State* mechanisms to preserve and advance universal service." Subsection 254(f) authorizes state regulations to preserve and advance universal service that are "not inconsistent" with the federal regime. Subsection 254(i) states the "Commission *and the States* should ensure that universal service is available at rates that are just, reasonable, and affordable." Subsection 254(k) allocates to the states the authority to establish any necessary cost allocation rules and accounting safeguards for intrastate services.

Sections 253 and 254 reinforce what the Communications Act as a whole makes clear: Congress did not intend to broadly preempt state authority to establish COLR obligations.

D. The Commission Cannot Preempt as Requested.

Despite the Communications Act's clear demarcation of authority, AT&T nonetheless requests preemption.[78] None of AT&T's theories of preemption are availing.

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[77] The Commission acknowledged Section 253(b)'s safe harbor in the *NMO* but concluded that the provision is limited to the Commission's preemption authority under Section 253 itself. The Commission reasoned that because Section 253(b) states that "[n]othing in this section" affects state authority, the safe harbor does not constrain the Commission's authority under Section 214 to approve service discontinuances *NMO* at 59.

[78] Petition at 31-35.

1. *Congress has expressly retained state authority here; it has not preempted.*

AT&T cannot rely upon express preemption, because, as explained, the Communications Act explicitly *preserves* state authority and does not preempt it as to intrastate services. Thus, at most, AT&T's position depends upon a theory of implied preemption. But implied preemption is particularly inappropriate here, where Congress expressly addressed preemption elsewhere in the Act and where the Supreme Court requires a clear statement before federal law may displace traditional areas of state authority. "Any evidence of pre-emptive purpose, whether express or implied, must . . . be 'sought in the text and structure of the statute at issue.'"[79] The text of the Communications Act withholds authority from the FCC and proposed justifications to preempt notwithstanding Section 152 and Section 253 are unavailing.

This is even more true after the Supreme Court's adoption of the Major Questions Doctrine and *Loper Bright*, both of which limit agency authority.[80] The Supreme Court's Major Questions Doctrine explains that agencies lack authority to adopt "basic and fundamental changes in [a] scheme" designed by Congress.[81] As illustrated above, Congress clearly demarcated the states' role in the overall scheme to preserve universal service. As the Court indicated in *Nebraska*, a change beyond agency authority involves "basic and consequential

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[79] *Virginia Uranium, Inc. v. Warren*, 587 U.S. 761, 778 (2019) (quoting *CSX Transp., Inc. v. Easterwood*, 507 U.S. 658, 664 (1993)).

[80] *Loper Bright v. Raimondo,* 603 U.S. 369 (2024) (overruling longstanding *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.,* 467 U.S. 837 (1984) deference to agencies).

[81] *Biden v. Nebraska*, 600 U.S. 477, 494 (2023).

tradeoffs . . . that Congress would likely have intended for itself."[82] In such cases, the Court requires an agency to "point to 'clear congressional authorization'."[83]

2. A plain statement by Congress is required to overturn state authority.

Even where a federal agency possesses regulatory authority over a particular subject matter, the Supreme Court has recognized that preemption may nevertheless be barred absent a clear congressional directive. Specifically, where federal action would alter the traditional balance of authority between the states and the federal government, Congress must make its intent to preempt "unmistakably clear in the language of the statute."[84] The Court recently reiterated that it "assum[es] . . . the historic police powers of the States were not to be superseded by the Federal Act unless that was the clear and manifest purpose of Congress."[85]

That principle applies with force here. COLR obligations are a traditional exercise of state authority over intrastate telecommunications services and universal service. For more than a century, states have regulated the provision of local telephone service and have imposed obligations designed to ensure that all residents (including those in rural, remote, and high-cost areas) continue to receive essential communications services. California's COLR framework represents precisely the type of state regulatory regime that falls within the States' historic police powers and their longstanding authority over intrastate telecommunications.

[82] *Nebraska*, 600 U.S. 477 at 506 (quoting *W. Va. v. EPA*, 597 U.S. 697, 730 (2022)).

[83] *Nebraska*, 600 U.S. 477 at 506. It should be noted that, in light of the Major Questions Doctrine and fundamental due process, it remains an open question whether the Supreme Court would uphold the Communications Act's forbearance provisions. 47 U.S.C. § 160.

[84] *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991) (quoting *Atascadero State Hosp. v. Scanlon,* 473 U.S. 234, 242 (1985)).

[85] *Merck Sharp & Dohme Corp. v. Albrecht*, 139 S. Ct. 1668, 1677 (2019) (internal quotes omitted).

Nothing in the Communications Act contains the clear and unequivocal statement required to authorize federal preemption of those obligations. To the contrary, Congress repeatedly preserved a substantial state role in telecommunications regulation and universal service policy through Section 152 and Section 214, among others.[86] Accordingly, even assuming the FCC possesses some authority with respect to network transitions or service discontinuances, the clear-statement rule independently forecloses any claim that federal law displaces California's COLR requirements.

3. The impossibility exception does not override Section 152.

AT&T and the Commission have incorrectly concluded that intrastate telecommunications, heretofore universally considered the sole province of state regulation, is actually solely subject to the Commission's jurisdiction. Because Section 152 of the Communications Act is abundantly clear, AT&T attempts to rely upon the so-called "impossibility exception" to Section 152.

AT&T claims that POTS is offered over the same infrastructure, "whether a customer places a call to a destination across the street or across the country, the same copper wires transmit the signal to the same switches in the same local AT&T wire center . . . ."[87] In AT&T's view, *any* telephone network is inherently "indivisible," economically if not technologically. There is thus no such thing as truly intrastate service, *ever*, and no scope for state action that is not subject to preemption by the FCC. This would have the so-called "impossibility exception"

[86] 47 U.S.C. §§ 152(b), 214(e), 254(f).

[87] Petition at 29.

swallow the rules actually enacted by Congress, and render numerous provisions of the 1996 Act superfluous, including Section 214(e). That plainly goes too far.[88]

Unfortunately for AT&T's arguments, the same joint use of infrastructure has been true since long-distance telephone service began,[89] and was true when the Supreme Court considered this question in *Louisiana*. Implying that the modern evolution of communications has uniquely brought all calling into a single company and infrastructure is not accurate. The offering of combined but separable local and long distance service together over common plant by a single company—the original AT&T Bell System—has been the dominant form of service for most of history, and was true when Congress divided telecommunications regulation into a "dual system" in 1934,[90] which lasted until the federal government broke up AT&T into local and long distance companies in 1983.[91] For AT&T to present the combined offering of local and long distance service as a factual distinction justifying federal preemption over intrastate matters turns the history and Congressional policy of the Communications Act on its head.

There is little question that Congress, in adopting Section 152, recognized that infrastructure might be used for both intrastate and interstate telecommunications. The history of the 1934 Act reveals Congress's concern with maintaining states' regulatory authority over

[88] *La.PBS*, 476 U.S. at 374-75.

[89] *E.g.*, *Smith v. Illinois Bell Tel. Co.*, 282 U.S. 133, 146-47 (1930) (common plant used to provide intrastate and interstate services).

[90] *See also*, U.S. Bureau of the Census, Historical Statistics of the United States, *Colonial Times to 1957*, ch. R 1-42, at 471 (1960) https://www2.census.gov/library/publications/1960/compendia/hist_stats_colonial-1957/hist_stats_colonial-1957-chR.pdf ("The Bell System provides the great bulk of local exchange and interexchange or toll telephone facilities and service in the United States.").

[91] Joseph H. Weber, *The Bell System Divestiture: Background, Implementation, and Outcome*, 61 Fed. Com. L.J. at 25-27.

common carriers as a prominent theme.[92] Court review confirms this understanding. "Congress chose reserved to the states expansive authority to regulate intrastate telecommunications."[93] Both the Ninth and D.C. Circuits rejected unlimited FCC authority to usurp the states "whenever facilities are physically inseparable."[94] The D.C. Circuit recognized that to allow overlapping use of the same plant to permit federal incursion into state jurisdiction would grant the Commission "unchecked authority to force state deregulation of any activity it chose to deregulate at the interstate level."[95] This would render Section 152 meaningless.

Nothing has changed with respect to POTS service since Congress enacted the Communications Act. In fact, AT&T markets traditional local landline service as a standalone offering, with long-distance calling available as an optional feature rather than an inseparable component of the service, demonstrating that local exchange service can be provided independently of interstate telecommunications.[96] AT&T can continue to offer an intrastate telecommunications service, and Congress has never granted the FCC authority to approve its discontinuance where state law requires continued service. Accordingly, AT&T's contention that California's COLR authority is displaced by federal law ignores both the text of the Communications Act and controlling precedent.

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[92] *People of State of Cal. v. FCC*, 905 F.2d 1217, 1241 (9th Cir. 1990) (citing 78 Cong. Rec. 4139, 8822–24 (1934)).

[93] *People of State of Cal. v. FCC*, 905 F.2d at 1241.

[94] *NARUC v. FCC*, 880 F.2d 422, 428 (D.C. Cir. 1989); *see also People of State of Cal. v. FCC*, 905 F.2d at 1244.

[95] *NARUC v. FCC*, 880 F.2d at 429.

[96] *See* AT&T Home Phone Service, available at https://www.att.com/home-phone/landline/ (last visited June 24, 2026); *see also AT&T Corp. Service Guide* at 40, available at https://serviceguide.att.com/tariff/consumer/manage/secure/files/CA_SG_RLD_ATTCORPS_cancelled_b501xn98hlzhou2t.pdf (Section 6.3.3 differentiating AT&T's optional intrastate calling plan from its interstate service).

E. AT&T Incorrectly Invokes Sweeping Commission Authority over Broadband, Mobile Data and Mobile Voice.

AT&T claims that California's regulation of intrastate service impermissibly leverages the state's authority over intrastate services to extend to VoIP, which it contends is "jurisdictionally mixed" and without a "segregable intrastate component."[97] AT&T claims that California is thereby extending its authority out of bounds.[98] As explained below, however, state authority remains where the Commission's authority ends, and the Commission lacks authority over broadband and mobile data services because those services are now classified as Title I. Further, the Communications Act preserves some state authority over mobile voice services.

1. The Commission does not have authority over wired or wireless broadband internet access service.

In making a claim that any service which is inherently jurisdictionally mixed means that such a service is automatically subject to Commission jurisdiction and is outside state authority ignores the holdings of the Sixth Circuit in *Mozilla*. In *Mozilla Corp. v. FCC*, the D.C. Circuit vacated the FCC's attempt to broadly preempt state broadband regulation following its decision to classify broadband as a Title I information service.[99] The Second Circuit also held that the FCC lacked authority to broadly preempt state broadband regulation because federal preemption requires an underlying federal regulatory authority actually being exercised.[100] As these courts held, state authority is clear regarding regulation of services over which the Commission has no jurisdiction.

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[97] Petition at 40.

[98] Petition at 40.

[99] *Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019).

[100] *New York State Telecomms. Ass'n, Inc. v. James*, 101 F.4th at 151–52.

2. States have some jurisdiction over mobile services to ensure universal service.

AT&T claims that mobile wireless is jurisdictionally mixed and therefore not subject to state jurisdiction.[101] But the Communications Act specifically preserves state authority over mobile wireless when it is used to meet universal service objectives:

> …. this paragraph shall not prohibit a State from regulating the other terms and conditions of commercial mobile services. Nothing in this subparagraph shall exempt providers of commercial mobile services (where such services are a substitute for land line telephone exchange service for a substantial portion of the communications within such State) from requirements imposed by a State commission on all providers of telecommunications services necessary to ensure the universal availability of telecommunications service at affordable rates.[102]

Congress has expressly preserved state authority in exactly the circumstances present here, over telecommunications services used to advance universal service goals. Under Section 332(c)(3), states may impose requirements necessary to ensure the universal availability of telecommunications service at affordable rates, including commercial mobile services that substitute for landline telephone exchange service. This provision reflects Congress's recognition of the importance of universal service and the states' role in preserving it. AT&T's sweeping theory would improperly nullify this preserved state authority and convert any service capable of carrying interstate traffic into an exclusively federal matter, contrary to the Communications Act's allocation of federal and state responsibilities.

[101] Petition at 40.

[102] 47 U.S.C. § 332(c)(3).

IV. Conclusion

For the foregoing reasons, RCRC, CADE, CFBF, CSAC, CWA, SBUA, and TURN respectfully request that the Commission deny AT&T's Petition and preserve California's authority to ensure continued access to basic telephone service.

Respectfully submitted,

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July 7, 2026

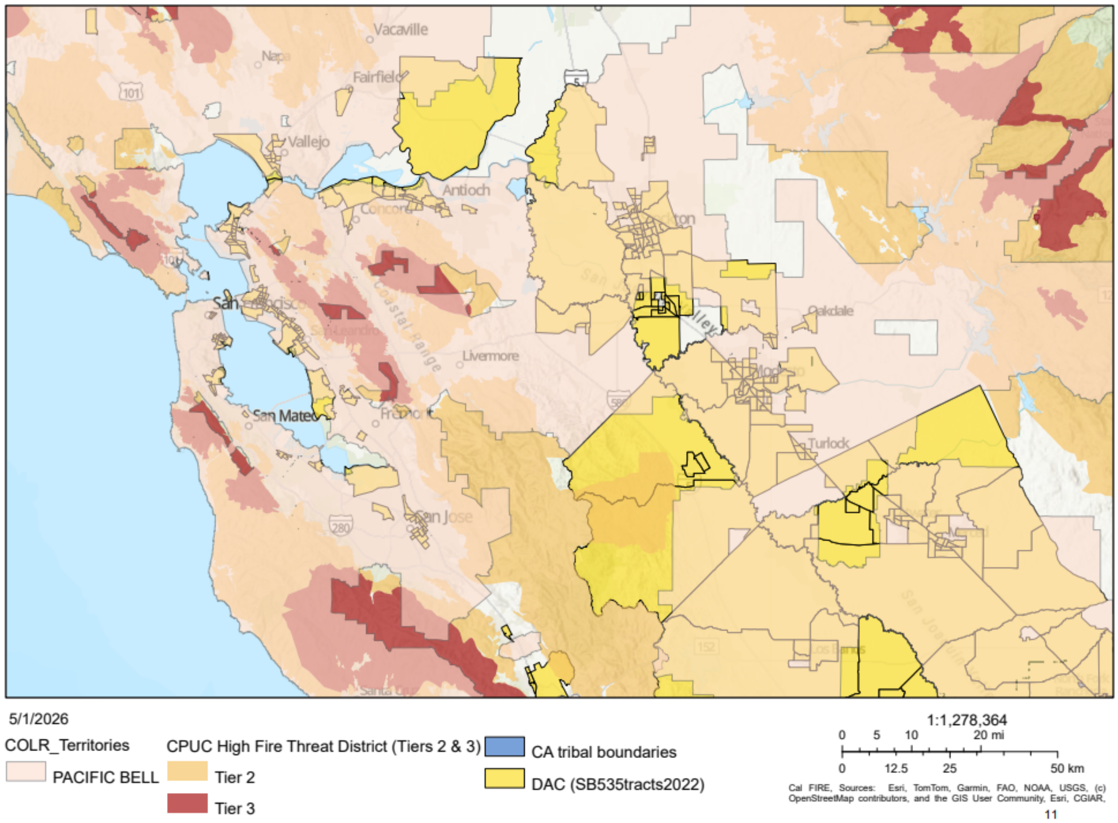
APPENDIX A

Description of the Commenting Organizations

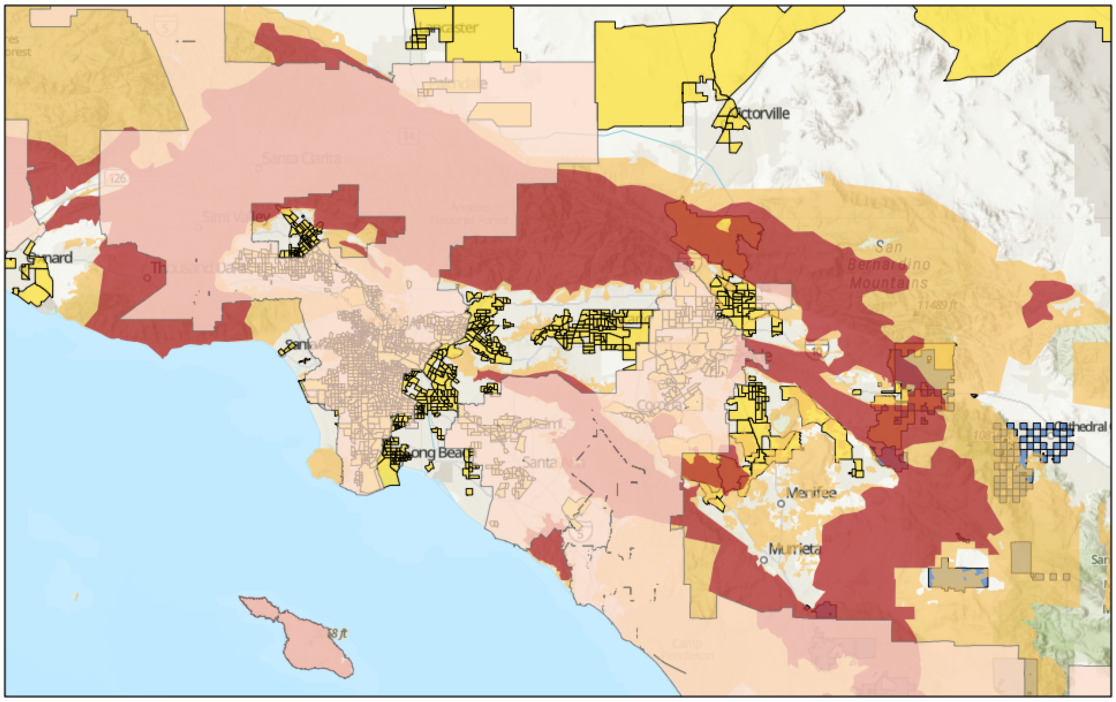
- California Alliance for Digital Equity (CADE) is a coalition of local and statewide organizations dedicated to advancing digital equity throughout California. CADE advocates for policies that improve connectivity and expand access to affordable broadband, digital devices, and digital literacy resources to help close the digital divide.
- California Farm Bureau Federation (CFBF) is a service-based organization representing more than 24,000 farmers, ranchers, and agricultural families throughout California. CFBF advocates on behalf of California agriculture and works to protect the future and quality of life of the state's farming and ranching communities.
- California State Association of Counties (CSAC) is a nonprofit corporation governed by elected county supervisors and dedicated to serving California's 58 counties. CSAC advocates on behalf of county governments before the executive, legislative, and judicial branches of state and federal government and provides programs and services to support its member counties.
- Communications Workers of America (CWA) is a labor union representing workers in telecommunications and technology, including tens of thousands who build, upgrade, and service wireline and wireless telecommunications networks. CWA also represents workers in news media, broadcast and cable television, the airline industry, public service, manufacturing, and other fields.
- Rural County Representatives of California (RCRC) is a service organization that represents forty rural California counties. Its Board of Directors consists of elected county supervisors from each member county. RCRC advocates on behalf of its members before state and federal policymakers and provides a rural perspective on issues affecting California's rural communities. Its member counties comprise approximately sixty percent of California's landmass and include diverse geographies ranging from forested and mountainous regions to coastal communities, deserts, and agricultural areas. Together, these counties are home to nearly 5.8 million Californians, representing approximately fifteen percent of the State's population.
- Small Business Utility Advocates (SBUA) is a nonprofit organization that represents the interests of small business utility customers in regulatory and policy proceedings. SBUA advocates for utility policies that promote affordable, reliable, and equitable utility service for small businesses.
- The Utility Reform Network (TURN) is a California nonprofit organization that promotes racial and economic equity advancement and accessibility through regulatory and legislative work to achieve equitable, safe, reliable, resilient, and affordable communication services. TURN advocates for policies that support the widespread deployment of high-quality and affordable communications services.

APPENDIX B

High Fire Threat, DAC, and ATT Service Territory (Bay Area + Central)



High Fire Threat Districts, DAC, and ATT Service Territory In Southern California



5/1/2026

COLR_Territories
PACIFIC BELL

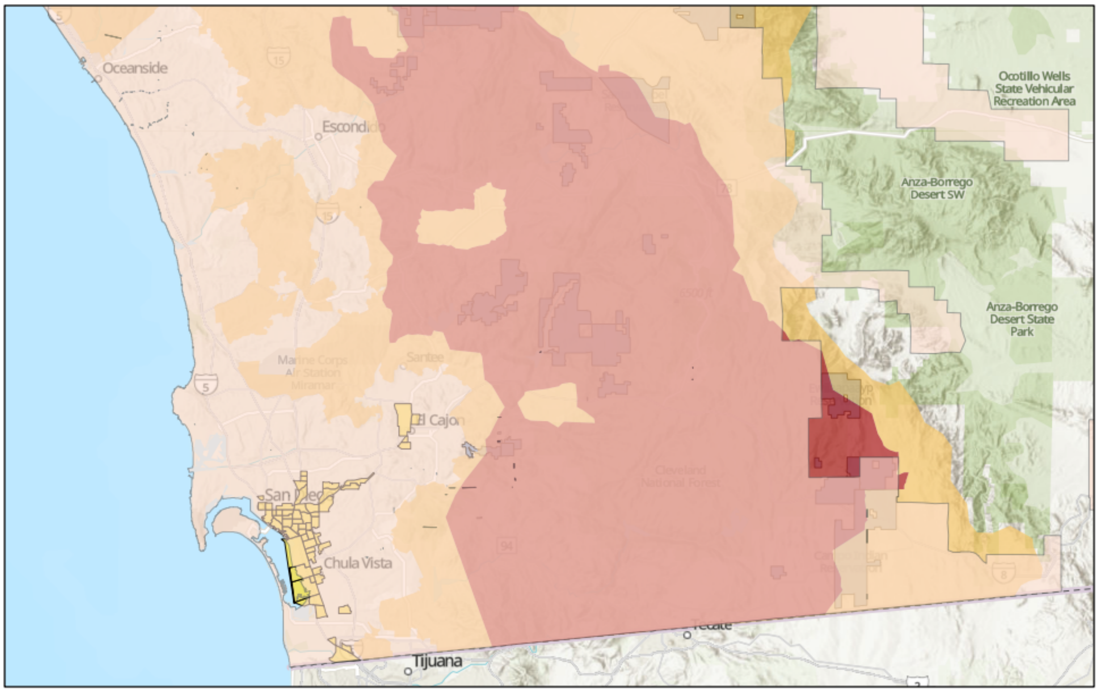
CPUC High Fire Threat District (Tiers 2 & 3)
Tier 2
Tier 3

CA tribal boundaries
DAC SB535tracts2022

1:1,278,364
0 5 10 20 mi
0 12.5 25 50 km

Cal FIRE, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Esri, CGIAR,
10

High Fire Threat, DAC, and ATT Service Territory (Greater San Diego)



5/1/2026

COLR_Territories
PACIFIC BELL

CPUC High Fire Threat District (Tiers 2 & 3)
Tier 2
Tier 3

CA tribal boundaries
DAC (SB535tracts2022)

1:639,182

0 4.5 9 18 mi

0 5 10 20 km

Cal FIRE, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community, Esri, CGIAR,
12

APPENDIX C

Wireless Service Quality Outage Metrics

Josh Srago, *Sr. Regulatory Analyst*

June 25, 2026

Rulemaking (R.)26-02-027

The Public ADVOCATES OFFICE

Setting Metrics Baselines

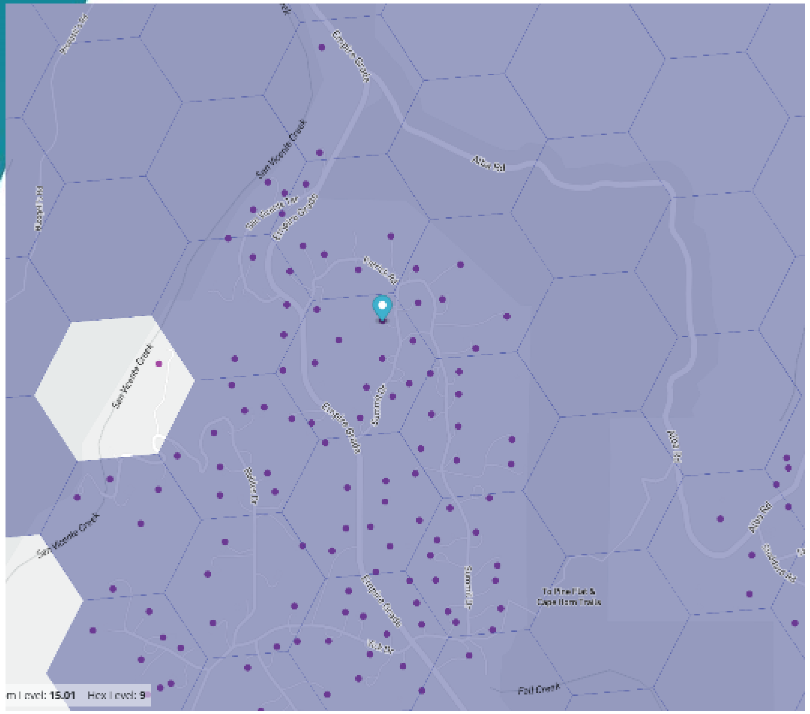
What does it mean to work 99% of the time?

Percentage	Yearly Downtime of a Network
99.9%	8 hours 45 min 57 sec
99.99%	52 min 35.7 sec
99.999%	5 min 15.6 sec
99.9999%	31.6 sec
99.99999%	3.2 sec

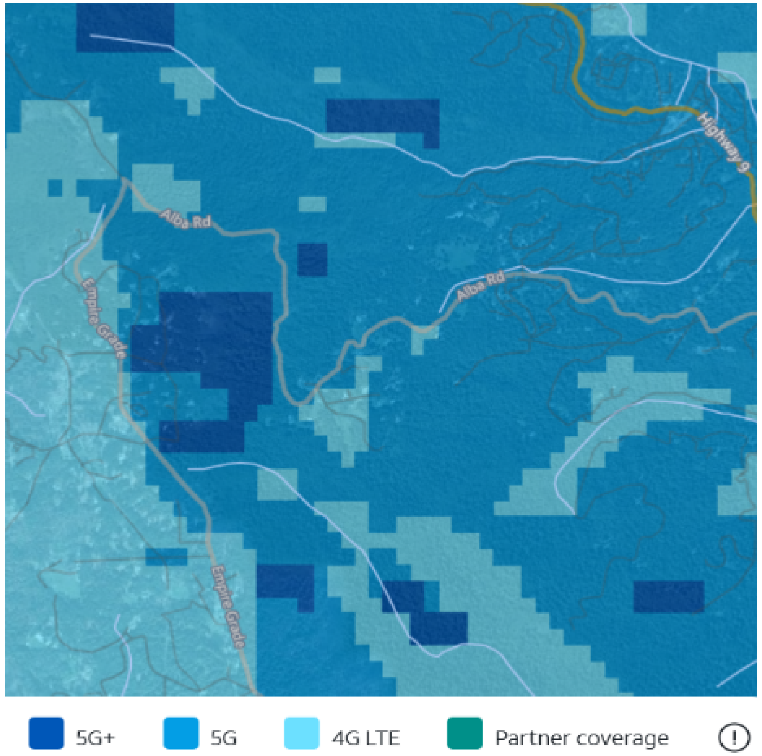
*A Five 9's metric is a common Service Level Measurement for network uptime

Metrics have value ***ONLY*** when there is a common baseline.

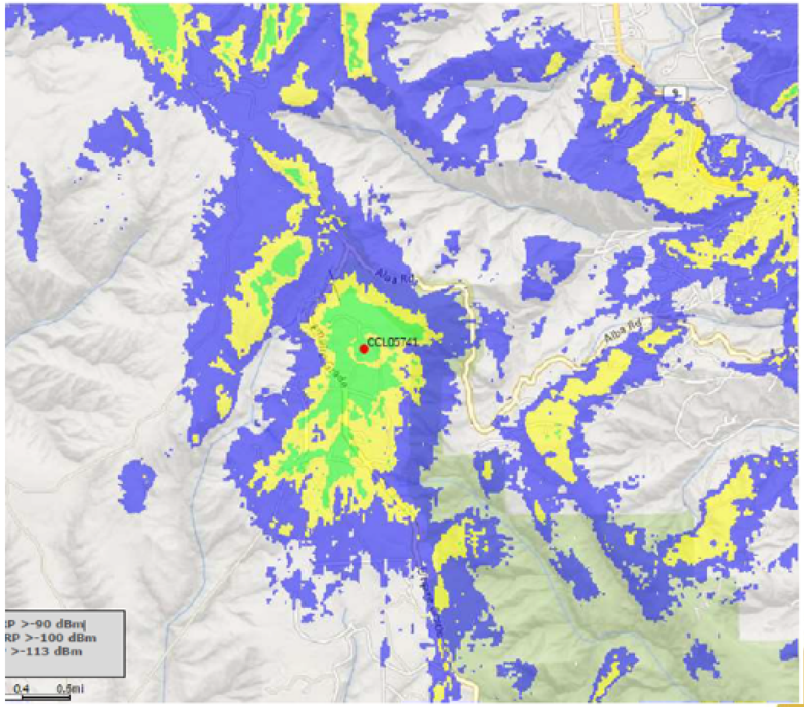
Wireless Maps Provide No Common Baseline



FCC Wireless Broadband Map of Coverage



Carrier Map of Coverage

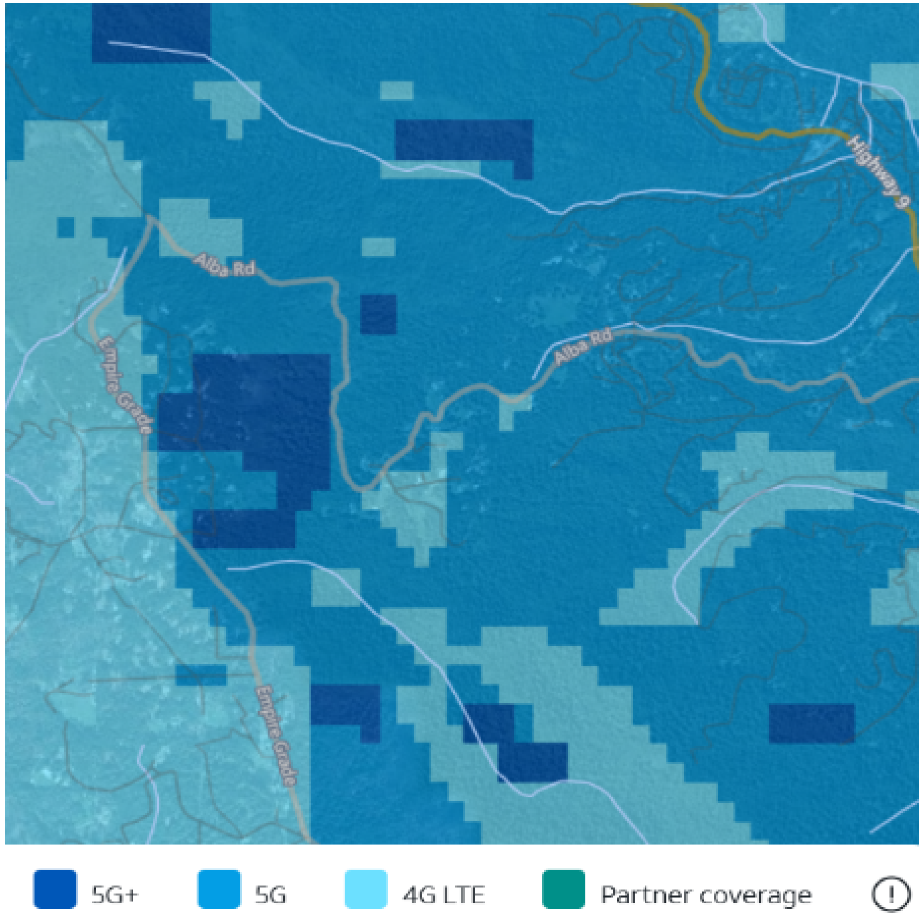


Carrier Map Submitted with Permit Documents for Proposed new Cell Site

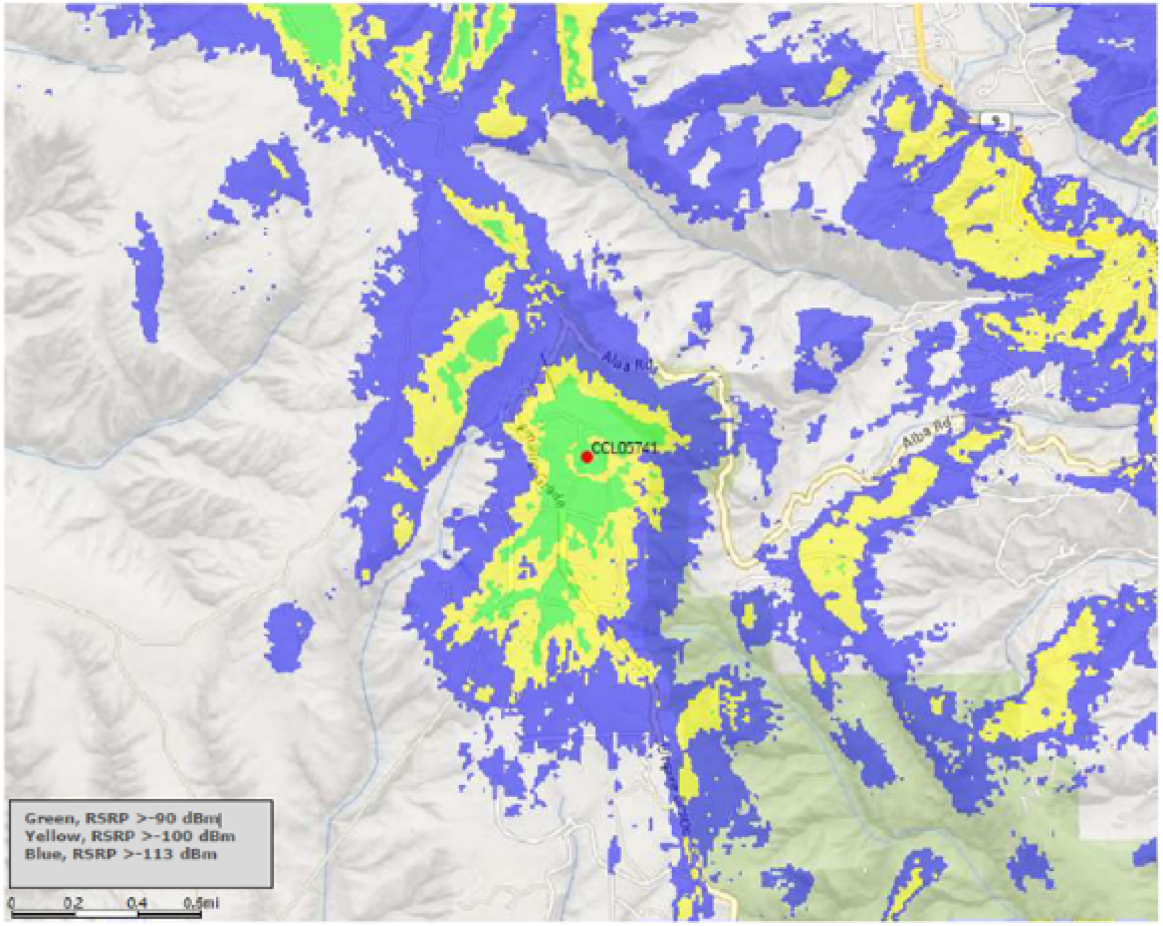
The Public ADVOCATES OFFICE

All maps shown represent the same general area of Santa Cruz County, CA.

Wireless Maps Provide No Common Baseline



Carrier Map of Coverage



Carrier Map Submitted with Permit Documents for Proposed new Cell Site

All maps shown represent the same general area of Santa Cruz County, CA.

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Signal Propagation Maps Establish the Baseline

- **Carriers already have these maps.**
  - Necessary for network planning
  - Necessary to determine possible network interference
- **Maps can be frequency band specific**
  - Focus on voice rather than data transmission frequencies.
- **Maps can be validated**
  - A third-party can recreate the results with the same equipment and parameters
- **Maps show the reality**
  - Based in science, not marketing
  - Address-level specificity
  - 4G or 5G coverage does not state a reasonable expectation for customers.
- **Customer Transparency**

Cal Advocates' Recommended Metrics

- Network Coverage measured in decibel-milliwatts
- Network Availability per cell site
- Cell Site Outage time (Community Isolation Outage)
- Cell Site Outage cause
- Voice Call Failures per cell site
- Voice Call Failure Rate per cell site
- Voice Call Drop per cell site
- Voice Call Drop Rate per cell site
- Network Congestion

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Cal Advocates' Metric Considerations

- **Specificity is Key**
  - Statewide or Zip Code-Level metrics allow too much leeway
- **Averages or Median Performance can hide real customer experiences**
  - Using large areas or volume won't reveal the local performance

Metrics are NOT telling the carriers where to build or how the network must perform.

<u>**Cal Advocates' suggested metrics are about transparency and a reasonable expectation of service for consumers.**</u>

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