

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



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Application of California Broadband  
Cooperative, Inc. for authority to operate as a  
competitive provider of full facilities-based  
and resold local exchange and interexchange  
telecommunications service within the State of  
California

Application No. 11-09-010

**MOTION OF CALIFORNIA BROADBAND COOPERATIVE, INC.  
FOR RULING SHORTENING TIME FOR PROTESTS**

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September 22, 2011

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FOR RULING SHORTENING TIME FOR PROTESTS**

California Broadband Cooperative, Inc. (“CBC”), through its undersigned counsel and pursuant to Rule 11.1 and 2.6 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), hereby respectfully requests a ruling shortening time for the filing of protests to CBC’s Application for a Certificate of Public Convenience and Necessity (“Application”) filed on September 16, 2011.

CBC respectfully requests swift resolution of its pending application as it is in the public interest. CBC has received a contingent grant of California Advanced Services Funds of \$19.2 million, and a federal broadband grant under the American Recovery and Reinvestment Act (“ARRA”) of \$81.1 million for construction of its Digital 395 Middle Mile Project.<sup>1</sup> The ARRA grant requires that CBC substantially complete its project within two years. Given this timeframe and the magnitude of this project, CBC requires its CPCN as soon as possible to ensure that it may access certain rights of way, and to negotiate agreements for interconnection with other carriers and with various member facilities, such as government agencies, and educational and medical facilities.

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<sup>1</sup> See Resolution T-17232 (Dec. 3, 2009); NTIA ARRA grant to CBC (Aug. 18, 2010) (<http://www2.ntia.doc.gov/grantee/california-broadband-cooperative-inc>)

Additionally, because of weather conditions in the region, CBC must be able to begin construction of its project soon. Timely completion of CBC's Digital 395 Project will ensure that critical middle mile broadband and backhaul services and necessary advanced telecommunications services will be provided throughout underserved areas in Mono, Inyo, and Kern Counties. In granting CBC's Digital 395 Project a conditional CASF award, the Commission recognized the importance and value of the pending project. The Commission found that CBC's network represents a "once-in-a-lifetime opportunity to connect an entire region of the state to the digital 'superhighway.'"<sup>2</sup> The Commission lauded the project's potential for creating over 1,100 jobs, fulfilling a primary objective of the ARRA grant, and adding a fiber line through the eastern sierra region of California that "offers significant public safety benefits" and ensures redundancy of telecommunications in disaster situations.

Expediting CBC's CPCN Application is thus critical for ensuring that the Digital 395 project be completed on a timely basis, and ultimately, for the region's economic and social welfare. Accordingly, CBC respectfully requests that the Commission shorten the time for filing protests to CBC's Application from the thirty (30) days under Rule 2.6(a) to fifteen (15) days from the date the notice of the filing of the Application first appears in the Daily Calendar, or to October 10, 2011.<sup>3</sup> Additionally, CBC requests that the Commission shorten the time for replies to protests from the ten (10) days under Rule 2.6(e) to seven (7) days from the last day for filing protests, or to October 17, 2011.<sup>4</sup> CBC has already asked for a waiver of the notice and comment period if there are no protests and the Commission grants its requested relief.

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<sup>2</sup> Resolution T-17232, at 10.

<sup>3</sup> Rule 2.6(a) provides that "[u]nless otherwise provided by rule, decision, or General Order, a protest ... must be filed within 30 days of the date of the notice of the filing of the application first appears in the Daily Calendar...." The application was noticed on the September 20, 2011 Daily Calendar.

<sup>4</sup> Rule 2.6(e) provides that "[a]n applicant may file replies to protests ... within 10 days of the last day for filing protests ..., unless the Administrative Law Judge sets a different date."

WHEREFORE, CBC respectfully requests that this motion be granted.

Respectfully submitted,

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/s/

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**[PROPOSED] ORDER GRANTING THE MOTION OF CALIFORNIA BROADBAND COOPERATIVE, INC. FOR RULING SHORTENING TIME FOR PROTESTS**

On September 22, 2011, California Broadband Cooperative, Inc. (“CBC”) moved to shorten the period for protests and replies to its Application for a Certificate of Public Convenience and Necessity (“Application”).

Having considered Applicant’s motion and evaluated the time-sensitive nature of the issues presented, **IT IS RULED** that, good cause appearing,

1. Applicant’s motion for a ruling shortening time for protests and replies to protests is granted.
2. Protests to CBC’ Application shall be served and filed no later than fifteen (15) days after the Application first appears in the Daily Calendar. Replies to protests shall be served and filed no later than seven (7) days after the last day for filing protests.

Dated \_\_\_\_\_, 2011 at San Francisco, California.

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Administrative Law Judge