

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

**Communications Division  
Carrier Oversight & Programs Branch**

**RESOLUTION T-17578  
October 12, 2017**

**RESOLUTION**

**Resolution T-17578. Conditionally approves the Wireless Identification Registration Application of Redding MSA Limited Partnership DBA Verizon Wireless, subject to the payment of past due user fees including penalties and a fine for operating without authority.**

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**SUMMARY**

This resolution conditionally approves the Wireless Identification Registration application of Redding MSA Limited Partnership DBA Verizon Wireless (Redding MSA Limited Partnership), subject to the following conditions:

1. Payment of \$500 for past due user fees and interest for the period between 2013-2016 within 30 days of the adoption this Resolution; and
2. Payment of a \$190,000 fine for operating without authority in accordance with PU Code § 2107.

**BACKGROUND**

On October 12, 1994, the California Public Utilities Commission (CPUC), by Decision 94-10-031, ordered all commercial mobile radio service (CMRS) providers initiating service after August 10, 1994, to file a Wireless Identification Registration (WIR) with the Director of the Communications Division (CD). The applicant for WIR was to provide information as follows:

1. The legal name of the business offering such service.
2. Any fictitious or other names under which such service will be offered.
3. The local business address for the utility, if any.
4. The home office business address if different than the local business address.
5. The name and address of the designated agent for service of process.
6. Name, title, address, and telephone number of the person to be contacted concerning the reported information.

7. The identity of the directors and principal officers of the business.
8. Names of all affiliated companies and their relationship, indicating if the affiliate is a regulated public utility.
9. Telephone numbers to which service or other customer complaints should be directed.

The WIR process was modified by D.95-10-32, which clarified the process and procedure on transfer of ownership and siting requirements of facilities-based CMRS carriers. The Commission further modified the WIR process with the adoption of D.13-05-035, which set requirements for wireless carriers holding WIRs to obtain a performance bond of at least \$25,000 and for the payment of an annual minimum of \$100 for the California Public Utilities Reimbursement Fund (User Fee). In addition, D.13-05-035 ordered wireless carriers seeking WIR to certify that registrants must meet minimum requirements in regards to, including but not limited to, bankruptcies, judgements, suspensions, revocations, or any other types of monetary forfeitures.

## **DISCUSSION**

On March 6, 2017, Redding MSA Limited Partnership filed a WIR application with CD. The application met all of the requirements necessary to obtain a WIR pursuant to D. 94-10-031. In its application, Redding MSA Limited Partnership stated that the company has been providing wholesale cellular service in California under the name Verizon Wireless since at least 2002 and recently discovered that they did not have a WIR registration. Prior to this filing, Redding MSA Limited Partnership did not seek, nor did it receive any approval from CD to provide service in California. The company only has one customer.

In response to data requests from CD staff in May 2017 and July 2017, Redding MSA Limited Partnership informed the Commission that it provides only wholesale wireless service and therefore does not have any intrastate revenue subject to the surcharge requirement to report or remit to the CPUC. Based on this, CD concluded that although Redding MSA Limited Partnership does not owe any surcharge revenues to the CPUC it does owe \$400 in unpaid user fees for the period from 2013-2016. Moreover, the carrier owes interest on user fees.

Because Redding MSA Limited Partnership has been operating without a license since at least 2002, CD believes it is appropriate to render a fine. The WIR registration process is the CPUC's mechanism for assuring compliance with Commission rules. Redding MSA Limited Partnership had the obligation to obtain a WIR prior to interconnecting and reporting surcharges. Redding MSA Limited Partnership did not comply with the Commission's rules. PU Code § 2107 allows the Commission to impose penalties on carriers that violate the Commission's rules as follows:

Any public utility that violates or fails to comply with any provision of the Constitution of this state or of this part, or that fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission, in a case in which a penalty has not been otherwise provided, is subject to a penalty of not less than five hundred dollars (\$500), nor more than fifty thousand dollars (\$50,000) for each offense.

CD is proposing fining Redding MSA Limited Partnership \$1000 a month for each month they have been operating without authority for the period from January 2002 through October 2017. This is consistent with fines the Commission has imposed in the past.<sup>1</sup>

### **RECOMMENDATION**

Since Redding MSA Limited Partnership meets all requirements necessary to obtain a WIR pursuant to D.94-10-031, CD recommends the conditional approval of Redding MSA Limited Partnership's WIR application subject to the following conditions to address the above compliance issues:

1. Redding MSA Limited Partnership should pay \$500 (representing \$400 plus \$100 in interest) for past due user fees for the period between January 2013 through December 2016 within 30 days of the adoption this Resolution. Reporting and payment of user fees for the period between 2013 through 2015 should be mailed or delivered to the Commission's Fiscal Office (User Fee) at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102 and payment should be made by a check or money order, payable to the California Public Utilities Commission. Reporting and payment of user fees for 2016 should be made using the Telecommunications and User Fee Filing System (TUFFS). Instructions on the reporting and payment of user fees are available at <http://www.cpuc.ca.gov/General.aspx?id=1009>; and
2. Redding MSA Limited Partnership should pay a \$190,000 fine for operating without authority from January 2002 through October 2017 in accordance with PU Code § 2107. Payment is to be made within 30 days of the adoption this Resolution by a check or money order, payable to the California Public Utilities Commission, and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102. The wireless telephone corporation's representative shall write on the face of the check or money order "For deposit to the State of California General Fund, per Resolution T-17578."

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<sup>1</sup> In Resolution T-17570 Lycamobile was assessed a fine of \$1000 a month for operating without a license pursuant to PU Code § 2107.

Upon fulfillment of the above conditions, CD further recommends that the Director of Communications Division be authorized to issue the final approval letter. The final approval letter includes the requirements attendant to operation as a wireless carrier and the issuance of the Wireless Identification Registration utility number.

### **CONCLUSION**

We concur with CD's recommendations and order Redding MSA Limited Partnership to comply with the above conditions.

### **SAFETY**

There is no safety implication as this resolution addresses Redding MSA Limited Partnership's compliance with licensing requirements and application for a new WIR.

### **NOTICE AND PROTESTS**

In compliance with Public Utilities Code § 311 (g), the Commission on September 8, 2017 provided notice to all telephone carriers informing them that this draft Resolution is available at the Commission's website <http://www.cpuc.ca.gov/> and is available for public comment. Additionally, CD informed these parties of the availability of the conformed resolution at the same website.

In addition to the Comments described above, parties may contest any penalties proposed in the resolution. This filing shall be made as part of the comments.

Notice of Draft Resolution T-17578 was published in the Commission Daily Calendar on September 8, 2017.

### **FINDINGS**

1. On March 6 2017, Redding MSA Limited Partnership filed an application with CD for a WIR. The application complied with all requirements to obtain a WIR.
2. In its application, Redding MSA Limited Partnership stated it does business under the name Verizon Wireless and has been providing service in California since at least 2002.
3. Redding MSA Limited Partnership provides only wholesale service in California and has one customer.
4. Redding MSA Limited Partnership recently discovered that it did not have a WIR registration.

5. Redding MSA Limited Partnership has not received approval from CD to provide service in California.
6. Redding MSA Limited Partnership does not have any intrastate revenue subject to the surcharge requirement to report or remit to the CPUC.
7. Redding MSA Limited Partnership owes the Commission unpaid user fees plus interest for the period from 2013 through 2016.
8. Public Utilities Code §2107 allows the assessment of fines for compliance failures.

**THEREFORE, IT IS ORDERED** that:

1. Redding MSA Limited Partnership DBA Verizon Wireless' application for Wireless Identification Registration is conditionally approved subject to the following:
  - a. Redding MSA Limited Partnership DBA Verizon Wireless must pay \$500 (representing \$400 plus \$100 in interest) for past due user fees for the period between January 2013 through December 2016 within 30 days of the adoption this Resolution. Reporting and payment of user fees for the period between 2013 through 2015 should be mailed or delivered to the Commission's Fiscal Office (User Fee) at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102 and payment should be made by a check or money order, payable to the California Public Utilities Commission. Reporting and payment of user fees for 2016 should be made using the Telecommunications and User Fee Filing System (TUFFS). Instructions on the reporting and payment of user fees are available at <http://www.cpuc.ca.gov/General.aspx?id=1009>; and
  - b. Redding MSA Limited Partnership DBA Verizon Wireless must pay of a \$190,000 fine for operating without authority within 30 days of the adoption this Resolution by a check or money order, payable to the California Public Utilities Commission, and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102. The wireless telephone corporation's representative shall write on the face of the check or money order "For deposit to the State of California General Fund, per Resolution T-17578."
2. Upon fulfillment of the conditions specified in Ordering Paragraph 1 the Communications Division Director is authorized to send a letter to Redding MSA Limited Partnership DBA Verizon Wireless granting final approval of its

application to operate as a resale commercial mobile radio service carrier and issue the WIR approval letter which includes requirements attendant to operation as a wireless carrier and the Wireless Identification Registration utility ID number assigned to Redding MSA Limited Partnership dba Verizon Wireless.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 12, 2017. The following Commissioners approved it:

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TIMOTHY J. SULLIVAN  
Executive Director