

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



**FILED**

01-05-11  
03:26 PM

Application of DTS of CA, Inc. for a  
Certificate of Public Convenience and  
Necessity to Construct  
Telecommunications Facilities and  
to Provide Local Exchange and  
Interexchange Service to Unserved  
Territories in California.

A. 09-03-028

**MOTION OF  
CITIZENS TELECOMMUNICATIONS COMPANY OF CALIFORNIA INC. D/B/A  
FRONTIER COMMUNICATIONS OF CALIFORNIA, FRONTIER  
COMMUNICATIONS WEST COAST INC. AND FRONTIER COMMUNICATIONS OF  
THE SOUTHWEST INC. (COLLECTIVELY "FRONTIER")  
FOR PARTY STATUS ON SERVICE LIST IN A. 09-03-028**

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January 5, 2011

Pursuant to Rule 1.4 of the Commission's Rules and Practice of Procedure, Citizens Telecommunications Company of California Inc., d/b/a Frontier Communications Company of California, Frontier Communications West Coast Inc. and Frontier Communications of the Southwest Inc. (collectively "Frontier") requests party status in Docket A. 09-03-028, regarding the Application of DTS of CA, Inc. for a Certificate of Public Convenience and Necessity to Construct Telecommunications Facilities and to Provide Local Exchange and Interexchange Service to Unserved Territories in California.

The interests of Frontier in this proceeding are described in this Motion, and in the Comments filed by e-mail on January 3, 2011 (the e-file system was not functioning –see attached e-mail correspondence with George Lau, and per Mr. Lau's instructions, by follow-up e-file on January 4, 2011).

Frontier did not request party status at an earlier stage of this proceeding because Frontier's concerns with this application became evident only after reviewing the Proposed Decision of Commissioner Bohn ("PD") mailed on December 24, 2010 (Christmas Eve).<sup>1</sup>

It is the PD's approach regarding regulatory treatment of DTS, and the potential impact on important related policies and how grant of this application may affect other ongoing efforts to provide basic and advanced services to unserved Californians that concerns Frontier. DTS seeks exclusive ILEC authority to provide a hybrid satellite-based telecommunications service to **all** remaining unserved areas in California. Frontier is concerned that the hybrid regulatory approach to regulating this fixed wireless service proposed in the PD combines CLEC and ILEC

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<sup>1</sup> The PD waives the usual public review and comment period required by Section 311 of the Public Utilities Code, providing only a reduced ten day public comment period. The shortened time period for review of the PD and preparation of comments included the Christmas Day, New Year's Eve and New Year's Day holidays, and the time period often associated with year-end vacation time, thereby potentially reducing the scrutiny that this PD might otherwise have received. Nevertheless, these Comments are timely filed on the January 3, 2010 comment date.

requirements in a way that has never been employed previously, and never applied to a wireless service, essentially making new rules that may not meet the necessary requirements for a carrier of last resort. This hybrid approach is new for the Commission and has not been thoroughly and properly examined for its implications. Also, the PD does not address or resolve significant public interest questions related to this request especially associated with public programs and existing Commission rules.

There currently are no Commission rules for this hybrid satellite service, and there have been no general rulemaking proceedings to establish rules and policies for this service. The PD, without sufficient explanation and support, used rules and policies developed in extensive rulemaking proceedings to address the *competitive* local exchange (“CLEC”) market, along with some additional criteria (with no discussion of the legal basis why these rules were appropriate for establishing this hybrid approach. Most importantly, the PD failed to evaluate the impact of this novel hybrid service offering on other important legislative and regulatory policies that were implemented during the pendency of this Application, such as the California Advanced Services Fund and impacts on the Rural Grant Program, California High Cost Fund A and the pending redefinition of basic service being contemplated in California High Cost Fund B docket, R.09-06-019.

Because of the hybrid regulatory approach, first announced as potential CPUC policy by the PD mailed on Christmas Eve and the potential impact on public programs that will affect Frontier, other carriers, and the public generally, Frontier seeks approval of its request for Party Status, so that it may have its comments submitted into the record and other parties may be given an opportunity to respond. Frontier has no objection to a brief extension of time by DTS or any

other party to respond to its Comments, and its participation will not cause undue delay to the ALJ and the Commission rendering a final decision in this matter.

Wherefore, Frontier respectfully requests permission of the presiding ALJ to have party status in this matter, and have its Comments accepted in the record of this proceeding.

Dated January 5, 2011

Respectfully submitted,

CITIZENS TELECOMMUNICATIONS COMPANY OF CALIFORNIA INC. D/B/A  
FRONTIER COMMUNICATIONS OF CALIFORNIA, FRONTIER COMMUNICATIONS  
WEST COAST INC. AND FRONTIER COMMUNICATIONS OF THE SOUTHWEST INC.  
(COLLECTIVELY "FRONTIER")

A handwritten signature in cursive script, reading "Phyllis A. Whitten", is positioned above a solid horizontal line.

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**CERTIFICATE OF SERVICE BY MAIL**

I, Pam Pittenger, hereby certify that on this day I served a copy of the

**MOTION OF  
CITIZENS TELECOMMUNICATIONS COMPANY OF CALIFORNIA INC. D/B/A  
FRONTIER COMMUNICATIONS OF CALIFORNIA, FRONTIER  
COMMUNICATIONS WEST COAST INC. AND FRONTIER COMMUNICATIONS OF  
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to all parties on the CPUC's service list for A.09-03-028. 1 true and correct Adobe Acrobat PDF copy was E-mailed to those parties on the service list who provided an E-mail address. For those parties who have not provided the Commission an electronic address, paper copies were provided via U.S. Mail. I have also sent electronic and hard copies to assigned Commissioner John Bohn and assigned Administrative Law Judge Rochester.

Dated at Elk Grove, California, this 5th day of January, 2011.



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