



**FILED**

03-27-08

01:57 PM

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

Order Instituting Rulemaking to Consider the Adoption of a General Order and Procedures to Implement the Digital Infrastructure and Video Competition Act of 2006.

Rulemaking 06-10-005  
(Filed October 5, 2006)

**ASSIGNED COMMISSIONER'S RULING  
AND SCOPING MEMO FOR PHASE III**

**1. Summary**

This Ruling and Scoping Memo sets forth the three issues to be considered in Phase III, the final phase of the above-captioned rulemaking. It also proposes ways to resolve the issues. Parties are invited to comment on the proposals. Following consideration of the comments, the proposals (with any appropriate revisions in light of the comments) will be submitted by Proposed Decision for the Commission's consideration and possible adoption. The Proposed Decision will also close the rulemaking.

**2. Background; Scope of Phase III**

When the Commission resolved the issues in Phase II of this rulemaking, it envisioned a possible Phase III:

Although no party had asked for additions to the scope of issues in Phase II, some comments posed questions or suggested issues regarding procedural matters that might arise as the Commission carries out its responsibilities under DIVCA. Following today's decision, the assigned Commissioner will scope the extent of these procedural questions in consultation with the parties. The assigned Commissioner also has discretion to add other issues as warranted.

We expect that Phase III will conclude this rulemaking. (Decision (D.) 07-10-013 at pp. 29-30.)

The three issues identified below for Phase III result from further consideration of the comments to which the Commission referred above, from our brief experience to date with implementation of the statute<sup>1</sup> under the General Order (GO) 169 adopted in Phase I, and from certain related developments, notably in Rulemaking (R.) 06-06-028, where we established a fund to encourage deployment of broadband facilities in unserved and underserved areas.

Resolution of these three issues, as proposed below, will (1) help to ensure that franchisees' extension requests are timely made and decided, (2) eliminate an unintended and unfair asymmetry in the bond requirement under GO 169, and (3) require reporting of broadband speed "tiers" that state video franchise holders make available.

In recommending these three issues for resolution at this time, I have considered both the need to resolve the issue for prompt and efficient implementation of DIVCA consistent with the legislative intent, and the need to conclude this rulemaking within 18 months, as required by statute for the Commission's quasi-legislative proceedings. (See Pub. Util. Code § 1701.5.) Parties may comment on the proposed scope for Phase III, bearing in mind and addressing these considerations in suggesting any modification to the proposed scope.

---

<sup>1</sup> Digital Infrastructure and Video Competition Act of 2006 (DIVCA), Assembly Bill 2987 (Ch. 700, Stats. 2006).

### 3. Extension Applications

The holder of a state video franchise is subject to statutory requirements regarding, among other things, the pace at which the holder develops (“builds out”) its franchise to make service available to households within its video service area. Each holder must adhere to its build-out plan, but it may apply to the Commission for an extension under certain circumstances.<sup>2</sup> Upon filing of an application for extension, the Commission must hold a hearing in the holder’s service area (Pub. Util. Code § 5890(f)(2)), determine whether the holder “made substantial and continuous effort to meet the [build-out] requirements” (Pub. Util. Code § 5890(f)(4)), and, if so, “establish a new compliance deadline.” (*Id.*) Regarding the timing of an application for extension, Pub. Util. Code § 5890(f)(1) states: “After two years of providing service under [DIVCA], the holder may apply to the [Commission] for an extension to meet the requirements of subdivision (b), (c), or (e).”<sup>3</sup>

---

<sup>2</sup> The principal decision in Phase II (D.07-10-013 at pp.3-18) discusses build-out requirements at length, and implements the statutory direction that smaller state video franchise holders (*i.e.*, those with fewer than one million telephone customers) build out “within a reasonable time,” as provided in Pub Util. Code § 5890(c). Larger state video franchise holders are subject to “safe harbor” build-out deadlines specifically set forth in Pub. Util. Code § 5890(b) and (e), and the Commission determined that smaller holders could either follow these safe harbor deadlines or apply for Commission approval of a build-out plan tailored to the circumstances of the particular applicant and its service area. *See* D.07-10-013 at pp.13-18.

<sup>3</sup> The referenced subdivisions of Pub. Util. Code § 5890 set build-out deadlines 2, 3, and 5 years after the state video franchise holder begins providing video service. Additional or different deadlines might be set under a Commission-approved build-out plan pursuant to Pub. Util. Code § 5890(c).

Upon review of the Phase II comments and these statutory provisions, it appears that the Commission should implement the provisions by further specifying the timing and processing of applications for an extension. Regarding timing, under the rule proposed herein an extension application must be filed as soon as practicable, once the holder determines that it cannot meet one or more of the build-out deadlines. The proposed rule requires that the extension application be filed no later than the deadline for which an extension is sought.<sup>4</sup> Filing a timely extension application is necessary to ensure that the application causes minimal uncertainty, and that disruption to the orderly build-out of the service area is also minimized.

Regarding processing, the proposed rule requires the application to state “good cause” for granting the extension, and to set forth the basis on which the holder contends it has made substantial and continuous efforts to meet the relevant build-out requirements. The application must also contain a new schedule for offering video service and must support the reasonableness of the compliance deadlines under the new schedule. Finally, the proposed rule provides that the Commission’s Rules of Practice and Procedure will govern participation in extension applications.<sup>5</sup>

---

<sup>4</sup> An application may request extension of more than one deadline. For example, if the applicant requests extension of the two-year deadline, it may also find that it cannot meet the three-year deadline and accordingly request extension of the latter deadline in the same application. However, in this example, the extension application would have to be filed no later than the two-year deadline. In other words, the extension application must be filed by the earliest of the deadlines for which an extension is sought in that application.

<sup>5</sup> Note, however, that intervenor compensation is not available in proceedings under DIVCA. See D.07-10-013, Conclusion of Law 10 and Ordering Paragraph 3.

The full text of the proposed rule (to be added to GO 169) is set forth in Appendix A, attached to this ruling. Appendix A also contains a proposed amendment to the definitions in GO 169 of “applicant” and “application,” so as to accommodate both the original applications for state video franchise and extension applications.

#### **4. Bond Requirements**

Pub. Util. Code § 5840(e)(9) requires an application for a state video franchise to include:

Adequate assurance that the applicant possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public right-of-way caused by the applicant. To accomplish these requirements, the commission may require a bond.

The Commission has required a bond. Section IV.A.1.a of GO 169 states in relevant part:

[T]he Applicant shall submit a copy of a fully executed bond in the amount of \$100,000 per 20,000 households in its Video Service Area to the Executive Director prior to initiating video service and no later than 5 business days after the date of the Commission’s issuance of a State Video Franchise to the Applicant. The amount of the bond under any circumstances shall not be less than \$100,000 or more than \$500,000 per State Video Franchise Holder. The bond shall list the Commission as obligee and be issued by a corporate surety authorized to transact a surety business in California. A state video franchise holder shall not allow its bond to lapse during any period of its operation pursuant to a state video franchise.

As written, this bond requirement may disproportionately and unnecessarily burden certain state video franchise holders.

For example, a single person or entity may apply (directly or through affiliates) for several state video franchises, each requiring a bond. The

cumulative amount of the bonds may exceed \$500,000. In contrast, another person or entity that applies for only one state video franchise would be subject to the \$500,000 limit, even though the one franchise area by itself might contain more households than all of the franchise areas to be served by the applicant for multiple franchises.

There is no apparent reason why “adequate assurance” of “financial . . . qualifications” would require the holder of multiple franchises, directly or through affiliates, to provide bonds exceeding \$500,000. Furthermore, the disparate treatment of state video franchise holders in the example may have an anti-competitive impact, contrary to the intent of DIVCA.

To remedy the disparate treatment, GO 169 should be amended to provide that a person or entity applying for more than one state video franchise, directly or through its affiliates, will not be required to execute bonds whose cumulative amount exceeds \$500,000, regardless of the number of state video franchises sought or already held. Appendix B attached to this Ruling and Scoping Memo sets forth the proposed amendment to Section IV.A.1.a. of GO 169.

## **5. Broadband Speed Tiers**

As discussed below, we seek comment on whether the Commission should require franchise holders to report on a census tract basis information regarding (i) the number of households to which the holder makes certain broadband speed tiers available in this state; and (ii) the number of households that subscribe to certain broadband speed tiers that the holder makes available in this state. We also seek comment on the broadband speed tiers on which we should require reporting. We believe that at a minimum, the speed tiers should be comparable to the tiers on which the California Broadband Task Force collected data (less than 1 mbps; 1-5 mbps; 5-10 mbps), or comparable to the new Federal

Communications Commission (FCC) broadband mapping speeds in its recent decision in Docket 07-38.

One of the goals of DIVCA is to increase competition for broadband services.<sup>6</sup> DIVCA specifically affirms the Legislature's intent to complement "efforts to increase investment in broadband infrastructure and [to] close the digital divide."<sup>7</sup> In furtherance of that goal, DIVCA requires the Commission among other things to investigate the level of broadband access and penetration in the state by collecting annual reports regarding broadband deployment in the state, and to report the data on an aggregated basis to the Governor and Legislature. *See* Pub. Util. Code § 5960. In our Phase I decision D.07-03-014, we adopted annual reports requiring state broadband information from franchise holders pursuant to DIVCA. We specifically found that:

Of special import, the annual broadband reports will give the State of California – for the first time – detailed information that it needs to address gaps in broadband access and depressed broadband usage rates. D.07-03-014, at 6.

In our DIVCA Phase I decision, we noted that "broadband" in Pub. Util. Code § 5830(a) refers to "any service defined as broadband in the most recent Federal Communications Commission inquiry pursuant to Section 706 of the Telecommunications Act of 1996 (P.L. 104-104)." The FCC currently uses the term "broadband" and "advanced telecommunications capability" to describe

---

<sup>6</sup> Pub. Util. Code § 5810(a) provides that the Legislature "finds and declares" that "[i]ncreasing competition for video and broadband services is a matter of statewide concern," and that legislation should "[c]omplement efforts to increase investment in broadband infrastructure and close the digital divide."

<sup>7</sup> Pub. Util. Code § 5810(a)(1)(E).

services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed of more than 200 kilobits per second.<sup>8</sup>

In the Phase II decision, D.07-10-013, we declined to require franchise holders in submitting their broadband reports to include data with regard to broadband speed tiers. At that time, we stated that:

We expect that technologies being used and data speeds will rapidly change as competitive forces drive providers to invest constantly in new technology and increase data speeds in response to consumer demand.

Since the issuance of our Phase I decision and the Phase II DIVCA decision, however, three developments cause us to reconsider our initial conclusions with regard to the collection of data regarding broadband speed tiers.

First, we issued D.07-12-054 in R.06-06-028, in which we established a California Advanced Services Fund (CASF) to encourage the deployment of broadband facilities for providing advanced telecommunications and voice services in unserved and underserved areas of the state. We established in that decision that we would prioritize funding for areas where there is no broadband service. However, to the extent that CASF funds are available, we also plan to consider funding for “underserved” areas in which there is no facilities-based provider offering broadband service at the benchmark download transmission speeds of 3 million bits per second (mbps) and upload speeds of 1 mbps. We

---

<sup>8</sup> See D.07-03-014, at p. 41, n.135, citing *Federal Communications Commission, Availability of Advanced Telecommunications Capability in the United States, Fourth Report to Congress*, FCC 04-208, 10 (Sept. 9, 2004). We acknowledged in D.07-03-014 that this definition is under review by the FCC, and that it may evolve in response to rapid technological changes in the marketplace.

adopted this decision consistent with our goals and general authority under Pub. Util. Code § 709, which sets forth the legislative goal of bridging the “digital divide” by encouraging expanded access to state-of-the-art technologies for rural, inner-city, low-income, and disabled Californians. For the purpose of the CASF, it would be important for the Commission to have information on broadband speed offerings in order to determine which areas are “underserved.”

Second, since our issuance of the Phase II DIVCA decision, the FCC has indicated that it will expand its collection of broadband subscriber data at the federal level. Specifically, on March 19, 2008, the FCC announced that it would increase the precision and quality of broadband subscribership data collected from broadband services providers by increasing the number of broadband reporting speed tiers to reflect more precise information about upload and download broadband speeds in the market.<sup>9</sup> The FCC has voted to approve the order but at the present time has not yet issued the order. A press release states that, among other things, the FCC will “[r]equire broadband providers to report numbers of broadband subscribers by Census Tract, broken down by speed tier and technology type.”<sup>10</sup> This federal development recognizes that data on broadband speed is critical in determining the level of broadband deployment in the country. Until the FCC order is released, we cannot determine the scope of

---

<sup>9</sup> See Press Release, *FCC Expands, Improves Broadband Data Collection*, Docket No. 07-38 (Mar. 19, 2008).

<sup>10</sup> *Id.* The specific speed tiers on which the FCC proposes to collect data are: (200 kbps – 768 kbps; 768 kbps – 1.5 mbps; 1.5 mbps – 3.0 mbps; 3.0 mbps – 6.0 mbps; 6.0 mbps and above).

data that will be required at the federal level to which the Commission will have access.

Third, we note that the Governor's Broadband Task Force collected data regarding broadband availability and broadband speed tiers as of 2007. The Broadband Task Force was established pursuant to the Governor's Executive Order S-23-06 and was directed to identify barriers to broadband access and opportunities for increasing broadband adoption and to issue a report to the Governor and Legislature. As part of its efforts, the Broadband Task Force was able to collect data from providers throughout the state as to their broadband offerings, including speed tiers. The Broadband Task Force issued its report in January 2008, identifying at least 4% of the state, representing just under 2,000 communities and approximately 1.4 million people, who do not have access to broadband at this time.<sup>11</sup>

Given these latest developments and our State's increasing emphasis on promoting advanced services and closing the digital divide, the Commission should reconsider its earlier conclusion in Phase II on broadband speed tiers. In particular, reliance on the FCC's 200 kbps definition of "broadband" and "advanced services" may be insufficient for targeting CASF support to underserved areas. Further, data that does not differentiate among broadband speed tiers may not assist us in our general goals for promoting widespread deployment of broadband and closing the digital divide. Because the Broadband Task Force has completed its role in preparing its report, this task force will no longer collect data on broadband speed tiers offered in the state. Given our

---

<sup>11</sup> *Final Report of the California Broadband Task Force* – January 2008, at p. 7.

unique role in promoting broadband deployment and closing the digital divide, we should consider whether we should collect this data on a going-forward basis.

Accordingly we seek comment on whether we should require franchise holders to include in their Section 5960 broadband reports to the Commission the following information on a census tract basis: (i) along with the number of households to which the holder makes broadband available, the specific broadband speed tiers made available in this state; and (ii) along with the number of households that subscribe to broadband, the number of households that subscribe to the specific broadband speed tiers that the holder makes available in this state.

We also seek comment on which specific broadband speed tiers to be reported in these reports. Three possibilities seem most plausible at this time. First, we note that in the CASF proceeding, we define “underserved” as areas in which there is no facilities-based provider offering broadband service at the benchmark download transmission speeds of 3 mbps and upload speeds of 1 mbps. Consistent with this definition, we could require reports for broadband speed tiers of less than 1 mbps, 1-3 mbps, 3-5 mbps, and 5-10 mbps. Second, we could require reporting consistent with speed tiers previously collected by the Broadband Task Force (i.e., below 1 mbps, 1-5 mbps, 5-10 mbps, and greater than 10 mbps). Third, we could require reporting of broadband speed tiers consistent with the tiers that the FCC establishes in its Section 706 Reports. Technological progress, of course, could render obsolete any of these tier structures. Thus, we might also consider periodic updating of typical broadband speed tiers sold in the California marketplace and, based on the update, adjust the tier structure for reporting purposes.

Finally, we note that, if we collect additional data about broadband speed tiers, we will aggregate this data for purposes of identifying areas in the state that may be “underserved.” We will not use or make public any of this data on a carrier-specific basis. Accordingly we believe that franchise holders should be granted confidential treatment for this data, consistent with our existing General Order 66-C requirements and Pub. Util. Code § 583. However, because we recognize the competitively sensitive nature of this data, we seek comment on whether current confidentiality requirements are adequate, or whether the Commission should order more protection (or request additional confidential protection from the Legislature for this data).

## **6. Comments**

Parties may comment on the proposed scope of Phase III and on the specific rulemaking proposals, as set forth above. Comments must be filed and served no later than 20 days after the date of issuance of this Ruling and Scoping Memo, and replies must be filed and served no later than 25 days after the date of issuance. Electronic filing and service is strongly encouraged.

## **7. Timely Resolution of Phase III Issues**

As noted in the Background section (above) of this Ruling and Scoping Memo, the Commission is required pursuant to Pub. Util. Code § 1701.5(a) to resolve issues in a quasi-legislative proceeding, such as this rulemaking, within 18 months of the date that the scoping memo was issued. This rulemaking was preliminarily scoped in the Order Instituting Rulemaking, issued October 5, 2006. Thus, in the normal course, a final order resolving Phase III issues and

closing the rulemaking should be adopted by the Commission on or before April 7, 2008.<sup>12</sup>

However, this requirement is tempered by Pub. Util. Code § 1701.5(b), which states:

[T]he commission may specify in a scoping memo a resolution date later than 18 months from the date the scoping memo is issued, if that scoping memo includes specific reasons for the necessity of a later date and the commissioner assigned to the case approves the date.

I believe a resolution date slightly later than 18 months is necessary for the following reasons.

First, resolution of the Phase III issues, as identified herein, will contribute to the prompt and efficient implementation of DIVCA, consistent with the legislative intent. Resolving the Phase I and Phase II issues, and gaining actual experience under DIVCA, have helped the Commission to identify these further issues for Phase III. It is reasonable to resolve the Phase III issues now rather than deferring them to some later proceeding.

Second, allowing time for commenting on the Phase III issues, drafting a final decision, and Commission deliberation on the final decision entails only a modest extension beyond the original deadline. Considering the Commission's meeting schedule and making due provision for contingencies, it is reasonable to set July 18, 2008, as the deadline for resolving Phase III issues and closing this rulemaking.

---

<sup>12</sup> April 5, 2008, is a Saturday, so the 18-month deadline would be the first business day following, namely, Monday, April 7.

R.06-10-005 CRC/hkr

Dated March 27, 2008, at San Francisco, California.

/s/ RACHELLE B. CHONG

Rachelle B. Chong  
Assigned Commissioner

**APPENDIX A  
APPLICATION FOR EXTENSION**

Proposal: Amend General Order (GO) 169 as follows:

1. Add new Section VI.G:

**Extension of Deadlines**

Pursuant to Public Utilities Code section 5890(f)(1), a State Video Franchise Holder may apply to the Commission for an extension of time to meet the requirements of subdivision (b), (c), or (e) of section 5890. The Application for extension must be filed as soon as practicable after the State Video Franchise Holder determines that it likely will not be able to meet one or more requirements of subdivision (b), (c), or (e), as applicable. In no event should the Application for extension be filed later than the earliest deadline under any of the requirements for which an extension is sought.

An Application for extension must state good cause for the Commission to grant the extension. "Good Cause" may include, without limitation, factors beyond the control of the State Video Franchise Holder set forth in section 5890(f)(3). The Application for extension must also state the basis on which the State Video Franchise Holder contends that it has made substantial and continuous efforts to meet the requirements of subdivision (b), (c), or (e) of section 5890, as applicable. The Application for extension must also propose a new schedule for offering service under section 5890, and must support the reasonableness of the compliance deadlines under the proposed schedule.

The Commission will hold a public hearing on any Application for extension. The Commission's Rules of Practice and Procedure will govern participation in the Application for extension.

2. Amend Section I.D (new language underlined):

"Application" means the form prescribed by the Commission for seeking a grant or amendment of a State Video Franchise, or for seeking an extension of time to meet the requirements of subdivision (b), (c), or (e) of Public Utilities Code section 5890.

3. Amend Section I.C (deleted language struck through):

“Applicant” means any person or entity that files an Application ~~seeking to provide Video Service in the state pursuant to a State Video Franchise.~~

**(END OF APPENDIX A)**

**APPENDIX B  
BOND REQUIREMENTS**

Proposal: Amend Section IV.A.1.a of GO 169 (new language underlined):

An Applicant is required to provide adequate assurance that it possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public right-of-way caused by the Applicant. To meet this requirement, the Applicant shall submit a copy of a fully executed bond in the amount of \$100,000 per 20,000 households in its Video Service Area to the Executive Director prior to initiating video service and no later than 5 business days after the date of the Commission's issuance of a State Video Franchise to the Applicant. The amount of the bond under any circumstances shall not be less than \$100,000 or more than \$500,000 per State Video Franchise Holder, except that a person or entity holding more than one State Video Franchise, directly or through its Affiliate, will not be required to execute bonds in a cumulative amount exceeding \$500,000. The bond shall list the Commission as obligee and be issued by a corporate surety authorized to transact a surety business in California. A State Video Franchise Holder shall not allow its bond to lapse during any period of its operation pursuant to a State Video Franchise.

Note 1: Footnote omitted.

Note 2: The capitalization of the last sentence in the section above is corrected to conform with the convention in GO 169 that defined terms are capitalized. The correction is non-substantive.

**(END OF APPENDIX B)**



\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

\*\*\*\*\* PARTIES \*\*\*\*\*

David J. Miller  
Attorney At Law  
AT&T CALIFORNIA  
525 MARKET STREET, ROOM 2018  
SAN FRANCISCO CA 94105  
(415) 778-1393  
DavidJMiller@att.com

Fassil Fenikile  
AT&T CALIFORNIA  
525 MARKET STREET, ROOM 1925  
SAN FRANCISCO CA 94105  
(415) 778-1455  
fassil.t.fenikile@att.com

Syreeta Gibbs  
AT&T CALIFORNIA  
525 MARKET STREET, 19TH FLOOR  
SAN FRANCISCO CA 94105  
(415) 778-1453  
syreeta.gibbs@att.com

Tom Selhorst  
AT&T CALIFORNIA  
525 MARKET STREET, 2023  
SAN FRANCISCO CA 94105  
(415) 778-1482  
thomas.selhorst@att.com

Lesla Lehtonen  
Vp Legal & Regulatory Affairs  
CALIFORNIA CABLE TELEVISION ASSOCIATION  
360 22ND STREET, NO. 750  
OAKLAND CA 94612  
(510) 628-8043  
lesla@calcable.org

Maria Politzer  
Legal Department Associate  
CALIFORNIA CABLE TELEVISION ASSOCIATION  
360 22ND STREET, NO. 750  
OAKLAND CA 94612  
(510) 628-8043  
mp@calcable.org

William H. Weber  
Attorney At Law  
CBeyond COMMUNICATIONS  
320 INTERSTATE NORTH PARKWAY  
ATLANTA GA 30339  
(678) 370-2327  
william.weber@cbeyond.net  
For: Cbeyond Communications

Tracey L. Hause  
Administrative Services Director  
CITY OF ARCADIA  
240 W. HUNTINGTON DRIVE  
ARCADIA CA 91007  
(626) 574-5425  
thause@ci.arcadia.ca.us

Philip Kamlarz  
CITY OF BERKELEY  
2180 MILVIA STREET  
BERKELEY CA 94704  
(510) 981-7000  
pkamlarz@ci.berkeley.ca.us  
For: City of Berkeley

Gerald R. Miller  
CITY OF LONG BEACH  
333 WEST OCEAN BLVD.  
LONG BEACH CA 90802  
(562) 570-6861  
citymanager@longbeach.gov

Izetta C.R. Jackson  
JOHN A RUSSO, BARBARA PARKER, MARK MORODOM  
Office Of The City Attorney  
CITY OF OAKLAND  
1 FRANK H. OGAWA PLAZA, 10TH FLR.  
OAKLAND CA 94612  
(510) 238-6629  
ijackson@oaklandcityattorney.org

Cynthia J. Kurtz  
City Manager  
CITY OF PASADENA  
117 E. COLORADO BLVD., 6TH FLOOR  
PASADENA CA 91105  
(626) 744-4222  
ckurtz@cityofpasadena.net

Maggie Healy  
CITY OF REDONDO BEACH  
415 DIAMOND STREET  
REDONDO BEACH CA 90277  
(310) 372-1171 2224  
maggie.healy@redondo.org

Barry Fraser  
CITY OF SAN FRANCISCO  
875 STEVENSON STREET, 5TH FLOOR  
SAN FRANCISCO CA 94103  
(619) 595-4640  
barry.fraser@sfgov.org  
For: Department of Telecommunications & Information Services

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

William Hughes  
RICHARD DOYLE  
Assistant City Attorney  
CITY OF SAN JOSE  
16TH FLOOR  
200 EAST SANTA CLARA STREET  
SAN JOSE CA 95113-1900  
(408) 535-1921  
bill.hughes@sanjoseca.gov  
For: the City of San Jose

Rob Wishner  
CITY OF WALNUT  
21201 LA PUENTE ROAD  
WALNUT CA 91789  
(909) 595-7543  
For: City of Walnut

Alexis K. Wodtke  
Staff Attorney  
CONSUMER FEDERATION OF CALIFORNIA  
520 S. EL CAMINO REAL, STE. 340  
SAN MATEO CA 94402  
(650) 375-7847  
lex@consumercal.org

Patrick M. Rosvall  
E. GARTH BLACK, MARK SCHREIBER, SEAN BEAT  
Attorney At Law  
COOPER, WHITE & COOPER LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO CA 94111  
(415) 433-1900  
smalllecs@cwclaw.com  
For: the Small LECs

Mark P. Schreiber  
Attorney At Law  
COOPER, WHITE & COOPER, LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO CA 94111  
(415) 433-1900  
mschreiber@cwclaw.com  
For: SureWest Telephone

Sean P. Beatty  
E. GARTH BLACK, MARK P. SCHREIBER  
Attorney At Law  
COOPER, WHITE & COOPER, LLP  
201 CALIFORNIA ST., 17TH FLOOR  
SAN FRANCISCO CA 94111  
(415) 433-1900  
sbeatty@cwclaw.com  
For: SureWest TeleVideo

Douglas Garrett  
COX COMMUNICATIONS  
2200 POWELL STREET, STE. 1035  
EMERYVILLE CA 94608  
(510) 923-6222  
douglas.garrett@cox.com  
For: Cox Communications

Esther Northrup  
COX COMMUNICATIONS  
350 10TH AVENUE, SUITE 600  
SAN DIEGO CA 92101  
(619) 266-5315  
esther.northrup@cox.com

Enrique Gallardo  
RICHARD CHABRAN, JAMES LAU  
LATINO ISSUES FORUM  
160 PINE STREET, SUITE 700  
SAN FRANCISCO CA 94111  
(415) 547-7550  
enriqueg@lif.org

William L. Lowery  
MILLER & VAN EATON, LLP  
400 MONTGOMERY ST., SUITE 501  
SAN FRANCISCO CA 94103  
(415) 477-3655  
wlowery@millervaneaton.com  
For: The City of Carlsbad, California

William L. Lowery  
MILLER & VAN EATON, LLP  
580 CALIFORNIA STREET, SUITE 1600  
SAN FRANCISCO CA 94104  
(415) 477-3655  
wlowery@millervaneaton.com  
For: The County of Los Angeles, The City of Los Angeles, The City of Carlsbad

David C. Rodriguez  
Strategic Counsel  
523 WEST SIXTH STREET, SUITE 1128  
LOS ANGELES CA 90014  
(213) 895-7010  
drodriguez@strategiccounsel.com

Allen S. Hammond, Iv  
Professor Of Law  
SANTA CLARA UNIVERSITY SCHOOL OF LAW  
500 EL CAMINO REAL  
SANTA CLARA CA 94305  
(408) 554-4078  
ahammond@scu.edu

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

Greg R. Gierczak  
Executive Director  
SURE WEST TELEPHONE  
PO BOX 969  
200 VERNON STREET  
ROSEVILLE CA 95678  
(916) 786-1440  
ggierczak@surewest.com

Anita C. Taff-Rice  
Attorney At Law  
1547 PALOS VERDES MALL, SUITE 298  
WALNUT CREEK CA 94597  
(415) 699-7885  
anitataffrice@earthlink.net  
For: Cbeyond Communications

Marie C. Malliett  
THE COMMUNICATIONS WORKERS OF AMERICA  
2870 GATEWAY OAKS DRIVE, SUITE 100  
SACRAMENTO CA 95833-3509  
(916) 921-4500  
mmalliet@cwa-union.org  
For: The Communications Workers of America

Kenechukwu Okocha  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, 2ND FLOOR  
BERKELEY CA 94704  
(510) 926-4016  
kenechukwu@greenlining.org  
For: Greenlining Institute

Mark Rutledge  
Telecommunications Fellow  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, SECOND FLR.  
BERKELEY CA 94704  
(510) 926-4016  
markr@greenlining.org

Robert Gnaizda  
Policy Director/General Counsel  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, SECOND FLOOR  
BERKELEY CA 94704  
(510) 926-4006  
robertg@greenlining.org

Thalia N.C. Gonzalez  
Legal Counsel  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVE., 2ND FLOOR  
BERKELEY CA 94704  
(510) 926-4002  
thaliag@greenlining.org  
For: The Greenlining

Bill Nusbaum  
Sr. Telco Attorney  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876  
bnusbaum@turn.org

Regina Costa  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876  
rcosta@turn.org

Ann Johnson  
VERIZON  
HQE02F61  
600 HIDDEN RIDGE  
IRVING TX 75038  
(972) 718-4089  
ann.johnson@verizon.com

Elaine M. Duncan  
Attorney At Law  
VERIZON  
711 VAN NESS AVENUE, SUITE 300  
SAN FRANCISCO CA 94102  
(415) 474-0468  
elaine.duncan@verizon.com

Patrick Whitnell  
1400 K STREET, 4TH FLOOR  
SACRAMENTO CA 95814  
(916) 658-8281  
pwhitnell@cacities.org  
For: League of California Cities

\*\*\*\*\* STATE EMPLOYEE \*\*\*\*\*

Edward Randolph  
Asm Levine'S Office  
ASSEMBLY COMMITTEE/UTILITIES AND COMMERC  
STATE CAPITOL ROOM 5135  
SACRAMENTO CA 95814  
(916) 319-2083  
edward.randolph@asm.ca.gov

Lily Chow  
Communications Division  
AREA 3-F  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-5469  
cho@cpuc.ca.gov

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

Laura E. Gasser  
Legal Division  
RM. 4107  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2169  
lgx@cpuc.ca.gov

William Johnston  
Communications Division  
AREA 3-F  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2124  
wej@cpuc.ca.gov

Steven Kotz  
Administrative Law Judge Division  
RM. 2106  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2437  
kot@cpuc.ca.gov

Alik Lee  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2050  
ayo@cpuc.ca.gov

Robert Lehman  
Division of Ratepayer Advocates  
RM. 4209  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2245  
leh@cpuc.ca.gov

Michael Morris  
Communications Division  
AREA 3-F  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2112  
mmo@cpuc.ca.gov

April Mulqueen  
Policy & Planning Division  
RM. 5119  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2329  
am4@cpuc.ca.gov

Randy Chinn  
Chief Consultant  
SENATE ENERGY UTILITIES & COMMUNICATIONS  
STATE CAPITOL, ROOM 4038  
SACRAMENTO CA 95814  
(916) 651-4107  
randy.chinn@sen.ca.gov

Timothy J. Sullivan  
Executive Division  
RM. 5212  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-5462  
tjs@cpuc.ca.gov

Jane Whang  
Legal Division  
RM. 5029  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-2721  
jjw@cpuc.ca.gov

Sindy J. Yun  
Legal Division  
RM. 4300  
505 VAN NESS AVE  
San Francisco CA 94102 3298  
(415) 703-1999  
sjy@cpuc.ca.gov

\*\*\*\*\* INFORMATION ONLY \*\*\*\*\*

Peter A. Casciato  
A PROFESSIONAL CORPORATION  
355 BRYANT STREET, SUITE 410  
SAN FRANCISCO CA 94107  
(415) 291-8661  
pcasciato@sbcglobal.net

Malcolm Yeung  
Staff Attorney  
ASIAN LAW CAUCUS  
939 MARKET ST., SUITE 201  
SAN FRANCISCO CA 94103  
(415) 896-1701  
malcolmy@asianlawcaucus.org

David Hankin  
Vice President And Senior Counsel  
ASTOUND BROADBAND, LLC  
200 PAUL AVENUE, SUITE 301  
SAN FRANCISCO CA 92124  
(650) 212-8010  
dhankin@wavebroadband.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

Rhonda J. Johnson  
Vp-Regulatory Affairs  
AT&T CALIFORNIA  
525 MARKET STREET, ROOM 1923  
SAN FRANCISCO CA 94105  
(415) 778-1440  
rhonda.j.johnson@att.com

Richard Chabran  
CALIFORNIA COMMUNITY TECHNOLOGY  
POLICY  
1000 N ALAMEDA STREET, SUITE 240  
LOS ANGELES CA 90012  
(909) 234-1768  
chabran@cctpg.org

Kevin Saville  
Associate General Counsel  
CITIZENS/FRONTIER COMMUNICATIONS  
2378 WILSHIRE BLVD.  
MOUND MN 55364  
(952) 491-5564  
ksaville@czn.com

Lonnie Eldridge  
Deputy City Attorney  
CITY ATTORNEY'S OFFICE  
CITY HALL EAST, SUITE 700  
200 N. MAIN STREET  
LOS ANGELES CA 90012  
LELDRID@ATTY.LACITY.ORG

Mark T. Boehme  
Assistant City Attorney  
CITY OF CONCORD  
1950 PARKSIDE DRIVE  
CONCORD CA 94510  
(925) 671-3160  
mark@ci.concord.ca.us

Peter Dragovich  
Assistant To The City Manager  
CITY OF CONCORD  
1950 PARKSIDE DRIVE, MS 01/A  
CONCORD CA 94519  
(925) 671-3085  
peter@ci.concord.ca.us

Roy Morales  
Chief Legislative Analyst  
CITY OF LOS ANGELES  
CITY HALL  
200 N. SPRING STREET, 2ND FLOOR  
LOS ANGELES CA 90012  
Roy.Morales@lacity.org

Aaron C. Harp  
Office Of The City Attorney  
CITY OF NEWPORT BEACH  
3300 NEWPORT BLVD  
NEWPORT BEACH CA 92658-8915  
(949) 644-3131

Grant Kolling  
Senior Assistant City Attorney  
CITY OF PALO ALTO  
250 HAMILTON AVENUE, 8TH FLOOR  
PALO ALTO CA 94301  
(650) 329-2171  
grant.kolling@cityofpaloalto.org

Steven Lastomirsky  
Deputy City Attorney  
CITY OF SAN DIEGO  
1200 THIRD AVENUE, 11TH FLOOR  
SAN DIEGO CA 92101  
(619) 533-5800  
slastomirsky@sandiego.gov

Walter W. Hansell  
COOPER, WHITE & COOPER LLP  
201 CALIFORNIA STREET, 17TH FLOOR  
SAN FRANCISCO CA 94111  
whansell@cwclaw.com

Robert A. Ryan  
County Counsel  
COUNTY OF SACRAMENTO  
700 H STREET, SUITE 2650  
SACRAMENTO CA 95814  
(916) 874-5544  
rryan@saccounty.net

Gregory T. Diamond  
COVAD COMMUNICATIONS COMPANY  
7901 LOWRY BLVD.  
DENVER CO 80230  
(720) 670-2018  
gdiamond@covad.com

Katie Nelson  
DAVIS WRIGHT TREMAINE, LLP  
505 MONTGOMERY STREET, SUITE 800  
SAN FRANCISCO CA 94111-6533  
(415) 276-6500  
katiensel@dwt.com

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

Aloa Stevens  
Director, Government&External Affairs  
FRONTIER COMMUNICATIONS  
PO BOX 708970  
SANDY UT 84070-8970  
(801) 944-3396  
aloa.stevens@frontiercorp.com

Barry F. Mccarthy, Esq.  
Attorney At Law  
MCCARTHY & BARRY LLP  
100 PARK CENTER PLAZA, SUITE 501  
SAN JOSE CA 95113  
(408) 288-2080  
bmcc@mccarthyllaw.com

Joe Chicoine  
Manager, State Government Affairs  
FRONTIER COMMUNICATIONS  
PO BOX 340  
ELK GROVE CA 95759  
(916) 686-3588  
joe.chicoine@frontiercorp.com

Jose E. Guzman, Jr.  
NOSSAMAN GUTHNER KNOX & ELLIOTT LLP  
50 CALIFORNIA STREET, 34TH FLOOR  
SAN FRANCISCO CA 94111-4799  
(415) 398-3600  
jguzman@nossaman.com

Charles Born  
Manager, Government & External Affairs  
FRONTIER COMMUNICATIONS OF CALIFORNIA  
9260 E. STOCKTON BLVD.  
ELK GROVE CA 95624  
(916) 686-3570  
cborn@czn.com

Kelly E. Boyd  
NOSSAMAN,GUTHNER,KNOX AND ELLIOTT  
915 L STREET, SUITE 1000  
SACRAMENTO CA 95814  
(916) 442-8888  
kboyd@nossaman.com

Greg Fuentes  
11041 SANTA MONICA BLVD., NO.629  
LOS ANGELES CA 90025  
(310) 477-2998  
gfuentes@mminternet.com

William K. Sanders  
Deputy City Attorney  
OFFICE OF THE CITY ATTORNEY  
1 DR. CARLTON B. GOODLETT PLACE,ROOM 234  
SAN FRANCISCO CA 94102-4682  
(415) 554-6771  
william.sanders@sfgov.org

William Imperial  
Telecommunications Reg. Officer  
INFORMATION TECHNOLOGY AGENCY  
CITY HALL EAST, ROOM 1255  
200 N. MAIN STREET  
LOS ANGELES CA 90012  
william.imperial@lacity.org

Grant Guerra  
Attorney At Law  
PACIFIC GAS AND ELECTRIC COMPANY  
77 BEALE ST, RM 3171, B30A  
SAN FRANCISCO CA 94105  
(415) 973-3728  
gxgw@pge.com

Jonathan L. Kramer  
Attorney At Law  
KRAMER TELECOM LAW FIRM  
2001 S. BARRINGTON AVE., SUITE 306  
LOS ANGELES CA 90025  
(310) 312-9900  
Kramer@TelecomLawFirm.com

Greg Stephanicich  
RICHARDS, WATSON & GERSHON  
44 MONTGOMERY STREET, SUITE 3800  
SAN FRANCISCO CA 94104-4811  
gstapanicich@rwglaw.com  
For: Marin Telecommunications Agency

Scott Mckown  
C/O Cont Of Marin Ist  
MARIN TELECOMMUNICATION AGENCY  
371 BEL MARIN KEYS BOULEVARD  
NOVATO CA 94941  
smckown@marin.org

Susan Wilson  
Deputy City Attorney  
RIVERSIDE CITY ATTORNEY'S OFFICE  
3900 MAIN STREET, 5TH FLOOR  
RIVERSIDE CA 92522  
(951) 826-5567  
swilson@riversideca.gov

\*\*\*\*\* SERVICE LIST \*\*\*\*\*  
Last Updated on 27-MAR-2008 by: AJH  
R0610005 INITIALLIST

Randolph W. Deutsch  
SIDLEY AUSTIN LLP  
555 CALIFORNIA STREET, SUITE 2000  
SAN FRANCISCO CA 94104  
(415) 772-1280  
rdeutsch@sidley.com

Tim Holden  
SIERRA NEVADA COMMUNICATIONS  
PO BOX 281  
STANDARD CA 95373  
holden@gosnc.com

Michael J. Friedman  
Vice President  
TELECOMMUNICATIONS MANAGEMENT CORP.  
5757 WILSHIRE BLVD., SUITE 635  
LOS ANGELES CA 90036  
(323) 931-2600  
friedman@telecom-mgmt.com

Sue Buske  
THE BUSKE GROUP  
3001 J STREET, SUITE 201  
SACRAMENTO CA 95816  
sue@buskegroup.com

Bobak Roshan  
Legal Associate  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, 2ND FLOOR  
BERKELEY CA 94704  
(510) 926-4018  
bobakr@greenlining.org

Stephanie Chen  
Legal Associate  
THE GREENLINING INSTITUTE  
1918 UNIVERSITY AVENUE, 2ND FLOOR  
BERKELEY CA 94704  
(510) 926-4011  
stephaniec@greenlining.org

Christine Mailloux  
Attorney At Law  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876  
cmailloux@turn.org

Regina Costa  
Research Director  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876 X312  
rcosta@turn.org  
For: TURN

Robert Finkelstein  
Attorney At Law  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVE., SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876 X310  
bfinkelstein@turn.org  
For: THE UTILITY REFORM NETWORK

William R. Nusbaum  
Attorney At Law  
THE UTILITY REFORM NETWORK  
711 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO CA 94102  
(415) 929-8876 X 309  
bnusbaum@turn.org  
For: The Utility Reform Network

Margaret L. Tobias  
TOBIAS LAW OFFICE  
460 PENNSYLVANIA AVENUE  
SAN FRANCISCO CA 94107  
(415) 641-7833  
marg@tobiaslo.com

Andres F. Irlando  
Vice President  
VERIZON CALIFORNIA, INC.  
112 LAKEVIEW CANYON ROAD  
THOUSAND OAKS CA 91362  
(805) 372-6750  
andres.f.irlando@verizon.com

**(END OF SERVICE LIST)**