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10-15-08
01:26 PM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking into the Review of
the California High Cost Fund B Program.

Rulemaking 06-06-028
(Filed June 29, 2006)

**ASSIGNED COMMISSIONER'S RULING SOLICITING COMMENTS ON
REVISIONS IN THE CALIFORNIA ADVANCED SERVICES FUND PROGRAM**

This ruling solicits comments from parties on possible revisions in the criteria used in reviewing and granting requests for funds for the deployment of broadband facilities through the California Advanced Services Fund (CASF) program. This program was established in Decision 07-12-054, to support supplemental funding to facilitate the deployment of broadband infrastructure in un-served and under-served areas in California. The Commission allocated \$100 million for qualifying projects to be funded over a two-year period, to be funded by a 0.25% surcharge on end-users' intrastate bills.

Pursuant to process adopted in Commission Resolution T-17143, adopted June 12, 2008, various entities have submitted project proposals for funding under the CASF program. After funds have been awarded under pending proposals submitted pursuant to Resolution T-17143, we anticipate that remaining money will still be available for additional awards under the CASF program. We further anticipate significant unserved and underserved areas will remain after grant of the current pending applications. Pursuant to this ruling, we are considering ways to make the CASF program funding process more

efficient and effective in promoting California's broadband deployment goals in the next phase of CASF project review.

The current funding process requires that an entity seeking CASF money must either have a certificate of public convenience and necessity (CPCN) to offer telecommunications services in California, or else must be registered with the Commission as a provider of wireless telecommunications services in California. During our first round of applications we received significant interest from serious potential applicants who were uncertificated internet service providers in areas geographically close to unserved or underserved areas. We seek comment on whether entities that do not have a CPCN or wireless registration should still be permitted to submit a proposal for CASF funding, assuming that they are able to meet the remaining funding requirements. In particular, we seek comment on the merits of expanding eligibility to include municipal sources, such as cities, towns, community-based cooperatives, tribes, etc. such as suggested by The Utility Reform Network (TURN).¹ We seek comment on whether entities such as the Sierra Economic Development Corporation (SEDCorp) should be made eligible to receive funds in order to extend debt financing to broadband service providers throughout the seven CETF sponsored regions.² We seek comment on legal, financial propriety, and

¹ The proposal to expand CASF eligibility to include municipal sources was presented by The Utility Reform Network in its comments dated December 10, 2007, in its "Comments on Opinion Implementing California Advanced Services Fund."

² The proposal to expand CASF to SEDCorp to expand its debt financing of broadband projects was presented by SEDCorp in its comments dated May 14, 2008, in its "Comments on Draft Resolution T-17143 - Approval of the CASF Application Requirements and Scoring Criteria for Awarding CASF Funds."

any other issues the Commission should consider if CASF funding is extended to entities that do not have a CPCN or wireless registration.

The current process requires that an applicant must agree to match CASF funding with its own source of funds for 60% of the project being proposed. We seek comment on whether, or by what amount, the minimum required contribution percentage that an entity must agree to fund should stay the same or be reduced as a condition of receiving CASF funding.

IT IS RULED that comments are hereby solicited on the merits of adopting revisions in the provisions of the California Advanced Services Fund program with the goal of facilitating further deployment of broadband facilities in the most effective and efficient manner. Opening comments are due 15 business days from the issuance of this ruling. Reply comments are due 10 business days thereafter.

Dated October 15, 2008, at San Francisco, California.

/s/ RACHELLE B. CHONG

Rachelle B. Chong
Assigned Commissioner

INFORMATION REGARDING SERVICE

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Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated October 15, 2008, at San Francisco, California.

/s/ MICHAEL J. OLIVEROS
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