



**FILED**

05-05-10

04:59 PM

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

City of Santa Barbara

Complainant,

vs.

Verizon California Inc.,  
a California corporation (U 1002 C),

Defendant.

Case No. C. 10-01-005

**MOTION OF THE CITY OF SANTA MONICA  
TO JOIN THE COMPLAINT OF THE CITY OF SANTA BARBARA  
AGAINST VERIZON CALIFORNIA, INC.**

(Filed concurrently with Motion Of The City Of Santa Monica  
To Become A Party To The Proceeding)

Pursuant to Public Utilities Commission Rules of Practice and Procedure Rule 11.1, the City of Santa Monica hereby moves to join the Complaint filed by Complainant City of Santa Barbara (“Santa Barbara”) against Defendant Verizon California, Inc. (“Verizon”), as follows:

**FACTUAL BACKGROUND**

1. Santa Monica Municipal Code Chapter 7.52 sets forth the procedures for establishing underground utility districts in order to remove overhead utility facilities and replacing such facilities with underground utility facilities.

2. In accordance with local law, on September 28, 2004, the City Council of the City of Santa Monica (“Santa Monica”) adopted Resolution No. 9985 (CCS), establishing an underground utility district along 18th Court to Ashland Place North in order to convert overhead utility facilities to underground facilities (the “18th Court Project”). This underground utility district was created as a Rule 20A project, with the conversion and undergrounding of facilities to be funded in large part by Rule 20A funds allocated to Santa Monica.

3. A pre-bid conference for the 18th Court Project was held in December 2009, at which prequalified contractors, Santa Monica staff, and representatives from Southern California Edison (“SCE”), Verizon, and Time Warner Cable were present. At the pre-bid conference, a Verizon representative indicated that Verizon would not share in the construction costs for service connections on private property, but that Verizon would only pay for undergrounding costs on public property up to the property line.

4. In subsequent oral and written communications between Santa Monica staff and Verizon representatives, Santa Monica requested that Verizon pay, and stated its position that Verizon was responsible for paying, its pro-rata share of the costs of undergrounding its telecommunications facilities on private property, which consists of the cable wire and the trenching and conduit for the underground supporting structure on each customer’s private property. However, Verizon maintains that it is not obligated to and will not pay its share of the undergrounding costs on private property, with the sole exception of 100 feet of cable wire.

## **DISCUSSION**

Based on the foregoing factual background, the legal issue presented is whether Rule 40 obligates Verizon to pay its share of the costs of undergrounding facilities up to 100 feet on private property to the same extent that Southern California Edison is paying for the costs of undergrounding its

facilities on private property under Rule 20A. This legal issue is identical to the legal issue presented in the Complaint filed by Santa Barbara on January 19, 2010.

Like Santa Barbara, Santa Monica has a current, pending Rule 20A project and has requested Verizon, pursuant to Rule 40, to pay its pro-rata share of the costs of undergrounding its telecommunications facilities, including the cable wire and underground supporting structure, on private property. As is the case with Santa Barbara, Verizon has refused to assume responsibility for such costs, maintaining that Rule 40 obligates it only to pay up to 100 feet of cable wire on private property, and not the associated undergrounding supporting structure. And like Santa Barbara, it is Santa Monica's position that Rule 40 requires Verizon to "pay for its pro-rata share . . . of the installation of no more than 100 feet of each customer's underground service connection facility for the City's [18th Court Project], including the costs of private property trenching, installation of the conduit in the trench, and the wiring and cables that run through the conduit, to the extent that the electrical utility (Southern California Edison) pays for each customer's underground service lateral pursuant to Rule 20A." (Complaint of the City of Santa Barbara ¶ (H).)

Based on the similarities in the factual and legal issues raised in Santa Barbara's Complaint against Verizon and Santa Monica's present dispute with Verizon, Santa Monica hereby moves to join Santa Barbara's Complaint, including the prayer for relief.

///

///

**CONCLUSION**

Based on the foregoing, Santa Monica respectfully requests that the Commission grant Santa Monica's motion to join the Complaint filed by Santa Barbara against Verizon in the instant proceeding.

Dated: May 5, 2010

MARSHA JONES MOUTRIE  
City Attorney

By \_\_\_\_\_  
MEISHYA YANG  
Deputy City Attorney

Santa Monica City Attorney's  
Office  
1685 Main Street, Room 310  
Santa Monica, CA 90403  
Telephone: (310) 458-8336  
Facsimile: (310) 395-6727  
[meishya.yang@smgov.net](mailto:meishya.yang@smgov.net)

**VERIFICATION**  
(Municipal Corporation)

I am a Deputy City Attorney for the City of Santa Monica, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 5, 2010, at Santa Monica, California.

By           /s/ Meishya Yang            
Meishya Yang  
Deputy City Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that: I am over the age of eighteen years and not a party to the within entitled action; my business address is 1685 Main Street, Santa Monica, California 90401; I have this day served a copy of the foregoing **MOTION OF THE CITY OF SANTA MONICA TO JOIN THE COMPLAINT OF THE CITY OF SANTA BARBARA AGAINST VERIZON CALIFORNIA, INC.** by electronic mail to those who have provided an e-mail address and by U.S. Mail to those who have not, in accordance with the attached service list.

I declare under penalty of perjury that the forgoing is true and correct.  
Executed this 5<sup>th</sup> day of May, 2010 at Santa Monica, California.

/s/ Bradley Michaud  
Bradley C. Michaud



California Public  
Utilities Commission

CPUC Home

**CALIFORNIA PUBLIC UTILITIES COMMISSION**  
**Service Lists**

---

**PROCEEDING: C1001005 - CITY OF SANTA BARBARA**  
**FILER: CITY OF SANTA BARBARA**  
**LIST NAME: LIST**  
**LAST CHANGED: MARCH 24, 2010**

**DOWNLOAD THE COMMA-DELIMITED FILE**  
**ABOUT COMMA-DELIMITED FILES**

**[Back to Service Lists Index](#)**

---

**Parties**

---

JESUE ROMAN, ESQ  
ASSISTANT GENERAL COUNSEL  
VERIZON CALIFORNIA, INC.  
112 LAKEVIEW CANYON ROAD  
THOUSAND OAKS, CA 91362-3831  
FOR: VERIZON CALIFORNIA, INC.

DAVID C. MCDERMOTT  
ASSISTANT CITY ATTORNEY  
CITY OF SANTA BARBARA  
PO BOX 1990  
SANTA BARBARA, CA 93102-1990  
FOR: CITY OF SANTA BARBARA

**Information Only**

---

JACQUE LOPEZ  
VERIZON LEGAL DEPARTMENT  
VERIZON CALIFORNIA INC  
112 LAKEVIEW CANYON ROAD, CA501LB  
THOUSAND OAKS, CA 91362

SHARON YANG  
ATTORNEY  
SOUTHERN CALIFORNIA EDISON COMPANY  
2244 WALNUT GROVE AVE. / PO BOX 800  
ROSEMEAD, CA 91770

**State Service**

---

VICTOR D. RYERSON  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5009  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

---

**TOP OF PAGE**

[http://docs.cpuc.ca.gov/published/service\\_lists/C1001005\\_78896.htm](http://docs.cpuc.ca.gov/published/service_lists/C1001005_78896.htm)

5/5/2010