

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Revisions to the California Universal Telephone Service (LifeLine) Program.

FILED
PUBLIC UTILITIES COMMISSION
MARCH 24, 2011
SAN FRANCISCO OFFICE
RULEMAKING 11-03-013

Rulemaking on the Commission's own Motion to review the telecommunications public policy programs.

Rulemaking 06-05-028
(Filed May 25, 2006)

**ORDER INSTITUTING RULEMAKING
ON REVISIONS TO THE CALIFORNIA LIFELINE PROGRAM**

1. Summary

This decision opens a new proceeding to implement revisions to the California Universal Service Program. We close the previous Rulemaking 06-05-028 in which we have completed our review of the other telecommunications public policy programs. We also clarify several implementation issues from Decision 10-11-033.

2. Background

On May 25, 2006, the Commission opened Rulemaking (R.) 06-05-028 to conduct a comprehensive review of its Telecommunications Public Policy Programs – the Universal Lifeline Telephone Service (Lifeline), Payphone Programs, Deaf and Disabled Telecommunications Program (DDTP), and California Teleconnect Fund (CTF).

Decision (D.) 08-06-020 addressed four of the five Telecommunications Public Policy Programs at issue in this proceeding. The CTF was expanded to

include community colleges, with an initial annual monetary cap of \$7.2 million. An Office of CTF Outreach and Assistance was established. The CTF was made more competitively and technologically neutral. We further removed the tariff requirements related to CTF for non-rate-of-return carriers, and finally, ensured that all participants in the California Telehealth Network were eligible to receive CTF discounts.

The Payphone Enforcement Program was combined with our existing enforcement efforts. In addition, a Public Policy Payphone Program was reestablished, and we delegated to the Executive Director the task of establishing the most appropriate surcharge mechanism, including utilizing an existing program. The ongoing wireless equipment pilot for the DDTP will be monitored for further action as needed.

In D.10-11-033, the Commission addressed the remaining Telecommunications Public Policy Program – the Lifeline Program – and created a two-phase process to resolve the many implementation issues related to that program.

We hereby institute a new rulemaking to focus exclusively on the important revisions to the California LifeLine program, as discussed below. This program was designed to ensure that basic telephone service remains affordable for low-income Californians and our on-going commitment to achieving that objective requires additional work. This will be a successor proceeding to R.06-05-028 and limited only to LifeLine. As we have completed our review of the other telecommunications public policy programs, we will close that proceeding and any subsequent LifeLine measures will be considered exclusively in this new rulemaking.

3. D.10-11-033 Adopting Forward Looking Modifications to California Lifeline in Compliance with the Moore Universal Service Act

In 2006, the Commission opened R.06-05-028 to evaluate whether California's universal service public policy programs should be updated to reflect changes in the telecommunications industry. Through that Rulemaking, the Commission set out to reform California LifeLine in order to guarantee high-quality communication services were affordable and widely available to all. In D.10-11-033, the Commission adopted a new methodology for providing LifeLine support to consumers and in doing so ensured that the Commission will continue to monitor impacts on ratepayers so that the basic rate remains just and reasonable and that the LifeLine rate remains affordable.

That decision recognized significant technological and regulatory changes in the telecommunications industry and the flexibility of the statutory structure underlying the Moore Universal Telephone Service Act,¹ which we now refer to as the California LifeLine Program (California LifeLine or LifeLine).² Consumers have accelerated their use of communications options that have never been subject to traditional utility regulation and have not previously participated in the California LifeLine Program. We recognized the challenge of making those communication services that consumers are choosing available to LifeLine customers. In D.10-11-033, the Commission clarified that non-traditional carriers

¹ The formal name specified in Pub. Util. Code § 871 for the program which has come to be known as the "California LifeLine Program."

² The entire program is established in Pub. Util. Code §§ 871-884.

may participate and offer their services to consumers eligible for California LifeLine.

The decision targeted reforms to the most pressing problems confronting the California LifeLine Program and adopted the following specific changes to the program:

- “De-links” California LifeLine from the AT&T basic rate structure in order to ensure ongoing compliance with Section 874 of the Public Utilities Code, and determines that a Specific Support Amount methodology is the best option to continue to meet the goals of the Moore Act and our overall universal service goals.
- Sets a Specific Support Amount at 55 percent of the highest basic rate of the State’s Uniform Regulatory Framework carriers of last resort. Each carrier will receive the Specific Support Amount (with some exceptions), and the initial Specific Support amount shall be set at \$11.50, effective July 1, 2011.
- Caps the current California LifeLine rate at \$6.84 for the next two years for most customers, and thereafter limits each carrier’s LifeLine rate to no more than 50 percent of its basic service rate.
- Allows each carrier to reset its LifeLine rate on an annual basis. Each carrier’s LifeLine rate will be calculated by subtracting the Specific Support amount and any applicable Federal Lifeline and Linkup subsidy from its basic rate.
- Eliminates the current price floor and allows carriers to charge customers less than AT&T’s 2006 basic service rates. However, this decision also requires carriers offering LifeLine to charge LifeLine customers at least \$5 per month (exclusive of tribal customers receiving federal Tier 4 subsidy).
- Expands the LifeLine program to include data services for consumers that receive wireless equipment through the

CPUC's Deaf and Disabled Telecommunications Program (DDTP).

- Allows non-traditional carriers, such as wireless carriers and voice over internet protocol (VoIP) companies, to participate in the California LifeLine program consistent with current requirements. This decision establishes a separate phase to consider implementation changes needed to facilitate participation in LifeLine for non-traditional carriers, including data services for DDTP – eligible consumers, wireless carriers, and other non-traditional carriers.
- Eliminates excess payments to carriers for administration, bad debt, and to make up for forgone Federal support.

Although making great strides towards completing needed revisions to the Lifeline program, D.10-11-033 also recognized that many implementation issues remained outstanding and set forth additional effort the Commission would be undertaking to allow consumers to apply the California LifeLine discount to the communications service of their choosing. The decision set a schedule for the Communications Division to convene workshops to address implementation issues, including updates to General Order (GO) 153.

The decision contained many specific directives for non-traditional carriers, including wireless carriers. Although authorizing such carriers that are able to meet the current requirements of GO 153 to participate in the LifeLine program as of the effective date of the decision, the Commission also set a Phase II of the proceeding to clarify any outstanding issues with regard to the participation of non-traditional carriers, including wireless and VoIP carriers, in the LifeLine and DDTP Programs.

The decision noted that the definition of “basic service” is being explored and revised in the High Cost Fund-B docket, R.09-06-019, which will likely

impact participation in the Lifeline program by non-traditional carriers and set out a series of questions to be addressed in workshops.

4. Clarifications to D.10-11-033

As our staff has moved forward to implement our decision from last fall, a number of implementation ambiguities and inconsistencies have been identified. To enable our implementation efforts to conform to the intent of that decision, we adopt the changes explained below.

4.1. Definition of “Transition Period”

The term “transition period” is used throughout the decision and must be consistent because important events occur prior to, during, and at the completion of the “transition period.” Most specifically, the decision is unclear which LifeLine rules should apply from the effective date of the decision to the date on which carriers begin receiving only the Specific Support Amount. Ordering Paragraph 15 defines the transition period as “From the effective date of this decision until January 1, 2013,” and states that carrier compensation will be capped at the Specific Support Amount for this period, but then Ordering Paragraph 13 inconsistently states that the Specific Support Amount does not begin until July 1, 2011.

4.2. Implementation Date for the Specific Support Amount

Ordering Paragraph 5 begins by setting the effective date of the Specific Support Amount as July 1, 2013, but, as noted above, the Specific Support Amount is relevant during the transition period which begins well before July 1, 2013.

Ordering Paragraph 5 goes on to state that: “during the transition period, until January 1, 2010, non-ETCs may recover up to the Specific Support Amount

(after deducting the set rate of up to \$6.84 or the applicable EAS LifeLine rate) in addition to the amount that designated ETCs may obtain from the Federal LifeLine fund.” However, the decision was adopted in November of 2010 so the completion date had already passed.

4.3. Carrier Compensation and GO 153 Revisions

Ordering Paragraph 13 states: “Beginning July 1, 2011, the Specific Support Amount will be \$11.50.” Ordering Paragraph 5, however, goes on to limit carriers to recovering only the Specific Support Amount. The limitation in Ordering Paragraph 5 appears inconsistent with the text found on page 101 which indicates that the Commission “will continue to pay the federal make-up charge for non-ETCs between July 1, 2011 and Dec. 31, 2012” which would be in addition to the Specific Support Amount.

We find that the decision is not clear about the date on which carriers would cease to be reimbursed pursuant to current GO 153 rules, and after that date exactly what reimbursement amounts carriers, receiving the federal ETC amounts as opposed to carriers not eligible for those amounts, would receive. All the current rules apply until the Specific Support Amount takes effect. Other forms of authorized reimbursements are not limited by GO 153 and Ordering Paragraph 5.

GO 153 contains a complex and detailed set of rules to implement the Moore Universal Service Act. To illustrate the level of detail in this General Order, we note that 60 separate phrases or terms are specially defined just for the General Order. These rules in some form or another have been in place for many years and cover all aspects of the LifeLine program. GO 153 sets out customer eligibility standards and documentation requirements, the specifications for

LifeLine tariff rates and charges, and carrier costs and lost revenues that may be reimbursed by the LifeLine among numerous other program details. Many of the components of GO 153 interrelate and have more than one consequence for customers and/or carriers.

We have reviewed Ordering Paragraphs 5 and 13, as well as the text regarding non-ETC make up amounts in the context of the meticulous program set forth in GO 153 and we are unable to reliably clarify the directives found in our November decision. To avoid customer and carrier confusion, we find that specific revisions to GO 153 are necessary to implement the changes we adopted to the LifeLine program. Therefore, we will retain the current GO 153 carrier reimbursement practices and policies until the appropriate changes are developed by our staff, in consultation with the carriers and customers, and approved by this Commission.

We direct our staff to move diligently to complete the comprehensive revisions necessary to conform GO 153 to the November decision. Although we prescribed a detailed timetable for our staff to complete various workshops and prepare work products in the November decision, upon further review, we find that those timetables impose unnecessary constraints on creating the comprehensive revisions necessary to the LifeLine program and GO 153. We, therefore, authorize our staff to complete the tasks necessary on the shortest feasible timetable. When bringing forward the proposed revised GO 153, staff should include a realistic implementation plan that includes sufficient time for customer education.

4.4. LifeLine Measured Service

The decision is unclear as to whether the Commission changed the definition for LifeLine measured rate service or the elements eligible for lost

revenue reimbursement for LifeLine measured rate service. AT&T asserts in its letter of January 21, 2011, for an extension of time to comply with the Decision that:

“In transitioning LifeLine to a SSA program, LifeLine participants will no longer have a different plan structure than non-LifeLine customers. The LifeLine benefit (SSA) will be applied to the monthly recurring charge for regular measured rate service (1MR) in the same manner as the SSA is applied to the regular flat-rate service (1FR). This means that, effective July 1, 2011, LifeLine shall not include a unique measured service as is designed in Rule 8.1.5. Rather, LifeLine participants will be purchasing regular measured rate service (1MR) and receive federal support of \$3.50 and a SSA subsidy up to \$11.50.”

The current definition of LifeLine measured rate service is found in GO 153:

Sec. 8.1.5.2 LifeLine customers subscribing to LifeLine measured-rate service shall receive 60 untimed local calls per month. The utility shall charge \$0.08 per call for each local call in excess of 60 per month.

Similarly, the current LifeLine claim form allows carriers that offer LifeLine measured rate service to collect lost revenues for:

- a. the difference between the carriers regular measured basic service rate and the LifeLine Measured rate; and
- b. the untimed local calls.

Currently carriers' measured rate service (1MR) offerings are not the same as the LifeLine measured rate service required by GO 153. For example, AT&T's 1MR offering includes a monthly call allowance based on per-minute usage charges. All calls are timed and charged based on the length of call.

In D.10-11-033, we did not fully consider the implementation mechanics for the Specific Support Amount and LifeLine measured rate service billings, either during the transition period or thereafter. AT&T appears to have concluded that we intended to do away with LifeLine measured rate service, which we can not confidently conclude at this point. We are acutely aware that Lifeline local measured service enables low income persons to have basic telephone service for a very modest sum - less than \$3.00 a month. As a result, we are reluctant to alter this component of the LifeLine program without explicit analysis and clear direction. Therefore, we conclude that this aspect of the LifeLine program should not be altered pending revisions to GO 153.³

5. Preliminary Scoping Memo

The scope of this new rulemaking will address unresolved issues, as previously identified in R.06-06-028, necessary to reform the LifeLine program and implementing regulations found in GO 153. The assigned Commissioner will issue a scoping memo setting forth the specific issues to be resolved in the new rulemaking and the schedule.

6. Category of Proceeding

The Commission's Rules of Practice and Procedure require that an order instituting rulemaking preliminarily determine the category of the proceeding and the need for hearing.⁴ As a preliminary matter, we determine that this proceeding is quasi-legislative as defined by Rule 1.3(d). It is preliminarily determined also that hearings are not necessary. As provided in Rule 6(c)(2), any

³ Consequently, we will deny AT&T's request as moot in light of today's decision.

⁴ Rule 6(c)(2).

person who objects to the preliminary categorization of this rulemaking or to the preliminary hearing determination, shall file and serve its objections within 10 business days of the issuance of this OIR.

7. Comments on Proposed Decision

The proposed decision in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments on the proposed decision were filed on March 14, 2011. The Utility Reform Network, National Consumer Law Center, and Disability Rights Advocates (Joint Consumers) submitted joint comments questioning whether fully reimbursing carriers up to their unregulated basic service rates could result in a "pure windfall of profit" for the carriers that would place a "tremendous strain" on the Lifeline fund.⁵ These parties recommended that that scoping memo for the new proceeding be more detailed and included the following issues:

1. declining levels of enrollment in the Lifeline program,
2. creating a process for determination of Lifeline eligibility prior to signing up with a carrier, and
3. issues raised by applying Lifeline subsidy to bundled services.

The Joint Consumers also asked for an explicit finding that their previous intervenor compensation filings and findings will be transferred to this new docket.

⁵ Joint Consumers' Comments at 3.

Verizon California, Inc. (Verizon) submitted comments asking the Commission to change the implementation deadline to 90 days after GO 153 changes have been approved by the Commission. Verizon also recommends that the PD establish December 31, 2012 as the end of the transition period and further recommends confirming Finding of Fact 25 of the Lifeline Decision such that the Specific Support Amount discount also applies to regular measured service. Lastly, Verizon suggests the Commission provide an extended implementation period to allow carriers an opportunity to notice Lifeline measured customers of the change and provide an orderly transition.⁶

Cox California Telcom, L.L.C., dba Cox Communications (Cox) submitted comments suggesting that the Commission clarify when the transition period commences and strongly recommending that the Commission maintain a ninety-day transition period to ensure that carriers have time to make the necessary changes to comply with the proposed GO 153. Cox also proposed that the Commission adopt a general procedural schedule for the period of time between the Commission adopting a decision in this docket and the date the Commission adopts an updated version of GO 153.⁷

SureWest Telephone and SureWest TeleVideo (SureWest) submitted comments supporting the PD's clarification that the SSA would be implemented 90 days following issuance of the resolution of GO 153. SureWest also recommends that the transition period should include all of the time from the effective date forward, not just from the implementation of the Set Support

⁶ Verizon Comments at 5.

⁷ Cox Comments at 4.

Amount. Lastly, SureWest proposes that the Commission further consider the status of Lifeline measured rate of free calls in the Proposed OIR.⁸

AT&T, AT&T Communications of California, Inc., TCG San Francisco, TCG Los Angeles, Inc., TCG San Diego, AT&T Advanced Solutions, Inc., and New Cingular Wireless PCS, LLC. (AT&T) submitted comments urging the Commission to amend the Findings of Fact and Conclusions of Law to reflect that in addition to the allowable Set Support Amount applied against the monthly recurring rate of LifeLine Measured Service, carriers may collect lost revenues associated with untimed local calls consistent with current program rules and the start date and duration of the transition period should be set in pending draft resolution modifying GO 153.⁹

Calaveras Telephone Company, Cal-Ore Telephone Co., Ducor Telephone Company, Foresthill Telephone Co., Happy Valley Telephone Company, Hornitos Telephone Company, Kernan Telephone Co., Pinnacles Telephone Company, the Ponderosa Telephone Company, Sierra Telephone Company, Inc., The Siskiyou Telephone Company, Volcano Telephone Company, and Winderhaven Telephone Company (Small LEC's) submitted comments echoing SureWest, Cox, and Verizon, suggesting that the Set Support Amount system should occur 90 days after the Commission adopts an updated version of GO 153. The Small LEC's also recommend defining the transition period from the "effective date of the decision through December 31, 2012."¹⁰ Lastly, the

⁸ SureWest Comments at 3.

⁹ AT&T Comments at pages 2-3.

¹⁰ Small LEC's Comments at 2.

Small LEC's support the initiation of a proceeding to evaluate implementation issues as the changes to the LifeLine program move forward.

DRA filed reply comments on March 18, 2011, concurring with Joint Consumers on including the three listed issues within the scope of the new proceeding, and suggested that the implementation schedule should be more specific. DRA also agreed that allowing carriers to be reimbursed up to their full unregulated basic service price will stress the fund, and that measured service should be retained with provision for collecting "lost revenues" arising from the untimed local calls.¹¹

Cox also filed reply comments on March 21, 2011 further suggesting that the Commission adopt an interim period, an implementation period, and a transition period. Lastly, Cox submits that the PD adopted rules for measured service.¹² Cox suggests the Commission consider the date by which carriers will implement that change.

8. Schedule

Pursuant to Pub Util. Code § 1701.4(a), it is anticipated that this proceeding will be concluded within 18 months of the issuance of this OIR. The assigned Commissioner will issue a subsequent ruling to establish a more specific schedule to resolve the issues in this proceeding. We delegate to the assigned Commissioner and the ALJ the authority to set other dates in the proceeding or modify those below as necessary. This proceeding will conform to

¹¹ DRA Comments at 2.

¹² Cox Reply Comments at 3-4.

the statutory case management deadline for ratesetting matters set forth in Pub. Util. Code § 1701.5.

9. Parties and Service List

We will serve this order by electronic mail on all telecommunications carriers and parties on the service list of R.06-05-028. The initial service list for this proceeding shall be established utilizing the service list in R.06-05-028. Parties of record in R.06-05-028 will automatically be made parties in this new proceeding, and need take no further action in that regard. All intervenor compensation filings and findings will be transferred to the new rulemaking and parties need take no further action to transfer these findings. Any additional persons or representative of entities seeking to become a party to this new rulemaking that are not already a party to R.06-05-028 should send a request to the Commission's Process Office, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102 (or Process_Office@cpuc.ca.gov) to be placed on the official service list for appearances in this proceeding. Individuals seeking only to monitor the proceeding, but not to participate as an active party may request to be added to the "Information Only" section of the service list. The service list will be posted on the Commission's website: www.cpuc.ca.gov.

Any party interested in participating in this rulemaking who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor in Los Angeles at (213) 649-4782 or in San Francisco at (415) 703-7074, (866) 836-7875 (TTY - toll free) or (415) 703-5282 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

10. Requirements for the Filing and Service of Documents

There are different types of documents participants may prepare in this proceeding. Each type of document involves different obligations with respect to filing and service. Parties must file certain documents as required by the Rules or in response to rulings by the assigned Commissioner and/or the ALJ.

All formally filed documents must be filed with the Commission's Docket Office and served on the service list for the proceeding. Article 1 of the Rules contains the Commission's filing requirements. The Commission rules for the electronic service of documents related to its proceedings are set forth in Commission Rule 2.3.1, available on our website at http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/44887.htm. All parties shall comply with the requirements of these rules.

Resolution ALJ-188 sets forth the interim rules for electronic filing, which replaces only the filing requirements, not the service requirements. Parties are encouraged to file electronically whenever possible as it speeds processing of the filings and allows them to be posted on the Commission's website. More information about electronic filing is available at <http://www.cpuc.ca.gov/efile/static.htm>.

Other documents, including prepared testimony, if any, are served on the service list but not filed with the Docket Office. We will follow the electronic service protocols adopted by the Commission in Rule 1.10 of the Commission's Rules of Practice and Procedure for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the appearance or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by

United States mail. In this proceeding, e-mail service shall be made concurrently on ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only." Parties are expected to provide paper copies of served documents upon request.

Any e-mail communications about this proceeding should include a brief description of the topic of the communication. Paper format copies, in addition to electronic copies, shall be served on the Assigned Commissioner and the ALJ.

11. Ex Parte Communications

The Commission's *ex parte* communication rules set forth in Rule 8.2(a) shall apply in this proceeding.

Findings of Fact

1. The term "transition period" is used throughout D.10-11-033 and must be consistent because important events occur prior to, during, and at the completion of the "transition period."
2. The duration and terms of the transition period are ambiguous.
3. The decision is not clear about the date on which carriers would cease to be reimbursed pursuant to current GO 153 rules, and after that date exactly what reimbursement amounts carriers, receiving the federal ETC amounts as opposed to carriers not eligible for those amounts, would receive.
4. To avoid customer interior confusion, specific revisions to GO 153 are necessary to implement the changes we adopted to the LifeLine program in D.10-11-033.
5. D.10-11-033 is unclear as to whether the Commission changed the definition for LifeLine measured rate service.

Conclusions of Law

1. Clarification of D.10-11-033 is required to determine when the transition period begins.
2. We authorize staff to complete the tasks necessary on the shortest feasible timetable, and to include a realistic implementation plan with the proposed revisions to GO 153.
3. D.10-11-033 did not fully consider the implementation mechanics for the Specific Support Amount and LifeLine measured rate service billings, either during the transition period or thereafter.
4. The measured rate service element of the LifeLine program should not be altered pending revisions to GO 153 without explicit analysis and clear direction.
5. The clarifications of D.10-11-033 set forth in this order should be adopted in order to assist staff in the prompt implementation of the LifeLine program.

ORDER

IT IS ORDERED that:

1. The current General Order 153 carrier reimbursement practices and policies shall be retained until a revised General Order 153 is developed by our staff, in consultation with the carriers and customers, and approved by this Commission. Such revisions shall include a realistic implementation plan including sufficient time for customer education.
2. The Commission hereby institutes this rulemaking on its own motion to develop implementation measures for the revisions adopted California LifeLine Program in Decision 10-11-033.
3. The issues to be considered in this proceeding are set forth in the Preliminary Scoping Memo.

4. The Executive Director shall cause this Order Instituting Rulemaking to be served on all telecommunications carriers and parties on the service list of Rulemaking 06-05-028.

5. The service list for Rulemaking (R.) 06-05-028 shall be used to establish an initial service list for this proceeding. If a party is already on the service list in R.06-05-028, that party automatically will appear as a party on the service list in this proceeding with no further action required.

6. Any person or representative of an entity interested in becoming a party to this proceeding who is not on the service list in Rulemaking 06-05-028, should contact the Commission's Process Office, 505 Van Ness Avenue, San Francisco, California, 94102 (or Process_Office@cpuc.ca.gov) requesting to be placed on the service list for this proceeding.

7. Individuals interested only in monitoring the proceeding may request to be placed on the "Information Only" section of the service list. This service list will be posted on the Commission's website, www.cpuc.ca.gov.

8. The category of this rulemaking is preliminarily determined to be quasi-legislative as defined in Rule 1.3(d) of the Commission's Rules of Practice and Procedure. Ex parte communications are allowed pursuant to Rule 8.2(a). Pursuant to Rule 7.6, any party may file and serve an appeal of categorization no later than 10 days from the effective date of this OIR.

9. All parties shall abide by the Commission's electronic service rules contained in Rule 2.3.1 of the Commission's Rules of Practice and Procedure.

10. We hereby incorporate into the record of this new proceeding the record created in Rulemaking 06-05-028.

11. We direct Communications Division staff to diligently pursue development of the revisions necessary to General Order 153 and to consult with carriers and customers is appropriate.

12. The assigned Commissioner and Administrative Law Judge will set the schedule for this proceeding by subsequent rulings, as warranted, to develop the record and to bring this rulemaking to a conclusion.

13. AT&T California's request for an extension of time to comply with Decision 10-11-033 regarding measured rate service is moot and, therefore, denied.

14. Rulemaking 06-05-028 is closed.

This order is effective today.

Dated March 24, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK FERRON
Commissioners