

Decision 11-10-033 October 20, 2011

**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)

**DECISION CLOSING RULEMAKING 06-06-028**

This decision closes Rulemaking (R.) 06-06-028, as prescribed below. On June 29, 2006, the Commission opened R.06-06-028 to institute reforms to the California High-Cost Fund B Program (B-Fund). All matters in R.06-06-028 have been decided or transferred to another proceeding, with the exception of a pending Application for Rehearing of Decision (D.) 08-09-042.<sup>1</sup> Accordingly, we hereby close R. 06-06-028 for purposes of Pub. Util. Code § 1701.5.

The B-Fund was implemented to help ensure that basic telephone service remains affordable. R.06-06-028 was instituted to reform and update the B-Fund program. The Commission also used R.06-06-028 as a forum in which to institute the California Advanced Services Fund (CASF) program to promote deployment of broadband within California.

We opened two successor proceedings to resolve remaining issues in R.06-06-028, namely, R.09-06-019 (for B-Fund matters) and R.10-12-008 (for CASF matters). On June 18, 2009, the Commission instituted R.09-06-019 to resolve

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<sup>1</sup> Application for Rehearing of D.08-09-042, was filed by the Division of Ratepayer Advocates (DRA) and The Utility Reform Network (TURN).

remaining issues in R.06-06-028. The record in R.09-06-019 remains open to address outstanding issues carried over from R.06-06-028.

The Commission implemented the CASF in R.06-06-028 by issuance of D.07-12-054. DRA subsequently filed on September 13, 2010, a Petition for Modification of D.07-12-054. The Commission opened a new rulemaking in December 2010 (R.10-12-008) to address all outstanding matters relating to the CASF, including the DRA Petition for Modification. Accordingly, since all CASF issues are now being addressed in R.10-12-008, no outstanding CASF issues remain pending in R.06-06-028.

Accordingly, we hereby close R.06-06-028 for purposes of Pub. Util. Code § 1701.5. The pending Application for Rehearing of D.08-09-042 will be separately addressed in a future Commission order.

### **Assignment Of Proceeding**

Michael R. Peevey is the assigned Commissioner and Thomas R. Pulsifer is the assigned Administrative Law Judge in this proceeding.

### **Comments on Proposed Decision**

The proposed decision in this matter was mailed to parties in accordance with Sec. 311 of the Public Utilities Code, and comments under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on October 10, 2011 by TURN.

Before the Commission closes this docket, TURN requests that it explicitly acknowledge that intervenors can transfer their outstanding hours from R.06-06-028 to R.09-06-019. TURN notes that a similar situation existed with the closure of R.06-05-028 and the opening of R.11-03-013 to consider outstanding implementation issues for LifeLine. In that situation, the OIR for R.11-03-013 explicitly transferred intervenor eligibility to the new docket from R.06-05-028.

TURN request similar treatment here with additional clarification that hours incurred in R.06-06-026 are transferred to R.09-06-019. An ALJ Ruling was issued in R.09-06-019 on October 10, 2011, granting TURN's request.

**Findings of Fact**

1. All matters in R.06-06-028 have been decided or transferred to another proceeding, with the exception of a pending Application for Rehearing of D.08-09-042.

2. Two successor proceedings remain open to resolve issues transferred over from R.06-06-028, namely, R.09-06-019 (for B-Fund matters) and R.10-12-008 (for CASF matters).

**Conclusion of Law**

R.06-06-028 should be closed for purposes of Pub. Util. Code § 1701.5.

**O R D E R**

**IT IS ORDERED** that Rulemaking 06-06-028 is hereby closed for purposes of Public Utilities Code Section 1701.5.

This order is effective today.

Dated October 20, 2011, at San Francisco, California.

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