

Decision 07-11-028 November 16, 2007

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

Application of Trillion Partners, Inc., for Authority to Provide Local Exchange Services as a Facilities-Based Competitive Local Carrier.

Application 07-08-012  
(Filed August 7, 2007)

**OPINION GRANTING  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

**1. Summary**

Trillion Partners, Inc. (Applicant) seeks a certificate of public convenience and necessity (CPCN) under Pub. Util. Code § 1001 for authority to provide facilities-based local exchange telecommunications services. By this decision, we grant the requested authority subject to the terms and conditions set forth below.

**2. Background**

In prior decisions we authorized the provision of competitive local exchange service, by carriers meeting specified criteria, within the service territories of Pacific Bell Telephone Company (Pacific),<sup>1</sup> Verizon California Inc. (Verizon), Roseville Telephone Company (RTC), and Citizens Telecommunications Company of California, Inc. (CTC).<sup>2</sup>

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<sup>1</sup> Now doing business as AT&T California.

<sup>2</sup> Now doing business Frontier Communications.

Applicant, a Delaware corporation, seeks authority to provide facilities-based local exchange services as a competitive local carrier (CLC) throughout Pacific, Verizon, RTC and CTC's service territories.

Applicant's principal place of business is located at 9208 Waterford Centre Blvd., Suite 150, Austin, Texas, 78758.

Applicant seeks authority to provide facilities-based local exchange telecommunications services. Specifically, Applicant will provide wireless broadband network services for kindergarten through 12<sup>th</sup> grade education and libraries throughout the state. Applicant states that it is the largest national competitive service provider of fixed licensed wireless wide area networks for school districts in the United States, serving over 1,500 schools.

Applicant explains that each network varies due to topographical and other conditions necessary to construct a wireless network. Generally, however, construction consists of attaching an antenna on existing buildings or towers and installing radio transmission equipment on and/or adjacent to the antenna. Some sites may also require construction of a monopole for the antenna.

### **3. Financial Qualifications**

To be granted a CPCN, an applicant for authority to provide facilities-based local exchange services must demonstrate that it has a minimum of \$100,000 of cash or cash equivalent to meet the firm's start-up expenses.<sup>3</sup> An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers (LECs) and/or

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<sup>3</sup> The financial requirement for CLCs is contained in Decision (D.) 95-12-056, Appendix C.

interexchange carriers (IECs) in order to provide the proposed service.<sup>4</sup> Applicant represented that it does not expect any LECs or IECs to require deposits. Applicant provided bank statements that demonstrate that it has sufficient cash to satisfy the financial requirement.

#### **4. Technical Qualifications**

Applicants for CLC authority are required to make a reasonable showing of technical expertise in telecommunications or a related business. Applicant submitted biographical information on its officers that demonstrates that it possesses sufficient experience and knowledge to operate as a telecommunications provider.

Applicant represents that no one associated with or employed by Applicant as an affiliate, officer, director, partner, or owner of more than 10% of Applicant was previously associated with any telecommunications carrier that filed for bankruptcy or went out of business, or was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order.

#### **5. Tariffs**

Commission staff reviewed Applicant's draft tariffs for compliance with Commission rules and regulations. The deficiencies are noted in Attachment A to this decision. Applicant shall correct these deficiencies in its tariff compliance filing as a condition of our approval of its tariffs.

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<sup>4</sup> The requirement for CLC applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying LECs and/or IECs is set forth in D.95-12-056, Appendix C.

## **6. California Environmental Quality Act (CEQA)**

The CEQA (Public Resources Code Sections 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to “inform governmental decision-makers and the public about the potential significant environmental effects of the proposed activities.” (Title 14 of the California Code of Regulations, hereafter CEQA Guidelines, Section 15002.)

Since the Commission must issue a discretionary decision (i.e., grant Section 1001 certificate authority) without which the proposed activity will not proceed, the Commission must act as either a Lead or Responsible Agency under CEQA. The Lead Agency is the public agency with the greatest responsibility for supervising or approving the project as a whole (CEQA Guidelines, Section 15051(b)). The Commission is the Lead Agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval.

Applicant states that any work on school district property is subject to a thorough review process by the Division of the State Architect, within the California Department of General Services. Applicant seeks a determination that its construction activities fall within General Order (GO) 159-A, in which the Commission deferred to local government authorities on siting cellular systems.

General Order 159-A, however, is limited to Cellular Service Providers, and Applicant is not a Cellular Service Provider. Consequently, GO 159-A does not directly apply.

According to the application, most of Applicant’s projects will involve the installation of antennae and radio transmitting equipment on existing structures. In some instances, however, Applicant will also construct a monopole on the

school or library property. We will address these two scenarios separately for CEQA purposes.

Where Applicant is installing facilities in or on existing structures, we have previously determined that such activities do not require CEQA review because these activities do not rise to the level of “project” under CEQA – and are otherwise known as Limited Facilities Based activities. We conclude, therefore, that to the extent Applicant is installing facilities on or in existing structures, Applicant may perform these activities without seeking further authorization from the Commission.

Where Applicant proposes to construct a monopole or other structure, further CEQA review is required. While one of the many exemptions to CEQA may apply to the proposed monopole or other structure, the Commission must evaluate the availability of the claimed exemption and direct such additional CEQA review as may be necessary. The Commission has previously adopted a review process for similar requests,<sup>5</sup> which we will extend to this Applicant as well.

Therefore, when Applicant proposes to install its facilities in or on anything other than an existing structure, Applicant shall comply with the following procedure before commencing construction:

- Applicant shall provide the Commission Energy Division with:
  - A detailed description of the proposed project, including:
    - Customer(s) to be served;

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<sup>5</sup> Application of Sunesys, Inc. for a Certificate of Public Convenience and Necessity to Provide Facilities-Based InterLATA and IntraLATA Interexchange Services and Competitive Local Exchange Services, D.06-06-047.

- The precise location of the proposed construction project;  
and
- Regional and local site maps.
- A description of the environmental setting, including at a minimum:
  - Cultural, historical, and paleontologic resources;
  - Biological resources; and
  - Current land use and zoning.
- A construction workplan, including:
  - Commission Preconstruction Survey Checklist-  
Archaeological Resources;
  - Commission Preconstruction Survey Checklist-  
Biological Resources;
  - A detailed schedule of construction activities, including  
site restoration activities;
  - A description of construction/installation techniques;
  - A list of other agencies contacted with respect to siting,  
land use planning, and environmental resource issues,  
including contact information; and
  - A list of permits required for the proposed project.
- A statement of any CEQA exemption(s) claimed to apply to  
the proposed project and documentation supporting the  
finding of exemption from CEQA.
- The Commission's Energy Division shall then review the  
submittal and shall notify Applicant of either its approval or its  
denial of Applicant's claim for exemption from CEQA review  
within 21 days from the time that Applicant's submittal is  
complete.
- If the Commission's Energy Division approves Applicant's  
claimed CEQA exemption(s), the staff shall prepare a Notice to  
Proceed and file a Notice of Exemption with the State  
Clearinghouse, Office of Planning and Research.

- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s), the staff shall issue to Applicant a letter which states the specific reasons that the claimed CEQA exemption(s) do not apply to the proposed project.
- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s) and Applicant wishes to pursue the project, Applicant shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

Applicant shall not perform any full facilities-based construction activities other than in or on existing structures without first obtaining an NTP from the Commission's Energy Division or authorization by the Commission after the requisite environmental review.

We find that this review process is appropriate for the projects as described in the application. Should Applicant expand its business to include other types of customers or other service facilities, however, a different level of CEQA review may be required. In that instance, we will require applicant to file an application to amend its CPCN.

We will, therefore, grant Applicant's request for a full facilities-based CPCN, but limited to placing antennae or radio transmitter equipment in or on existing structures. Applicant shall comply with the procedure set forth above for construction activities beyond existing structures.

We also note that the Commission is reviewing CEQA issues affecting telecommunications providers generally on a broader, policy level in Rulemaking (R.) 06-10-006, which may result in rules applicable to Applicant.

## **7. Other Requested Relief**

Applicant requests a partial exemption, pursuant to Resolution ALJ-162, from Rule 3.1(b) of the Commission's Rules of Practice and Procedure (Rule), which requires service on cities and counties throughout California. Applicant states that it does not know at this time in which cities and counties it will provide service.

Applicant also requests exemptions from the requirements of Pub. Util. Code §§ 816-830 and § 851 for the transfer of encumbrance of property to secure debt. Applicant states that the Commission accords this regulatory treatment to other non-dominant carriers.

## **8. Categorization and Need for Hearings**

In Resolution ALJ 176-3197 dated August 23, 2007 the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

## **9. Comments on Proposed Decision**

Pursuant to Rule 14.6(b) of the Commission's Rules of Practice and Procedure, all parties stipulated to reduce the 30-day public review and comment period required by Section 311 of the Public Utilities Code to five days. Pursuant to the parties' stipulation, comments were filed on November 9, 2007. Trillion sought prompt adoption of the Proposed Decision but disagreed with the level of CEQA review. Trillion contended that the exemption process described above was "overly conservative" for Trillion's wireless network, and would result in increased expense and delay for rural school districts.

We conclude that the 21-day process adopted in today's decision will impose minimal delay in school projects and is necessary for this Commission to properly discharge its duties under CEQA.

## **10. Conclusion**

We conclude that the application conforms to our rules for authority to provide competitive local exchange telecommunications services. Accordingly, we shall approve the application subject to the terms and conditions set forth herein.

## **11. Assignment of Proceeding**

Timothy Alan Simon is the assigned Commissioner and Maribeth A. Bushey is the assigned Administrative Law Judge in this proceeding.

## **Findings of Fact**

1. Notice of the application appeared in the Daily Calendar on August 16, 2007.
2. No protests have been filed.
3. A hearing is not required.
4. In prior decisions the Commission authorized competition, by carriers meeting specified criteria, in providing local exchange telecommunications services within the service territories of Pacific, Verizon, RTC and CTC.
5. Applicant has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
6. Applicant possesses sufficient experience and knowledge to provide telecommunications services.
7. As part of its application, Applicant submitted a draft of its initial tariff that contained the deficiencies identified in Attachment A to this decision.

Except for those deficiencies, its draft tariffs complied with the Commission's requirements.

8. The Commission is the Lead Agency for this project under CEQA.

9. Applicant states that its facilities will consist largely of installing antennae and equipment in or on existing buildings or structures, but, in some instances, it may also place monopoles on school and library property.

10. To the extent Applicant's facilities consist of installing antennae and equipment on existing buildings or structures, such activities do not require further CEQA review.

11. Applicant's proposed facilities-based construction activities, as described in the application, are limited and may, in some circumstances, qualify for an exemption from CEQA.

12. The process for reviewing the applicability of the CEQA exemptions for its facilities-based construction projects, as set forth in this decision, is adequate for the Commission's purposes as the CEQA Lead Agency and is in the public interest.

13. The application provides detailed information on the degree to which the project implicates CEQA.

14. Applicant has met the requirements for issuance of a CPCN authorizing the provision of full facilities-based local exchange services.

### **Conclusions of Law**

1. Applicant has the financial ability to provide the proposed service.

2. Applicant has sufficient technical expertise to operate as a telecommunications carrier.

3. Public convenience and necessity require that Applicant's competitive local exchange services be subject to the terms and conditions set forth herein.

4. To the extent Applicant's facilities consist of installing antennae and equipment on existing buildings or structures, such activities do not require further CEQA review because these activities do not rise to the level of a "project" under CEQA, and are otherwise known as Limited Facilities Based activities consistent with Limited Facilities Based certificates issued by the Commission.

5. The CEQA review process set out below is appropriate for the projects as described in the application. Should Applicant expand its business to include other types of customers or other service facilities, however, a different level of CEQA review may be required and Applicant should file an application to amend its CPCN.

6. Applicant should be granted a full facilities-based CPCN, subject to the construction limitations stated herein.

7. Applicant requested leave to file Attachments B, C, and D to its application under seal as those attachments contained commercially valuable information not otherwise available to the public.

8. The application should be granted to the extent set forth below.

9. Applicant, once granted a CPCN, should be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

10. Applicant's initial tariff filing should correct the deficiencies in its draft tariffs as indicated in Attachment A to this decision.

11. Because of the public interest in competitive local exchange services, the following order should be effective immediately.

## **O R D E R**

**IT IS ORDERED** that:

1. A certificate of public convenience and necessity (CPCN) is granted to Trillion Partners, Inc. (Applicant) to operate as a facilities-based provider of competitive local exchange services subject to the terms and conditions set forth below.

2. Applicant is authorized to provide local exchange service in the service territories of Pacific Bell Telephone Company dba AT&T California, Verizon California Inc., Roseville Telephone Company, and Citizens Telecommunications Company of California, Inc., dba Frontier Communications.

3. Applicant is authorized to construct facilities limited to placing antennae and equipment on or in existing buildings or structures on school and library property. Applicant may seek authorization to construct monopole facilities or other similar facilities subject to an exemption from CEQA pursuant to the process set forth in Ordering Paragraph 5.

4. The CEQA review process adopted in today's decision is appropriate for the projects as described in the application. Should Applicant expand its business to include other types of customers or other service facilities, however, a different level of CEQA review may be required and Applicant must file an application to amend its CPCN.

5. The staff of the Commission's Energy Division is authorized to review, process, and act upon Applicant's requests for a determination that its construction activities, including the installation or construction of new monopoles, are exempt from the requirements of the California Environmental Quality Act (CEQA). Applicant shall use the following procedure:

- Applicant will provide the Commission's Energy Division with:
  - A detailed description of the proposed project, including:

- Customer(s) to be served;
- The precise location of the proposed construction project; and
- Regional and local site maps.
- A description of the environmental setting, including at a minimum:
  - Cultural, historical, and paleontologic resources;
  - Biological resources; and
  - Current land use and zoning.
- A construction workplan, including:
  - Commission Preconstruction Survey Checklist- Archaeological Resources;
  - Commission Preconstruction Survey Checklist- Biological Resources;
  - A detailed schedule of construction activities, including site restoration activities;
  - A description of construction/installation techniques;
  - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
  - A list of permits required for the proposed project.
- A statement of the CEQA exemption(s) claimed to apply to the proposed project and documentation supporting the finding of exemption from CEQA.
- The Commission's Energy Division will then review the submittal and notify Applicant of either its approval or its denial of Applicant's claim for exemption from CEQA review within 21 days from the time that Applicant's submittal is complete.
- If the Commission's Energy Division approves Applicant's claimed CEQA exemption(s), the staff will prepare a Notice to

Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.

- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemptions, the staff will issue to Applicant a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.
- If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s), Applicant shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

6. Applicant shall not engage in any construction activity relating to a pending CEQA exemption request before receiving an NTP from Commission Energy Division staff.

7. Applicant may follow the CEQA procedure in Ordering Paragraph 5 unless and until the Commission adopts different requirements, applicable to Applicant, for California Environmental Quality Act (CEQA) compliance in Rulemaking (R.) 06-10-006 or a subsequent proceeding.

8. Applicant is authorized to file tariff schedules for the provision of competitive local exchange services with the deficiencies noted in Attachment A corrected. Applicant may not offer services until tariffs are on file. Applicant's initial filing shall be made in accordance with GO 96-B as a Tier 2 Advice Letter. The tariff shall be effective not less than one day after tariff approval by the Commission's Communications Division. Applicant shall comply with its tariffs.

9. The certificate granted, and the authority to render service under the rates, charges, and rules authorized, will expire if not exercised within 12 months after the effective date of this order.

10. The corporate identification number assigned to Applicant, U7054C, shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

11. Applicant shall comply with all applicable rules adopted in the Local Exchange Competition proceeding (R. 95-04-043/Investigation 95-04-044), the Commission's rules and regulations for non-dominant Interexchange Carriers (NDIECs) set forth in Decision (D.) 93-05-010 and D.90-08-032, as well as all other applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities, subject to the exemptions granted in this decision.

12. Applicant shall comply with the requirements applicable to competitive local exchange carriers and non-dominant interexchange carriers included in Attachment B to this decision.

13. Applicant's financial statements and information filed as Attachments B, C, and D to the application shall be filed under seal and shall remain under seal for a period of two years after the date of this order. During this two-year period, the information filed as Attachments B, C, and D to the application shall remain under seal and shall not be viewed by any person other than the assigned Commissioner, the assigned Administrative Law Judge (ALJ), the Assistant Chief ALJ, or the Chief ALJ, except as agreed to in writing by Applicant or as ordered by a court of competent jurisdiction. If Applicant believes that it is necessary for this information to remain under seal for longer than two years, Applicant shall file a new motion at least 30 days before the expiration of this limited protective order.

14. Application 07-08-012 is closed.

This order is effective today.

Dated November 16, 2007, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
DIAN M. GRUENEICH  
JOHN A. BOHN  
RACHELLE B. CHONG  
TIMOTHY ALAN SIMON  
Commissioners

**Attachment A**

List of deficiencies in tariff filed by Trillion Partners, Inc. in A.07-08-012 to be corrected in its tariff compliance filing.

Tariff sheet numbering should conform to the requirements of General Order 96-B, Section 8.4.2.

Indicate an address within its California service area where tariffs and cancelled sheets are available for public inspection or copying at reasonable times.

Initial filing should include forms.

Correct the address for the Commission's Los Angeles office. The correct address is:

Los Angeles Office  
320 West 4th Street, Ste. 500  
Los Angeles, CA 90013

Sheet 16, section 5.8 C, line 4, typo "toe clc."

Sheet 17, section 5.11 A, lines 2 and 5, typo "CLCS."

Sheet 18, section 5.14, line 7, typo "83-\*06-066."

Sheet 20, line 5, typo "NOS" and "case no."

**(END OF ATTACHMENT A)**

## ATTACHMENT B

### REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND NON-DOMINANT INTEREXCHANGE CARRIERS

1. Applicant shall file a written acceptance with the Director of the Communications Division of the certificate granted in this proceeding.
2. Applicant is subject to the following fees and surcharges; per the instructions in Appendix E to Decision (D.) 00-10-028, the Combined California PUC Telephone Surcharge Transmittal Form must be submitted even if the amount due is zero.
  - a. The current 1.15% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879; Resolution T-17071, April 1, 2007);
  - b. The current 0.37% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073 and Resolution T-17072, April 1, 2007);
  - c. The user fee provided in Pub. Util. Code §§ 431-435, which is 0.18% of gross intrastate revenue (Resolution M-4819);
  - d. The current 0.21% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, pp. 3-4, App. B, Rule 1.C; set by Resolution T-16916 at 0.21%, January 1, 2006);
  - e. The current 1.30% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California High Cost Fund-B (D.96-10-066, p. 191, App. B, Rule 6.F., Resolution T-17078, April 1, 2007); and
  - f. The current 0.13% surcharge applicable to all intrastate services except for those excluded by D.94-09-065, as modified by D.95-02-050, to fund the California Teleconnect Fund

(D.96-10-066, p. 88, App. B, Rule 8.G, Resolution T-16888, January 1, 2006).

3. Applicant is a competitive local exchange carrier (CLC). The effectiveness of its future tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

4. Tariff filings shall reflect all fees and surcharges to which Applicant is subject, as reflected in 2 above.

5. Applicant shall file a service area map as part of its initial tariff.

6. Prior to initiating service, Applicant shall provide the Manager of the Consumer Affairs Branch with the name and phone number of its designated contact person(s) for purposes of resolving consumer complaints. This information shall be updated if the name or telephone number changes, or at least annually.

7. Applicant shall notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

8. Applicant shall notify the Director of the Communications Division in writing of the date interLATA service is first rendered to the public within five days after service begins, and again within five days after intraLATA service begins.<sup>1</sup>

9. Applicant shall keep its books and records in accordance with the Generally Accepted Accounting Principles.

10. In the event Applicant's books and records are required for inspection by the Commission or its staff, it shall either produce such records at the Commission's

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<sup>1</sup> California is divided into ten Local Access and Transport Areas (LATAs), each containing numerous local telephone exchanges. InterLATA describes services, revenues and functions relating to telecommunications originating within one LATA and terminating in another LATA. IntraLATA describes services, revenues and functions relating to telecommunications originating within a single LATA.

offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

11. Applicant shall file an annual report with the Director of the Communications Division, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

12. Applicant shall file an affiliate transaction report with the Director of the Communications Division, in compliance with Decision (D.) 93-02-019, on a calendar year basis using the form developed by Commission Staff and contained in Attachment D.

13. Applicant shall ensure that its employees comply with the provisions of Public Utilities (Pub. Util.) Code § 2889.5 regarding solicitation of customers.

14. Within 60 days of the effective date of this order, Applicant shall comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the Director of the Communications Division in writing of its compliance.

15. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in 2 above, the Commission's Communications Division shall prepare for Commission consideration a resolution that revokes Applicant's CPCN unless it has received written permission from the Communications Division to file or remit late.

16. Applicant is exempt from Pub. Util. Code §§ 816-830.

17. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

18. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the date of this order.

**(END OF ATTACHMENT B)**

## ATTACHMENT C

An original and two copies shall be filed with the California Public Utilities Commission, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to file this information on time may result in a penalty as provided for in §§ 2107 and 2108 of the Public Utilities Code.

Required information:

1. Exact legal name and U # of reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (e.g., corporation, partnership, sole proprietorship, etc.).

If incorporated, specify:

- a. Date of filing articles of incorporation with the Secretary of State.
- b. State in which incorporated.
6. The number and date of the Commission decision granting the Utility's CPCN.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. A list of all affiliated companies and their relationship to the utility.  
State if affiliate is:
  - a. Regulated public utility.
  - b. Publicly held corporation.

10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.

For answers to any questions concerning this report, call (415) 703-1961.

**(END OF ATTACHMENT C)**

## **ATTACHMENT D CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

1. Each utility shall list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the annual Affiliate Transaction report.

- Form of organization (*e.g.*, corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the utility (*e.g.*, controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the utility (including type and percent ownership)'
- Voting rights held by the utility and percent;
- Corporate officers.

2. The utility shall prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in #1 above. The chart should have the controlling corporation (if any) at the top of the chart; the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart and all secondary subsidiaries and affiliates (*e.g.* a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary should be clearly noted.

3. For a utility that has individuals who are classified as "controlling corporations" of the competitive utility, the utility must only report under the requirements of #1 and #1 above any affiliated entity that either a) is a public utility or b) transacts any business with the utility filing the annual report excluding the provision of tariffed services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's annual Affiliate Transaction Report and verified in accordance with Section I-F of Decision 93-02-019.

6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

**(END OF ATTACHMENT D)**