



FILED
09/09/21
04:59 PM

TJG/cmf 09/9/2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Regarding Broadband Infrastructure
Deployment and to Support Service
Providers in the State of California.

Rulemaking 20-09-001

**E-MAIL RULING ORDERING ADDITIONAL COMMENTS
AS PART OF MIDDLE-MILE DATA COLLECTION**

Dated September 9, 2021, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge

From: Glegola, Thomas J. <thomas.glegola@cpuc.ca.gov>

Sent: Thursday, September 9, 2021 8:05 PM

To: DAzevedo@AARP.org; FPilot@DreamingLucid.net; Tad.G@CommLegal.org; Ben@SIFInetworks.com; ACLP@nyls.edu; Corian@NextCenturyCities.org; Jenna@PublicKnowledge.org; betty.sanders@charter.com; betty.sanders@charter.com; Steve.Bowen@BowenLawGroup.com; RVanDerLeeden@SempraUtilities.com; Houston@SCaG.ca.gov; noah.aptekar@gmail.com; LFox@cenic.org; Gloria.Ing@sce.com; RKMooore@GSwater.com; Edward@ucan.org; CFaber@SempraUtilities.com; evotaw@varcomm.biz; DClark@sebastiancorp.com; DClark@SebastianCorp.com; DanD@PonderosaTel.com; steveblum@tellusventure.com; RKoss@AdamsBroadwell.com; Zarchy, Daniel <Daniel.Zarchy@cpuc.ca.gov>; William.Sanders@SFCityAtty.org; RCosta@turn.org; Itzel@UtilityAdvocates.org; Grant.Guerra@pge.com; ServiceList.CPUC@PerkinsCoie.com; William.Kissinger@MorganLewis.com; Marg@TobiasLO.com; Nelsonya.Causby@att.com; Ernesto@eff.org; MSchreiber@cwclaw.com; MDay@GoodinMacBride.com; smalllecs@cwclaw.com; sbanola@cwclaw.com; SuzanneToller@dwt.com; Rachelle@ChongLaw.net; PGETariffs@pge.com; Joshua.Trauner@CrownCastle.com; Anita@icommlaw.com; Anita@iCommLaw.com; VinhcentL@Greenlining.org; Service@cforat.org; SRBryanJr@Pintelco.com; KCordero@YurokTribe.nsn.us; BrendaS@volcanotel.com; ggierczak@surewest.com; GNeill@Counties.org; JKinney@CalCable.org; Lobby@EllisonWilson.com; TRhine@RCRCnet.org; waihun@cot.net; JTLowers@sisqtel.net; Dan.Marsh@LibertyUtilities.com; Gail.Long@tdstelecom.com; gail.long@tdstelecom.com; gail.long@tdstelecom.com; amincheff@incompas.org; RegRelCPUCcases@pge.com; drew_martin@berkeley.edu; gail.long@tdstelecom.com; Kristen.Camuglia@cox.com; L7SH@pge.com; Itspublicaffairsllc@gmail.com; Lyndall.Nipps@dish.com; shawn.parker@sifinetworks.com; shayna@42comms.com; ted@utilityadvocates.org; ACLP@nyls.edu; JALanglinais@jenner.com; JohnNelson@dwt.com; JBubar@aol.com; MHurwitz@Willkie.com; Francella@NextCenturyCities.org; Ryan@NextCenturyCities.org; SBerlin@fh2.com; kelly.a.fennell@att.com; JWolf@Magellan-Advisors.com; Ted.Gilliam@Zayo.com; rex.knowles@verizon.com; William.Haas@T-Mobile.com; DigitalDivide@CalFund.org; JBarrios@CalFund.org; MOwens@Counsel.LAcounty.gov; PLoo@cio.LAcounty.gov; JMiddleton2@SoCalGas.com; YMejia@socalgas.com; DRattray@UniteLA.com; MSantana@WeingartFnd.org; Bill.Allen@LAedc.org; CPUCfilings@jenner.com;

ZZankel@Jenner.com; fredyanney@gmail.com; case.admin@sce.com;
ElizabethB.Gomez@sce.com; JONI.KEY@SCE.COM; asalas@turn.org;
CMailoux@turn.org; Esther.Northrup@cox.com; Atrial@sdge.com;
CentralFiles@SempraUtilities.com; rgiles@semprautilities.com;
EMartin8@SDGE.com; Paul.Marconi@bves.com; Jesus.G.Roman@Verizon.com;
MSlawson@GeoLinks.com; JKreitz@Mono.ca.gov; SSimon@mono.ca.gov;
JGriffiths@InyoCounty.us; comworkeradvocate@gmail.com;
pmilrod@centralcallegal.org; prachi@nationaldiversitycoalition.org;
MinerJudy@FHDA.edu; JHadsell@CVC.edu; Abramson, Alexander J.
<Alexander.Abramson@cpuc.ca.gov>; Johnson, Ana Maria
<anamaria.johnson@cpuc.ca.gov>; Ye, Bixia <Bixia.Ye@cpuc.ca.gov>; Fong,
Brewster <Brewster.Fong@cpuc.ca.gov>; Choe, Candace
<candace.choe@cpuc.ca.gov>; Chou, Christopher
<Christopher.Chou@cpuc.ca.gov>; Chen, Connie <Connie.Chen@cpuc.ca.gov>;
Lee, Diana <diana.lee@cpuc.ca.gov>; Gallardo, Enrique
<Enrique.Gallardo@cpuc.ca.gov>; Steiner, Hannah
<Hannah.Steiner@cpuc.ca.gov>; Beck, Kate <Kate.Beck@cpuc.ca.gov>; Lippi,
Kimberly <kimberly.lippi@cpuc.ca.gov>; Fischer, Louise E.
<Louise.Fischer@cpuc.ca.gov>; Duffy, Lucas <Lucas.Duffy@cpuc.ca.gov>;
Minkus, Michael J. <Michael.Minkus@cpuc.ca.gov>; Pangilinan, Michaela
<michaela.pangilinan@cpuc.ca.gov>; Palmeira, Monica
<Monica.Palmeira@cpuc.ca.gov>; Rochte, Owen F. <owen.rochte@cpuc.ca.gov>;
Ledesma Rodriguez, Raisa <Raisa.Ledesma@cpuc.ca.gov>; Kaur, Ravneet
<Ravneet.Kaur@cpuc.ca.gov>; McAvey, Russell
<Russell.McAvey@cpuc.ca.gov>; Sharpe, Sarah <Sarah.Sharpe@cpuc.ca.gov>;
Yun, Sindy J. <sindy.yun@cpuc.ca.gov>; Karambelkar, Surabhi
<Surabhi.Karambelkar@cpuc.ca.gov>; Cheim, Taylor G.
<Taylor.Cheim@cpuc.ca.gov>; Glegola, Thomas J.
<thomas.glegola@cpuc.ca.gov>; Foss, Travis <travis.foss@cpuc.ca.gov>; Smith,
Victor <Victor.Smith@cpuc.ca.gov>; Huang, Xiao Selena
<XiaoSelena.Huang@cpuc.ca.gov>; BVillanueva@turn.org;
James@UtilityAdvocates.org; bts1@pge.com; Jane.Whang@Verizon.com;
andy.umana@att.com; david.discher@att.com; Fassil.T.Fenikile@att.com;
Hugh.Osborne@att.com; isabelle.Salgado@att.com; RDJ@att.com;
steven.berenbaum@att.com; Tracy@media-alliance.org; AnnaFero@dwt.com;
DavidHuang@dwt.com; JimTomlinson@dwt.com; jclark@goodinmacbride.com;
MMattes@Nossaman.com; nsolov@nossaman.com;
VidhyaPrabhakaran@dwt.com; WHon@Nossaman.com;
DWTcpucDockets@dwt.com; SteveGreenwald@dwt.com;

Jim.L@CommLegal.org; MeganMMyers@yahoo.com;
Rochelle.Swanson@crowncastle.com; crice@crla.org;
Darren@BRBLawGroup.com; lmb@wblaw.net; Patrick@BRBLawGroup.com;
Sarah@BRBLawGroup.com; Sean@BRBLawGroup.com;
sunne.mcpeak@cetfund.org; Vaughn.Villaverde@AAACI.org; MDewan@sccoe.org;
Jorge@chpscc.org; YSMythe@Caltel.com; Calvin.Sandeen@sonoma-county.org;
awaelder@counties.org; ALeary@CaCities.org; Charles.Born@FTR.com;
eb@calcable.org; Joy.Mastache@SMUD.org; lkammerich@rcrcnet.org; Mullaney,
Michael <Michael.Mullaney@cpuc.ca.gov>; ABB@ESlawFirm.com;
jjg@eslawfirm.com; David.Espinoza@ValleyVision.org; HHedayati@CWA-union.org;
CaliforniaDockets@PacifiCorp.com
Cc: ALJ Docket Office <ALJ_Docket_Office@cpuc.ca.gov>; ALJ Docket Office
<ALJ_Docket_Office@cpuc.ca.gov>; ALJ_Support ID
<alj_supportid@cpuc.ca.gov>
Subject: ADMINISTRATIVE LAW JUDGE'S EMAIL RULING (R.20-09-001)
Ordering Additional Comments as part of middle-mile data collection

To all parties in Rulemaking 20-09-001:

Pursuant to the recently enacted Senate Bill (SB) 156, this email ruling directs public comments on recommended locations for a statewide open-access middle-mile broadband network. Parties are requested to file and serve comments by October 1, 2021. The deadline for reply comments is October 15, 2021.

1. Background

On July 20, 2021, Governor Gavin Newsom signed SB 156 into law, initiating the creation of a statewide open-access middle-mile network. The law requires California Public Utilities Commission (Commission) staff, in collaboration with relevant stakeholders, to provide the California Department of Technology a report (Staff Report) that contains, among other items, locations for the statewide open-access middle-mile broadband network. The new law requires, among other items, the Commission to solicit and receive public comments, within 90 days of enactment, on a number of topics related to the network. Key provisions of SB 156 require the Commission to: 1) identify existing middle-mile infrastructure and areas with no known middle-mile infrastructure that is open access, with sufficient capacity, and at affordable rates; 2) identify priority middle-mile locations; 3) identify last-mile and anchor institution network end users; and 4) take public comment on the design, technical, business, and operational considerations that would increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial Internet service providers.

The Second Amended Scoping Memo in the instant proceeding, issued on August 2, 2021, adds certain issues associated with the implementation of SB 156 to the scope of this proceeding, including the process for collecting location and other information related to this statewide middle-mile network. On August 6, 2021, the Assigned Commissioner issued a ruling seeking comment on a number of issues related to this statewide middle-mile network, as required by the new law. Building on that ruling, this ruling seeks additional comment on issues raised in comments and on other items identified in the new statute.

2. Issues for Public Comment

Parties are requested to file and serve comments on the issues discussed below.

1. Open-Access: As described in more detail in the Order Instituting Rulemaking that initiated this proceeding, the Commission has regulatory authority telecommunications service providers.
 - How can the Commission use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity?
 - Should the Commission adopt a tariffing requirement for open-access networks?
 - In October 2020, the Federal Communications Commission (FCC) eliminated a number of network unbundling and resale requirements placed on Incumbent Local Exchange Carriers, including requirements for DS1 and DS3 loops, and dark fiber transport provisioned from wire centers within a half-mile of competitive fiber networks. (See *In the Matter of Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, WC Docket No. 19-308, FCC 20-152) How will this impact Competitive Local Exchange Carriers in California that currently utilize these services to provide telecommunications services, including last-mile broadband Internet access service?

2. Additional Factors to Consider: What additional criteria should the Staff Report take into consideration and to what extent, including, but not limited to:
 - Affordability;
 - Redlining;
 - Route redundancy;
 - Competition;
 - Hardening, undergrounding, deployment in high fire threat areas;
 - Cell coverage; and
 - Labor and economic development benefits.

3. Middle-Mile Network Services for ISPs: The statute mandates that the State of California take into consideration various aspects that will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers.
 - What specific locations, routes, interconnection points, regeneration points, and tie-ins should the Commission consider in order to increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers?
 - How can existing interconnection points or the creation of new interconnection points improve access for communities?
 - What technical performance characteristics will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers?
 - What network design and other design, technical, business, and operational considerations will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial Internet service providers?
 - What services should the network provide commercial providers (e.g., dark fiber, lit fiber, colocation, wireless backhaul, etc.)?
 - If the network offers dark fiber, how many strands of dark fiber should the network make available on each route? What should the lease terms be?
4. Middle Mile Network Services for Consumers
 - The middle mile network must prioritize connections to anchor institutions that lack sufficient high-bandwidth connections. Should the statewide middle mile network provide direct service to anchor institutions?
 - Should the middle-mile network directly provide broadband Internet access service, voice service, etc.?
 - The Commission's 72-hour backup power requirements apply to all facilities-based wireline and wireless communications service providers that provide service in Tier 2 and Tier 3 High Fire Threat Districts. Should the Commission consider additional requirements?
5. Last-Mile Providers: The middle-mile network must enable last-mile connections.
 - How can the middle-mile network enable last mile connections in unserved, underserved and served areas of the state?
 - How can the middle mile network assist the operation and development of public broadband networks? Are there opportunities to aggregate network

monitoring, provide a managed voice service, security services, call center, and other back-office services among public networks?

6. Other States: Numerous other states operate open-access networks, including but not limited to Illinois, Kentucky, Massachusetts, Michigan, Missouri, North Carolina, Ohio, Virginia, and Washington.

- Are there any successes or pitfalls the State of California should take into consideration from other statewide open-access networks or even from other countries?

7. Other Issues Not Covered

- Are there any issues the State of California should take into consideration as it develops the statewide middle mile network?

3. Deadlines

Parties are directed to file and served comments by October 1, 2021. The deadline for reply comments is October 15, 2021.

IT IS RULED that the comment period to respond to this ruling is set forth above.

This order is effective today.

Dated September 9, 2021, at San Francisco, California.

DOCKET OFFICE SHALL FORMALLY FILE THIS EMAIL RULING.

Thomas J. Glegola
Administrative Law Judge
California Public Utilities Commission