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**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  
(Filed September 10, 2020)

**RESPONSE OF CELLCO PARTNERSHIP (U 3001 C) AND  
MCIMETRO ACCESS TRANSMISSION SERVICES LLC (U 5253 C)  
TO ADMINISTRATIVE LAW JUDGE'S E-MAIL RULING ORDERING ADDITIONAL  
COMMENTS AS PART OF MIDDLE-MILE DATA COLLECTION**

Pursuant to the recently enacted Senate Bill (SB) 156, ALJ Glegola entered a ruling directing public comments on recommended locations for a statewide open-access middle-mile broadband network. The views of Cellco Partnership dba Verizon Wireless and MCImetro Access Transmission Services LLC (collectively, Verizon) on these questions are discussed below.

**DISCUSSION**

Open-Access: As described in more detail in the Order Instituting Rulemaking that initiated this proceeding, the Commission has regulatory authority over telecommunications service providers. How can the Commission use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity?

The CPUC does have regulatory authority over telecommunications companies, but that authority is limited in many respects, including by statute and by federal preemption law. But more importantly, SB 156 has a very limited task for the

Commission: providing a staff report to the new Office of Broadband and Digital Literacy that identifies routes for the building of an open access middle mile broadband network. Nothing in SB 156 calls on the Commission to use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity or for any timeframe at all. The question about imposing and enforcing open-access and affordability requirements on providers is entirely misplaced. It is the state that will operate the open access network, not the telecommunications service providers. The state is mandated to provide that network broadly to many stakeholders and to do so in an affordable manner.

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?

The staff report should focus only on those additional factors that relate to route selection. Affordability is not a middle mile location issue. Precisely what is meant by route redundancy is unclear, but the middle mile should have in mind creating appropriate diversity and redundancy, where feasible, as a goal. Like commercial fiber networks, the state's network will suffer fiber cuts and other impacts where having a redundant and/or diverse path will help mitigate outages. Similarly, the concept of hardening and undergrounding for a new network are probably well-advised, but this is not something the Commission can dictate to the state; and precisely where to harden or underground is certainly not something it should even try to figure out. The Third Party Administrator will have to make many

judgment calls as it designs each segment of the new network and it must have – and under SB 156 already has – the flexibility to decide when to place fiber aerially to balance all the obligations placed upon it, especially speed to market.

Finally, Verizon previously commented that in selecting areas that are unserved, the CPUC may want to consider areas with poor cellular coverage. In practice, areas that are unserved by other broadband providers are likely to coincide with areas that are not served well by cellular signals. Nevertheless, in selecting last-mile projects in which poor cellular service is a factor would also inform the Third Party Administrator of routes for middle mile segments.

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?

In prior comments in this proceeding, Verizon recommended that the Commission specifically seek route information from commercial internet service providers that from their perspective would increase the attractiveness and usefulness of the middle mile network for the purposes of meeting the goals of SB 156 to reach unserved and underserved areas. Verizon stated that to that end, it would work with staff to provide such information. And, indeed, Verizon has performed an analysis of routes that, if built, and made available through dark fiber leases of at least 20-year IRUs, would be useful and attractive to it. Verizon will provide those routes to staff pursuant to the provisions of SB 156 that require such competitively sensitive information to be kept confidential. (See sec 11549.54(g)(2) (requiring that the department “shall not disclose that information” referring to confidential information the PUC receives from communication services providers.))

The request for specific information on interconnection points, regeneration points, and tie-ins is premature. Verizon believes that SB 156 meant to place the gathering of that information with the Third Party Administrator to aid in its designing of the network segments, as this type of information cannot possibly be gathered in the abstract. Communication services providers develop this information as they work on specific projects. If anything, the Commission should work with the Governor’s office or key legislators to support clean-up legislation to better align its obligations under the law with that which properly lies with the Third Party Administrator.

Finally, the number of fiber strands needed by each stakeholder on each route is highly dependent on many factors that are likely not available until a specific series of projects for a particular community is identified and a high level design performed. This too is premature now and a matter for the Third Party Administrator.

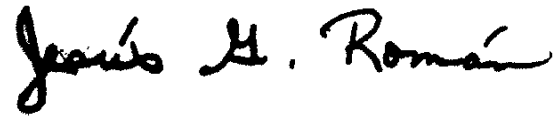
Last-Mile Providers: The middle-mile network must enable last-mile connections.

- 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?

There is little doubt that the middle mile broadband network enables last mile connections. Simply put, a last mile connection will not adequately work unless the traffic it generates can be transported to places outside the immediate area to the rest of the world through internet backbone networks or middle mile networks. The new state-wide middle mile network should and must be built with an eye to serving unserved communities. But that does not mean that actual last mile projects must be planned in order to begin the work of deploying the middle mile. The new network will allow network planners the ability to design last mile projects that were previously out of reach financially. The key is to identify the unserved communities and have the Third Party Administrator begin building segments of the network to create the transport links for last mile providers to deploy to those communities.

Respectfully submitted on this 1<sup>st</sup> day of October, 2021

By:

A handwritten signature in black ink that reads "Jesús G. Román". The signature is fluid and cursive, with the first name "Jesús" and last name "Román" clearly legible.

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