



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

FILED

04/06/23

11:24 AM

A2303003

Application of Pacific Bell Telephone
Company d/b/a AT&T California (U 1001
C) for Targeted Relief from Its Carrier of
Last Resort Obligation and Certain
Associated Tariff Obligations.

Application 23-03-003

**PROTEST OF THE PUBLIC ADVOCATES OFFICE TO THE APPLICATION
OF PACIFIC BELL TELEPHONE COMPANY DBA AT&T CALIFORNIA
(U 1001 C) FOR TARGETED RELIEF FROM ITS CARRIER OF LAST RESORT
OBLIGATION AND CERTAIN ASSOCIATED TARIFF OBLIGATIONS**

KATE TURNER

Attorney

Public Advocates Office
California Public Utilities Commission
300 Capitol Mall, Suite 500
Sacramento, CA 95814
Telephone: (916) 823-4773, Ext. 5-4773
Email: Kate.Turner@cpuc.ca.gov

April 6, 2023

505649518

TABLE OF CONTENTS

| | <u>Pages</u> |
|--|--------------|
| I. INTRODUCTION..... | 1 |
| II. DISCUSSION..... | 4 |
| A. COLR OBLIGATIONS ARE NOT A BARRIER TO BROADBAND INVESTMENT | 4 |
| B. AT&T’S APPLICATION DISREGARDS THE COMMISSION’S UNIVERSAL SERVICE RULES..... | 5 |
| C. AT&T’S APPLICATION HAS DEFICIENCIES AND ISSUES THAT REQUIRE COMMISSION REVIEW | 7 |
| 1. AT&T fails to identify specific census blocks where it plans to relinquish its COLR and tariff obligations. | 7 |
| 2. AT&T fails to identify the types of customers impacted. | 9 |
| 3. AT&T fails to identify comparable customer choices available in census blocks where it may seek COLR relief. | 10 |
| 4. AT&T did not provide a detailed migration plan for impacted customers that includes customer notifications and scheduled milestones. | 12 |
| 5. AT&T fails to address all its current service quality violations. | 12 |
| III. CATEGORIZATION, NEED FOR HEARINGS AND SCHEDULE (RULE 2.6(D)) | 13 |
| IV. CONCLUSION | 14 |

I. INTRODUCTION

Pursuant to Rule 2.6 of the California Public Utilities Commission’s (Commission) Rules of Practice and Procedure, the Public Advocates Office at the California Public Utilities Commission (Cal Advocates) files this protest to the *Application of Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) for Targeted Relief from Its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations* (Application).

California telecommunications policy includes an ongoing commitment to universal service by assuring the continued affordability and widespread availability of high-quality telecommunications services.¹ The Commission has deemed Carrier of Last Resort (COLR) obligations an important component of universal access to communications services because these obligations ensure that customers who want service, receive it.² As a COLR, Pacific Bell Telephone Company d/b/a AT&T California (AT&T) has an obligation to serve all customers in its service area who request service and is currently the largest plain old telephone service (POTS) provider in California.³

In its Application, AT&T claims to seek a “tailored” or “targeted” approach to relinquishing its COLR obligations⁴ yet implicates its entire service territory by claiming that over 99 percent of California customers in its service territory presently have access to at least two, and at times three facilities-based providers.⁵ The Application is far from a “tailored” and “targeted” approach to remove COLR obligations. Instead, AT&T seeks

¹ California Public Utilities Code, § 709, subd. (a).

² Decision (D.) 96-10-006 at 109.

³ See Discussion Section C.1. below.

⁴ Application of Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) Seeking Targeted Relief from its Carrier of Last Resort (COLR) and Associated Tariff Obligations, A. 23-03-003, March 3, 2023 [hereafter “AT&T Application”] at 1, 2.

⁵ AT&T Application at 3.

wholesale permission to abandon the guarantee of communications services for an unspecified number of its customers in unknowable areas simultaneously, and in bulk.

AT&T's Application is based on a flawed premise and incorrect interpretation of COLR obligations related to offering basic service. AT&T argues that it seeks relief from COLR obligations, because these obligations *mandate* the company to maintain a copper-based network and require AT&T to divert resources away from fiber broadband deployment in California.⁶ Contrary to the overarching narrative of AT&T's Application, the COLR obligation is technology neutral. Current COLR obligations and the definition of basic service neither mandate AT&T to offer basic service over a copper-based network nor limit AT&T from investing in broadband deployment. As such, the Application's heavy reliance on AT&T's need to free-up resources in order to invest in advanced broadband service to justify the removal of COLR obligations in its service area begs the question of whether AT&T's request is really a technology migration request or a request to discontinue offering a specific type of voice service.

AT&T's Application also breaks with the Commission's Universal Service Rules' Rule 6, the carefully considered processes created by the Commission for carriers to opt out of their COLR obligations while ensuring universal service.⁷ This deviation forfeits the safeguards that the Commission built into Rule 6 without replacing them, creating new gaps and blind spots that AT&T leaves unresolved. The Application is so unclear, vague, and factually insufficient that the Commission cannot even begin to determine whether AT&T's request is in the public interest.

AT&T's Application is grossly deficient as AT&T has failed to identify and support with specificity the following issues which the Commission must review:

- The census blocks where AT&T plans to relinquish its COLR and tariff obligations;
- The number of customers impacted and whether, among other concerns, those customers are low-income, California

⁶ AT&T Application at 1, 29.

⁷ D.96-10-006 at 163, Rules 6.D.1, 6.D.6, 6.D.7, 6.E.1.

Universal LifeLine Telephone Service Program (LifeLine) participants, Deaf and Disabled Telecommunications Program (DDTP) participants, and residents of disadvantaged communities or high cost areas;

- Data establishing that impacted customers have access to a communications service provider offering basic service as defined by the Commission that includes, but is not limited to, nondiscriminatory access to telephone service, the ability of a customer to place and receive voice-grade calls over all distances, and access to 9-1-1 service;⁸
- A comprehensive, detailed migration plan for impacted customers;
- A customer notification plan and schedule; and
- A detailed report on how AT&T plans to resolve all its current service quality violations.

AT&T's Application creates a false conflict between COLR obligations and technological advancement; asks the Commission to remove COLR protection from its entire service area – either now or in the future; sidesteps and frustrates an established, well-reasoned, and protective regulatory structure for COLR relief; and is wholly lacking in information and data that would allow the Commission to ensure and protect the guarantee of universal service to the most vulnerable consumers.

The Commission should deny AT&T's Application without prejudice and require AT&T to resubmit an application with clear, detailed, supported information that addresses the deficiencies identified above. The issues outlined in the aforementioned list must be considered, at a minimum, in the review of any COLR relief request. The Commission should not entertain or establish ongoing procedural milestones until AT&T resubmits a clear, completed application.

⁸ CPUC Basic Service definition, <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-mapping-program/broadband-public-feedback/basic-service-definition>.

II. DISCUSSION

A. COLR OBLIGATIONS ARE NOT A BARRIER TO BROADBAND INVESTMENT

In Decision (D.) 96-10-066, the Commission explained that “COLR is a regulatory concept rooted in the idea that by accepting the franchise obligation from the state to serve a particular area, the public utility is obligated to serve all the customers in the service area who request service. The COLR concept is important to universal service policy because it ensures that customers receive service.”⁹ AT&T claims that its COLR obligations limit the company from investing in a broadband network.¹⁰ AT&T’s claim is unsupported: COLR obligations do not limit AT&T from investing in broadband service but instead require AT&T to serve all customers in its service area who request service.

COLR obligations *do not mandate* a communications service provider to maintain a copper-based network. Contrary to AT&T’s claim, COLR obligations are technology-neutral.¹¹ In D.12-12-038, the Commission updated the definition of basic service that applies to all telephone corporations serving as a COLR and defines basic service “on a technology-neutral basis to all forms of communications technology that may be utilized, including wireline, wireless, and Voice over Internet Protocol (VoIP) or any other future technology that may be used in the provision of telephone service”¹² that meets the service elements adopted in the decision. As such, COLR obligations do not limit AT&T from investing in a broadband network¹³ or participating in the federal Broadband Equity,

⁹ D.96-10-066 at 80.

¹⁰ AT&T Application at 5.

¹¹ AT&T Application at 1, noting that “AT&T California seeks tailored relief from its outdated COLR obligation, which *effectively mandates* AT&T California to maintain a copper-based network throughout its service territory” (emphasis added).

¹² D.12-12-038 at 2.

¹³ Interestingly, AT&T itself has previously not seen its COLR status as an impediment to invest in fiber. For example, COLRs are required to comply with minimum service quality standards set forth in General Order (G.O.) 133-D that currently apply to TDM-based voice services. AT&T proposed investments in fiber-optic broadband infrastructure to address its failure to comply with certain G.O. 133-D standards for service offered over its copper-network (*see*, Resolution T-17769 approving AT&T California’s Advice Letter 49018 and Advice Letter 49018A and Requiring AT&T to File a Corrective Action Plan, January

Access, and Deployment (BEAD) Program, the California Advanced Services Fund (CASF) Broadband Infrastructure Grant Account and CASF Federal Funding Account to expand broadband deployment in California.¹⁴

B. AT&T’S APPLICATION DISREGARDS THE COMMISSION’S UNIVERSAL SERVICE RULES

AT&T’s Application does not adhere to the Commission’s Universal Service Rules adopted in D.96-10-066. Rules 6.D.1, 6.D.6, 6.D.7, 6.E.1 govern COLR designation as well as transferring designation to another carrier. AT&T’s fundamental deviation from what the Commission contemplated, is in replacing Rule 6’s concern with the presence of a *COLR*, that is *obligated* to provide service,¹⁵ with the presence of an *uncommitted provider*.¹⁶ AT&T disregards the requirement that a carrier in a Geographic Study Area (GSA) can only be relieved of COLR responsibilities after another carrier is designated as a COLR for that GSA.¹⁷ Additionally, rather than filing an application to opt out of its COLR obligations in a specific, identified GSA, when there is no COLR present,¹⁸ AT&T’s Application bundles “areas with a voice alternative” all together and asks for wholesale permission.¹⁹

With respect to Rule 6’s provisions outlining an opt out process for carriers when *another COLR is presently providing service* in a *specific, identified GSA*,²⁰ rather than submitting *Tier 2 Advice Letters*, requiring staff approval,²¹ AT&T seeks permission at

12, 2023, at 6.). Furthermore, in its Corrective Action Plan submitted pursuant to Resolution T-17769, AT&T states that “AT&T’s proposal described in Resolution T-17769 is to deploy fiber which is expected to result in fewer trouble reports. AT&T’s experience is that the fiber network is more reliable and results in higher service quality” (see AT&T’s Advice Letter 49420, March 13, 2023, at 1).

¹⁴ AT&T Application at 2.

¹⁵ D.96-10-006 at 163 (emphasis added).

¹⁶ See AT&T Application at 37-38 (emphasis added).

¹⁷ See *Id.* at Rules 6.D.1 and 6.D.6.

¹⁸ See *Id.* at Rule 6.D.7.

¹⁹ See AT&T Application at 37-38.

²⁰ See D.96-10-006 at 163, Rule 6.D.7 (emphasis added).

²¹ See G.O. 96-B at Industry Rules 5 and 7 (emphasis added).

this time to submit *Tier 1 Advice Letters* to opt out of its COLR obligations, without staff approval, whenever *another uncommitted carrier is providing voice service, in an unidentified location, in the future.*²² Among many other troubling implications, use of a Tier 1 Advice Letter, which does not even require staff approval, rather than an application requiring the approval of the Commission because no other COLR is present in the GSA, short circuits processes that facilitate replacement of COLR coverage for a GSA.²³ A filed *application* is a prerequisite for the Commission to initiate an auction to find a COLR when no other provider is willing to assume COLR responsibility at the current subsidy level.²⁴

The Application's proposed radical changes to the COLR concept, the mechanism that guarantees universal service to consumers, removes the public interest protections inherent in Rule 6. Approval of AT&T's Application would mean that no provider would be obligated to provide service in nearly the entirety of AT&T's service area (and likely the entire service area over time), the Commission would not exercise individualized scrutiny over the availability of service in each GSA, and staff would lose oversight over the availability of service in each GSA. The Application fails to address these concerns, leaving the Commission with only unanswered questions.

As discussed in detail in sub-section C below, the Application is so grossly deficient in information, detail, or even the nature of the request itself, that the Commission cannot even begin to determine whether AT&T's request is in the public interest for vulnerable California consumers, especially low-income customers and customers in rural areas, and whether this request could possibly ensure the advancement of universal service goals.

²² See AT&T Application at 37-38 (emphasis added).

²³ See D.96-10-006 at 163, Rules 6.D.1, 6.D.6, 6.D.7, and 6.E.1.

²⁴ See *Ibid* (emphasis added).

C. AT&T'S APPLICATION HAS DEFICIENCIES AND ISSUES THAT REQUIRE COMMISSION REVIEW

Rule 2.1 of the Commission's Rules of Practice and Procedure requires applications to clearly state the relief sought;²⁵ AT&T's Application is so vague, ambiguous, and factually insufficient that the Commission cannot even begin to understand AT&T's request.

The Commission should deny AT&T's Application without prejudice and require AT&T to resubmit an application with clear, detailed, supported information that allows the Commission to determine whether the request is in the public interest. Consistent with Rule 2.6(d), the Commission should address in its review, at a minimum,²⁶ the following issues and deficiencies with the Application:

1. AT&T fails to identify specific census blocks where it plans to relinquish its COLR and tariff obligations.

AT&T makes vague statements in its Application claiming to seek a "tailored" and "targeted" approach to relinquish its COLR obligations²⁷ yet claims that over 99% of California customers in its service territory have access to at least two, and at times, three facilities-based providers.²⁸ AT&T does not list the specific census blocks where it seeks relief from its COLR obligations and states simply that the "demonstration *would be made*"²⁹ (emphasis added), presumably at a later date. Instead, AT&T proposes a process of COLR obligation relief with minimal oversight that involves submitting a Tier 1 Advice Letter where the company plans to show whether the impacted customers have access to comparable voice service. The Application is incomplete and should clearly

²⁵ Commission Rules and Practice and Procedure, Rule 2.1, at 16.

²⁶ Cal Advocates anticipates that other issues may arise after AT&T resubmits an application, during discovery, and during the course of this proceeding. Therefore, Cal Advocates respectfully wishes to reserve the right to amend this protest and/or seek other relief as appropriate.

this protest and/or seek other relief as appropriate.

²⁷ AT&T Application at 1, 2, 30, 37, 38.

²⁸ AT&T Application at 3.

²⁹ AT&T Application at 38.

identify all impacted census blocks where the company seeks COLR relief and provide evidence-based support that a comparable voice service is available in the impacted area.

AT&T supports its vague proposal for COLR relief with minimal oversight by claiming that it is not a major service provider of POTS in California.³⁰ Even if the Commission were to limit COLR obligations to voice services over a copper network, which it has not, AT&T reports having 1.97 million POTS subscribers in California in its Application.³¹ The Federal Communications Commission (FCC) reported 3.66 million local exchange telephone service switched access lines subscriptions in California as of June 2021.³² Contrary to AT&T's claim that it is not a major service provider of POTS, *AT&T serves an estimated 54% of POTS subscribers in California.*

In its attempt to justify customer choice, AT&T identifies itself as a provider of voice services utilizing VoIP and wireless service.³³ It is unclear whether AT&T is counting itself as a unique, separate choice for the customers it already serves. What is clear from two recent public participation hearings (PPHs) in the Order Instituting Rulemaking to Consider Amendments to General Order 133 (R. 22-03-016) (Service Quality proceeding) is that AT&T is often the only choice available to customers, especially for emergency communications.³⁴ At the two PPHs held on December 6 and 8, 2023 the Commission heard customer after customer describe how AT&T was their only choice, not just in remote areas (including high fire risk areas), but also urban areas as exemplified in three customer comments below:

"I live in unincorporated rural Nevada County, where the only service that is available is AT&T. And I've lived here for over 22 years, and in that time, the cell service has gotten worse, not better. And I'm in a high fire risk area, so when PG&E shuts our power off,

³⁰ AT&T Application at 3-4.

³¹ AT&T Application, Dr. Israel Declaration at 25.

³² FCC Voice Telephone Services Report, State-Level Subscriptions as of June 2021, <https://www.fcc.gov/voice-telephone-services-report>.

³³ See, for example, AT&T Application at 24.

³⁴ Order Instituting Rulemaking to Consider Amendments to General Order 133, R. 22-03-016, Public Participation Hearings (Virtual), December 6 & 8, 2023.

I also...lose use of my landline. So I have no outside communication... And I'm a senior citizen and disabled.”³⁵

“AT&T been telling us that they're abandoning copper. The Ranch [in Big Sur] settled and homesteaded in 1834 received the first phone service in 1922, and we're being told that our copper lines will be abandoned, and that is the only form of service for 9-1-1 for all six residences on The Ranch. Cell service is not available at any of those residences.”³⁶

“I live in an unincorporated area five miles outside Cupertino. I have an AT&T landline because my home is in an area with zero cell phone coverage and no cable. So I have to drive five miles if I want to get a cell signal.”³⁷

Since AT&T is the largest, and often the only POTS provider available to customers, the Commission cannot begin a review of potential COLR relief absent granular information from AT&T on census blocks where it seeks COLR relief and evidence-based support that a comparable voice service is available in the impacted area.

2. AT&T fails to identify the types of customers impacted.

AT&T does not clearly identify the number of customers impacted, including but not limited to, whether those customers are low-income, LifeLine participants, DDTP participants and whether the impacted areas include disadvantaged communities and high cost³⁸ areas. Vulnerable customers, specifically those participating in the LifeLine program, DDTP, and those with medical needs, must have reliable voice service connections for emergency alerts and contacting medical services. AT&T has separately

³⁵ Order Instituting Rulemaking to Consider Amendments to General Order 133, R. 22-03-016, Public Participation Hearings (Virtual), December 6, 2023 at 22, lines 8-16, 22-23.

³⁶ Order Instituting Rulemaking to Consider Amendments to General Order 133, R. 22-03-016, Public Participation Hearings (Virtual), December 8, 2023 at 153, lines 14-21.

³⁷ Order Instituting Rulemaking to Consider Amendments to General Order 133, R. 22-03-016, Public Participation Hearings (Virtual), December 6, 2023 at 47-48, lines 24-1.

³⁸ High cost areas of California are those in which the cost to the COLR to provide service is \$36 or more per telephone line. For more information, *see* <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-high-cost-fund-b>.

filed an application to relinquish its designation as an Eligible Telephone Corporation (ETC) which would impact its obligation to be a LifeLine provider in California.³⁹ Such actions and requests show AT&T's attempt to have no Commission oversight over customer protections and universal access to communications services and fails to put customers first.

AT&T's past conduct calls for heightened scrutiny, not relaxed scrutiny. In 2022, the United States Department of Justice fined AT&T \$24 million for unlawfully influencing a vote in Illinois to remove its COLR obligations in that state.⁴⁰ The Commission must not cede oversight to assess AT&T's request and ensure that customers, especially from disadvantaged groups, are protected in receiving communications services and not adversely impacted. In this context, the Commission must require the company to provide detailed information on the number and type of impacted customers, whether those customers have comparable communications service alternatives from providers that participate in universal service programs, and the company's plan to aid the customers in the transition to other available providers at no-cost.

3. AT&T fails to identify comparable customer choices available in census blocks where it may seek COLR relief.

In addition to lacking specifics on the number and type of customers impacted, AT&T fails to identify and support whether impacted customers have access to a communications service provider and communications service that meets the Commission's requirement of basic service which includes, but is not limited to, nondiscriminatory access to telephone service, the ability of a customer to place and

³⁹ Application of Pacific Bell Telephone Company D/B/A AT&T California (U1001C) to Relinquish its Eligible Telecommunications Carrier Designation, A.23-03-002, March 3, 2023.

⁴⁰ AT&T to pay \$23M fine for bribing powerful lawmaker's ally in exchange for vote | Ars Technica, Northern District of Illinois | AT&T Illinois To Pay \$23 Million To Resolve Federal Investigation Into Efforts To Unlawfully Influence Former Illinois Speaker of the House | United States Department of Justice - <https://www.justice.gov/usao-ndil/pr/att-illinois-pay-23-million-resolve-federal-investigation-efforts-unlawfully-influence>.

receive voice-grade calls over all distances and access to 9-1-1 service.⁴¹ AT&T's Application lacks information on the availability of a comparable communications service, the affordability of that service, the terms and conditions of the service and the level of service quality and reliability.

AT&T reliance on wireless service as a customer choice is not supported especially when wireless service may not be an alternative to wireline service due to poor wireless coverage in specific communities throughout California (see for example, customer quotes in sub-section 1 above). In D.12-12-038, the Commission determined that it,

“cannot necessarily assume that competitive forces ensure that wireless providers serving in the capacity of COLR will make the necessary commitment to quality standards for all of customers. Objective measures of wireless carrier performance, as produced by entities such as Consumer Reports, consistently report significant variation in wireless carrier performance.”⁴²

The Commission concluded that “further issues regarding the determination of minimum service requirements applicable to wireless or other carriers that seek to qualify as a COLR should be addressed either in a new OIR proceeding or as part of R.11-12-001. These further proceedings should also address the adequacy of compliance and enforcement of any service quality standards that are adopted.”⁴³ The Commission has yet to adopt service quality standards for wireless and VoIP providers. Critically, AT&T identifies itself as offering VoIP and wireless service yet fails to show whether these services, including services offered by the identified alternative providers,⁴⁴ provide the same coverage, functionality, terms and conditions as POTS.

⁴¹ CPUC Basic Service definition, <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-mapping-program/broadband-public-feedback/basic-service-definition>. D.12-12-038, Ordering Paragraphs 1, 2, 3 and Appendix A.

⁴² D.12-12-038 at 45.

⁴³ *Id.* at Conclusion of Law 9.

⁴⁴ It is also important to note that the alternative providers identified by AT&T do not serve in the capacity of a COLR.

4. AT&T did not provide a detailed migration plan for impacted customers that includes customer notifications and scheduled milestones.

AT&T did not provide a comprehensive, detailed migration plan for impacted customers. The Application also lacks a customer notice strategy and plan. The customer outreach plan should include, at minimum, the list of all impacted customers, an outreach and communication schedule, the method by which customers will be notified, including accessible and in-language customer notifications, and information on dedicated AT&T customer support phone lines to help customers with the migration. Impacted customers should receive information on the communications service choices available to them, including whether the available choices include backup power and require additional equipment. This information should also include the prices of the service and equipment and the terms and conditions of service. Impacted customers should not be burdened with any cost of potentially losing service, specifically forced switching costs. Lastly, if AT&T's request is deemed to be a service discontinuation, rather than relief of COLR obligations, the Commission should require AT&T to follow the 2010 revised Mass Migration Guidelines.⁴⁵

5. AT&T fails to address all its current service quality violations.

As a COLR, AT&T is required to meet the Commission's established service quality standards detailed in General Order (G.O.) 133-D. AT&T is required to meet service quality standards, that include but are not limited to, customer trouble reports, out of service reporting, service installation intervals, and customer service answer times. AT&T has chronically failed to comply with G.O. 133-D service quality standards.⁴⁶ The

⁴⁵ Decision Adopting Guidelines for Competitive Local Exchange Carriers (CLEC) Involuntary Exits and Principles and Procedures for CLEC End-User Migrations and Modifying the Mass Migration Guidelines, D. 10-07-024, R. 03-06-020, August 4, 2010, Attachment 3 Mass Migration Guidelines. As discussed in the introduction, AT&T's Application is unclear whether its request is a technology migration request or a request to exist the market for offering a specific type of voice service. The Mass Migration Guidelines are to be used when a CLEC is exiting the local exchange market, or a portion of its market, and has a customer base to migrate to other carriers.

⁴⁶ Resolution T-17769 at 12.

two recent PPHs in the Service Quality proceeding (R. 22-03-016) were replete with customer complaints of AT&T's failure to maintain a functional voice service network; one example is included below:

"We have had an AT&T landline for -- for the last 30 years, and every time it rains, it -- the service either stops or has a very noisy line until it dries out. We stopped complaining to A and T -- AT&T after their service guy told them "Yeah, we need to replace the lines, but there's no plans to do so." So we're just stuck with that. And we don't have cell service in our area, because we're -- we're -- our house is in a kind of a canyon, and so we can't reach the cell site. So it's our only lifeline to get help, if we need it."⁴⁷

Again, AT&T's record demands heightened scrutiny, not increased discretion and autonomy. The Commission cannot trust AT&T to serve the public interest without oversight. AT&T's Application for relief of COLR obligations is an egregious attempt to abdicate its current responsibility to deliver customers service that meets minimum service quality standards. The Commission should not consider AT&T's Application until AT&T resolves all its G.O. 133-D service quality non-compliance issues. Anything less than resolving all service quality issues prior to requesting a relief of COLR obligations will signal that a telephone corporation may chronically violate service quality standards, deliver unreliable service to customers, and abdicate its responsibilities with impunity.

III. CATEGORIZATION, NEED FOR HEARINGS AND SCHEDULE (Rule 2.6(d))

Cal Advocates agrees an application to be relieved of COLR obligations would be categorized as ratesetting. Given the deficiency in the Application, it is premature to determine whether evidentiary hearings will be needed and the schedule for the proceeding. However, Cal Advocates will be able to address these issues once AT&T submits a complete Application.

⁴⁷ Order Instituting Rulemaking to Consider Amendments to General Order 133, R. 22-03-016, Public Participation Hearings (Virtual), December 6, 2023 at 25, lines 3-15.

IV. CONCLUSION

AT&T has an obligation to serve all customers in its service territory. COLR obligations are not tied to technological advances but instead to the concept of universal access to service. AT&T's request frustrates the Commission's framework that guarantees universal access to service and provides nothing to take its place. The Commission should deny AT&T's application without prejudice and require AT&T to resubmit an application with clear, detailed, supported information that includes, at minimum, the information identified in this protest.

Respectfully submitted,

/s/ KATE TURNER

Kate turner
Attorney for

Public Advocates Office
California Public Utilities Commission
300 Capitol Mall, Suite 500
Sacramento, CA 95814
Telephone: (916) 823-4773, Ext. 5-4773
E-Mail: Kate.Turner@cpuc.ca.gov

April 6, 2023