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R2208008

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

Order Instituting Rulemaking Proceeding to Consider Changes to Licensing Status and Obligations of Interconnected Voice over Internet Protocol Carriers.

Rulemaking 22-08-008

**ASSIGNED COMMISSIONER’S SCOPING MEMO AND RULING**

This Scoping Memo and Ruling (Scoping Memo) sets forth the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding pursuant to Public Utilities (Pub. Util.) Code<sup>1</sup> Section 1701.1 and Article 7 of the California Public Utilities Commission’s (Commission or CPUC) Rules of Practice and Procedure (Rules).

**1. Background**

On August 30, 2022, the Commission issued its *Order Instituting Rulemaking to Consider Changes to Licensing Status and Obligations of Interconnected Voice over Internet Protocol Carriers (OIR)*, opening this Rulemaking (R.) 22-08-008.

Twelve groups of parties filed opening comments on the OIR on October 17, 2022: Pacific Bell Telephone Company d/b/a AT&T California and AT&T Corporation (jointly, AT&T), Cloud Communications Alliance (Cloud), Consolidated Communications of California Company/Consolidated Communications Enterprise Services, Inc. (Consolidated), Computer & Communications Industry Association, CTIA – The Wireless Association

<sup>1</sup> All subsequent section references are to the Public Utilities Code, unless otherwise stated.

(CTIA), Frontier California Inc./Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California/Frontier Communications of the Southwest Inc. (collectively, Frontier), The Utility Reform Network/Center for Accessible Technology (collectively, Joint Consumers), Small Business Utility Advocates (Small Business), Calaveras Telephone Company/Cal-Ore Telephone Company/Ducor Telephone Company/Foresthill Telephone Company/Happy Valley Telephone Company/Hornitos Telephone Company/Kerman Telephone Company/Pinnacles Telephone Company/The Ponderosa Telephone Company/Sierra Telephone Company, Inc./The Siskiyou Telephone Company/Volcano Telephone Company/Winterhaven Telephone Company (collectively, Small LECs), the California Broadband and Video Association (CBVA),<sup>2</sup> US Telecom – The Broadband Association, Voice on the Net Coalition (VON), and Sangoma U.S., Inc. and affiliated subsidiaries NetFortris Acquisition Company, Inc., Fonality, Inc., and Star2Star Communications, LLC (collectively, Sangoma). Reply comments were filed by AT&T, Frontier, Joint Consumers, Small Business, Small LECs, CBVA, and Sangoma on October 31, 2022, and by Small Business on November 1, 2022.<sup>3</sup>

On January 9, 2023, the assigned Administrative Law Judge (ALJ) issued a ruling setting the prehearing conference (PHC) for January 24, 2023. At the PHC, the ALJ granted oral motions for party status by Comcast Phone of California, LLC d/b/a Comcast Digital Phone and its affiliates Comcast IP Phone, LLC, Blueface US, LLC, and Masergy Cloud Communications, Inc. (collectively,

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<sup>2</sup> On March 13, 2023, the California Cable & Telecommunications Association filed a notice of name change to the California Broadband and Video Association.

<sup>3</sup> Small Business also filed on November 1, 2022 a motion requesting permission to late-file reply comments on the OIR. The ALJ granted the Small Business motion in a ruling issued January 13, 2023.

Comcast), Cox California Telecom, LLC d/b/a Cox Communications (Cox), and Charter Fiberlink CA-CCO, LLC/Time Warner Cable Information Services (California), LLC/Bright House Networks Information Services (California), LLC (collectively, Charter).

At the PHC, parties discussed issues of scope and schedule, including terminology and the need for technical workshops and public engagement workshops.

On February 16, 2023, the ALJ issued a Ruling seeking further information concerning technological distinctions of interconnected Voice over Internet Protocol (VoIP) services.

On March 9, 2023, the following parties filed responses to the ALJ Ruling: Sangoma, CBVA, Consolidated, Frontier, VON, Comcast, Charter, Cloud, CTIA, Cox, Small LECs, AT&T, and Joint Consumers.

After considering party comments on the OIR, the discussion at the PHC and party comments on the ALJ Ruling, we have determined the issues to be set forth in this Scoping Memo.

## **2. Legal Authorities**

The Commission has jurisdiction over public utilities, including public utility services and facilities of telephone corporations.<sup>4</sup> Under Section 216, a “public utility” includes every “telephone corporation”<sup>5</sup> where service is performed, or a commodity is delivered to the public or any portion thereof. Section 234 defines a “telephone corporation” to include “every corporation or person owning, controlling, operating, or managing any telephone line for

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<sup>4</sup> See Cal. Const., Art. XII, §§ 1-6; Pub. Util. Code § 701.

<sup>5</sup> Pub. Util. Code § 234.

compensation in this state.”<sup>6</sup> Section 233 defines a “telephone line” to include “all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, or controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.”<sup>7</sup>

California’s Constitution specifically extends the Commission’s jurisdiction to companies engaged in “the transmission of telephone and telegraph messages.”<sup>8</sup> This includes services delivered over any technology, including but not limited to, traditional copper lines, coaxial cable, fiber optic cable, and mobile or fixed wireless radios. The Commission’s authority over public utilities includes oversight over both public utility services and facilities.<sup>9</sup>

In 2004, the Commission initiated Investigation (I.) 04-02-007 to determine the appropriate regulatory framework for VoIP service, stating “VoIP represents the next generation technology for the provision of voice and other services.”<sup>10</sup> Additionally, the Commission identified VoIP providers operating in California at the time (Vonage, 8X8, and Level 3 Communications) and noted that traditional providers of voice telephony, including incumbent telephone companies, competitive local exchange carriers and cable telephony providers were deploying VoIP on a commercial basis and migrating customers to VoIP.<sup>11</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> Pub. Util. Code § 233.

<sup>8</sup> Cal. Const., Art. XII, § 3.

<sup>9</sup> *See* Cal. Const., Art. XII, §§ 1-6; Pub. Util. Code § 701.

<sup>10</sup> Order Initiating Investigation (OII) 04-02-007 at 1-2.

<sup>11</sup> OII at 1-2.

In Decision (D.) 06-06-010, the Commission closed I.04-06-007, finding it premature to assess the Commission's regulatory role over VoIP with respect to telephone corporation obligations such as universal service, E911 access, market competition arrangements, and consumer protection rules, among others.<sup>12</sup>

Subsequently, the California Legislature enacted laws regarding universal service 911 and market competition expressly applicable to VoIP service. Assembly Bill (AB) 2393 (Ch. 776, Stats 2006) added Section 776, Section 2872.5, and Section 2892.1 to the Public Utilities Code to address emergency telephone system reliability. Section 776 and Section 2892.1 address telephone backup power systems<sup>13</sup> while Section 2872.5 addresses emergency notification systems. For purposes of applying Section 2892.1, the statute identifies VoIP among the technologies provisioning voice communication service.

Section 776, addressing telephone system backup power located on the customers' premises, applies to "facilities-based providers of telephony services." Section 2872.5, addressing telephone emergency system notification, applies to all manner of "911 emergency telephone systems" as referenced in subdivision (e) of Section 2872. In implementing AB 2393,<sup>14</sup> the Commission determined the terms of Sections 776 and 2872.5 applied equally to VoIP service, concluding, "...to interpret AB 2393 to exclude telephone services provided by

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<sup>12</sup> D.06-06-010 at 2-3.

<sup>13</sup> Section 776 addresses backup power systems located on the customer's premises and Section 2892.1 addresses backup power systems not located on the customers' premises.

<sup>14</sup> The Commission implemented AB 2393 in R.07-04-015. Issued D.08-09-014 addressing the above matters and finding that a customer education program regarding backup power was needed. In addition, the Commission determined that the proceeding should remain open for further investigation into the need for standards for backup power located on the customer's premises. Attachment A to D.08-09-014 is the Final Analysis Report prepared by the Commission's Communications Division which constitutes the Commission's required report to the Legislature.

cable companies and/or VoIP providers would seriously undermine the purpose of the bill.”<sup>15</sup>

AB 1315 (Ch. 358, Stats. 2010) added Section 716, declaring:

Consistent with the federal Telecommunications Act of 1996, state law declares the policies for telecommunications for California to include removal of the barriers to open and competitive markets and promoting fair product and price competition in a way that encourages greater efficiency, lower prices, and more consumer choices, while continuing the state’s universal service commitment.

Subsection (b)(2) of Section 716 requires:

All providers of voice communications services, including, but not limited to, local exchange carriers, interexchange carriers, mobile telephony service providers, and providers of facilities-based interconnected Voice over Internet Protocol (VoIP) service, shall provide all data and other information relevant to the forbearance petition requested by the commission pursuant to this section.

In January 2011, the Commission opened R.11-01-008 in order “to ensure that the California universal service programs are supported in a competitively and technologically neutral manner and that contributions to the programs are sufficient to preserve and advance universal service.”<sup>16</sup> During the pendency of that proceeding, the California Legislature enacted two statutes addressing questions at issue in R.11-01-008.

AB 841 (Ch. 841, Stats. 2011) added Section 285, requiring providers of interconnected VoIP service to collect and remit surcharges in support of six telecommunications universal service programs. For purposes of Section 285, the term “interconnected VoIP service” has the same meaning as Section 9.3 of

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<sup>15</sup> D.10-01-026 at 18-21, Finding of Fact (FoF) 34, FoF 40, Conclusions of Law 27-36.

<sup>16</sup> D.13-02-022 at 2.

Title 47 of the Code of Federal Regulations.<sup>17</sup> Senate Bill (SB) 1161 (Ch. 733, Stats. 2012), added Section 239 to define VoIP service and added Section 710 to proscribe new regulation of VoIP or other IP enabled service and to fix the scope of the Commission's jurisdiction over VoIP service to that "required or expressly delegated by federal law or expressly directed to do so by statute or as set forth in subdivision (c)."<sup>18</sup>

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<sup>17</sup> The definition of VoIP service in Section 9.3 of Title 47 of the Code of Federal Regulations referenced in Section 285(a) to was revised by Federal Communications Commission (FCC) on August 2, 2019. (See Report and Order FCC 19-76 *Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules* implementing 2018 federal legislation *Section 506 of RAY BAUM'S Act*.)

<sup>18</sup> Section 710 expired on January 1, 2020. Subsection c of Section 710 stated "This section does not affect or supersede any of the following:

- (1) The Emergency Telephone Users Surcharge Law (Part 20 (commencing with Section 41001) of Division 2 of the Revenue and Taxation Code) and the state's universal service programs (Section 285).
- (2) The Digital Infrastructure and Video Competition Act of 2006 (Division 2.5 (commencing with Section 5800)) or a franchise granted by a local franchising entity, as those terms are defined in Section 5830.
- (3) The commission's authority to implement and enforce Sections 251 and 252 of the federal Communications Act of 1934, as amended (47 U.S.C. Secs. 251 and 252).
- (4) The commission's authority to require data and other information pursuant to Section 716.
- (5) The commission's authority to address or affect the resolution of disputes regarding intercarrier compensation, including for the exchange of traffic that originated, terminated, or was translated at any point into Internet Protocol format.
- (6) The commission's authority to enforce existing requirements regarding backup power systems established in Decision 10-01-026, adopted pursuant to Section 2892.1.
- (7) The commission's authority relative to access to support structures, including pole attachments, or to the construction and maintenance of

*Footnote continued on next page.*

In 2013, the Commission found Section 285 made the consideration of the scoped issue in R.11-01-008 moot,<sup>19</sup> that Section 710 made consideration of a request to examine VoIP providers' compliance with consumer protection statutes moot,<sup>20</sup> and accordingly closed the proceeding.<sup>21</sup> Also in 2013, in R.11-11-006 to revise the certification process for telephones and the registration process for wireless carriers, the Commission identified over 100 VoIP service providers with grants of operating authority through certificates of public convenience and necessity (CPCN) but deferred review of telephone corporation licensing and registration processes with respect to VoIP service at the time. The Commission stated, "While we agree that the Commission may need to create some process for carriers providing service using VoIP in order to collect basic information that would enable the Commission to protect consumers and fulfill obligations under SB 1161, the Commission needs to more fully determine the extent of its regulatory duties."<sup>22</sup>

While the Commission's exercise of jurisdiction over VoIP service was frozen until the expiration of Section 710 on January 1, 2020, the Commission implemented rules in accordance with statutes unaffected by Section 710. In 2016, the Commission required interconnected VoIP providers to supply reports

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facilities pursuant to commission General Order 95 and General Order 128.

(8) The Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1.5 of Part 1 of Division 2 of Title 5 of the Government Code).

<sup>19</sup> D.13-02-022 at FoF 2.

<sup>20</sup> D.13-02-022 at FoF 4.

<sup>21</sup> D.13-02-022 at Ordering Paragraph (OP) 2.

<sup>22</sup> D.13-05-035 at 10-11.



of major service outages to the Commission pursuant to General Order 133-D, in the form of Network Outage Reporting System (NORS) reports required by the FCC since 2012. In adopting this reporting obligation, the Commission explained that “[t]he FCC adopted NORS reporting for interconnected VoIP providers due to the public safety issues associated with VoIP outages. VoIP service is becoming more prevalent and is marketed as a substitute for traditional telephone service, and interconnected VoIP customers have the same need for reliable service and the ability to reach emergency services as do traditional telephone service customers.”<sup>23</sup>

Also during the pendency of Section 710, in R.18-03-011 considering emergency disaster relief obligations, the Commission applied certain consumer protection requirements to VoIP service (defined by Section 239) providers during a state of emergency.<sup>24</sup> On rehearing, the Commission affirmed its authority to impose emergency disaster relief requirements on VoIP service providers because they are telephone corporations subject to the Commission’s jurisdiction, regardless of the technology used to provide their services, explaining in relevant part: “the phrase ‘to facilitate communication by telephone’ encompasses services beyond traditional landline service if the service facilitates “two-way communication by speaking as well as by listening,” regardless of the “[t]he exact form or shape of the transmitter and the receiver or the medium over which the communication can be effected,”<sup>25</sup> and “Wireless

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<sup>23</sup> D.16-08-021 at 12.

<sup>24</sup> See D.19-08-025 at OP 1-3 and OP 7-10 and D.20-09-012 at OP 1.

<sup>25</sup> See D.20-09-012 at 34 citing *City of Huntington Beach v. Pub. Util. Comm’n*, 214 Cal.App.4th 566, 585-586 (2013).

service and VoIP service both facilitate two-way communication by speaking as well as by listening.”<sup>26</sup>

The Commission’s exercise of jurisdiction over VoIP service in R.18-03-011 was affirmed in statute by the enactment of SB 341 (Ch. 425, Stats. 2021) adding Section 776.2 regarding telecommunications service<sup>27</sup> resiliency plans and requirements and amending Gov. Code Section 53122 regarding public maps of telecommunications service outages, consistent with D.20-07-011 and D.21-02-029.

In 2022, in D.22-10-021, the Commission required telephone corporations, including VoIP service providers, to change their method of calculating the surcharges supporting the six telecommunications universal service programs.<sup>28</sup> In doing so, the Commission found that “[e]xisting law and Commission decisions, including D.96-10-066, requires that all telephone corporations, including traditional wireline, wireless, and VoIP carriers, assess and collect PPP surcharges from their end users and remit those revenues to the Commission.”<sup>29</sup>

In the instant rulemaking, the Commission renews consideration of an appropriate regulatory framework for telephone corporations providing VoIP service. Moreover, we will also consider party responses filed March 9, 2023 to the ALJ Ruling of February 16, 2023. These responses indicate that today, VoIP is

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<sup>26</sup> D.20-09-012 at 34.

<sup>27</sup> Government Code (Gov. Code) Section 5311(a)(2) defines telecommunication service as defined in Section 2892.1 but does not include voice communication provided by a provider of satellite telephone service.

<sup>28</sup> Section 285 requiring providers of interconnected VoIP service to collect and remit surcharges in support of six telecommunications universal service programs was amended in by AB 14 (Ch. 658, Stats. 2021) to, in relevant part, repeal the authorization for use of certain methodologies to identify their intrastate revenues subject to the surcharge.

<sup>29</sup> D.22-10-021 at FoF 4.

a prevalent standard of provisioning telephone service in California, and that some customers may not have information nor choice over the technology by which their residential telephone service is provided.<sup>30</sup>

### **3. Issues**

The issues to be determined or otherwise considered in this proceeding are:

1. What is the appropriate regulatory framework for telephone corporations providing VoIP service<sup>31</sup> in California, consistent with applicable law and policy?
2. If at all, how should the regulatory framework for telephone corporations providing VoIP service in California differ from the existing regulatory frameworks for telephone corporations providing:
  - a. Local exchange service;
  - b. Interexchange service; and
  - c. Wireless service.
3. Does the current market for telephone service, or technologies in use today for providing telephone service, necessitate changes to the Commission's licensing and registration processes?
4. The impact of responses to Scoped Issues 1-3 on:
  - a. competitive neutrality;
  - b. universal service;
  - c. public health, safety and welfare;
  - d. administrative convenience;
  - e. consumer interests, including consumers in Environmental and Social Justice (ESJ) communities; and

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<sup>30</sup> Party responses to Questions 3-4 and Question 7 in ALJ Ruling issued February 16, 2023.

<sup>31</sup> In this Scoping Memo, VoIP service is defined by Section 239.

- f. the public interest.
- 5. Are there impacts to ESJ communities? This includes the extent to which any regulatory framework for VoIP service impacts achievement of any of the nine goals of the Commission's ESJ Action Plan.
- 6. How should adoption of an appropriate regulatory framework for telephone corporations providing VoIP service in California impact telephone corporations already in possession of any of the following:
  - a. CPCN;
  - b. Section 1013 registration;
  - c. Informal registration with the Commission in what was termed a Section 285 registration; or
  - d. Wireless Information Registration (WIR)?
- 7. How should the Commission treat any entities providing VoIP service in California without possession of any of the following:
  - a. CPCN;
  - b. Section 1013 registration;
  - c. informal registration with the Commission in what was termed a Section 285 registration; or
  - d. WIR?
- 8. In the interim while this proceeding is ongoing, how should the Commission process requests of new entities intending to provide VoIP service in California?

**4. Comments**

In addition to comments on the scoped issues, parties may comment on the following issues:

1. Should the Commission require telephone corporations providing VoIP service<sup>32</sup> in California to obtain operating authority? Provide the factual and legal bases for your contention.
2. Do the regulatory obligations applicable to telephone corporations providing VoIP service in California differ from the regulatory obligations for telephone corporations providing local exchange service, interexchange service, and/or wireless service? If so how? Provide the factual and legal bases for your contention.
  - a. "Regulatory obligations" include existing or potential rules, regulations, requirements, or penalties related to or concerning: (i) licensing (*e.g.*, Pub. Util. Code Section 1001 and Section 1013), registration, or other operating authority requirements, such as performance bonds; (ii) Public Purpose Programs (universal service) support; (iii) the CPUC User Fee; (iv) 9-1-1 and other public safety matters; (v) service quality; (vi) consumer protections; (vii) facilities, equipment, and other network infrastructure maintenance; (viii) transfer of control and affiliate transactions; (ix) enforcement actions and citations; and (x) any other obligations not listed here.
3. What types of facilities and instrumentalities are required for a telephone corporation providing VoIP service? Specifically describe the line, plant, system, or any extension thereof required for the provision of VoIP service.
4. With respect to determining monopoly or market power, what is the relevant market for VoIP service?

## **5. Technical Workshop(s)**

Parties shall identify any scoped issues or questions in this Scoping Memo that would benefit from workshop discussion and propose a workshop structure

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<sup>32</sup> See Pub. Util. Code Section 239, defining VoIP service.

to address the specific issue(s) identified. Additionally, parties may comment on the suitability of workshops to address any the following:

1. With reference to pages A-9 to A-13 of Attachment A to R.22-08-008, to improve the Commission's administration of the regulatory obligations of telephone corporations, consistent with applicable law and policy, what changes should the Commission make to:
  - a. The Section 1013 registration form and instructions;
  - b. The WIR registration form and instructions;
  - c. Performance bond filing methods and processes;
  - d. to licensing and registration fees; or
  - e. any other process improvements?
2. How is telephone service provided by VoIP distinct from local exchange or interexchange telephone service generally, and specifically with respect to:
  - a. Telephone network access including 9-1-1 access; and
  - b. Telephone call routing?
3. How should the adopted regulatory framework for telephone corporations providing VoIP service account for differences in the mode and manner of configuring VoIP service including but not limited to:
  - a. Type of facilities and instrumentalities employed;
  - b. Ownership or management of facilities and instrumentalities; or
  - c. Market served (*e.g.*, residential, commercial, wholesale)?

## **6. Need for Evidentiary Hearing**

Parties generally agreed that evidentiary hearings are unlikely to be necessary. Thus, no hearings are included on the schedule in this Scoping Memo. In the event it appears necessary, parties may file a motion requesting evidentiary hearings be scheduled and identifying the material factual issues disputed.

**7. Schedule**

The following schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of the application:

EVENT	DATE
PHC	January 24, 2023
Scoping Memo	April 28, 2023
Comments on Scoping Memo, including Responses to Questions in Sections 4-5	June 2, 2023
Reply Comments on Scoping Memo	June 30, 2023
Technical Workshop(s), if necessary	TBD
Ruling Inviting Party Comments on Workshop(s) and Other Questions	Q4 2023
Comments and, if necessary, Motion for Evidentiary Hearings	Q4 2023
Reply comments, case submitted	January 2024
Proposed decision	<i>[no later than 90 days after submission]</i>

The proceeding will stand submitted upon the filing of final comments required in future rulings, unless the ALJ requires further evidence or argument. Pub. Util. Code Section 1701.5 requires quasi-legislative proceedings to be resolved within 18 months.

Due to the complexity of this proceeding, particularly the necessity of addressing technological changes underpinning the provision of telephone service provision in California today, it is necessary to extend the statutory deadline of this proceeding in order to allow sufficient time for adequate consideration of the issues. Therefore, this Scoping Memo and Ruling extends the statutory deadline for R.22-08-008 from February 30, 2024 to August 30, 2024.

## **8. Alternative Dispute Resolution Program and Settlements**

The Commission's Alternative Dispute Resolution (ADR) program offers mediation, early neutral evaluation, and facilitation services, and uses ALJs who have been trained as neutrals. At the parties' request, the assigned ALJ can refer this proceeding to the Commission's ADR Coordinator. As of the PHC, parties had not discussed use of the ADR program.<sup>33</sup>

Any settlement between parties, whether regarding all or some of the issues, shall comply with Article 12 of the Commission's Rules of Practice and Procedure and shall be served in writing. Such settlements shall include a complete explanation of the settlement and a complete explanation of why it is reasonable in light of the whole record, consistent with the law and in the public interest. The proposing parties bear the burden of proof as to whether the settlement should be adopted by the Commission.

## **9. Category of Proceeding and Ex Parte Restrictions**

This ruling confirms the Commission's preliminary determination<sup>34</sup> that this is a quasi-legislative proceeding. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

## **10. Public Outreach**

Pursuant to Pub. Util. Code Section 1711(a), we hereby report that the Commission sought the participation of those likely to be affected by this matter by noticing it in the Commission's monthly newsletter that is served on

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<sup>33</sup> Reporter's Transcript of PHC at 47:21-22.

<sup>34</sup> Attachment to Resolution ALJ-176-3514 issued September 15, 2022 at 1.



communities and business that subscribe to it and posted on the Commission's website.

#### **11. Intervenor Compensation**

Pursuant to Pub. Util. Code Section 1804(a)(1), a customer who intends to seek an award of compensation must have filed and served a notice of intent to claim compensation by February 29, 2023, 30 days after the PHC.

#### **12. Response to Public Comments**

Parties may, but are not required to, respond to written comments received from the public. Parties may do so by posting such response using the "Add Public Comment" button on the "Public Comment" tab of the online docket card for the proceeding.

#### **13. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's Public Advisor at 1-866-849-8390 or 1-866-836-7825 (TTY), or send an email to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

#### **14. Filing, Service, and Service List**

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct and serve notice of any errors on the Commission's Process Office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.<sup>35</sup>

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<sup>35</sup> The form to request additions and changes to the Service list may be found at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/administrative-law-judge-division/documents/additiontoservicelisttranscriptordercompliant.pdf>.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail whenever possible, transmitted no later than 5:00 p.m. on the date scheduled for service to occur. Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must not send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at [process\\_office@cpuc.ca.gov](mailto:process_office@cpuc.ca.gov) to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

The Commission encourages those who seek information-only status on the service list to consider the Commission's subscription service as an alternative. The subscription service sends individual notifications to each subscriber of formal e-filings tendered and accepted by the Commission. Notices sent through subscription service are less likely to be flagged by spam or other filters. Notifications can be for a specific proceeding, a range of documents and daily or weekly digests.

#### **15. Receiving Electronic Service from the Commission**

Parties and other persons on the service list are advised that it is the responsibility of each person or entity on the service list for Commission

proceedings to ensure their ability to receive emails from the Commission. Please add “@cpuc.ca.gov” to your email safe sender list and update your email screening practices, settings and filters to ensure receipt of emails from the Commission.

**16. Assignment of Proceeding**

Commissioner John Reynolds is the assigned Commissioner and Camille Watts-Zagha is the assigned ALJ for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is described above and is adopted.
2. The schedule of this proceeding is set forth above and is adopted.
3. Evidentiary hearings are not needed.
4. The category of the proceeding is quasi-legislative.
5. The statutory deadline in this proceeding is extended until August 30, 2024.

This order is effective today.

Dated April 28, 2023, at San Francisco, California.

/s/ JOHN REYNOLDS

John Reynolds  
Assigned Commissioner