

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**

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July 5, 2024

Agenda ID #22736
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 23-06-013:

This is the proposed decision of Administrative Law Judge Leah Goldberg. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's August 22, 2024 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure (Rules).

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:nd3

Attachment

Decision PROPOSED DECISION OF ALJ GOLDBERG (Mailed 7/5/2024)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Podium Voice, LLC for
Registration as an Interexchange Carrier
Telephone Corporation Pursuant to the
Provisions of Public Utilities Code
Section 1013.

Application 23-06-013

**DECISION GRANTING PODIUM VOICE, LLC
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE RESOLD INTEREXCHANGE SERVICES**

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**DECISION GRANTING PODIUM VOICE, LLC
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE RESOLD INTEREXCHANGE SERVICES**

Summary

Pursuant to Public Utilities Code Section 1001, the California Public Utilities Commission (Commission) grants Podium Voice LLC (Podium) a certificate of public convenience and necessity to provide resold interexchange services in California subject to the terms and conditions set forth in the Ordering Paragraphs.

Podium must pay all public purpose surcharges owed for prior provision of interconnected Voice over Internet Protocol (VoIP) services in California and 10 percent interest accrued for late remittance of surcharges prior to its application for registration. Podium's licensing obligations may be modified by the Commission in its pending Rulemaking 22-08-008.

Application 23-06-013 is closed.

1. Background

On June 8, 2023, Podium Voice, LLC (Podium or Applicant), a Delaware limited liability company, authorized to do business in the State of California, filed an application for a certificate of public convenience and necessity (CPCN) to provide resold interexchange services throughout California (Application).¹ With the Application, Podium filed several exhibits. Podium filed Exhibit F under seal and requested that it be treated as confidential information under Decision (D.) 97-09-035. Podium proposes to offer interconnected Voice over

¹ While this application was filed under Public Utilities (Pub. Util.) Code Section 1013, an expedited and ministerial registration process, the Commission determined that it did not qualify for that registration process, and the resulting assignment to an Administrative Law Judge (ALJ) removed it from the registration track. It has therefore been evaluated as a CPCN under Pub. Util. Code Section 1001.

Internet Protocol (VoIP) services to its customers. Podium's principal place of business is located at 1650 W. Digital Drive, Lehi, Utah 84043.

There were no protests to this application. While reviewing the application, California Public Utilities Commission staff determined that Podium was not qualified to use the simplified registration process because it had commenced providing services as an interconnected VoIP provider in California prior to filing the Application.² The proceeding was reassigned to Commissioner John Reynolds and Administrative Law Judge (ALJ) KieuChinh Tran on October 23, 2023. On November 11, 2023, the assigned ALJ issued a ruling setting a prehearing conference (PHC) for November 30, 2023. The Commission held a PHC for this proceeding on November 30, 2023. On January 11, 2024, the proceeding was reassigned from ALJ Tran to ALJ Leah Goldberg. Commissioner John Reynolds issued an Assigned Commissioner's Scoping Memo and Ruling on March 1, 2024.

On April 12, 2024, May 3, 2024, and May 16, 2024, the assigned ALJ issued rulings to request additional information. Podium responded on April 22, 2024, May 13, 2024, and May 21, 2024, respectively. Podium's April 22, 2024 response was accompanied by a Motion to File Under Seal requesting to seal Exhibit A to its response. Likewise, Podium's May 13, 2024 response was accompanied by a Motion to File Under Seal requesting to seal Exhibit A to that response.

2. Submission Date

This matter was submitted on May 21, 2024, upon Podium's filing of its response to the ALJ's May 16, 2024 ruling.

² See Assigned Commissioner's Scoping Memo and Ruling issued on March 1, 2024, at 1.

3. Jurisdiction

The Commission has broad jurisdiction over “public utilities,”³ as defined in Pub. Util. Code Section 216. The California Constitution extends the Commission’s jurisdiction to companies engaged in “the transmission of telephone and telegraph messages,” which includes both public utility services and facilities.⁴ The Commission classifies entities providing two-way voice communications service for compensation within California as “telephone corporations”⁵ and regulates them as public utilities.^{6,7}

As part of its regulatory authority over “telephone corporations,” the Commission authorizes CPCNs to “telephone corporations” seeking to construct a “line, plant, or system, or any extension thereof” in California.⁸ Pub. Util. Code Section 233 defines a “telephone line” to include “all conduits, ducts, poles, wires, cables, instruments, and appliances, and 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.” 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.

³ Pub. Util. Code § 216.

⁴ See D.20-07-011, at 14-15, *see* Cal. Const., Art. XII, §§ 1-6; Pub. Util. Code § 701.

⁵ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68.

⁶ Pub. Util. Code § 216(a).

⁷ Telephone corporations are required to file annual affiliate transaction reports and pay surcharges and user fees.

⁸ Pub. Util. Code § 1001.

Providers of interconnected VoIP service are telephone corporations subject to the Commission's jurisdiction.⁹ In 2021, the Commission's Communication's Division directed interconnected VoIP carriers operating in California to apply for either a registration pursuant to Pub. Util. Code Section 1013 or a CPCN under Pub. Util. Code Section 1001. The Commission is currently considering the licensing obligations for interconnected VoIP carriers in Rulemaking (R.) 22-08-008.

Podium proposes to provide interconnected VoIP services to retail business customers. Accordingly, Podium is a telephone corporation and a public utility subject to the Commission's jurisdiction.

4. California Environmental Quality Act

Pursuant to California Environmental Quality Act (CEQA)¹⁰ and Rule 2.4 of the Commission's Rules of Practice and Procedure (Rules), the Commission acts as the designated lead agency for projects that are subject to the Commission's discretionary approval. The Commission evaluates the project's potential environmental impacts, seeks to avoid adverse effects, investigates alternatives, and ensures that any significant environmental impacts are restored or otherwise mitigated to the fullest extent possible under CEQA. Because Podium states that it does not intend to construct any facilities, it can be seen with certainty that there is no possibility that granting this Application will have an adverse impact upon the environment. Before it can construct facilities, including equipment installed in existing buildings or structures, Podium must file for additional authority, and submit to any necessary CEQA review.

⁹ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68, *citing* R.22-08-008.

¹⁰ Public Resources Code § 21000, *et seq.*

5. Financial Qualifications

To be granted a CPCN for authority to provide resold interexchange services, a new applicant must demonstrate that it has a minimum of \$25,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.¹¹ In response to the assigned ALJ's rulings, Podium provided supporting documentation consisting of a corporate guarantee from Podium Corporation, Inc. for at least \$25,000. Because Podium has provided documentation it possesses a minimum of \$25,000 that is reasonably liquid and available, it demonstrated that it has sufficient funds to meet its start-up expenses and fulfilled this requirement. Podium's financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available.

In addition to demonstrating financial fitness, Podium must also demonstrate it has an additional \$25,000 or that amount equal to the deposit required to operate statewide for one year following certification.¹² Podium stated that no deposit is required, as it will only be providing resold interexchange services.¹³ Therefore, no additional resources are required at this time to cover deposits.

6. Technical Qualifications

To be granted a CPCN for authority to provide resold interexchange service, an applicant must make a reasonable showing of managerial and

¹¹ The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in D.13-05-035 and D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.14-11-004.

¹² The financial requirement for CLECs is contained in D.13-05-035 and D.95-12-056, Appendix C. The financial requirement for NDIECs is contained in D.14-11-004.

¹³ See Podium Response, filed April 22, 2024, p. 1.

technical expertise in telecommunications or a related business.¹⁴ Podium supplied biographical information on its management in Exhibit D to its Application that demonstrates it has sufficient expertise and training to operate as a telecommunications provider.

In the Application, Podium verified that no one associated with or employed by Podium as an affiliate, officer, director, partner, or owner of more than 10 percent of Podium, or anyone acting in a management capacity for Podium:

(a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of [Sections] 17000, *et seq.*, [Sections] 17200, *et seq.*, or [Sections] 17500, *et seq.* of the Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.¹⁵

¹⁴ D.13-05-035; D.95-12-056 at Appendix C, Rule 4.A.

¹⁵ See Podium's Application, answers 8 and 9. These certifications are required by D.13-05-035, OP 14.

Also, to the best of Podium's knowledge, neither Podium, nor any affiliate, officer, director, partner, nor owner of more than 10 percent of Podium, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.¹⁶

For the foregoing reasons, this decision finds that Podium is in compliance with the requirements of D.13-05-035.

7. Tariffs

Podium requested detariffed status and may be exempt from the requirement to file tariffs provided that Podium complies with the consumer protection rules identified in D.98-08-031. Podium will offer voice services using interconnected VoIP technology.

Detariffed status is not available for carriers providing residential local exchange service. Based on the Application, it does not appear that Podium intends to provide residential local exchange service at this time.

Pursuant to D.12-12-038, Appendix A, Section II, parts a and b, basic service must be tariffed or scheduled. In the future, if Podium decides to offer services that require a tariff or schedule, such as basic service, Podium must submit proposed tariffs or user guides to the Commission's Communications Division via Tier 2 Advice Letters using the General Order 96-B advice letter process at least 30 days before initiation of service.

¹⁶ *Ibid.*

8. Expected Customer Base

Podium commenced providing services in California on May 14, 2023, and estimated a customer base of 250 customers during its first year of operation. Podium estimates a customer base of 2,500 customers in its fifth year of operation.

9. Safety Considerations

With the adoption of the *Safety Policy Statement of the California Pub. Util. Commission* on July 10, 2014, the Commission has, among other things, heightened its focus on the potential safety implications of every proceeding. The Commission considered the potential safety implications here and is satisfied that Podium will meet the Commission's minimum safety goals and expectations because: (1) Podium has taken steps to meet the financial requirements as set forth in this decision for a non-facilities-based interexchange carrier, and (2) Podium is a public utility that is required pursuant to Pub. Util. Code Section 451 to "...furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

10. Prior Provision of Service

Podium stated that it commenced providing interconnected VoIP services on May 14, 2023, in California. While the Commission may otherwise impose penalties to a carrier that provides unlicensed service, the Commission will forgo a penalty for Podium for its prior operations while it deliberates the licensing obligations of VoIP carriers in R.22-08-008. Podium is on notice that Commission decisions in R.22-08-008 may impact the licensing status of Podium, as well as any VoIP carriers operating in California that obtained a utility identification

number under the informal VoIP registration process previously in effect under Pub. Util. Code Section 285, a registration pursuant to Pub. Util. Code Section 1013, or a CPCN under Pub. Util. Code Section 1001.

Between May 14, 2023, and the present, Podium earned intrastate revenue from customers subject to surcharge assessments. Pub. Util. Code Section 285¹⁷ mandates that the Commission require interconnected VoIP service providers to collect and remit surcharges in support of state universal service funds of the following public purpose programs:

- California High-Cost Fund-A Administrative Committee Fund under Pub. Util. Code Section 275.
- California High-Cost Fund-B Administrative Committee Fund under Pub. Util. Code Section 276.
- Universal Lifeline Telephone Service Trust Administrative Committee Fund under Pub. Util. Code Section 277.
- Deaf and Disabled Telecommunications Program Administrative Committee Fund under Pub. Util. Code Section 278.
- California Teleconnect Fund Administrative Committee Fund under Pub. Util. Code Section 280.
- California Advanced Services Fund under Pub. Util. Code Section 281.

Effective April 1, 2023, all telephone corporations, including VoIP carriers or providers, operating in California are required to assess, collect, and remit California's public purpose program surcharges pursuant to the access line flat rate surcharge mechanism adopted in D.22-10-021. Surcharges apply only to public purpose program surcharges imposed on an end-use customer's "place of

¹⁷ Assembly Bill 841, Stats. 2011, ch. 685.

primary use” that is located within California.¹⁸ Carriers are assessed a 10 percent accrued interest for late remittance of public purpose program surcharges owed to the Commission.¹⁹

Podium must remit any past-due public purpose program surcharges owed for its prior operation of intrastate, interconnected VoIP service from May 14, 2023, to the issuance date of this decision by providing the Commission’s Communications Division with a summary of the monthly number of active access lines from May 14, 2023 to the issuance date of the decision. This information should be sent with the subject line “Surcharge Prior to CPCN Approval Per [*Insert Decision Number here, e.g., D.24-XX-XXX*], A.23-06-013” by sending one email to both telcosurcharge@cpuc.ca.gov and cdcompliance@cpuc.ca.gov within 30 days of the issuance date of this decision.

Podium is subject to the obligation to pay late fees on past due surcharges. However, Podium’s obligation to remit 10 percent interest on past-due surcharges is waived for the period following the filing date of Podium’s application in acknowledgement of Podium’s good faith effort to come into compliance with the Commission’s requirements by requesting a registration pursuant to Pub. Util. Code Section 1013.

While providers of resold interexchange service are required to pay past-due user fees, this decision waives past-due user fees in recognition of the Commission’s deliberation of licensing obligations for VoIP carriers in R.22-08-008 and R.21-03-002. Podium is on notice that the user fee obligations

¹⁸ Pub. Util. Code Section 285(d).

¹⁹ Resolution T-17704 at 11 (“The CPUC has imposed a 10 [percent] interest payment on untimely remitted surcharges across all of its [public purpose programs] innumerable times, and has done so for retroactive periods of varying lengths.”)

may be subject to change by determinations made in R.22-08-008 and R.21-03-002.

The Commission's Communications Division staff is authorized to calculate the past due public purpose program surcharges and late fees owed by Podium. Podium will, within 30 days of its receipt of the total amount owed for public purpose program surcharges and interest from the Commission's Communications Division, submit one cashier's check or money order payable to the California Public Utilities Commission for payment of the total amount owed either by mail or in-person delivery to: Commission's, Fiscal Office, Room 3000, 505 Van Ness Avenue, San Francisco, CA 94102. Podium must include a written identification stating the decision number and the application number, such as the following: "Per Decision [*enter decision number here*] of A.23-06-013." Podium must email to Commission's Communications Division at telcosurcharge@cpuc.ca.gov that it has made the payment for past-due surcharges and interest. Failure to remit past-due surcharges and interest owed within 90 days of the payment deadline will result in additional collections or enforcement action against Podium.

11. Conclusion

Podium's application conforms with the Rules for certification as a resold interexchange carrier. Accordingly, the Commission grants Podium's CPCN to provide resold interexchange services in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs, below.

The CPCN granted by this decision provides benefits to Podium and corresponding obligations. Podium receives authority to operate in the prescribed service territory, and this authority enables Podium, pursuant to

Section 251 of the 1934 Communications Act, as amended by the 1996 Telecommunications Act,²⁰ to interconnect with telecommunications carriers.²¹

In return, Podium is obligated to comply with all Pub. Util. Code provisions, Commission rules, General Orders (GOs), and decisions applicable to telephone corporations providing approved services. The applicable statutes, rules, GOs, and decisions include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, Podium is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code Section 451, which states that every public utility "...shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Civil Code Section 54.1, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

12. Request to File Under Seal

Pursuant to Rule 11.4, Podium has filed motions for leave to file Exhibit F to the Application and Exhibits A to both *Responses to the Assigned ALJ's Rulings Directing Filing of Additional Information* dated April 12, 2024, and May 3, 2024, as confidential materials under seal. Podium represents that the information is sensitive, and disclosure could place Podium at an unfair business disadvantage. The Commission granted similar requests in the past and does so here.

²⁰ 47 United States Code Section 251.

²¹ The California Public Utilities Code uses the term "telephone corporation." Its counterpart in federal law is a "telecommunications carrier."

13. Summary of Public Comments

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No written comments were submitted pursuant to Rule 1.18.

14. Comments on Draft Decision

The proposed decision of ALJ Goldberg in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311 and comments were allowed under Rule 14.3. Comments were filed on _____, and reply comments were filed on _____ by _____.

15. Assignment of Proceeding

John Reynolds is the assigned Commissioner and Leah Goldberg is the assigned ALJ in this proceeding.

Findings of Fact

1. Podium is a telephone corporation and a public utility as defined in Pub. Util. Code Section 234(a) and Section 216(a).
2. Podium submitted an Application for registration as an interexchange telephone corporation to provide VoIP service, which is being evaluated under Pub. Util. Code Section 1001.
3. Podium will not construct any facilities.
4. Podium has a minimum of \$25,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
5. Podium is not required to deposit cash or cash equivalent with any other telephone corporations in order to provide the proposed service.

6. Podium's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.

7. No one associated with or employed by Podium as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10 percent of Podium, or anyone acting in a management capacity for Podium has: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Section 17000, *et seq.*, Section 17200, *et seq.*, or Section 17500, *et seq.* of the Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or the attorney general.

8. To the best of Podium's knowledge, neither Podium, or any affiliate, officer, director, partner, nor owner of more than 10 percent of Podium, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the FCC or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

9. Podium requested and is eligible for exemption from tariffing requirements and must observe the consumer protection rules adopted in D.98-08-031.

10. Podium intends to provide services throughout California.

11. Podium commenced providing VoIP services in California on May 14, 2023.

12. Between May 14, 2023, and the present, Podium provided interconnected VoIP service in California without a VoIP registration pursuant to Pub. Util. Code Section 285, a registration pursuant to Pub. Util. Code Section 1013, or a CPCN pursuant to Pub. Util. Code Section 1001.

13. Podium provided an estimate of its customer base for the first and fifth years of operation.

14. Between May 14, 2023, and the present, Podium earned intrastate revenue from customers subject to surcharge assessments.

15. Between May 14, 2023, and June 8, 2023, Podium is obligated to pay 10 percent accrued interest for late remittance of public purpose program surcharges.

16. Pursuant to Rule 11.4, Podium filed motions for leave to file Exhibit F to its June 19, 2023 Application, Exhibit A to its April 22, 2024 *Response to the Administrative Law Judge's Inquiry Directing Filing of Additional Information*, and Exhibit A to its May 3, 2024 *Response to Administrative Law Judge's Second Ruling Directing Applicant to File and Serve Additional Information Within 10 Days* as confidential materials under seal.

Conclusions of Law

1. Podium should be granted a CPCN to provide resold interexchange services in California, subject to the terms and conditions set forth in the

Ordering Paragraphs. Podium's licensing obligations may be modified by the Commission in R.22-08-008.

2. Podium should be granted resold interexchange authority and may not construct any facilities, including equipment in existing buildings or structures.

3. Podium, once granted a CPCN, should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities.

4. Podium should be granted an exemption from the requirement to file tariffs.

5. It is reasonable to forbear from assessing penalties for Podium's unlicensed provision of VoIP service from May 14, 2023, to the present while the Commission deliberates VoIP licensing requirements in R.22-08-008, with the exception of public purpose program surcharges and interest payments for late remittance of public purpose program surcharges accrued prior to filing an application for registration pursuant to Pub. Util. Code Section 1013.

6. Podium should pay all past-due public purpose program surcharges on intrastate revenues earned on its VoIP service provided between May 14, 2023, and the present pursuant to Pub. Util. Code Section 285 and D.22-10-021.

7. Podium should pay 10 percent accrued interest on late remittance of public purpose program surcharges accrued between May 14, 2023, and June 8, 2023, the filing date of Podium's Application for registration.

8. Podium should provide the Commission's Communications Division with monthly active access lines for the relevant duration of the period owed using the form provided in Attachment E.

9. The Commission's Communication's Division should be authorized to calculate the amount Podium owes for public purpose program surcharges and

late fees using the surcharge mechanism applicable at the time the surcharge was incurred.

10. Podium should submit all past-due public purpose program surcharges and interest owed to the Commission within 30 days of receipt of Communications Division's summary of past-due surcharges and interest owed.

11. Podium's motions to file under seal Exhibit F to its June 19, 2023 Application, Exhibit A to its April 22, 2024 *Response to the Administrative Law Judge's Inquiry Directing Filing of Additional Information*, and Exhibit A to its May 3, 2024 *Response to Administrative Law Judge's Second Ruling Directing Applicant to File and Serve Additional Information Within 10 Days* should be granted for three years.

12. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Podium Voice, LLC to provide resold interexchange services in California, subject to the terms and conditions in this decision.

2. Podium Voice, LLC must remit public purpose program surcharges owed to the California Public Utilities Commission in accordance with established methodology in effect at the time the surcharge was accrued, along with accrued interest on late remittance of past-due surcharges prior to the filing of its application.

3. Within 30 days of the effective date of this decision, Podium Voice, LLC must provide the California Public Utilities Commission's Communications Division with a summary of the monthly number of active access lines from May 14, 2023, to the issuance date of this decision by emailing

telcosurcharge@cpuc.ca.gov and copying cdcompliance@cpuc.ca.gov in the communication. Podium Voice, LLC will provide this information by completing the form included as Attachment E.

4. The California Public Utilities Commission's Communications Division is authorized to calculate the public purpose program surcharges owed between May 14, 2023, and the issuance date of this decision, along with any interest owed between May 14, 2023, and June 8, 2023, for late remittance of past-due surcharges prior to the filing date of this application.

5. Podium Voice, LLC will, within 30 business days of its receipt of the total amount owed for public purpose program surcharges and interest from the California Public Utilities Commission's (Commission) Communications Division, send one cashier's check or money order for payment of the total amount owed to California Public Utilities Commission, Fiscal Office, Room 3000, 505 Van Ness Avenue, San Francisco, CA 94102. Podium Voice, LLC will inform the Commission's Communications Division that payment has been made within one day of emailing or otherwise submitting payment by email to telcosurcharge@cpuc.ca.gov.

6. Podium Voice, LLC will be subject to additional collections or enforcement action in the event it fails to pay the past-due public purpose program surcharges and interest owed within 90 days of the payment deadline.

7. Future payments of public purpose program surcharges and user fees must be made through the California Public Utilities Commissions' Communications Division's Telecommunications and User Fee Filing System, as provided in Attachment B.

8. The certificate of public convenience and necessity granted, and the authority for Podium Voice, LLC to render service to customers under the rates,

charges, and rules authorized, will expire if not exercised, by offering or actively providing service on a wholesale and/or resale basis, after 12 months from the effective date of this decision. Podium Voice, LLC is responsible for seeking approval for an extension of time to comply with this decision pursuant to the California Public Utilities Commission's Rules of Practice and Procedure Rule 16.6.

9. Podium Voice, LLC is assigned utility identification number U-7455-C and is responsible for using this as its corporate identification number in the caption of all original filings with the California Public Utilities Commission (Commission), in the titles of other pleadings filed in existing cases, and informal submissions to the Commission.

10. Podium Voice, LLC must file in this docket a written acceptance of the certificate of public convenience and necessity granted in this proceeding within 30 days of the effective date of this decision. The written acceptance filed in this docket does not reopen the proceeding.

11. Podium Voice, LLC must provide the name, address, email address, and telephone number of its designated primary regulatory/official contact person to the California Public Utilities Commission's Communications Division within five days of written acceptance of its certificate of public convenience and necessity. Refer to Attachment B for additional information related to updating contact information.

12. Podium Voice, LLC must provide the name, address, email address, and telephone number of its designated contact person for purposes of resolving consumer complaints to the California Public Utilities Commission's Consumer Affairs Branch within five days of written acceptance of its certificate of public

convenience and necessity. Refer to Attachment B for additional information related to updating contact information.

13. Podium Voice, LLC must submit a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with Decision 13-05-035 to the California Public Utilities Commission's Communications Division within five days of the effective date of this decision. Podium Voice, LLC is responsible, if needed, for seeking approval for an extension of time to submit the Tier 1 Advice Letter containing a copy of the performance bond. Podium Voice, LLC is responsible for ensuring that the performance bond is active for all periods of its operations and comply with the annual performance bond filing on or before March 31 of each year. Refer to Attachment B for additional information on performance bond requirements.

14. Podium Voice, LLC must submit its compliance with Public Utilities Code Section 708, Employee Identification Cards, to the California Public Utilities Commission's Director of the Communications Division in writing by email to cdcompliance@cpuc.ca.gov within 60 days of the effective date of this decision.

15. Podium Voice, LLC is subject to California public purpose program surcharges (surcharges) and user fees; and is responsible for timely reporting and remittance of surcharges and user fees using the California Public Utilities Commission's proprietary Telecommunications and User Fee Filing System. Refer to Attachment B for additional information on surcharges and user fees requirements.

16. Podium Voice, LLC is responsible for submitting an annual report in accordance with General Order 104-A to the California Public Utilities Commission's Director of the Communications Division by email to cdcompliance@cpuc.ca.gov no later than March 31 of the year following the

calendar year for which the annual report is submitted. Refer to Attachment C for additional information on annual report requirements.

17. Podium Voice, LLC is responsible for submitting its annual affiliate transaction report in accordance with Decision 93-02-019 to the California Public Utilities Commission's Director of the Communications Division by email to cdcompliance@cpuc.ca.gov no later than May 1 of the year following the calendar year for which the annual affiliate transaction report is submitted. Refer to Attachment D for additional information on annual affiliate transaction report requirements.

18. Podium Voice, LLC is subject to all the current requirements applicable to competitive local exchange carriers and interexchange carriers included in Attachments B, C, and D to this decision; all Consumer Protection Rules contained in General Order 168; and all applicable California Public Utilities Commission rules, decisions, General Orders, and statutes that pertain to California public utilities on an ongoing basis.

19. Podium Voice, LLC's motion to file under seal Exhibit F to its June 8, 2023 Application, Exhibit A to its April 22, 2024 *Response to the Administrative Law Judge's Inquiry Directing Filing of Additional Information*, and Exhibit A to its May 3, 2024 *Response to Administrative Law Judge's Second Ruling Directing Applicant to File and Serve Additional Information Within 10 Days* is granted for a period of three years after the date of this decision. During this three year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If Podium Voice, LLC believes that it is necessary for this information to remain under seal for longer than three years, it may file a new motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

20. Application 23-06-013 is closed.

This decision is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A

TARIFF DEFICIENCIES

This Attachment is Intentionally Left Blank.

(END OF ATTACHMENT A)

ATTACHMENT B

ATTACHMENT B**REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS (Carrier)**

1. Carrier is subject to all the current applicable California Public Utilities Commission (CPUC or Commission) rules, decisions, General Orders, and statutes that pertain to California public utilities and telephone corporations on an ongoing basis.

2. Carrier is responsible for rendering services to customers under the rates, charges and rules authorized by the Commission within 12 months from the date of the decision. Rendering services may include but are not limited to offering and/or actively providing services to its customers on a wholesale and/or resale basis.

3. Carrier is responsible for keeping all contact information up to date with the Commission. Changes to its primary regulatory and/or complaint contact information must be provided electronically, using the “Contact Information Request Update” form at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone> under Service Provider Requirements and Programs. Carrier is responsible for updating this information within 30 days of the change, or at least annually by June 1 of each calendar year.

4. Carrier is subject to California public purpose program surcharges and user fees. Pursuant to Decision (D.) 22-10-021, all telephone corporations operating in California must assess, collect, report and remit public purpose program surcharges based on the number of active access lines. For definition of access line, *see* Section 5.2.2 of D.22-10-021. The surcharge funds the following California public purpose programs:

- a. The Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 277);
- b. The California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073);
- c. The California High Cost Fund-A (Pub. Util. Code § 275.6); D.96-10-066, at 3-4, App. B, Rule 1.C);
- d. The California High Cost Fund-B (Pub. Util. Code § 276.5), D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);
- e. The California Advanced Services Fund (Pub. Util. Code § 281; D.07-12-054); and
- f. The California Teleconnect Fund (Pub. Util. Code § 280; D.96-10-066, at 88, App. B, Rule 8.G).

User Fees must be assessed and collected based on intrastate telecommunications revenues. The User Fee funds the CPUC's annual operating budget for regulating the telecommunications corporations under its jurisdiction (Pub. Util. Code §§ 431-435).

Carrier is responsible for obtaining guidance and directive from the Commission's Communications Division for timely reporting and remitting of public purpose program surcharges and the user fees through the Commission's proprietary Telecommunications and User Fee Filing System (TUFFS).

Additional information about telecommunications surcharges and user fees is available from the CPUC website:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>.

Carrier is responsible for timely and accurately reporting its number of access lines and remitting the resulting public purpose program surcharges through TUFFS even if there is zero (0) access line to report and zero (0) resulting surcharges to remit. Carriers that report and/or remit surcharge funds after the

due date will be charged a penalty equal to an annual rate of 10 percent. Send an email to Telcosurcharge@cpuc.ca.gov for questions related to surcharges and access to TUFFS. Current and historical surcharge rates can be found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/surcharge-rates>.

5. Carrier is responsible for timely and accurately reporting and remitting the user fees based on a standard user fee remittance rate applied to the gross intrastate revenue or an annual minimum user fee of \$100, whichever is greater. The user fee remittance rate is determined annually by the Commission and posted on the Commission's webpage. The reporting and remittance of user fees must be through TUFFS within 15 days after the end of each calendar quarter (March 31, June 30 and September 30, and December 31) or January 15 due date for those paying the annual minimum user fee of \$100. TUFFS will automatically adjust the minimum user fee amount due to \$100 when the annual gross intrastate revenue is zero (\$0) or less than the annual minimum user fee of \$100. Under Pub. Util. Code Section 405, carriers that are in default of reporting and submitting user fees more than 30 days after the quarterly user fee payment due dates of April 15, July 15, October 15, and January 15, or more than 30 days after the January 15 due date for those utilities paying the annual minimum user fee of \$100, will be subject to automatic penalties including suspension or revocation of their authority to operate in California. Send an email to userfees@cpuc.ca.gov for questions related to user fees. Current and historical user fee rates can be found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/user-fee-rates>.

6. In compliance with Resolution T-16901, December 2, 2004, Carrier is responsible for checking the joint tariff for public purpose program surcharges and user fees filed by Pacific Bell (dba AT&T California) and apply the current public purpose program surcharges and user fees amounts in that joint tariff on end-user bills until further revised.

7. Carrier is responsible for ensuring that its tariff filings reflect all surcharges and fees to which it is subject to, as identified above.

8. If Carrier is a competitive local exchange carrier, the effectiveness of its future competitive local exchange carrier tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

9. If Carrier is a non-dominant interexchange carrier, the effectiveness of its future non-dominant interexchange carrier tariffs is subject to the requirement of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

10. Carrier providing competitive local exchange service is responsible for submitting a service area map as part of its initial tariff filed via Advice Letter to the Communications Division.

11. Carrier is responsible for submitting a copy of its complete tariff in use to the California Public Utilities Commission's Director of the Communications Division by email to cdcompliance@cpuc.ca.gov in compliance with Public Utilities Codes Section 489(a) no later than February 15 of each year. If Carrier is de-tariffed, it is responsible for providing an annual certification that it is granted exemption from tariff filing or is a de-tariffed carrier and identify the authorization granting such status.

12. Carrier is responsible for obtaining a performance bond of at least \$25,000 in accordance with D.13-05-035. Within five business days after the effective date of CPCN authority, carrier is required to submit a Tier 1 advice letter to the

Director of the Communications Division with a copy of the license holder's executed bond. The performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Pursuant to D.13-05-035, the Commission must revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

13. Carrier is required to submit a Tier 1 Advice Letter on an annual basis, no later than March 31 of each year, with a copy of the executed performance bond. Carrier is responsible for ensuring that its performance bond does not lapse during any period of its operation. Additional information regarding performance bond requirement is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/performance-bond-requirements>.

14. Carrier is responsible for ensuring that its employees comply with the provisions of Pub. Util. Code Section 2889.5 regarding solicitation of customers.

15. If Carrier is 90 days or more late in complying with its reporting obligations to the Commission including but not limited to filing its annual reports (*e.g.*, Operations and Financials, and Affiliated Transaction Reports), submitting Performance Bonds, reporting and remitting surcharges and user fees; and has not received written permission from the Commission or Communications Division to file or remit late, the Communications Division may issue a citation pursuant to Resolution T-17601. Failure to comply with the issued citation or timely appeal the citation may result in a revocation of the company's

operating authority and/or a referral to the Commission's Consumer Protection and Enforcement Division (CPED) for enforcement action, which could result in additional fines, penalties, or other sanctions.

16. Carrier is exempt from Rule 3.1(b) of the Commission's Rules of Practice and Procedure.

17. Carrier is exempt from Pub. Util. Code Sections 816-830.

18. If Carrier decides to discontinue service or file for bankruptcy, it must immediately notify the California Public Utilities Commission's Director of the Communications Division by email to cdcompliance@cpuc.ca.gov.

(END OF ATTACHMENT B)

ATTACHMENT C

ATTACHMENT C
ANNUAL REPORT

In addition to the annual reports requirement pursuant to General Order 104-A, submit the following information electronically via email to cdcompliance@cpuc.ca.gov no later than March 31 of the year following the calendar year for which the annual report is submitted.

Failure to submit this information on time may result in a penalty as provided for in Pub. Util. Code Sections 2107-2108.

Required information:

1. Exact legal name and utility ID number of the reporting utility.
2. Address of the reporting utility.
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. Number and date of the Commission decision granting the certificate of public convenience and necessity.
 7. Date operations were begun.
 8. Description of other business activities in which the utility is engaged.
 9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:
 - a. Regulated public utility.
 - b. Publicly held corporation.

10. Balance sheet as of December 31 of the calendar year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.
12. Cash Flow statement as of December 31 of the calendar year for which information is submitted, for California operations only.

Additional information about the reporting requirements is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/annual-report-forms>. For any questions concerning this report, please send an email to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT C)

ATTACHMENT D

ATTACHMENT D**CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

Submit the following information electronically using the Annual Affiliate Transaction Report Form²² via email to cdcompliance@cpuc.ca.gov no later than May 1 of the year following the calendar year for which the annual affiliate transaction report is submitted.

1. Each utility must 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; and
 - Corporate officers.
2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in item 1 above. The chart must 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 must 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 item 1 and item 2 above any affiliated entity that either (a) is

²² An Annual Affiliate Report form (in PDF format) has been developed to help facilitate the submission of this reporting obligation and it is available at: [https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/annual-affiliate-transaction-report-form .pdf](https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/annual-affiliate-transaction-report-form.pdf).

a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff 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 information, documents, or other material that a utility is unable to provide must be reasonably described and the reasons they cannot be obtained, as well as the efforts expended to obtain them, 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 submit, 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.

Additional information about the reporting requirements is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/annual-report-forms>. For any questions concerning this report, please send an email to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT D)

ATTACHMENT E

ATTACHMENT E
SURCHARGE REPORT

Email the following information to telcosurcharge@cpuc.ca.gov and cdcompliance@cpuc.ca.gov.

Subject Line should include “Surcharge Prior to CPUC CPCN Approval Per D.24-XX-XXX, A.23-06-013.”

Body of email should include:

Background: Carriers are obligated to pay all past-due surcharges pursuant to Pub. Util. Code Section 285 and D.22-10-021. A 10 percent accrued interest for late remittance of public purpose program surcharges should be paid between the date of operation without license and the date filing for the application. The Commission’s Communications Division is authorized to calculate the following:

- public purpose program surcharges owed between the date of operation without the license, and the issuance date of this CPCN decision; and
- interest owed between date operation without a license and filing date for the application.

Request: Please calculate the surcharge and interest owed. Below is the following information to perform the calculations:

1. Carrier Name _____
2. Starting date of Operation without License _____
3. Filing Date of Application _____
4. Issuance Date of the Decision _____

Indicate the Number of Active Access Lines from May 14, 2023 to the Issuance of this Decision.

See Section 5.2.2 of D.22-10-021 for definition of access line.

	2023	2024
January	n/a	
February	n/a	
March	n/a	
April	n/a	
May	n/a	
June		
July		
August		
September		n/a
October		n/a
November		n/a
December		n/a

(END OF ATTACHMENT E)