

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



Order Instituting Rulemaking Proceeding to  
Consider Changes to the Commission's  
Carrier of Last Resort Rules

Rulemaking 24-06-012  
(Filed June 20, 2024)

**FILED**  
09/30/24  
04:59 PM  
R2406012

**COMMENTS OF EMF SAFETY NETWORK**

**Introduction**

Pursuant to the Commission's Rules of Practice and Procedure, EMF Safety Network (Network) submits these Comments in the Order Instituting Rulemaking Proceeding to Consider Changes to the Commission's Carrier of Last Resort (COLR) Rules. The due date for comments is Monday, September 30, 2024. Network will file this pleading on the due date.

**EMF Safety Network's Interest in R. 24-06-012**

In this proceeding, Network intends to focus on the reasonableness of any proposed changes to the COLR, including but not limited to the need to maintain California's copper telephone lines that provide emergency phone systems when electricity fails, and to protect vulnerable seniors and electrosensitive residents who depend on copper phone lines system for health, safety, and disability access. Network has great concerns with any changes to the COLR especially as it relates to the potential for removal or lack of servicing of copper landlines, and imposing wireless technology on all customers as the only choice. Network will address policy and ratemaking issues, and alternatives that will provide the relief Network members are seeking.

Network is a sponsored project of Ecological Options Network, a 501(c)(3) not for profit organization. Our group is authorized pursuant to its articles of organization and bylaws to represent and advocate the interests of residential and small commercial customers of electrical, gas, water and telephone utilities in California.

Network has actively participated in four CPUC proceedings since 2010: A.10-04-018, A.11-03-014

phase one, A 11-03-014 phase two, and I. 12-04-010.

### **Responses to Questions in R. 24-06-012**

*A. Is it still necessary for the Commission to maintain its COLR rules? Here, the Commission adopts a rebuttable presumption that the COLR construct remains necessary, at least for certain individuals or communities in California.*

Yes! The COLR obligation ensures that everyone in California has access to safe, reliable, and affordable telephone service. There were thousands of comments during the AT&T hearings (A.23-03-002 and A.23-03-003) asking the Commission to maintain its COLR rules. Some of these comments were from seniors, including the hearing impaired, who rely on copper landlines because they do not use cell phones. We also heard from people in rural communities who have unreliable wireless infrastructure and must rely on copper land lines. People with electrosensitivity rely on the use of landline corded phones because wireless devices can cause them headaches, heart palpitations, and other debilitating conditions. Network's Opening Brief in A.11-03-014 provides a basic explanation of electrosensitivity. <sup>1</sup>

*B. Should the Commission revise the definition of a COLR, and if yes, how should the Commission revise that definition? What should be the responsibilities of a COLR?*

No, the definition should not be revised. A COLR must provide customers phone access in the event of a power shut off and during a wildfire or other emergency event. During these emergencies, a copper landline service might be the only way to make calls. When whole communities are under evacuation or experiencing mass disruption, cell phone networks are often overloaded. During the 2017 Tubbs Fire in Santa Rosa over 70 cell towers were knocked out of operation<sup>2</sup> and wireless emergency notifications during the 2018 Camp Fire failed<sup>3</sup>. VOIP phones and fiber optics require electricity to work. Cellphones lose power and cannot be charged unless someone has backup or alternate power. In this era of climate emergencies and extreme weather events, the safest and most reliable phone system is the legacy copper lines. They should be maintained and serviced throughout California.

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<sup>1</sup> EMF Safety Network Opening Brief: Section 2.2 Electrosensitivity and Medical Conditions pages 4-10  
<http://emfsafetynetwork.org/wp-content/uploads/2012/11/171451.pdf>

<sup>2</sup> Despite improvements since Tubbs Fire emergency notifications remain imperfect  
<https://norcalpublicmedia.org/2021071464641/news-feed/despite-improvements-since-tubbs-fire-emergency-notifications-remain-imperfect>

<sup>3</sup> Camp Fire Aftermath: 'Technology, the Thing I Trust Most, Failed  
<https://insider.govtech.com/california/news/camp-fire-aftermath-technology-the-thing-i-trust-most-failed.html>

**C.** *Should the Commission revise how it defines a COLR's service territory. (12)*

*(12) D.96-10-066 uses interchangeably service areas/territory and geographic study areas (GSAs) to refer to the geographic span a COLR in which a COLR offers service. See, Finding of Fact 88, GSAs are census block groups.*

This requires more study.

**D.** *Are there regions or territories in California that may no longer require a COLR? Are there regions that require COLR service? If yes, how should the Commission distinguish between the two? What criteria should be met for a region or territory to no longer require COLR designation?*

This cannot easily be defined by region, as it often must be determined on a case by case basis. Seniors and electrosensitive people live in communities throughout California.

**E.** *Can the Commission require Voice over Internet Protocol (VoIP) providers to be COLRs? If yes, should the Commission designate VoIP providers as COLRs?*

No, VOIP relies on a power source and will not work when power is no longer available.

**F.** *Can COLR service be provisioned using wireless voice service? Can the Commission direct wireless voice providers to serve as COLRs? If yes to both, should the Commission designate wireless voice providers as COLRs?*

No, a wireless provider cannot be a COLR because of the reasons mentioned above (seniors, rural needs, electrosensitive people, overloaded networks in an emergency, unreliable signal, etc). In addition, cell towers, antennas and fiber optics require electricity to function. Many cell towers have power generators but they are only good for 72 hours at the most.

**G.** *If the Commission does not have the authority to require a wireless voice provider to offer COLR service, is a wireless voice provider eligible to volunteer to be a COLR? If yes, should the Commission grant such an application? Should the requirements of a potential wireless COLR be different than a COLR offering Plain Old Telephone Service (POTS) or VoIP service?*

Wireless providers should not be COLR for the reasons mentioned above.

**H.** *Should the Commission revise the requirements of basic service? If yes, which requirements or elements should be revised, and what should be those revisions?*

Basic landline service via copper wires, while called "Plain Old Telephone Service" is the only reliable

COLR since it does not depend on wireless infrastructure or electrical power.

**I.** *Should the Commission revise the subsidy amount offered for participation in the California High Cost Fund-B? 13) What is an appropriate subsidy amount and how should it be calculated?*

*(13) The available CHCF-B support for residential basic service in California has decreased since 1996, when it totaled \$352 million per year for all carriers to \$22 million in 2020–21.*

Network has no response to this question at this time, however we may revisit it in Reply Comments.

**J.** *Should the Commission revise its rules for how and when a COLR is allowed to withdraw from its designated service territory? If so, how should the Commission revise its rules? Should the Commission require that the service of a potential replacement COLR be functionally similar to that of the current COLR? If yes, what similar functionality requirements should the Commission adopt?*

The rules should stay as they are. The service for a potential replacement COLR which would be determined "functionally similar" needs to provide service that does not rely on either electricity or wireless technology.

**K.** *When should a COLR seeking to withdraw be required to notify residents in the COLR territory of its request to withdraw? What should be included in the contents of that notification? What method(s) should be used for notification?*

In the event that a COLR is released from its obligation, any functionally equivalent carrier must not rely on wireless or electricity. Customers should be given at least three, but preferably six months notice. They need at least three consecutive letters alerting them of the changes and warning them of any possible changes to their rates. If there are choices in carriers, this information needs to provide customers with adequate time to research the options so they can make a decision that best fits their needs and circumstances.

**L.** *If a COLR applies to withdraw, and a new COLR is designated, is there a need for a customer transition period? If yes, how long should that transition period last? What customer service protections, if any, should the Commission impose as part of a customer transition period? What other elements or processes, other than customer protections, should be provided in a customer transition period? How long should a customer transition period last?*

As mentioned above, customers need to get three months minimum warning, preferably six months. they would need time to research alternatives so they can make appropriate decisions.

**Request for Party Status in R. 24-06-012**

*“Entities and interested individuals who file responsive comments thereby become parties to the proceeding (see Rule 1.4(a)(2)) and will be added to the “Parties” category of the official service list upon such filing.” Rulemaking 24-06-012 section 8 page 9.* Having submitted these comments, Network requests that the Commission grant party status to EMF Safety Network.

Dated: September 30, 2024 at Windsor California.

Respectfully submitted,

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