

**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.

R.24-06-012  
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**REVISED PROPOSAL OF THE UTILITY REFORM NETWORK, THE  
COMMUNICATIONS WORKERS OF AMERICA, DISTRICT 9, AND THE CENTER FOR  
ACCESSIBLE TECHNOLOGY ON THE ORDER INSTITUTING RULEMAKING TO  
CONSIDER CHANGES TO THE COMMISSION'S CARRIER OF LAST RESORT RULES**

Christine Mailloux  
Managing Director and Lead  
Counsel, Telecom

Regina Costa  
Telecommunications Policy Director

Alexandra Green  
Telecommunications Regulatory Attorney

The Utility Reform Network  
360 Grand Ave., # 150  
Oakland, CA 94610  
(415) 929-8876  
agreeen@turn.org  
rcosta@turn.org

Paul Goodman, Legal Counsel

Center for Accessible Technology  
3075 Adeline St., Ste. 220  
Berkeley, CA 94703  
Phone: 510-841-3224  
Fax: 510-841-7936  
Email: service@cforat.org

Frank Arce  
Vice President, CWA District 9

Hooman Hedayati  
Senior Research Associate  
for Telecommunications Policy

Communications Workers of America,  
District 9  
2804 Gateway Oaks Drive, Suite 150  
Sacramento, CA 95833  
(202) 434-1198  
hhedayati@cwa-union.org

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## **I. INTRODUCTION**

In accordance with the schedule set forth in the Order Instituting Rulemaking (OIR) to Consider Changes to the Commission’s Carrier of Last Resort (COLR) Rules, The Utility Reform Network (TURN), the Communications Workers of America (CWA), District 9, and Center for Accessible Technology (CforAT), collectively Joint Commenters, submit this Revised Initial Proposal.

## **II. DISCUSSION**

Joint Commenters have provided analysis and explanations of our positions, based on our current knowledge and understanding of these issues, in both our opening proposal and comments on the opening proposals of other parties. It is unnecessary to repeat those positions here.<sup>1</sup> For ease of reference, our proposed revisions to the COLR rules are set forth in summary form in Attachment A and include the revisions discussed in this filing. As noted in our response to other parties’ initial proposals, the record includes comprehensive proposals to update and revise the Commission’s current COLR framework and obligation. However, some parties failed to offer comprehensive discussion on all the issues identified in the OIR or provide suggested modifications or specific amendments to the COLR rules. Therefore, Joint Consumers see the first three sets of filings in this docket as an initial step but urge the Commission to find that further discussion about underlying policy goals and implementation is necessary. Joint Commenters, therefore, suggest that the Commission request further input on issues that have not been adequately addressed yet are critical to understand in order to revise and update the COLR rules. This further opportunity to expand the record could be through briefing, testimony, or further comment on specific issues.

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<sup>1</sup> Additionally, the OIR specifically states that “Revisions to initial proposals” are due on December 6, 2024. OIR at p. 7. This language does not appear to contemplate further comments or responses to parties’ prior filings.

Based on feedback from providers and further consideration, Joint Commenters wish to clarify their position on three issues: (1) basic service elements pertaining to free provision of directory services and operator services, (2) access to 911 service, and (3) service in urban areas. Finally, Joint Commenters offer recommendations about the next steps the Commission should take in this docket.

**A. Joint Consumers Note that Directory Services and Operator Services are Separate Services.**

Current basic service requirements include free access to operator services,<sup>2</sup> and directory services.<sup>3</sup> Some parties recommend revisions to the definition of basic service, including changes to the requirements regarding the operator services and directory services elements. Joint Commenters note that many of these proposals and comments conflate operator services, directory services, and the provision of printed directories, i.e., white pages.<sup>4</sup>

The distinction between these important elements of basic service is critical for the Commission to update the definition of basic service only to enhance access to basic service and maintain essential communication services. Joint Commenters do not support recommendations that would diminish or lessen access to essential communications. As noted in our comments on party proposals, “Joint Commenters oppose eliminating the requirement for operator services or directory assistance at this time,” because many individuals still rely on those services.<sup>5</sup>

However, Joint Commenters are open to separating the requirement to offer access to print directories from these other elements. The Commission previously made changes that limited the

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<sup>2</sup> See D.12-12-038 (Decision Adopting Basic Telephone Service Revisions) at Appendix A, p. 5 (Dec. 20, 2012) (“Basic Service Definitions”).

<sup>3</sup> *Id.* at p. 3.

<sup>4</sup> See Amended Opening Comments of Small LECs (Oct. 03, 2024) at p. 9.

<sup>5</sup> Comments of Joint Commenters on Initial Party Proposals (Oct. 30, 2024) at pp. 26-27.

obligation of basic service providers to produce and deliver printed directories to residential subscribers.<sup>6</sup> Joint Commenters recognize that customer usage patterns and technology have further evolved in the intervening years so that the printed directory requirement could be updated. Therefore, as part of the next steps in this proceeding, Joint Commenters recommend further discussion and fact finding about the continued need for print directories.

**B. The Elements of Basic Service Should Require Dispatchable Location Information with 911 Calls.**

In our Initial Proposal, Joint Commenters recommended that the COLR rules should ensure that all customers continue to retain the ability to receive essential service, including access to 911. Specifically, Joint Commenters proposed updating the requirement to provide 911 service to include, but not be limited to 911, Enhanced (E) 911, and Next Generation (NG) 911, or its successor.<sup>7</sup> Some parties, notably AT&T, argue that the presence of broadband service would be sufficient to justify eliminating the COLR obligation in a community that is “well-served with broadband . . . because consumers with broadband service have access to voice services.”<sup>8</sup> Some of the voice services that AT&T is referring to for consumers with broadband access are Voice over Internet Protocol (VoIP) services.

The Federal Communications Commission (FCC) does not require some VoIP services provided over broadband networks to provide 911 with dispatchable location information.<sup>9</sup>

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<sup>6</sup> D.12-12-038 at pp. 36-38.

<sup>7</sup> Joint Commenters Amended Initial Proposal (Oct. 17, 2024), Appendix B, Definitions, at p. 2.

<sup>8</sup> AT&T Opening Comments (Sept. 30, 2024) at p. 2.

<sup>9</sup> FCC, Consumer Guide: VoIP and 911 Service, [https://www.fcc.gov/sites/default/files/voip\\_and\\_911\\_service.pdf](https://www.fcc.gov/sites/default/files/voip_and_911_service.pdf) (last accessed Dec. 3, 2024) (“VoIP service providers that do not fully interconnect with the public network are not currently required to comply with the FCC's 911 and E911 rules.”).

Dispatchable location information provides first responders with the location of a caller’s handset.<sup>10</sup>

This location information is critical for public safety communications. Accordingly, Joint

Commenters revise our Initial Proposal for the 911 basic service element as follows:

2. Free access to 911/~~Enhanced (E) 911~~, 988, and N11 services.
  - a. A basic service provider must provide free access to 911/~~E911~~ emergency services—including but not limited to 911, Enhanced (E) 911, and Next Generation (NG) 911, or its successor—988 and N11 (e.g., 211, 311, 411, 511, 611, 711, 811) in compliance with current state and federal laws and regulations. 911 service must convey dispatchable location information.

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**C. The Commission Should Not Modify the COLR Rules to Allow COLR Withdrawal in Areas Simply Because They are Classified as Urban.**

Joint Commenters’ Initial Proposal presented Guiding Principles for COLR rules, including Universal Service and Continuity of Service.<sup>11</sup> Based on our review of parties’ proposals and reply comments, Joint Commenters clarify that these principles should be interpreted as advocating that any update to the COLR rules should not allow the withdrawal of a COLR based solely on a community being designated as “urban area” by the U.S. Census Bureau.<sup>12</sup> Authorization for COLR withdrawal in urban areas in California should be based on the actual presence of one or more replacement COLRS that offer alternative services that meet the COLR requirements. There are many California communities that are designated as “urban” by the U.S. Census bureau that have small populations, may have socioeconomic challenges that limit revenue potential, or are located in

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<sup>10</sup> See, e.g., FCC, Dispatchable Location for 911 Calls from Fixed Telephony, Interconnected VoIP, TRS, and Mobile Text Service, <https://www.fcc.gov/911-dispatchable-location> (last accessed Dec. 3, 2024).

<sup>11</sup> Joint Commenters Amended Initial Proposal at pp. 4-6.

<sup>12</sup> See Census Bureau, State-Sorted List of all 2020 Census Urban Areas for the U.S., Puerto Rico, and Island Areas, first sorted by state FIPS code, then sorted by Urban Area Census (UACE) code, retrieved from [https://www2.census.gov/geo/docs/reference/ua/2020\\_Census\\_ua\\_st\\_list\\_all.xlsx](https://www2.census.gov/geo/docs/reference/ua/2020_Census_ua_st_list_all.xlsx) (last accessed Dec. 6, 2024).

either high/moderate fire threat areas or seismic zones.<sup>13</sup> The mere fact that a community is designated as an “urban area” within Census Bureau data should not justify the diminution or elimination of a COLR obligation.

**D. The Commission Should Determine and Prioritize Its Next Steps in this Docket.**

Joint Commenters recommend that the Commission review and update the elements of basic service before taking any other action. Consumer needs and expectations for essential communications, not the regulatory classifications for the technical capabilities of specific technologies or providers, should continue to guide the Commission as it undertakes this work.<sup>14</sup> An updated definition of basic service will help to determine the types of providers that are capable of and interested in serving as COLRs, which, in turn, will inform decision making on other issues. As

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<sup>13</sup> Examples of Census Bureau designated urban communities served by Frontier that are located in high or moderate fire threat areas, or areas with significant seismic risk, include, but are not limited to, Camarillo, Gilroy-Morgan Hill, Los Gatos, Novato (San Rafael-Novato), Santa Barbara, and Santa Paula. Protest of TURN, CforAT, and Access Humboldt to the Joint Application for Approval of the Transfer of Control of Frontier California Inc., Citizens Telecommunications Company of California, Frontier Communications of the Southwest Inc., Frontier Communications Online and Long Distances Inc., and Frontier Communications of America Inc. (A.24-10-006) (Nov. 21, 2024) at p. 26, fn 91. Examples of Census Bureau designated urban communities served by AT&T that are located in high or moderate fire threat areas, or areas with significant seismic risk include but are not limited to, Oakland, Berkeley, Arcata, Eureka, Fortuna, Lakeport, Clearlake, Calistoga, St. Helena, Santa Rosa, Santa Cruz Watsonville, Hollister, and San Jose. A complete list of exchange areas served by AT&T is contained in AT&T California’s Network and Exchange Services Tariff, Schedule CAL.P.U.C. No. A5, Section 5.1.1, “List of Exchange Areas and Local Calling Areas,” <https://cpr.att.com/pdf/ca/a005.pdf> (last accessed Dec. 6, 2024).

<sup>14</sup> See, e.g., D.12-12-038 at p. 12 (“In D.95-07-050, we characterized basic service as the minimum level of service that consumers had come to expect, or services that are essential to all residential telephone customers.”).

part of this process, the Commission should hold public participation hearings, which would help the Commission understand how people use the service and what elements they need.<sup>15</sup>

Given Joint Commenters' concerns, noted above, that some parties may not have sufficiently addressed the Commission's questions about the definition of basic service, the Commission may wish to request further comments on the basic service elements as part of this step. Ideally, the Commission would issue an interim order updating and revising the basic service elements as necessary. Parties could then rely on the definition of basic service when discussing, for example, what constitutes functionally equivalent service or the need for changes to High Cost Fund B subsidies.

Second, the Commission should require the providers that are parties to this proceeding to submit maps of their service territories that indicate (1) where they provide service that meets the Commission's updated definition of basic service and (2) where they propose that COLR requirements are still necessary. While Joint Commenters continue to advocate for keeping the COLR obligations throughout the state, this information is necessary to inform potential workshops and for the Commission to identify where the providers believe there is justification to support reduction in COLR obligations. It will be important for the Commission to understand how the providers' proposals will impact the individual communities, and the people within these communities, if the COLR obligations are weakened or eliminated.

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<sup>15</sup> In our Initial Proposal, Joint Commenters suggested that the Commission hold public participation hearings (PPHs) and workshops. Joint Commenters Amended Initial Proposal at pp. 63-64. Joint Commenters also recommended that the Commission incorporate the public comments and ex parte letters from the AT&T COLR proceeding (A.23-03-003) into the record for this proceeding. Joint Commenters Amended Initial Proposal at p. 64. Should the Commission incorporate public comments from the AT&T COLR record into this docket, Joint Commenters recommend that the Commission hold multiple, in-person PPHs outside AT&T's service territory to solicit comments from customers of other COLRs and also hold PPHs in communities within AT&T's territory where there was no opportunity for public comment in the prior proceedings.



After the Commission completes these two steps, it should set workshops and, if necessary, further PPHs on additional issues, particularly any new issues that arise from the preliminary activities in this proceeding. Joint Commenters specifically recommend workshops to discuss the impact of proposed COLR reforms on ESJ communities and other areas with limited options for voice service and a workshop on any updates and necessary changes to the current CHCF-B subsidy rules that could support COLR network deployment in high cost areas as well as possible other configurations and purposes for the Fund. A workshop on incorporating the requirement to offer broadband as a part of the elements of basic service should also be included in the schedule.

### **III. CONCLUSION**

Joint Commenters appreciate this opportunity to provide a revised proposal and look forward to working with the Commission and stakeholders to ensure continuity of communications services for everyone in California.

Respectfully submitted,

December 6, 2024

/s/ Paul Goodman  
PAUL GOODMAN

Center for Accessible Technology  
3075 Adeline Street, Suite 220  
Berkeley, CA 94703  
Phone: 510-841-3224  
Fax: 510-841-7936  
Email: [service@c4at.org](mailto:service@c4at.org)

*Authorized to sign on behalf of Joint Commenters*

**ATTACHMENT A**

Joint Commenters' Proposed COLR Rules

## 1. General

- a. Intent—This proposal is intended to update and revise the Carrier of Last Resort (COLR) rules while recognizing that the COLR construct remains essential throughout California.
- b. Applicability to COLRs—This proposal applies to all Communication Service Providers in California that are designated as COLRs in California by the Commission.
- c. Applicability to Basic Service Providers—Consistent with D.12-12-038 revisions to Basic Service made in this proceeding, provisions regarding the elements and requirements of Basic Service apply to all Communications Service Providers that are required to offer Basic Service.

## 2. Proposed Definitions

- a. Basic Service – A voice service offering that must include a defined set of service elements (listed below). Basic Service can be provided over Qualifying Networks using any technology.
- b. California High-Cost Fund-B—A fund established by the Commission and supported by an end user surcharge that provides subsidies to COLRs serving high-cost areas that are identified by the Commission.
- c. Carrier of Last Resort (COLR) —A Communications Service Provider designated by the Commission that operates a Qualifying Network which stands ready to provide Basic Service to any residential or business customer requesting such service within a specified area. To be a COLR, a Communications Service Provider must meet Commission-approved qualifications.
- d. Communications Service Provider—A corporation offering communication services through any technology to the general public including, but not limited to, COLRs, incumbent Local Exchange providers and competitive Local Exchange providers offering Local Exchange voice services to residential customers.
- e. Eligible Entity—a Communications Service Provider that meets the Commission’s requirements to serve as a COLR.
- f. Environmental and Social Justice (ESJ) Communities—Communities that are predominantly communities of color or low income; underrepresented in the policy setting or decision-making process; subject to a disproportionate impact from one or more environmental hazards; or likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. ESJ communities may also include Disadvantaged Communities (as defined by the Commission), Tribal lands, low-income households, and low-income census tracts.
- g. Local Exchange—Commission-defined geographic area where Basic Service is provided on a flat-rate basis. Local calls may be completed within the Local Exchange.

- h. Qualifying Provider—a Communications Service Provider that provides basic voice services to residential and business customers over Qualifying Networks using any technology.
  - i. Qualifying Network—a communications network interconnected with the PSTN that can support the complete set of Basic Service elements.
  - j. Public Switched Telephone Network (PSTN) —The integrated telecommunications network infrastructure operated by local/regional, national, and international telecommunications providers. This infrastructure supports universal basic voice service connecting or offering to connect every residence and business premise to Basic Service and other telecommunications services, using interconnected transmission and distribution lines.
  - k. Small Business—A business customer that purchases five or fewer lines of voice service
  - l. Voice Grade Service—A service occurring within the frequency range that allows for two-way voice communication, such as basic service as defined in these proposed rules.<sup>16</sup> A Voice grade connection can also allow for data and facsimile transmission. Where voice service is provided over an Internet Protocol based service or a successor service, that service must provide 100 milliseconds or less of latency in 95% of latency measurements to qualify as Voice Grade Service.
3. Proposed Guiding Principles: the following guiding principles summarize the Commission’s policy goals underlying the COLR rules.
- a. Universal Service
    - i. Guaranteed Access to Service: Consumers shall have access to reliable and affordable communications service from a Communications Service Provider.
    - ii. Equity of Access: Consumers in rural, low-income, and ESJ Communities shall have nondiscriminatory access to communications service.
    - iii. Economic Development: Consumers shall have access to communications services that are critical to meet community needs and contribute to economic success in today’s economy.
    - iv. Community Support: Communications Service Providers shall conduct outreach and research to learn about the communities that they serve and understand those communities’ communications needs.
  - b. Just, Reasonable and Non-Discriminatory Prices

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<sup>16</sup> See, e.g., Federal Communications Commission, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, Released May 8, 1997 at ¶¶ 63-64. See, also, Federal Communications Commission, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, and *Access Charge Reform, Price Cap Performance and Review for Local Exchange Carriers, Transport Rate Structure and Pricing, End User Common Line Charge*, CC Docket Nos. 96-262, 94-1, 91-213, 95-72, Fourth Report and Order on Reconsideration in CC Docket No. 96-45 et. al., Released December 30, 1997, at ¶¶ 15-16.

- i. Equity: All communities shall have nondiscriminatory access to communications service at comparable prices, levels of service, and service quality.
    - ii. Technological Neutrality: All communities shall have nondiscriminatory access to prices, levels of Basic Service, and service quality regardless of the technology that an individual Communications Service Provider uses.
    - iii. Affordability: All communities shall have access to affordable Basic Services for low- and middle-income households. All eligible consumers should have access to available public purpose programs that support customer affordability and access to Basic Service.
  - c. Service Quality & Consumer Protection
    - i. Service Quality: all consumers are entitled to service that meets minimum service standards.
    - ii. Reliability: all consumers are entitled to reliable service.
    - iii. Public Safety: all consumers are entitled to robust service that is available, including in times of emergencies and that allows ease of access and communication during emergency situations.
  - d. Continuity of Service
    - i. Continuity: a COLR's withdrawal should not cause interruptions in service or a consumer's ability to obtain service.
    - ii. No customer confusion: a COLR's withdrawal and any transition to a new COLR should be seamless to consumers.
    - iii. Notice: a COLR's withdrawal should include adequate advance notice to consumers of any COLR transition.
    - iv. Graduated transition: a COLR's withdrawal affecting 2,000 customers or more, should be incremental with multiple safeguards for ensuring that present and future consumers do not lose service or the guaranteed access to basic service.
    - v. Service in Urban Areas: A COLR's withdrawal should not be based solely on a community's census designation as an urban or rural community.
- 4. Proposed Basic Service Elements to be provided by Qualifying providers over Qualifying Networks
  - a. A Communications Service Provider offering basic service must offer customers the ability to place and receive voice-grade calls from their residence over all distances utilizing interconnection with the Public Switched Telephone Network.
    - i. A Communications Service Provider offering Basic Service must at a minimum enable calls to be made and received within a Local Exchange or over an equivalent or larger-sized local calling area.
    - ii. A Communications Service Provider offering basic service must allow equal access to all interexchange providers within the Local Exchange in accordance with state and federal law and regulation.

- iii. A Communications Service Provider offering Basic Service must provide a voice-grade connection from the customer premise to the Public Switched Telephone Network and other communications services networks.
  - iv. A Communications Service Provider offering Basic Service must disclose to each customer before subscription that they are entitled to a voice-grade connection and the conditions under which the customer may terminate service without penalty if one cannot be provided, including the customer's rights in section 4(v) below.
  - v. If at any time, a Basic Service customer fails to receive a voice-grade connection and notifies the Communications Service Provider, the Communications Service Provider is required to (1) promptly restore the voice-grade connection, or if not possible (2) provide Basic Service to that customer using a different technology if offered by the provider and if the customer agrees; or (3) allow the customer to discontinue service without incurring early termination fees, if applicable. Nothing in these rules should be inferred as modifying the service obligation of a COLR to ensure continuity of customers' Basic Service.
  - vi. If a COLR is unable to provide voice-grade connections to a customer in accordance with Basic Service element 1(e), the COLR must submit on a monthly basis, a Tier 1 Advice Letter, to inform the Commission of (1) the number of voice-grade connections it was unable to provide that month; (2) the number of customers who were unable to receive voice-grade service for a reason other than a disaster documented in a provider's disaster relief advice letters; and (3) whether the provider has different technology available to provide the affected customers with Basic Service.
- b. Free access to 911, 988, and N11 services.
- i. Communications Service Providers offering Basic Service provider must provide free access to 911 emergency services—including but not limited to 911, Enhanced (E) 911, and Next Generation (NG) 911, or its successor—988, and N11 (e.g., 211, 311, 411, 511, 611, 711, 811) in compliance with current state and federal laws and regulations. 911 service must convey dispatchable location information.
  - ii. Emergency communications services provided by a Communications Service Provider offering Basic Service must be capable of both receiving and sending emergency communications, voice messages and alerts.
  - iii. Any Communications Service Provider that is not a traditional provider of legacy wireline Basic Service is required to file a Tier 3 Advice Letter that demonstrates its ability to provide 911 location accuracy and reliability that is comparable to the 911 location accuracy and reliability provided by Legacy Wireline Service, defined as Voice Grade Service provided over Legacy

Infrastructure; this service may also be referred to as “landlines,” “copper landlines,” or POTS (plain old telephone service).

- iv. A Communications Service Provider is required to certify in a Tier 3 Advice Letter filing that it is compliant with 911 standards established by state and federal laws and regulations, and will not be deemed to provide Basic Service if it has obtained a waiver from such state and federal laws and regulations.
  - v. Each Communications Service Provider offering Basic Service must provide its potential and existing customers with information regarding its 911 emergency services location accuracy and reliability standards.
- c. Billing Provisions
- i. Communications Service Providers offering Basic Service must offer customers the option to receive unlimited incoming calls without incurring a per-minute or per-call charge.
  - ii. Communications Service Providers offering Basic Service must offer a flat rate option for unlimited outgoing calls that, at a minimum, mirrors the Local Exchange or an equivalent or larger sized local calling area in which the Basic Service customer resides.
  - iii. Communications Service Providers offering Basic Service must offer service on a non-discriminatory basis to all households within the provider’s service territory. A provider may satisfy this obligation with a Qualifying Network using different technologies throughout its service territory.
  - iv. Communication service providers offering Basic Service must offer California LifeLine rates on a non-discriminatory basis to any customer meeting California LifeLine eligibility requirements residing within the service territory where the provider offers Basic Service.
  - v. Communications Service Providers offering Basic Service must offer an option with monthly rates and without contract or early termination penalties.
  - vi. Communications Service Providers shall offer and promote a stand alone Basic Service offering available to all residential subscribers and may also offer added features and/or enhanced service serve elements without additional charges(s) as part of a Basic Service offering.
  - vii. As of January 1, 2011, the Commission no longer imposes caps on basic rates. A COLR serving a high-cost area, however, will continue to be required to certify that its basic rate in a designated high-cost area does not exceed 150% of the highest basic rate charged by a COLR in California outside of the high-cost area.
- d. Access to 800 and 8YY Toll-Free Services.
- i. Communications Service Providers offering Basic Service must allow unlimited calls to 800 and 8YY toll-free numbers with no additional usage charges for such calls.

- e. Access to Telephone Relay Service as Provided for in Pub. Util. Code § 2881.
  - i. A Communications Service Provider offering Basic Service must offer free access to California Relay Service pursuant to § 2881 for deaf people, people who are hard of hearing, and people with speech disabilities.
- f. Free Access to Customer Service for Information about Universal Lifeline Telephone Service (ULTS) Service Activation, Service Termination, Service Repair and Bill Inquiries.
  - i. A Communications Service Provider offering Basic Service shall provide free access to customer service for information about the above-referenced services.
- g. One-Time Free Blocking for Information Services, and One-Time Billing Adjustment for Charges Incurred Inadvertently, Mistakenly, or Without Authorization.
  - i. Basic Service must include the provision of one-time free blocking for 900/976 information services and on-time free billing adjustments for charges inadvertently or mistakenly incurred, or without authorization.
- h. Access to operator services.
  - 1. Basic Service shall include free access to operator services.
- i. Disaster Relief Consumer Protections
  - 1. Communications Service Providers offering Basic Service shall provide the following consumer protections for consumers who are in a disaster-affected area under a covered emergency declared by the governor of California or the president of the United States:
    - a. Waiver of one-time activation fee for establishing remote call forwarding, remote access to call forwarding, call forwarding features and messaging services;
    - b. Waiver of the monthly rate for one month for remote call forwarding, remote access to call forwarding, call forwarding, call forwarding features, and messaging services;
    - c. Waiver of the service charge for installation of service at the temporary or new permanent location of the residential or Small Business customer and again when the customer moves back to the premise;
    - d. Waiver of the fee for one jack and associated wiring at the temporary location regardless of whether the customer has an inside wiring plan;
    - e. Waiver of the fee for up to five free jacks and associated wiring for inside wiring plan customer upon their return to their permanent location; and
    - f. Waiver of the fee for one jack and associated wiring for non-Plan customers upon their return to their permanent location.



## 5. Proposed COLR Requirements

- a. All COLRs shall continue to serve as a COLR in their designated COLR service area. If the Commission designates at least one other provider as a COLR in part or all of an existing COLR's service area, the existing COLR may apply to relinquish its COLR designation in any areas of its service territory served by at least one alternate COLR. If the Commission grants the application, the existing COLR may not relinquish its COLR status until any Commission-designated transition period is complete and both the relinquishing COLR and any replacement COLRs have fully complied with the Commission's transition requirements.
- b. Seeking COLR Designation
  - i. Eligible entities seeking to be designated a COLR shall file a Tier 3 advice letter in compliance with GO 96-A, stating that the provider intends to be designated a COLR. The advice letter shall include the following information, which the Commission will consider in deciding whether the COLR status should be granted:
    1. A demonstration that the provider has a Qualifying Network and identification of the facilities the Eligible Entity has in place or the arrangements that the provider plans to enter into in order to provide the full set of Basic Service elements;
    2. The ability of the Eligible Entity to promote the goals of universal service to all customer segments throughout the COLR's service area;
    3. The financial ability of the Eligible Entity to undertake and maintain the COLR obligation;
    4. For eligible entities intending to provide service with a technology other than Legacy Infrastructure (defined as physical infrastructure and facilities associated with the provision of services offered over hardware or software circuit switched wireline telephone lines capable of supporting voice, data, and facsimile services), a demonstration that the technology used is a functional equivalent for Legacy Infrastructure (i.e., copper landlines) in the following areas:
      - a. Network infrastructure and service quality;
      - b. Access to critical applications and functionalities;
      - c. Interoperability with key applications and functionalities;
      - d. The ability to provide a minimum of 72 hours of backup power to support end user voice services; and
      - e. Other factors as the Commission deems appropriate.
  - ii. After the Commission has granted an Eligible Entity COLR status, the Commission shall periodically review the COLR's continued financial capability to perform its service obligations, its service quality, and its outage performance.

- c. COLR Obligations
    - i. A COLR shall honor all requests for residential and business service within its designated service area.
    - ii. A COLR shall serve its entire designated service area.
    - iii. A COLR shall participate in California LifeLine and offer California LifeLine service on a non-discriminatory basis to any customer meeting program eligibility requirements residing within its designated service area.
    - iv. If a COLR offers a low-cost broadband program, it shall make that program available to any qualifying customer within that COLR's designated service area.
    - v. A COLRs shall submit an annual report that includes:
      - 1. The number of eligible Basic Service lines being served by the COLR in each high cost area;
      - 2. The rates for residential Basic Service the COLR is charging in each high cost area;
      - 3. The rates for Small Business service the provider is charging in each high cost area;
      - 4. A calculation of the subsidy amount that the provider is claiming for providing its customers with Basic Service in each high cost area; and
      - 5. Such other information as may be required by the Commission.
    - vi. A COLR shall maintain books and records in accordance with generally accepted accounting principles.
    - vii. A COLR shall have backup power throughout its service area that supports end user voice service for at least 72 hours.
  - d. Defining a COLR's Service Territory
    - i. A COLR's service territory should be defined in a manner that aligns with or extends beyond Local Exchange boundaries and promotes provision of Basic Service from a COLR to every customer.
    - ii. The Commission should scrutinize proposed COLR designations that cover only part of an Eligible Entity's existing service territory, particularly if a proposed COLR designation omits rural, low-income, or ESJ Communities within that Eligible Entity's service territory.
6. The California High Cost Fund-B
- a. The Commission may revise the California High-Cost Fund-B to encourage the participation of COLRs in high-cost areas.
    - i. As part of these revisions, the Commission may:
      - 1. Consider whether to eliminate or revise the use of reverse auction to determine the CHCF-B subsidy amount;

2. Consider whether to use a revised cost model to determine the benchmark for costs to provide Basic Service and to calculate the CHCF-B subsidy amount;
3. Update or create a new benchmark for Basic Service rates in high cost areas to ensure that COLRs receiving subsidies from CHCF-B are charging comparable rates and are not over-earning;
4. Consider if Census block groups (CBGs) are the correct geographic unit to determine eligible high cost areas and update the CBGs (or other geographic unit of the Commission's choice) that are considered high cost under the current Commission-approved benchmark or any updated cost benchmark adopted by the Commission
5. Consider whether the CHCF-B should provide subsidies to COLRs for the costs to serve non-residential lines in designated high cost areas where the costs to serve exceed the current benchmark, including single business lines (1MB) and other types of facilities that can support broadband or data services; and
6. Consider the impact of any proposed changes on surcharge payers.

## 7. COLR Withdrawal

### a. Withdrawal Process

- i. A designated COLR seeking to relinquish its COLR status must file an application identifying a replacement COLR or requesting that the Commission conduct an auction to identify a replacement COLR.
  1. In its application, the COLR must
    - a. Clearly define the withdrawal area and must identify any ESJ Communities, high fire threat areas, and areas at risk of earthquakes or floods in its withdrawal area;
    - b. Include an accounting of
      - i. All equipment and network facilities, including poles and right of way it owns or manages, the withdrawing COLR uses to provide Basic Service with information on whether that equipment is used for any other services and
      - ii. Resellers and utility pole occupants that would be affected by the COLR's withdrawal;
    - c. Specify whether it intends to continue using its existing pole space and public rights of way; and
    - d. Explain whether and, if so, how it plans to give up or share its pole access rights and its access to rights of way with other providers.

- ii. A COLR seeking withdrawal shall continue to act as the COLR in an area until a new COLR has been designated and the transition period is complete in that area as required in subsection (c). Only another designated COLR may replace a withdrawing COLR.
  - iii. The Basic Service provided by the replacement COLR must satisfy the requirements outlined in Sections 4 and 5(a)(ii)(4) of these rules.
  - iv. As part of an application for withdrawal, the withdrawing and replacement COLRs must demonstrate that all consumers within the withdrawing COLR's service territory will continue to receive the functional equivalent of their existing Basic Service.
  - v. Any proposal by the withdrawing COLR to transfer COLR assets to an affiliate as part of its withdrawal should trigger additional Commission review similar to the public interest review requirements in Public Utilities Code Sections 851 and 854.
- b. Customer and Government Notice
- i. Notification Timeline
    - 1. A withdrawing COLR must notify customers and local, municipal, and Tribal governments in the area(s) where it will apply to withdraw as COLR at least sixty (60) days before it files its application with the Commission.
    - 2. The withdrawing COLR and all identified replacement COLR(s) must send a joint second notice to customers and local, municipal, and Tribal governments in the area(s) where the withdrawing COLR is applying to withdraw within sixty (60) days of filing its application with the Commission.
    - 3. If the Commission approves the withdrawing COLR's application, the withdrawing COLR must send a third notice to customers and local, municipal, and Tribal governments in the area(s) where the withdrawing COLR will withdraw at least sixty (60) days before any effective date of a Commission decision granting the COLR's withdrawal, or sixty (60) days before the COLR's actual withdrawal, whichever is later.
    - 4. If the Commission holds in-person public participation hearings on a COLR's application to withdraw, the withdrawing COLR shall send notice to customers and local, municipal, and Tribal governments located within fifty (50) miles of the public participation hearing location at least thirty (30) days before the public participation hearing will take place.
    - 5. If the Commission holds virtual public hearings on a COLR's application to withdraw, the withdrawing COLR shall send notice to

customers and local, municipal, and Tribal governments in the area(s) where the withdrawing COLR is applying to withdraw at least thirty (30) days before the public participation hearing will take place.

ii. Format of Notices

1. All COLR-specific notices shall be made available to customers in their preferred language.
2. All printed COLR-specific notices shall be made available in alternative formats, including electronic format, Braille, audio, and large print (minimum 14-point, sans serif font).
3. All electronic COLR-specific notices shall be compatible with screen readers and made available in alternative formats, including large print (minimum 14-point, sans serif font).
4. The withdrawing and replacement COLR shall use multiple communications channels to convey notices, including but not limited to
  - a. Bill inserts, notices printed on customer bills, separate notices sent by mail, and by text messages or email (if a customer consents to receive text messages or email) for existing customers; and
  - b. Prominent announcements on both the withdrawing and replacement COLRs' websites.

iii. Content of Notices

1. The notices in (b)(i)(1-3) shall contain
  - a. A toll-free number operated by the withdrawing COLR and replacement COLR(s) that customers can call if they need assistance;
  - b. A statement on whether the withdrawing COLR intends to discontinue landline service in the withdrawal area within three years if the application is approved;
  - c. A map or partial map of the withdrawal area of sufficient scale and detail to allow a customer, using only their address and without needing to refer to external data (such as which census block their address is located in) can determine if their address would be affected; and
  - d. A link to an interactive map of the withdrawal area with an address-level search function.
    - i. This interactive map shall be accessible to users with visual impairments (e.g., a written statement appears with any address search result stating whether or not a location is in the affected area).

c. Transitions

i. Transition Period

1. Transition period obligations and requirements shall last at least twelve (12) months beginning from the Commission's approval of the withdrawing COLR's application to withdraw.
2. The replacement COLR shall submit a transition plan to the Commission that includes review and input from the withdrawing COLR.
3. The withdrawing and replacement COLRs shall coordinate and cooperate for the 12-month transition period to resolve customer inquiries and complaints as well as network and service failures.
4. Any transition between COLRs that affects more than two thousand (2,000) customers shall be implemented incrementally, transitioning the smaller of ten percent of customers or 2,000 customers per week.
5. All customer communications about the transition process must be available in-language as appropriate to the local area and in multiple formats, including accessible formats (e.g., electronic, Braille, large print), emails, web postings, and mailers.
  - a. These communications shall include information about alternative providers in the area with contact information.

ii. Customer Protections

1. Customers will automatically receive direct bill credits for any interruptions of service during the transition, in addition to any refunds or other payments or credits payable to the customer under provider tariffs or Commission rules.
2. Customers can, at the customer's discretion, retain their current services from the replacement COLR at the same rates, terms, and conditions that they had with the withdrawing COLR for 12 months or receive a refund for the difference in the rates for 12 months.
3. Lifeline customers, DDTP customers, and customers of any other subsidized service offering or public purpose program shall experience no change in their services, rates, terms or conditions for at least 12 months.
4. During the transition period, customers may choose to sign up for new services or change service plans with the new COLR without penalty or fees.
5. During the transition period, customers must be given an opportunity to transfer to a different provider with no financial penalty, fees, deposits, loss of their existing telephone number, or loss of service imposed by the old or new COLR.

6. For six months after a customer of the withdrawing COLR has transitioned to the replacement COLR, the replacement COLR shall provide a customer credit to any customer who changes to a different provider.
    - a. This credit will serve to offset the costs to the customer for changing providers (e.g., equipment costs, activation fees, deposits).
- iii. Processes
1. The Commission shall design and adopt a penalty and fine structure, beyond the customer credits discussed above, to enforce these rules.
  2. The Commission shall create a streamlined, expedited process to resolve disputes between the two COLRs and/or unresolved customer complaints that arise during the transition period.
  3. The Commission shall consider issues raised by resellers or the customers of any resellers affected by the COLR transition.