

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

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January 17, 2025

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Ratesetting

TO PARTIES OF RECORD IN APPLICATION 23-09-009:

This is the proposed decision of Commissioner Matthew Baker. 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 February 20, 2025, 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 of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

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: asf

Attachment

Decision **PROPOSED DECISION OF COMMISSIONER MATTHEW BAKER
(Mailed 1/17/2025)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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

Application 23-09-009

**DECISION GRANTING SCS UNIFIED COMMUNICATIONS, LLC A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICES**

DECISION GRANTING SCS UNIFIED COMMUNICATIONS, LLC A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE RESOLD INTEREXCHANGE SERVICES

Summary 2

1. Background..... 2

2. Procedural Background 3

3. Submission Date 4

4. Issues Before the Commission 4

5. Jurisdiction..... 5

6. California Environmental Quality Act (CEQA)..... 6

7. Financial Qualifications 7

8. Technical Qualifications 8

9. Tariffs..... 9

10. Expected Customer Base 10

11. Prior Provision of Service 10

12. Safety Considerations 13

13. Conclusion 14

14. Request to File Under Seal and other Procedural Matters 15

15. Summary of Public Comments..... 17

16. Assignment of Proceeding 17

Findings of Fact..... 17

Conclusions of Law 20

Attachment A - Tarffis A-1

Attachment B - Carrier B-1

Attachment C - Annual Report C-1

Attachment D - Transaction Report D-1

Attachment E - Surcharge Report... D-3

**DECISION GRANTING SCS UNIFIED COMMUNICATIONS, LLC
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICES**

Summary

Pursuant to Public Utilities Code Section 1001, the Commission grants SCS Unified Communications, LLC (SCS Communications) a Certificate of Public Convenience and Necessity (CPCN) to provide fixed interconnected Voice over Internet Protocol (VoIP) services in California using utility number U-7449-C, subject to the terms and conditions set forth in the Ordering Paragraphs.¹ SCS Communications is authorized use utility number U-7449-C to provide non-facilities-based nomadic interconnected VoIP services without obtaining a separate Nomadic Registration.

SCS Communications must remit any past-due public purpose program surcharges for its prior operations, from February 1, 2022 to the issuance date of this decision. SCS Communications must also remit a 10 percent late fee for any past due public purpose program surcharges incurred between February 1, 2022 and September 15, 2023, the filing date of this application.

Application 23-09-009 is closed.

1. Background

On September 15, 2023, SCS Unified Communications, LLC (SCS Communications), a limited liability company authorized to do business in California, submitted a simplified application for registration as an

¹ While this application was filed pursuant to Pub. Util. Code Section 1013, an expedited and ministerial registration process, the Commission's Communications Division staff determined it did not qualify for the registration process. As a result, the application was removed from the registration track and assigned to an Administrative Law Judge (ALJ) to be evaluated as a CPCN under Pub. Util. Code Section 1001.

interexchange telephone corporation, authorized to provide minimal VoIP-based services (Application). More specifically, SCS Communications proposes to provide a combination of fixed and nomadic Voice over Internet Protocol (VoIP) services to business customers only. SCS Communications' principal place of business is located at 1 Hardy Road, Suite 210, Bedford, New Hampshire 03110.

2. Procedural Background

SCS Communications filed the *Application of SCS Communications, LLC (CA Foreign AKA: SCS Unified Communications, LLC) for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities (Pub. Util.) Code Section 1013* (Application) on September 15, 2023. There were no protests to the Application.

The California Public Utilities Commission (Commission) staff determined that SCS Communications was not qualified to use the simplified registration process because it has been operating as an interconnected VoIP provider in California since February 1, 2022.² Because SCS Communications began operations in California prior to having received the requisite authority from the Commission, SCS Communications cannot be said to have no history of questionable activity, and its application cannot be considered noncontroversial.

In accordance with Decision (D.) 97-06-107, Commission staff requested that the Application be reassigned to the ALJ Division because SCS Communications was not qualified to use the simplified registration process for the reasons described above. This Application is therefore being considered as an

² On November 26, 2024, SCS Communications submitted responses to questions which informed Commission staff that it has been offering resold interconnected VoIP services in California since February 1, 2022. On February 25, 2024, SCS Communications also voluntarily submitted customer invoices which confirmed the carrier had been operating since February 2022.

application for a certificate of public convenience and necessity (CPCN) pursuant to Pub. Util. Code Section 1001. On June 20, 2024, the assigned ALJ held the prehearing conference (PHC) for the proceeding. At the PHC, the assigned ALJ asked additional questions about SCS Communications' planned operations and its financial and managerial backgrounds. The assigned ALJ evaluated the application and determined that further information was needed from SCS Communications. On June 29, 2023, the assigned ALJ issued a ruling requiring SCS Communications to provide additional information within 10 business days. On August 4, 2024, SCS Communications served its response to the ruling. On August 6, 2024, SCS Communications served a supplemental response to the ruling. On August 20, 2024, the assigned Commissioner issued a Scoping Ruling. On September 25, 2024, October 21, 2024, and November 25, 2024 the ALJ issued additional rulings requesting further information necessary to evaluate the Application. SCS Communications served its responses to those rulings with the information requested.

3. Submission Date

This matter was submitted on August 20, 2024 upon issuance of the scoping ruling.

4. Issues Before the Commission

The issue to be determined is whether SCS Communications meets all of the Commission requirements, including, but not limited to, financial, technical, and California Environmental Quality Act (CEQA) requirements for a CPCN.

5. Jurisdiction

The Commission has broad jurisdiction over “public utilities,”³ as defined in Public Utilities (Pub. Util.) Code Section 216.⁴ California’s 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.⁵ The Commission classifies entities providing two-way voice communications service for compensation within California as “telephone corporations”⁶ and regulates them as public utilities.^{7,8}

As part of its regulatory authority over “telephone corporations,” the Commission authorizes certificates of public convenience and necessity to “telephone corporations” seeking to construct a “line, plant, or system, or any extension thereof” in California.⁹ 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

³ Pub. Util. Code § 216.

⁴ Pub. Util. Code § 234.

⁵ See D.20-07-011, at 14-15, See Cal. Const., Art. XII, §§ 1-6; Pub. Util. Code § 701.

⁶ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68.

⁷ Pub. Util. Code § 216(a).

⁸ Telephone corporations are required to file annual affiliate transaction reports and pay surcharges and user fees.

⁹ Pub. Util. Code § 1001.

technology, including but not limited to, traditional copper lines, coaxial cable, fiber optic cable, and mobile or fixed wireless radios.

Providers of voice services -- including local exchange carriers, interexchange carriers, and interconnected Voice over Internet Protocol (VoIP) service providers -- are telephone corporations subject to the Commission's jurisdiction.¹⁰ Providers of local exchange, interexchange, and fixed interconnected VoIP services must obtain a CPCN or 1013 registration license to operate in California.¹¹ Providers of only nomadic interconnected VoIP are subject to the Commission's jurisdiction for rules of general applicability and preempted from licensing requirements that act as barriers to market entry; these providers must obtain a nomadic registration to operate in California.¹²

SCS Communications has provided a combination of fixed and nomadic VoIP to business customers only since February 1, 2022. SCS Communications is a telephone corporation and a public utility subject to the Commission's jurisdiction for the purposes of providing fixed interconnected VoIP services. Since SCS Communications is provides nomadic VoIP services, SCS may use the utility ID granted in this decision to provide nomadic interconnected VoIP services without obtaining a separate nomadic registration.

6. Proposed Construction and California Environmental Quality Act (CEQA) Compliance

SCS Communications proposes to provide non-facilities-based fixed and nomadic interconnected VoIP services. Pursuant to the California Environmental

¹⁰ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68; D.24-11-003 at 003.

¹¹ D.24-11-003.

¹² *Ibid.*

Quality Act (CEQA)¹³ and Rule 2.4 of the Commission's Rules of Practice and Procedure (Rules), the Commission acts as the designated lead agency to consider the environmental consequences of projects that are subject to the Commission's approval to determine any potential environmental impacts, to avoid adverse effects, investigate alternatives, and ensure that any affected environmental impact is restored or otherwise mitigated to the fullest extent possible under CEQA. Since SCS Communications states that it does not intend to construct any facilities, it follows that there is no possibility that granting this Application will have an adverse impact upon the environment.¹⁴ Before it can construct facilities, SCS Communications must file for additional authority, and submit to any necessary CEQA review. Granting this CPCN will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

7. Financial Qualifications

To be granted a CPCN for authority to provide fixed interconnected VoIP 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.¹⁵ To meet these financial requirements, SCS Communications submitted its confidential financial statements, filed under seal, as Attachment #5 to the Application, which included a letter of credit to support that it has at least \$25,000 that is reasonably liquid and available. Thus, SCS Communications has demonstrated that it has sufficient funds to meet its start-

¹³ Public Resources Code § 21000 *et seq.*

¹⁴ Pub. Res. Code § 21000, *et seq.*

¹⁵ The financial requirement for CLECs, NDIECs, and fixed interconnected VoIP providers is contained in D.24-11-003, Appendix F.

up expenses and has also shown it has sufficient funds to cover any deposits needed. As such, it has fulfilled the financial requirement of a new applicant. SCS Communications' financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available.

8. Technical Qualifications

To be granted a CPCN for authority to provide fixed interconnected VOIP service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.¹⁶ SCS Communications supplied biographical information on its management in Attachment #4 to the Application, which demonstrates it has sufficient expertise and training to operate as a telecommunications provider.

9. Certification Requirements

In its application, SCS Communications verified that no one associated with or employed by SCS Communications as an affiliate, officer, director, partner, or owner of more than 10 percent of SCS Communications, or anyone acting in a management capacity for SCS Communications

(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 California Business & Professions

¹⁶ D.13-05-035; D.95-12-056 at Appendix C, Rule 4.A.

Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (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.¹⁷

Also, to the best of SCS Communications' knowledge, neither SCS Communications nor any affiliate, officer, director, partner, nor owner of more than 10 percent of SCS Communications, 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.¹⁸

For the foregoing reasons, this decision finds that SCS Communications is in compliance with the requirements of D.24-11-003.

10. Tariffs

CLECs, IECs, and fixed interconnected VoIP providers requesting detariffed status and may be exempt from the requirement to file tariffs provided they do not provide basic service as defined by D.12-12-038 and comply with the consumer protection rules identified in D.98-08-031.¹⁹ In its Application, SCS Communications requests detariffed status. It does not appear that SCS Communications intends to provide basic service at this time. Therefore, SCS Communications' request for detariffed status is granted.

¹⁷ These certifications are required by D.13-05-035, OP 14; D.24-11-003.

¹⁸ *Ibid.*

¹⁹ D.24-11-003.

In the future, if SCS Communications decides to offer services that require a tariff or schedule, such as basic service, SCS Communications must submit proposed tariffs and/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.

11. Expected Customer Base

SCS Communications provided its estimated customer base for the first and fifth years of operation in its August 6, 2024 response to the ALJ's July 29, 2024 Ruling requesting additional information. Therefore, SCS Communications has complied with this requirement.

12. Service Territory and Map Requirements

When service is provided in small LEC territories, CLECs and fixed interconnected VoIP providers are required to comply with applicable rules set in D.20-08-011, as extended to VoIP providers in D.24-11-003. Since SCS Communications proposes to provide fixed and nomadic interconnected VOIP throughout California, SCS Communications will be subject to the applicable requirements in D.20-08-011 when operating in Small LEC service territories.

13. Prior Provision of Service

SCS Communications indicates that it has been operating as an interconnected VoIP provider in California since February 1, 2022.²⁰ While the Commission may otherwise impose a penalty on a carrier's prior unlicensed provision of service, the Commission will forgo a penalty for SCS Communications for its prior operations because the Application was filed while

²⁰ SCS Communications submitted responses to questions which informed Commission staff that SCS Communications has been offering resold VoIP services since February 1, 2022. (SCS Communications' Response to November 25, 2024 ALJ Ruling Requesting Information.)

the Commission was still deliberating the licensing obligations of VoIP carriers in R.22-08-008. On November 7, 2024, the Commission issued D.24-11-003, establishing a framework for interconnected VoIP providers, and opened a second phase of the R.22-08-008 to consider remaining issues. SCS Communications is on notice that Commission decisions in R.22-08-008 may impact the licensing status of SCS Communications, 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 Util. Code Section 1013, or a Certificate of Public Convenience and Necessity pursuant to Pub. Util. Code Section 1001.

Between February 1, 2022 and the present, SCS Communications also earned intrastate revenue from customers subject to surcharge assessments. Pub. Util. Code Section 285 (Assembly Bill 841, Stats. 2011, Ch. 685), mandates that the Commission require interconnected VoIP service providers to collect and remit surcharges in support of state universal service funds in support 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 281.17 17 Pub. Util. Code § 285(c).

Effective April 1, 2023, all telephone corporations, including VoIP carriers 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 Decision 22-10-021. Surcharges apply only to public purpose program surcharges imposed on end-use customers' "place of primary use" that is located within California.

Carriers are assessed interest at an annual rate of 10 percent accrued interest for late remittance of public purpose program surcharges owed to the Commission. SCS Communications must remit any past-due public purpose program surcharges owed for its prior operation of intrastate, interconnected VoIP service from February 1, 2022 to the issuance date of this decision by providing the Commission's Communication's Division with a summary of: (1) its monthly intrastate revenues from February 1, 2022 to March 31, 2023, and (2) the monthly number of active access lines from April 1, 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.23-09-009" 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.

SCS Communications is subject to the obligation to pay late fees on past due surcharges. However, SCS Communications' obligation to remit 10 percent interest of past-due surcharges is waived for the period following the filing date of SCS Communications' application in acknowledgement of the Applicant'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 D.21-03-002. SCS Communications is on notice that the user fee obligations may be subject to change by determinations made in R.22-08-008.

The Commission's Communications Division staff is authorized to calculate the past due public purpose program surcharges and late fees owed by SCS Communications. SCS Communications 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. SCS Communications 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.23-04-013." SCS Communications will email the Commission's Communications Division of payment made at telcosurcharge@cpuc.ca.gov. 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 SCS Communications.

14. 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 SCS Communications will meet the Commission's minimum safety goals

and expectations because: (1) SCS Communications has taken steps to meet the financial requirements as set forth in this decision for a non-facilities-based interexchange carrier, and (2) SCS Communications 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."

15. Conclusion

SCS Communications' application conforms with the Commission's rules for certification as a fixed interconnected VoIP provider. Accordingly, the Commission grants SCS Communications' CPCN to provide non-facilities-based fixed interconnected VoIP services in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs. SCS Communications may also provide nomadic interconnected VoIP services using the utility ID granted herein without obtaining a separate nomadic registration.

The CPCN granted by this decision provides benefits to SCS Communications and corresponding obligations. SCS Communications receives authority to operate in the prescribed service territory, and this authority enables SCS Communications, pursuant to Section 251 of the 1934 Communications Act, as amended by the 1996 Telecommunications Act (47 U.S.C. Section 251), to interconnect with telecommunications carriers.²¹

In return, SCS Communications is obligated to comply with all Pub. Util. Code provisions, Commission rules, GOs, and decisions applicable to telephone

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

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, SCS Communications is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in the 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 Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

16. Additional Requirements for Applicants Following Commission's Grant of CPCN

The CPCN granted in this decision is contingent upon SCS Communications' compliance with several requirements: (1) rendering service to customers within 12 months from the effective date of this decision; (2) using its assigned corporate identification number in the caption of all original filings with the Commission; (3) filing in this docket a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this decision; (4) providing the name, address, e-mail address, and telephone number of its designated primary regulatory/official contact person to the Commission's Communications Division within five days of written acceptance of its certificate; (5) providing the name, address, e-mail address, and telephone number of its designated contact person for purposes of resolving consumer complaints to the Commission's Consumer Affairs Branch within five days of written acceptance of its certificate; (6) submitting a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond within 30 days of the effective date of this decision;

(7) submitting its compliance with Public Utilities Code Section 708, Employee Identification Cards, to the 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; (8) providing the date that competitive local exchange service is first rendered to the public, to the Commission's Director of the Communications Division, in writing, by email to cdcompliance@cpuc.ca.gov, no later than five days after service first begins. These requirements are in addition to SCS Communications' ongoing obligation to be subject to all the current requirements applicable to VoIP providers included in Attachments B, C, and D to this decision (including annual affiliate transaction reports, ongoing performance bond requirements, and payment of surcharges and user fees); all Consumer Protection Rules contained in General Order 168; and all applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities on an ongoing basis.

17. Request to File Under Seal and other Procedural Matters

Pursuant to D.97-09-035, SCS Communications was exempt from filing a motion for confidential treatment of its financial documents at the time it filed its application, would be granted confidential treatment of its financial document for a period of one-year from the issuance date of a decision resolving its application. D.24-11-003 affirmed the exemption from filing a motion for confidential treatment to all applicants for a simplified registration and extended it to applicants for a CPCN. It also extended the grant of confidential treatment for financial documents as provided for in D.24-11-003 Appendix F to three years from the issuance date of this decision. Accordingly, SCS's Communications' financial documents are granted three years on confidential treatment from the

issuance date of this decision without the need to file a motion for confidential treatment of these documents.

All rulings of the assigned Commissioner or the assigned ALJ are affirmed. All pending motions are denied.

18. 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 public comments were posted to the docket card for this proceeding.

19. Comments on Draft Decision

The proposed decision of ALJ Suman Mathews in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311 and comments were allowed under Rule 14.3 of the Commission’s Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

20. Assignment of Proceeding

Matthew Baker is the assigned Commissioner and Suman Mathews is the assigned ALJ in this proceeding.

Findings of Fact

1. SCS Communications is a limited liability corporation authorized to do business in California.

2. SCS Communications is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).

3. SCS Communications’ principal place of business is 1 Hardy Road, Suite 210, Bedford, New Hampshire 03110.

4. SCS Communications submitted an application for registration as an interexchange telephone corporation which is being evaluated under Pub. Util. Code Section 1001.

5. SCS Communications started providing both fixed and nomadic interconnected VoIP service on February 1, 2022.

6. Between February 1, 2022, and the present, SCS Communications provided 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. Section 1001.

7. Between February 1, 2022, and the present, SCS Communications earned intrastate revenue from customers subject to surcharge assessments.

8. Between February 1, 2022, and the present, SCS Communications is subject a 10 percent accrued interest for late remittance of public purpose program surcharges.

9. SCS Communications will not construct any facilities.

10. SCS Communications has a minimum of \$25,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.

11. SCS Communications has sufficient additional cash or cash equivalent to cover deposits that may be required by other telephone corporations in order to provide the proposed service.

12. SCS Communications' management possesses sufficient experience, knowledge, and technical expertise to provide resold interexchange services to the public.

13. No one associated with or employed by SCS Communications as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of

more than 10 percent of SCS Communications, or anyone acting in a management capacity for SCS Communications: (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 California 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.

14. To the best of SCS Communications' knowledge, neither SCS Communications, or any affiliate, officer, director, partner, nor owner of more than 10 percent of SCS Communications, 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.

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

16. SCS Communications provided an estimate of its customer base for the first and fifth year of operation.

17. SCS Communications will meet the Commission's minimum safety goals.

18. SCS Communications provided financial information as part of its application.

Conclusions of Law

1. SCS Communications should be granted a CPCN to provide fixed and nomadic interconnected VoIP services in California, subject to the terms and conditions set forth in the Ordering Paragraphs.

2. SCS Communications is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).

3. SCS Communications should be granted resold VoIP carrier authority and may not construct any facilities.

4. It is reasonable to forbear from assessing penalties for SCS Communications' unlicensed provision of VoIP service from February 1, 2022, to the present because the Commission deliberating VoIP licensing requirements in R.22-08-008 at the time the application was filed, with the exception of public purpose program surcharges owed and interest payments for late remittance of public purpose program surcharges accrued prior to filing an application for a registration pursuant to Pub. Util. Code Section 1013.

5. SCS Communications should pay all past-due public purpose program surcharges earned on its VoIP service provided between February 1, 2022, and the present pursuant to Pub. Util. Code Section 285 and D.22-10-021.

6. SCS Communications should pay 10 percent accrued interest on late remittance of public purpose program surcharges between February 1, 2022, and September 15, 2023, the filing date of SCS Communications' application for a registration.

7. SCS Communications should provide the Commission's Communications Division with monthly intrastate revenue or monthly active access lines for the relevant duration of the period owed using the form provided in Attachment E.

8. The Commission's Communications Division should be authorized to calculate the amount owed by SCS Communications for public purpose program surcharges and late fees owed using the surcharge mechanism applicable at the time the surcharge was incurred.

9. SCS Communications 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.

10. Granting SCS Communications a CPCN is in the public interest.

11. SCS Communications meets the financial requirements for a CPCN pursuant to D.24-11-003.

12. SCS Communications meets the technical managerial requirements for a CPCN pursuant to D.13-05-013 and D.24-11-003.

13. SCS Communications meets the certification requirements for a CPCN pursuant to D.13-05-013 and D.24-11-003.

14. SCS Communications is exempt from tariffing. In the future, if SCS Communications decides to offer services that require a tariff or schedule, such as basic service, Applicant should submit proposed tariffs and/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.

15. SCS Communications should be subject applicable rules in D.20-08-011 for operating in a small LEC territory.

16. The certificate granted, and the authority for SCS Communications to render service to customers under the rates, charges, and rules authorized, should 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. SCS Communications should be responsible for seeking approval for an extension of time to comply with this decision pursuant to Rules of Practice and Procedure Rule 16.6.

17. SCS Communications should be assigned utility identification number U-7449-C and should be responsible for using this as its corporate identification number in the caption of all original filings with this Commission, in the titles of other pleadings filed in existing cases, and informal submissions to the Commission.

18. SCS Communications should file in this docket a written acceptance of the certificate 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.

19. SCS Communications should provide the name, address, e-mail 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.

20. SCS Communications should provide the name, address, e-mail 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.

21. SCS Communications should submit a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with the process established in D.10-09-017/D.11-09-026 and modified by D.13-05-035 and Decision 24-11-003 to the California Public Utilities Commission's Communications Division within 30 days of the effective date of this decision.

22. SCS Communications should 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.

23. SCS Communications should be subject to all the current requirements applicable to [fixed interconnected Voice over Internet Providers](#) included in Attachments B, C, and D to this decision (including annual affiliate transaction reports, ongoing performance bond requirements, and payment of surcharges and user fees); 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.

24. SCS Communications' financial documents should be kept under seal for a period of three years from the issuance date of this decision pursuant to D.24-11-003.

25. All rulings of the assigned Commissioner or the assigned ALJ should be affirmed.

26. All pending motions should be denied.

27. 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 SCS Unified Communications, LLC to provide fixed and nomadic interconnected Voice over Internet Protocol services in California, subject to the terms and conditions in this decision.
2. SCS Unified Communications, LLC must remit public purpose program surcharges owed to the Commission in accordance with the 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 date of this application.
3. Within 30 days of the effective date of this decision, SCS Unified Communications, LLC (SCS Communications) must provide the Commission's Communications Division with a summary of: (1) its monthly intrastate revenues from February 1, 2022 to March 31, 2023 and (2) the monthly number of active access lines from April 1, 2023 to the effective date of this decision by e-mailing telcosurcharge@cpuc.ca.gov and copying cdcompliance@cpuc.ca.gov in the communication. SCS Communications will provide this information by completing the form included as Attachment E.
4. The Commission's Communications Division is authorized to calculate the public purpose program surcharges owed between February 1, 2022, and the issuance date of this decision, along with any interest owed between February 1, 2022, and September 15, 2023, for late remittance of past-due surcharges prior to the filing date of this application.

5. SCS Unified Communications, LLC (SCS Communications) 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, 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. SCS Communications will inform the Commission's Communications Division that payment has been made within one day of e-mailing or otherwise submitting payment by e-mail to telcosurcharge@cpuc.ca.gov.

6. SCS Unified Communications, 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. SCS Unified Communications, LLC may not construct any facilities, including equipment in existing buildings or structures.

8. SCS Unified Communications, LLC (SCS Communications) may operate on a detariffed basis. In the future, if SCS Communications decides to offer services that require a tariff or schedule, such as basic service, Applicant must submit proposed tariffs and/or user guides to the California Public Utilities Commission's Communications Division via a Tier 2 Advice Letter using the General Order 96-B process at least 30 days before initiation of service.

9. The certificate granted, and the authority for SCS Unified Communications, LLC (SCS Communications) 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. SCS Communications is

responsible for seeking approval for an extension of time to comply with this decision pursuant to Rules of Practice and Procedure Rule 16.6.

10. SCS Unified Communications LLC is assigned utility identification number U-7449-C and is responsible for using this as its corporate identification number in the caption of all original filings with this Commission, in the titles of other pleadings filed in existing cases, and informal submissions to the Commission.

11. SCS Unified Communications LLC must file in this docket a written acceptance of the certificate 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.

12. SCS Unified Communications LLC must provide the name, address, e-mail 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. Refer to Attachment B for additional information related to updating contact information.

13. SCS Unified Communications LLC must provide the name, address, e-mail 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. Refer to Attachment B for additional information related to updating contact information.

14. SCS Unified Communications, LLC must submit a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with the process established in Decision (D.) 10-09-017/D.11-09-026

and modified by D.13-05-035 and D.24-11-003 to the California Public Utilities Commission's Communications Division within 30 days of the effective date of this decision. Refer to Attachment B for additional information on annual performance bond requirements.

15. SCS Unified Communications, 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.

16. SCS Unified Communications, LLC is subject to all the current requirements applicable to fixed interconnected Voice over Internet Providers included in Attachments B, C, and D to this decision (including annual affiliate transaction reports, ongoing performance bond requirements, and payment of surcharges and user fees); 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.

17. Confidential Treatment of SCS Unified Communications, LLC's (SCS Communications) financial documents is granted for a period of three years after the date of this decision pursuant to Decision 24-11-003. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If SCS Communications believes that it is necessary for this information to remain under seal for longer than three years, SCS Communications may file a motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

18. All rulings of the assigned Commissioner or the assigned ALJ are affirmed.

19. All pending motions are denied.

Application 23-09-009 is closed.

This decision is effective today.

Dated _____, at Sacramento, California.

ATTACHMENT A
TARIFF DEFICIENCIES

This Attachment is Intentionally Left Blank.

(END OF ATTACHMENT A)

ATTACHMENT B**REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS, INTEREXCHANGE CARRIERS AND FIXED INTERCONNECTED VOIP 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).

5. 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>.

6. 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 access line to report and zero 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>.

7. 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 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>.

8. In compliance with Resolution T16901, December 2, 2004, Carrier is responsible for checking the joint tariff for public purpose program surcharges and user fees filed by Pacific Bell Telephone Company 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.

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

10. 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).

11. 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).

12. 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.

13. 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 e-mail 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.

14. Carrier is responsible for obtaining a performance bond of at least \$25,000 in accordance with Decision 13-05-035 and D.24-11-003. Within 30 calendar 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 Decision 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.

15. 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>.

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

17. 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 for enforcement action, which could result in additional fines, penalties, or other sanctions.

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

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

20. 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 e-mail to cdcompliance@cpuc.ca.gov.

(END OF ATTACHMENT B)

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 and 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 31st of the 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**CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

Submit the following information electronically using the Annual Affiliate Transaction Report Form²² via e-mail 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 a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

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).

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 e-mail to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT D)

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 Approval Per D.24-XX-XXX, A.23-09-009."

Body of email should include:

1. Carrier Name
2. Date of Operation without License
3. Date Issuance of the Decision
4. Monthly Intrastate Revenue report prior to April 2023

	2022	2023
January	n/a	
February		
March		
April		n/a
May		n/a
June		n/a
July		n/a
August		n/a
September		n/a
October		n/a
November		n/a
December		n/a

5. Number of Active Access Line from April 2023 to 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		
May		
June		
July		
August		
September		

October		
November		
December		

(END OF ATTACHMENT E)