

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

Order Instituting Rulemaking Proceeding to  
Consider Amendments to General Order 133.

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Rulemaking 22-03-016



**FILED**

05/12/25

04:59 PM

R2203016

**COMMENTS OF THE CALIFORNIA BROADBAND & VIDEO ASSOCIATION ON  
PROPOSED DECISION ADOPTING GENERAL ORDER 133-E**

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May 12, 2025

## **Subject Index of Recommended Changes to the Proposed Decision**

The California Broadband & Video Association (“CalBroadband”) commends the Commission’s commitment to reliable voice services and appreciates the Commission’s incorporation of stakeholder feedback in the proposed decision (“PD”). However, we continue to have significant concerns regarding the PD’s approach to Voice over Internet Protocol (“VoIP”) outages, its penalty structure, and its customer service standards. To resolve the technical, factual, and legal errors described in the comments, the Commission should make the following changes to the PD:

- Apply General Fund fines (“GFFs”) for certain outages exceeding 24 hours only to providers: (i) with a track record of non-compliance, *i.e.*, subject to a corrective action plan (“CAP”) under General Order (“GO”) 133-E; or (ii) in chronic failure status under General Order 133-D.
- Cap the GFF base fine amount (\$5.00 per day) because it could quickly exceed the price of voice service on a customer’s bill.
- Eliminate the customer credit multiplier to align with other Commission policies and the model New York regulation.
- Clarify and modify the list of exemptions to explicitly include commercial power outages (except when the provider is subject to the Commission-established backup power requirements in D.20-07-011 and D.21-02-029), customer-caused issues, and third-party facility outages to ensure policy consistency.
- Revert the call answer time rules back to the current GO 133-D rules, but if the Commission desires to address longer wait times, add a 95% in 5 minutes standard during normal operating conditions; continue to utilize the current fine structure for call answer time; and to the extent any modifications to the fine structure for the customer service standards are considered, it should be done in Phase 2 of the proceeding in order to develop a record.
- Eliminate the rule to offer a live agent via chat in 10 seconds; to the extent that any time requirement is considered, it should be done in Phase 2, given significant operational issues, and should have stakeholder input so as to not harm the customer experience.
- Clarify that the implementation date is the same as the enforcement date (July 1, 2026) and revise the PD and rules so that the non-ministerial task of issuing templates will be approved by Commission resolution after notice and comment (consistent with other Commission proceedings).

These changes will help ensure fair, effective, and transparent implementation of GO 133-E while avoiding unintended negative consequences for consumers and providers alike.

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## COMMENTS OF THE CALIFORNIA BROADBAND & VIDEO ASSOCIATION ON PROPOSED DECISION ADOPTING GENERAL ORDER 133-E

Pursuant to the April 11, 2025 *Proposed Decision Adopting General Order 133-E* (“PD”) and Rule 14.3 of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, CalBroadband respectfully submits comments on the PD.

### I. Introduction

CalBroadband and its members commend the Commission’s commitment to ensuring Californians have access to high-quality, reliable voice services. CalBroadband also appreciates the Commission’s responsiveness to stakeholder feedback, including the modified customer credit structure for service outages of 24-48 hours, the avoidance of a two-tier credit framework for ESJ communities, and dismissal of the 100 percent compliance requirement for the Commission’s call answer time standard.

Despite these positive changes, CalBroadband remains concerned that the PD contains critical flaws that should be corrected, which otherwise could undermine its stated goals, including:

- ***Disproportionate Outage Penalty Structure:*** The PD imposes an unlawful double-penalty framework for VoIP outages with stricter penalties on VoIP providers than the more regulated electric Investor-Owned Utilities (“IOUs”). It mischaracterizes VoIP outages as “excessive” despite record evidence indicating they are low, decreasing, and generally not a focus of consumer complaints. Moreover, the PD’s credit structure would provide a non-proportional payment for consumers and punish providers. *See* Section II.
- ***Insufficient Exemptions for Circumstances Beyond Providers’ Control:*** The PD omits key exemptions for additional circumstances beyond providers’ control that are necessary to prevent providers from being subject to unjust penalties. *See* Section III.
- ***Unfounded Customer Service Standards and Penalties:*** The PD introduces vague customer service standards and an overly punitive and unclear penalty structure that are without record support, overly prescriptive, and could stifle innovation of customer service features, ultimately detracting from the customer experience. *See* Section IV.
- ***Unlawful Delegation of Authority:*** The PD unlawfully delegates authority to issue reporting templates and could be misinterpreted to have conflicting implementation dates. *See* Section V.

To address these critical concerns and ensure fair, effective, and legally sound implementation of GO 133-E,<sup>1</sup> CalBroadband proposes key modifications that are summarized in the subject index above, detailed below, and redlined in the PD and Draft GO 133-E in **Appendix A** attached hereto.

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<sup>1</sup> The PD raises significant legal concerns due to the absence of express statutory authority or state caselaw for regulating VoIP providers, potentially jeopardizing the entire regulatory framework. *See, e.g.,* Opening Comments

## II. The PD's VoIP outage penalty structures ignore the record and exceed the Commission's authority.

The PD introduces a GFF structure with multipliers and a “parallel and concurrent” customer credit fine with multipliers.<sup>2</sup> It is legal error to create a double-penalty system.<sup>3</sup> Where the PD declares that “parallel and concurrent” mandatory payments are not double penalties because of nomenclature, it constitutes factual error.<sup>4</sup> Moreover, as described below, both the proposed GFF and concurrent customer credits *independently* contain legal and factual errors. The GFF treats VoIP providers more strictly than IOUs, misinterprets the record, and therefore fails to justify automatic fines. The multiplier on customer credits constitutes damages beyond the Commission's authority to award and is disproportionate to actual harm.

CalBroadband recommends a modification to the PD that incentivizes improved performance when necessary and provides relief to customers directly impacted by prolonged outages, creating a more effective and customer-focused enforcement mechanism. Specifically, as detailed in Sections II.A and II.B below, CalBroadband recommends that the Commission adopt two narrowly tailored proposals for outages: (i) impose GFFs on providers with a proven track record of noncompliance; and (ii) remove the proposed customer credit multipliers.

### A. *The GFF structure and implementation for VoIP outage repair suffer from significant factual and legal errors.*

The PD creates automatic GFFs for every outage that exceeds 24 hours, regardless of the culpability of the provider.<sup>5</sup> The fines begin at \$5 per line per day and are multiplied up to \$20 per line per day for subsequent 24-hour periods. This proposal constitutes legal error by treating VoIP providers more harshly than IOUs without record justification, commits further factual and legal error by misinterpreting the record evidence and failing to tie the GFF to any documented issues — creating a system of excessive fines without record support. CalBroadband does not believe GFFs are necessary,

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of the California Cable and Telecommunications Association on the Order Instituting Rulemaking (“CCTA OIR Comments”) at 16-21 (May 9, 2022).

<sup>2</sup> PD at 109-10.

<sup>3</sup> See *Troensegaard v. Silvercrest Indus., Inc.* (1st Dist. 1985) 175 Cal. App. 3d 218, 227 (quoting *In re N. Dist. of Cal. “Dalkon Shield” IUD Prods. Liab. Litig.* (N.D. Cal. 1981) 526 F. Supp. 887, 899, *vacated on other grounds sub nom. In re N. Dist. of Cal. “Dalkon Shield” IUD Prods. Liab. Litig.* (9th Cir. 1982) 693 F.2d 847 (internal quotation marks omitted)) (Double penalties “violate that sense of fundamental fairness which lies at the heart of constitutional due process.”).

<sup>4</sup> PD at 114.

<sup>5</sup> *Id.*

but, as detailed below, any GFF should be imposed only on providers that have demonstrated a pattern of service problems.

It is legal error for the Commission to adopt a more stringent outage penalty regime for competitive VoIP providers. The proposed automatic GFF penalties for any VoIP outage beyond 24 hours would be more severe than the rules for IOUs, which are not subject to automatic GFFs for outage repairs.<sup>6</sup> There is no evidence to support stricter treatment of VoIP providers, especially given the robust competition in the voice communications market that inherently regulates conduct, compared to the monopoly markets of IOUs.<sup>7</sup> Following through on the PD's framework would create an arbitrary and disproportionate penalty scheme and constitute legal error.

Actions by the Commission must be based on "substantial evidence" in the proceeding record.<sup>8</sup> Here, the PD misinterprets the record to conclude that VoIP outages are excessive and that customers frequently experience extended outages because of providers' poor network performance. The PD primarily relies on NORS and Cal OES outage reports to justify its conclusions. However, neither purports to measure network reliability nor is limited to outages lasting longer than 24 hours.<sup>9</sup> Moreover, NORS data indicates that VoIP outages constitute less than five percent of *all outages* and are declining.<sup>10</sup>

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<sup>6</sup> Any fines for IOU outages are based on case-by-case findings after process, rather than automatic fines. For instance, a 5-day outage would subject a VoIP provider to an automatic \$70 *per line* fee without regard to culpability. Compare Draft GO 133-E, Rule 2.2(f), with Resolution SED-9, 2024 CAL. PUC LEXIS 429, at \*29 (fining SDG&E \$10.14 per customer for failure to notify customers of PSPS events); Resolution SED-10, 2024 CAL. PUC LEXIS 428, at \*33-\*34 (fining PacifiCorp \$10.28 per customer for the same); Resolution SED-11, 2024 CAL. PUC LEXIS 598, at \*30-\*31 (fining Southern California Edison \$10.05 per customer for the same).

<sup>7</sup> See *Order Modifying D. 16-08-021 on Issue of Fines for CLECs and Denying Rehearing of Decision as Modified*, D.18-10-058, 2018 Cal. PUC LEXIS 534, at \*38 ("the Commission has taken a more hands-off approach for non-traditional services, with reliance on competition to ensure reasonable service and rates").

<sup>8</sup> See Pub. Util. Code § 1757(a)(4); see also *S. Cal. Edison Co. v. Pub. Utils. Comm'n* (Cal. Ct. App. 2002) 101 Cal. App. 4th 982 (evaluating quantum of evidence in rulemaking context).

<sup>9</sup> See 47 C.F.R. § 4.9(g)(1)(i) (requiring NORS reports for "an outage of at least 30 minutes" if certain criteria are met; see also Cal. Code Regs. tit. 19, § 2480.2(a) (defining community isolation events as any "outage" that "limits a telecommunications service provider's end users' ability to make 911 calls or receive emergency notifications..."); see also *Service Quality Outage Analysis* ("Staff Report") at 24, 26 (Apr. 17, 2023) (explaining that "most outages" reported via NORS from 2018-2021 were under 24 hours).

<sup>10</sup> See, e.g., Comments of the California Broadband & Video Association on Administrative Law Judge's Ruling Issuing Staff Proposal ("CalBroadband Staff Proposal Opening Comments") at 5 (Sept. 3, 2024) (footnote omitted) ("Contrary to the arguments made in the Staff Proposal, the cited data shows the number of interconnected VoIP outages *declining* over time. Moreover, cited outage data from the Federal Communications Commission ('FCC') demonstrates that interconnected VoIP outages constitute *only five percent of outage reports*, far lower than that of other technology types."); see also Opening Comments of the California Broadband & Video Association on the Joint Summary of the September 7, 2023 Workshop ("CalBroadband Joint Summary Opening Comments") at 3 (Oct. 5, 2023); Reply Comments of the California Broadband & Video Association on the Joint Summary of the



Similarly, Cal OES reports are intended to provide situational awareness to public safety agencies,<sup>11</sup> unequivocally are not evidence of unreliable service, and, in any case, show a nearly 7% decline in VoIP outages in the two years measured.<sup>12</sup> The PD’s analysis ignores whether outages in NORS and Cal OES reports are caused by factors outside of providers’ control,<sup>13</sup> that reports are triggered by any outage as brief as 30 minutes such that many of the reported outages are for durations far shorter than 24 hours, and that reports are for things like brief scheduled maintenance during low-usage hours.<sup>14</sup> During the proceeding’s workshop, no party recalled or supported any complaints regarding VoIP service quality, and Consumer Affairs Branch data and Public Participation Hearing (“PPH”) comments demonstrate that VoIP service quality complaints are rare.<sup>15</sup> The only other evidence the PD relies on is the Network Exam Report, which is unrelated to cable VoIP service and offers no analysis of outages beyond those experienced by the two carriers that are the subject of that report.<sup>16</sup> Therefore, characterizing VoIP outages as excessive based on the record is a factual error.<sup>17</sup>

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September 7, 2023 Workshop Discussing General Order 133-D (“CalBroadband Joint Summary Reply Comments”) at 6 (Oct. 12, 2023).

<sup>11</sup> Cal. Code Regs. tit. 19, § 2480.2(a).

<sup>12</sup> Staff Report at 29 (reported outages going from 9,000 to 8,421, a decline of 579 or almost 7%).

<sup>13</sup> Reply Comments of the California Broadband & Video Association on the Administrative Law Judge’s Ruling Requesting Comment at 4 (June 2, 2023); Opening Comments of Calaveras Telephone Company (U 1004 C) et al. (“Small LECs Opening Comments on Staff Proposal”) at 2-3 (Sept. 3, 2024); CalBroadband Joint Summary Reply Comments at 5; Comments of CTIA on Ruling Requesting Comments on Service Quality Outage Analysis Report at 4-5 (May 18, 2023).

<sup>14</sup> See Cal. Code. Regs. tit. 19, § 2480.2(a) (requiring Cal OES data submissions for VoIP outages lasting any longer than 30 minutes); Staff Report at 28 (providers are required to “track the troubleshooting of the repairs and any construction efforts that are scheduled for network maintenance or service quality improvement” and provide Cal OES with this information); CalBroadband Joint Summary Reply Comments at 6.

<sup>15</sup> CalBroadband Joint Summary Opening Comments at 2-3 (noting that no participant could point to record support for VoIP service quality issues, and that VoIP “service quality related consumer complaints represent *less than 1 percent* of all communications-related complaints made to the Commission”); see also CalBroadband Staff Proposal Opening Comments at 4.

<sup>16</sup> California Cable and Telecommunications Association Comments on Administrative Law Judge’s Ruling Issuing Network Examination and Armis Reporting at 9-11 (Dec. 21, 2022).

<sup>17</sup> See Pub. Util. Code § 1757.1(a)(4) (allowing a reviewing court to determine whether “[t]he decision of the commission is not supported by the findings” in the record); see also *Pub. Utils. Comm’n v. Superior Ct.* (Ca. Ct. App. 2016) 2 Cal. App. 5th 1260, 1274 (“[T]he CPUC might leave itself open for reversal for lack of substantial evidence to support its decision.”); Rule 8.2(m), Commission Rules of Practice and Procedure (“The Commission shall render its decision based on the evidence of record.”); *Re TC Telephone LLC*, D.20-06-023, 2020 Cal. PUC LEXIS 624, at \*8 (“[T]he findings of a Commission decision must support the conclusions in a Commission decision and must be based on the record.”); Pub. Util. Code § 321.1(a) (requiring the Commission to perform a cost-benefit analysis to “assess the consequences of its decision, including economic effects” and “mitigate the impacts of its decision” on customers and the public).

The PD commits further legal error by failing to tie the GFF base fine amount to any documented service repair issue in the record. The PD does not explain why the GFF base fine amount would be reasonable. Five dollars is already a significant portion of the total monthly bill for residential VoIP services, which in many cases cost \$20 or less per month.<sup>18</sup> Without justification or legal analysis, the imposition of such substantial fines is arbitrary.

The PD should be modified to apply GFFs exclusively to providers that are required to submit a CAP under Draft GO 133-E, Rule 4. Providers that submit CAPs would be required to pay both the GFF and customer credits for each outage ticket not repaired within 24 hours during the CAP period. To address immediacy concerns, providers designated as having “chronic failure status” under GO 133-D could transition into a GO 133-E CAP, subjecting them to GFFs starting in July 2026. This proposal avoids many of the pitfalls of the PD’s proposed GFF while advancing the Commission’s goals and targeting providers with demonstrated performance issues.

***B. The VoIP outage customer credit multiplier is disproportionate and awards damages.***

CalBroadband acknowledges the Commission’s desire to establish proportionate credits that “ensure that those directly impacted by outages receive direct relief” based on the outage duration and cost of service.<sup>19</sup> However, the PD’s inclusion of credit multipliers goes far beyond the principle of proportionate credit and commits legal error by requiring providers to pay unlawful damages. The Commission is only empowered to provide “reparation” to customers, not damages.<sup>20</sup> Imposing multipliers on customer credits depending on the outage’s length will impose punitive damages (not reparation for service loss) because they exceed a proportionate refund for services. Moreover, they will be unnecessarily complicated for the Commission to oversee and for providers to implement, requiring most, if not all providers, to substantially modify their internal billing systems.

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<sup>18</sup> See CCTA OIR Comments at Exhibit B, Report of Dr. Gregory L. Rosston and Dr. Ana McDowall on Behalf of the California Cable and Telecommunications Association (May 9, 2022), at 31-32 (“Cox advertises its voice service at a monthly fee of \$20.”).

<sup>19</sup> PD at 109.

<sup>20</sup> See, e.g., Pub. Util. Code §§ 734, 2106; *BullsEye Telecom, Inc. v. Cal. Pub. Util. Comm’n* (Ca. Ct. App. 2021) 66 Cal. App. 5th 301, 308 (quoting *Davis v. S. Cal. Edison Co.*, 236 Cal. App. 4th 619, 636 (2d Dist. 2015) (internal quotation marks omitted)) (“[T]he PUC’s authority to order reparations to aggrieved ratepayers is limited to reparations for rates that are unreasonable, excessive, or discriminatory (§ 734); the PUC does not have authority to award other damages.”); Opening Comments of AT&T on Phase One Staff Proposal (“AT&T Staff Proposal Opening Comments”) at 28-29 (Sept. 3, 2024); Reply Comments of the California Broadband & Video Association on Administrative Law Judge’s Ruling Issuing Staff Proposal (“CalBroadband Staff Proposal Reply Comments”) at 10-11 (Sept. 17, 2024).

As with the GFF, the PD's customer credit mechanism also would treat VoIP providers more harshly than monopoly IOUs, and there is no factual support in the record to justify such differential treatment. Specifically, the Commission has approved customer credit frameworks for IOU outages that exclude multipliers and cap credits at a fraction of the average customer's total bill amount.<sup>21</sup> The PD provides VoIP customers with a proportionately higher refund for the loss of VoIP service than it does for the loss of electricity service.<sup>22</sup> The record does not support subjecting VoIP providers to that standard.<sup>23</sup>

CalBroadband's modification to the proposed credit structure provides proportionate relief to those most impacted by outages without going beyond proportional remuneration. Specifically, CalBroadband recommends removing the multiplier for customer credits to comport with California law, the stated goals of the Commission in making an automatic credit available, and broader public policy. Moreover, this more closely aligns with the New York statute on which these provisions are based.<sup>24</sup>

### **III. It would be technical and legal error for the Commission to restrict the scope of exemptions in GO 133-E.**

CalBroadband appreciates the Commission's addition of exemptions to the proposed VoIP Installation and Outage Repair Standards that were not included in the Staff Proposal. CalBroadband supports the Commission's goal of "[f]ocusing on clearly defined exemptions associated with events outside of a carrier's control [that] will provide proper incentives to carriers to respond promptly to outages [and installations] that are within their control."<sup>25</sup>

However, both the PD and Draft GO 133-E omit or leave ambiguous three critical exemptions for circumstances that are beyond providers' control. These exemptions are necessary to prevent unjust penalties, provide proper incentives, and avoid legal and technical error. Specifically, CalBroadband recommends updating the exemptions in Draft GO 133-E Rules 2.1 and 2.2 — the Installation and POTS and VoIP Outage Repair Standards — as follows:

1. Clarify that the exemptions include *any commercial power outage*, not solely power outages related to a declared state of emergency or in high fire threat districts ("HFTDs"), except when

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<sup>21</sup> See CalBroadband Staff Proposal Opening Comments at 7-8, 11-12 (discussing IOU outage credits).

<sup>22</sup> See *id.* (discussing how PG&E caps credits at \$100, which is approximately 61% of the average cost of electricity as calculated by the Public Advocate's Office).

<sup>23</sup> See *Rulemaking re Standards of Conduct Governing Relationship Between Energy Utilities and Their Affiliates*, D.98-12-075, 1998 Cal. PUC LEXIS 1018, at \*9-10 (the Commission must account for, among other things, the severity of the offense, conduct of the utility, and totality of the circumstances related to the violation).

<sup>24</sup> See N.Y. Comp. Codes R. & Regs. tit. 16, § 603.5(e)(1) ("If a service interruption continues for 24 hours or more, 1/30th of the monthly rate for all services and facilities furnished and billed by the service provider that are rendered useless or substantially impaired for each 24 hours (or fraction thereof).").

<sup>25</sup> PD at 102.

the provider is subject to the Commission-established backup power requirements in D.20-07-011 and D.21-02-029;

2. Modify the exemption for a “[c]ustomer’s request to change appointment” to also apply to *any customer conduct, or condition at the customer’s premises, that necessitates or delays an outage repair or installation*; and
3. Include an exemption for *outages of third-party networks or services outside of a provider’s control*.<sup>26</sup>

**A. Commercial Power Outage Exemption**

The PD implicitly recognizes exemptions to the service quality standards for some commercial power outages. For example, the list of exemptions in the PD and Draft GO 133-E for POTS and VoIP Outage Repair Standard includes “[d]eclara[tion] of a state of emergenc[y] by the Governor of California related to disasters *or electric grid outages*”<sup>27</sup> and notes that “[w]ireless and wireline carriers in Tier 2 and 3 High Fire Threat Districts [(“HFTDs”)] may not claim exemptions from the outage standards ... for power outages related to disasters or natural catastrophes *for the first 72 hours* because these carriers are required to provide 72 hours of backup power.”<sup>28</sup> Read together, it appears the PD is exempting VoIP outages caused by some electric grid outages outside of the HFTDs and after 72 hours inside of the HFTDs.

CalBroadband acknowledges that, under Draft GO 133-E, voice providers will not be permitted to claim an exemptions for a power outage in cases where they are subject to a mandated backup power obligation.<sup>29</sup> However, the PD should clearly state that the commercial power outage exemption applies regardless of whether the power outage is due to a disaster/natural catastrophe or other reason, and regardless of whether there is a declaration of a state of emergency. It should also make clear that the exemption applies in all areas of the state (within and outside of HFTDs), except where providers are subject to backup power rules in HFTDs. Holding voice service providers responsible for commercial power outages in areas of the state where there are no backup power obligations would punish them for an obligation that does not exist. Such action would constitute legal error.

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<sup>26</sup> While this third exemption would apply only to the Outage Repair Standard, consistent with the approach used in Draft GO 133-E, CalBroadband includes the same exemptions in both Rule 2.1 (the Installation Standard) and Rule 2.2 (the POTS and VoIP Outage Repair Standard).

<sup>27</sup> PD at 101; Draft GO 133-D, Rules 2.1.c, 2.2.c and 2.3.c (emphasis added).

<sup>28</sup> PD at 102; *see also* Draft GO 133-D, Rules 2.1.c, 2.2.c and 2.3.c (emphasis added).

<sup>29</sup> Importantly, the backup power rules require providers to have 72 hours of backup power in the HFTDs to the extent it is safe and feasible to do so. *Decision Adopting Wireline Provider Resiliency Strategies*, D.21-02-029, 2021 CAL. PUC LEXIS 72, at \*95-98. Moreover, those rules only require backup power to the provider’s network, not to the customers’ premises. *Id.* at \*72-73.

Clarifying the commercial power exemption would also align the rules for voice service providers with those for IOUs and promote fairness. Under current Commission-approved IOU customer credit rules, electric utilities are exempt from providing customer credits for power outages during PSPS events.<sup>30</sup> It would be discriminatory and unfair, and therefore a legal and technical error, to require voice service providers to pay customer credits for outages related to PSPS events when the entity responsible for shutting off the power does not have to provide customer credits for the same outage.

Clarifying the scope of the commercial power exemption, while still recognizing the requirements in D.21-02-029, also has strong record support<sup>31</sup> and would bring California's outage and installation repair exemptions in line with exemptions included in other states' service quality measures.<sup>32</sup>

### **B. Customer Conduct or Conditions**

The PD's proposed exemption for a "[c]ustomer's request to change appointment" acknowledges instances where new and current customers might delay installations and service resolution.<sup>33</sup> However, this exemption is too narrow because it fails to account for other customer actions or circumstances at the customer premises that may have similar impacts and are not within a provider's control. For example, customers can unplug or damage their equipment, or lose electricity at their home to power their modem. Similarly, customers sometimes do not respond to calls or texts to troubleshoot the issue or may ask for an initial service resolution/installation appointment date past 24 hours or five days.

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<sup>30</sup> See CalBroadband Staff Proposal Opening Comments at 7, 9, & n.23 (citing PG&E, *Start, Stop or Transfer Service*, <https://www.pge.com/en/account/service-requests/start-stop-transfer-service.html#accordion-f657d00cd1-item-99a6639097> (Service Guarantee 7), as adopted in a series of Commission decisions, including *Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 1999*, D.00-02-046, 2000 Cal. PUC LEXIS 239; SCE, *Our Service Guarantee*, <https://www.sce.com/outage-center/our-safety-guarantee> (Guarantee 2), as adopted in a series of Commission decisions, including D.04-07-022).

<sup>31</sup> See, e.g., Reply Comments of Celco Partnership d/b/a Wireless (U 3001 C) on Administrative Law Judge's Ruling Issuing Staff Proposal ("Verizon Staff Proposal Reply Comments") at 13 (Sept. 17, 2024) ("The Commission should . . . adopt exemptions for all scenarios in which an outage occurs due to factors beyond a provider's control[ including] [c]ommercial power outages."); Reply Comments of Frontier California Inc. (U 1002 C) Citizens Telecommunications Company of California Inc. (U 1024 C) Frontier Communications of the Southwest Inc. (U 1026 C) ("Frontier") on Administrative Law Judge's June 27, 2024 Ruling Issuing Staff Proposal at 5 (Sept. 17, 2024) ("It is unreasonable to penalize carriers for these types of factors outside of their control [including commercial outages] as doing so will not result in improved service quality and would harm consumers."); CalBroadband Staff Proposal Reply Comments at 6 ("A provider cannot be expected to meet a standard when outside factors, including public safety power shutoffs, prevent it from doing so.").

<sup>32</sup> See CalBroadband Staff Proposal Opening Comments at 12 & n.33 (citing N.Y. Comp. Codes R. & Regs. tit. 16 § 603.5(e)(3) (exempting interruptions due to loss of commercial power)).

<sup>33</sup> See PD at 102; Draft GO 133-E, Rule 2.1.c.vi and Rule 2.2.c.vi.

These scenarios are beyond a voice service provider’s control, and the additional time needed for repairs/installations should not “count” against the provider’s repair/installation clock. Penalizing providers in such circumstances would be unfair and inconsistent with: (i) the current version of GO 133-D,<sup>34</sup> (ii) the exemptions that apply to IOUs for power outages,<sup>35</sup> and (iii) other states’ service quality rules that include exemptions for customer actions.<sup>36</sup> Moreover, there is strong record support for expanding this category of exemption.<sup>37</sup> Therefore, the Commission should modify the customer conduct exemption to encompass all situations where customer actions or conditions at the premises delay or prevent service restoration or installation.

### ***C. Third-Party Network or Service Outages***

The adopted version of GO 133-E should also include an exemption for service outages caused by a failure in a third-party’s network or service that is outside of a provider’s control (*e.g.*, an outage of interconnection services).<sup>38</sup> Holding providers responsible for such outages would be technical and legal error, similar to penalizing them for third-party cable cuts or vandalism, third-party incidents that are also outside of a provider’s control and exempted in the PD.<sup>39</sup> To correct this error, the above-proposed exemption is warranted.

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<sup>34</sup> Examples of exemptions for customer conduct are included in the current GO 133-D, Rule 3.4.b and should not be removed from GO 133-E. *See* GO 133-D, Rule 3.4.b (“The adjusted measurements exclude ... repair tickets when maintenance is delayed due to circumstances beyond the carrier’s control. Typical reasons for delay include... absence of customer support to test facilities, or customer’s requested appointment.”).

<sup>35</sup> *See, e.g.*, Southern California Edison’s service guarantee program, which exempts from compensation outages when access to customer premises is not available or customer is not ready for service and customer premises are deemed unsafe. SCE, *Our Service Guarantee*, <https://www.sce.com/outage-center/our-safety-guarantee>.

<sup>36</sup> *See* CalBroadband Staff Proposal Opening Comments at 8-9 & nn.26-27 (citing to Georgia, Illinois, and Oregon service quality rules that apply to POTS providers.).

<sup>37</sup> *See, e.g.*, Small LECs Opening Comments on Staff Proposal at 5 (“Some OOS trouble tickets are caused by the customers.”); CalBroadband Staff Proposal Opening Comments at 8 (“[If] a customer unplugs **missing word?** modem or lacks commercial power due to their own actions, the provider would be penalized for the entire period of the outage – despite the delay being due to the customer’s unavailability or actions.”); AT&T Staff Proposal Opening Comments at 19 (“Certain repairs require customer assistance. This is often necessary when troubleshooting requires the technician to isolate the location of the trouble to the carrier’s network or the customer’s wiring or equipment. There may be instances where the customer is unavailable to assist the technician. Like declared states of emergencies, these are ‘unplanned’ events and should continue to be exempted.”).

<sup>38</sup> *See* PD at 101 & n.286 (citing Sonic, Reply Comments on Staff Proposal, filed Sept. 17, 2024, at 2-4).

<sup>39</sup> *See Id.* at 101-02.

**IV. Key provisions of the PD’s customer service standards and penalty mechanism have no basis in the record and should be modified.**

**A. *The Commission should reject the PD’s answer time standard in favor of building on the answer time standard in GO 133-D.***

Although the PD and Draft GO 133-E are potentially ambiguous, CalBroadband believes that the proposed call answer time standard is for providers to answer 90% of customer calls within 60 seconds.<sup>40</sup> However, that proposal constitutes legal, factual, and technical error and should be modified by retaining the existing answer time standard in GO 133-D, which has proven effective. In addition, as detailed below, CalBroadband offers a second call answer time measure that the Commission could also adopt if it wishes to address Commission Staff’s concern regarding longer call wait times.

The PD commits factual error by failing to justify any basis for changing the existing call answer time standard. Staff has reported that most voice providers meet the existing standard of 80% of calls answered in 60 seconds.<sup>41</sup> Even the Staff Proposal retained the current GO 133-D standard and there was no party pushback on this approach.<sup>42</sup> The PD also presents no evidence of a systemic problem necessitating a stricter rule. Instead the PD makes the unsupported finding that “numerous customers commented on their frustrations with receiving prompt response to their billing disputes and other service inquiries.”<sup>43</sup> The PD fails to explain how anecdotal concerns, without more, justify a new, and vastly different, industry-wide rule.<sup>44</sup> In addition, consumer advocates generally only advocated for extending the answer time standard to more providers, not to make the standard more stringent.<sup>45</sup> Only the Small Business Utility Advocates (“SBUA”) proposed changing the standard (90% of calls answered in 60

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<sup>40</sup> CalBroadband understands the measurement of time to begin when a customer elects to speak with a live agent (e.g., following use of an IVR system) under “normal operating conditions,” and with the option to measure through statistical sampling. This accords with the prior measurement in GO 133-D, the Staff Proposal, and/or the PD itself.

<sup>41</sup> CPUC, *Service Quality Proceeding Phase One Staff Proposal* (“Staff Proposal”) at 26 (June 2024) (noting the “high compliance level,” with only nine non-compliance instances that resulted in fines).

<sup>42</sup> The PD appears to have implicitly dismissed the Staff Proposal to have an additional, 100% measurement in 5 minutes.

<sup>43</sup> PD at 140.

<sup>44</sup> The one PPH commenter that mentioned answer time issues was discussing her landline service, with no relation to VoIP service. *See* Public Participation Hearings Reporters’ Transcript at 395, lines 8-23 (Apr. 18, 2024).

<sup>45</sup> *See, e.g.*, Opening Comments of the Public Advocates Office on the Order Instituting Rulemaking Proceeding to Consider Amendments to General Order 133 at 2-3 (May 9, 2022) (extend standard to wireless); *id.* at 5-6 (extend standard to smaller providers); Comments of the Utility Reform Network, the Communications Workers of America, and the Center for Accessible Technology on the Order Instituting Rulemaking to Consider Amendments to General Order 133 at 8-9 (May 9, 2022) (extend standard to VoIP and wireless).

seconds and 99% of calls answered in 300 seconds).<sup>46</sup> Yet, SBUA did not provide any rationale for its proposal, and there was no support from other parties for it.

The PD commits legal error by not: (i) explaining the basis for its chosen measurement, and (ii) putting the standard out for comment and consideration prior to its inclusion in the PD. This lack of reasoning and request for comments presents due process concerns and deprives stakeholders of a fair opportunity to evaluate and provide meaningful feedback.<sup>47</sup> Further, the lack of opportunity to provide meaningful comment on the proposed standard is also problematic given the complex nature of providers' customer care operations, which rely on complex, multifaceted automatic systems (*e.g.*, IVRs) and live agents with different specialty areas, to efficiently provide customer support and ultimately resolve their issues.

To correct the errors in the PD, the Commission should retain the existing GO 133-D standard of 80% in 60 seconds when speaking with a live agent after completing an IVR or ARU system. If the Commission wishes to expand its current standard to account for outlier instances, it could adopt a new additional standard of 95% of calls answered by a live agent in 5 minutes under normal operating conditions. This framework would balance performance expectations and operational realities while avoiding the rigid, impracticable thresholds in the PD. Further, this 95% measure represents a middle ground between the unreasonable 100% perfection standard in the Staff Proposal, and the prior 90% proposal CalBroadband suggested.<sup>48</sup> To the extent that the Commission wishes to further modify the current standard, it could explore that option in Phase 2, where stakeholders could be afforded a meaningful opportunity to comment on the costs and benefits of implementing a new, stricter standard.

***B. The Commission should reject the PD's customer service standard penalty and retain the penalty mechanism for call answer time in Phase 1.***

CalBroadband appreciates the Commission's recognition that the Staff Proposal's customer service standard penalty scheme was complicated and its attempt to remedy that issue.<sup>49</sup> However, the PD identifies a new customer service standard penalty mechanism that appears to penalize a carrier for

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<sup>46</sup> See Opening Comments of the Small Business Utility Advocates on California Public Utilities Commission's Communications Division Staff Report on Outages at 5-6 (May 18, 2023).

<sup>47</sup> See note 17, above. See also Pub. Util. Code § 1757.1(a)(4) (requiring Commission decisions to be "supported by the findings"). Moreover, this due process concern is especially acute given the PD's ambiguity in also referencing a 30-second threshold for call transfer times that does not appear in Draft GO 133-E. Compare PD at 141 ("Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made.").

<sup>48</sup> CalBroadband Staff Proposal Reply Comments at 16-17.

<sup>49</sup> PD at 142.



*each day of non-compliance* with the revised call answer time standard and five other new customer care standards<sup>50</sup> — with no leniency, minimal explanation, no record support, and in a manner that is unnecessarily complex, overly punitive, vague, and confusing. The adoption of this proposal would constitute factual, technical, and legal error. Therefore, the Commission should set aside this proposed penalty mechanism and revert to GO 133-D’s penalty framework for call answer time, as there is no record of any issues with this framework. Any changes to or extension of the fine structure to other customer service standards should not be considered until Phase 2.

There is no specific evidence in the record that justifies the proposed change in the customer service standard penalty structure or fine amount. To the contrary, as even the Staff Proposal recognizes, the vast majority of providers currently reporting under GO 133-D consistently meet the call answer time standard.<sup>51</sup> Additionally, the proposed changes to the fine structure are vague and confusing and will be difficult to operationalize, as they would appear to require providers to measure their compliance with each of the six standards on *a daily basis*, which would be operationally challenging for call answer time and may not be technically possible for all of the five new standards).<sup>52</sup> Finally, imposing fines with no grace period, and requiring providers to have 100% perfect compliance for the non-call answer time standards, is also overly punitive — especially given the expanded scope of providers subject to the rule and the expanded scope of customer service standards.

The lack of clarity with how the formula will work and its impact is not surprising given that the formula appears for the first time in the PD. Although the PD’s formula looks to be loosely based on the Staff Proposal’s suggestion that the fine amount be equivalent to the interest amount for late surcharge remittances,<sup>53</sup> the formula itself (including the new \$5 penalty component) was never put out for comment. Moreover, the only rationale offered for its adoption is that the change was “[i]n response to the comments

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<sup>50</sup> *Id.* (“*Fine = Number of access lines x \$5 x 10 percent x Number of days noncompliance / 365.*”); *see also* GO 133-D at 2.5.b (“Adhere to all six criteria”).

<sup>51</sup> Staff Proposal at 26 (describing the “high compliance level,” noting that “[f]rom 2018 to 2022, there were only nine noncompliance instances that resulted in fines for this standard”). Notably, none of the compliance instances involved VoIP service.

<sup>52</sup> For example, it is unclear how the daily fine would be applied to (i) the requirement that the mailing address be included on a website and in billing inserts (Draft GO 133-D, Rule 2.5.a.v); (ii) the requirement that customer voice mails be returned the next business day (Draft GO 133-D, Rule 2.5.a.i); or (iii) the requirement that “[a]ll outage-related inquiries must be directed to the appropriate standards....” (Draft GO 133-D, Rule 3.2.a.vi).

<sup>53</sup> PD at 131-32; Staff Proposal at 50.

of [CalBroadband]” (though CalBroadband’s comments opposed any penalty scheme), and that the new formula is purportedly “less complicated than the staff proposal.”<sup>54</sup>

To avoid these errors, the Commission should retain GO 133-D’s existing monthly call answer time fine mechanism and apply it only to the call answer time standard. To the extent the Commission wishes to revise the call answer time fine mechanism or extend fines to the other customer service standards, it should do so in Phase 2 after sufficient notice and comment and with the benefit of the Commission’s experience with the operation and receipt of compliance reports.

***C. The 10-second chatbot requirement should be deferred to Phase 2.***

The PD proposes that specified voice providers must “offer a chat component” on their webpage and the chat system must provide an option to speak to a live representative within the first ten seconds of the connection.<sup>55</sup> This proposed 10-second rule constitutes factual, technical, and legal error. This proposal was raised for the first time at the PD stage, without clear support in the record, and suffers from technical and legal deficiencies.

By introducing a timing requirement without prior notice or discussion, the Commission deprives stakeholders of assessing feasibility, proposing alternatives, or raising concerns — creating a potential legal vulnerability and risk of legal error.<sup>56</sup> Without adequate consideration of the operational complexities of chat systems or a cost-benefit analysis of imposing this type of requirement, the Commission also commits technical error. Rigid timing mandates may stifle innovation and interfere with preferred customer interaction methods. Further negatively impacting customers, a 10-second rule could inefficiently route customers to non-specialized agents to the extent a customer elects to contact a live agent without completing the prompts that allow the customer to directly access the department that can address their issue without any subsequent transfer. By effectively redirecting customers to bypass these mechanisms that efficiently route customers based on specific needs, the rule could have the effect of increasing overall resolution times.

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<sup>54</sup> PD at 142.

<sup>55</sup> *Id.* at 130, 142.

<sup>56</sup> The Joint Commenters — TURN, CforAT, and CWA District 9 — recommended that the chatbot option “ensure that a customer is able to quickly chat with a live representative, and not be forced to engage in an extensive chat with an automated system,” but did not specify any time limit. Comments of the Utility Reform Network, Center for Accessible Technology, and CWA, District 9 on the Administrative Law Judge’s Ruling Issuing Staff Proposal at 21 (Sept. 3, 2024).

CalBroadband strongly recommends that the 10-second requirement be deleted. If the Commission plans to explore this topic further, CalBroadband recommends deferring this issue to Phase 2 for further evaluation, gathering stakeholder input, and conducting an appropriate technical evaluation.

**V. To avoid legal and technical error, the Commission should clearly state that the effective date of GO 133-E is July 1, 2026, and that new service quality reporting templates will be adopted through resolution by December 31, 2025.**

CalBroadband supports the PD's recognition that providers need at least one year to implement new service quality standards and reporting requirements.<sup>57</sup> Towards that end, CalBroadband recommends that the Commission update Ordering Paragraph ("OP") 1 to clearly state that GO 133-E's effective date is July 1, 2026. To ensure that Commission, Staff, and providers can implement reporting for the new and modified service quality standards, CalBroadband further proposes the PD include a process for the Commission to adopt any new reporting templates and guidelines for GO 133-E by December 31, 2025, via resolution.

First, the Commission is correct in proposing to give providers at least one year to comply with the service quality rules. By adopting Draft GO 133-E, the Commission is significantly changing the existing service quality framework affecting both providers currently subject to that framework, and even more significantly, providers not subject to the majority of existing service quality rules that will need to develop entirely new compliance systems. For both sets of providers, developing and implementing internal systems to comply with GO 133-E will require substantial time and resources.

Second, CalBroadband believes that the Commission's intent is to make July 1, 2026 the effective date of GO 133-E. However, the text in the PD could be interpreted to mean that the effective date of GO 133-E is the same date the final decision is adopted. Because adopting a decision with conflicting dates would constitute legal and technical error, CalBroadband proposes minor wording changes to remedy such error. CalBroadband respectfully requests the Commission modify OP 1 (as set forth in Appendix A) to state that GO 133-E's *effective date* is July 1, 2026.<sup>58</sup>

Relatedly, the Commission, not Staff, should adopt new reporting templates (replacing templates initially adopted by the Commission for GO 133-D), given the new and modified service quality standards

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<sup>57</sup> See PD, Conclusion of Law No. 27 ("It is reasonable to grant carriers time to comply with GO 133-E and delay its *effective date* until July 1, 2026.") (emphasis added).

<sup>58</sup> In the event that the PD is not adopted in June 2025, CalBroadband respectfully requests that the PD be modified to adopt an implementation date that is at least 12 months after the issuance date of the final decision, and at least six months after the date the Commission adopts reporting templates, so that providers have sufficient time to implement GO 133-E.

and related reporting requirements included in Draft GO 133-E.<sup>59</sup> The Commission cannot delegate inherent decision-making (content requirements for the new reporting templates).<sup>60</sup> Such work is extremely consequential (not ministerial), as new reporting templates must ensure uniform and consistent data collection across a wide-array of providers,<sup>61</sup> ensure utility/transparency of the data to be reported, and be compliant with the underlying Commission order. Due to the expansive new requirements, Commission-approved templates are necessary so providers have sufficient guidance to develop/modify their internal systems without later incurring additional costs and complications to modify such systems if Staff requires reporting that does not track the Commission's decision.

Just as the Commission did when it previously made significant changes to GO 133, and as it has done in other proceedings, the Commission should retain responsibility for adopting the new reporting templates for GO 133-E.<sup>62</sup> Since the PD does not include reporting templates, CalBroadband requests that the Commission approve reporting templates via a resolution as soon as feasible after the decision is adopted, and no later than December 31, 2025. This will provide Staff with sufficient time to develop the draft reporting templates and introduce them for party comment and Commission approval via resolution and will give providers six months to prepare GO 133-E's July 1, 2026 effective date.

## **VI. Conclusion**

CalBroadband urges adoption of these recommendations to ensure effective implementation of GO 133-E.

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<sup>59</sup> See Draft GO 133-E, Rule 3.1; Draft GO 133-E, Rule 3.2(d); Draft GO 133-D, Rule 5(c)(iv); Draft GO 133-E, Rule 5(d)(ii).

<sup>60</sup> See CalBroadband Staff Proposal Opening Comments at 22-24.

<sup>61</sup> See, e.g., *Order Instituting Rulemaking on the Commission's Own Motion into the Service Quality Standards for All Telecommunications Carriers and Revisions to General Order 133-B*, D.09-07-019, 2009 Cal. PUC LEXIS 320, at \*93-94 (in which the Commission adopted a template, stating, "A template for reporting GO 133-C service quality data is attached to the GO. Our goal is a *uniform and consistent reporting format so that the data to be published will be reliable*, will be consistently gathered, and will be posted in a format that is consumer friendly and provides meaningful comparisons, such that apples are being compared to apples and oranges to oranges." (emphasis added)).

<sup>62</sup> *Decision Adopting General Order 133-D*, D.16-08-021, 2016 Cal. PUC LEXIS 458; D.09-07-019, 2009 Cal. PUC LEXIS 320; see also *Resolution T-17706 – Establishing the Reporting Template for Communications Resiliency Plans Pursuant to Commission Decision 20-07-011*, 2020 Cal. PUC LEXIS 904.

Respectfully submitted,

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May 12, 2025

## APPENDIX A

### PROPOSED CHANGES TO THE PROPOSED DECISION

Additions are indicated in red underline. Deletions are indicated in ~~red strikethrough~~. These proposed changes include key changes discussed in these comments along with a few additional changes made for consistency.

#### **Proposed Decision, Ordering Paragraph 1**

1. General Order 133-E, as set forth in Appendix A to today's decision, is Adopted, effective ~~upon issuance~~ on July 1, 2026. Enforcement shall become effective on July 1, 2026

#### **Proposed Changes to Findings of Fact**

~~12. The number of VoIP service outages is excessively high.~~

~~19. With respect to VoIP and wireless services, market forces, such as they exist, have not disciplined the service quality of VoIP and wireless carriers.~~

#### **Proposed Changes to Conclusions of Law**

~~19. The proposed penalty mechanism in GO 133-E is consistent with statute and the Commission's standards for imposing penalties set forth in D.98-12-075 because it is based on the size of the carrier and duration of the violations.~~

~~29. Interconnected Voice Over Internet Protocol service providers are Public Utilities Telephone Corporations.~~

*(proposed changes to Draft GO 133-E on next page)*

## Appendix A

### **General Order 133-E**

#### **Public Utilities Commission of the State of California**

#### **Rules Governing Telecommunications Services**

The following is a list of decisions which authorized changes to General Order 133.

General Order 133	Decision No. 80082 (C.9535)	Adopted May 11, 1972 Effective 20 days later
General Order 133-B	Decision No. 92-05-056 (A.91-07-41)	Adopted May 20, 1992 Effective 30 days later
General Order 133-C	Decision No. 09-07-019 (R.02-12-004)	Adopted July 9, 2009 Effective July 9, 2009
General Order 133-D	Decision No. 16-08-021 (R.11-12-001)	Adopted Aug. 18, 2016 Effective Aug. 18, 2016 Except Section 9 on fines, which is effective Jan. 1, 2017
General Order 133-D corrected Version	Decision No. 16-10-019 (R.11-12-001)	Adopted Oct. 12, 2016 Effective Oct. 12, 2016

## **1. GENERAL**

### **1.1. Intent**

- a. Purpose. The purpose of these rules is to establish uniform minimum standards of service for the operation of public utility telephone corporations.
- b. Limits of Order. These rules do not cover the subjects outlined in the filed tariff rules of telephone utilities.
- c. Absence of Civil Liability. The establishment of these rules shall not impose upon utilities, and they shall not be subject to, any civil liability for damages, which liability would not exist at law if these rules had not been adopted.

- d. These rules may be revised in scope on the basis of experience gained in their application and as changes in technology, the telecommunications market, or technology may require.

## **1.2. Applicability**

These rules are applicable to all public utility telephone corporations providing service within the State of California, except as otherwise noted.

## **1.3. Definitions**

- a. **Access Line:** A wire or wireless connection that provides a real time two way voice telecommunications service or Voice over Internet Protocol (VoIP) service to or from any device used by an end user. This applies to any technology associated with a 10-digit NPA-NXX number or other unique identifier, along with a service address or Place of Primary Use in California pursuant to Decision 22-10-021.
- b. **Areas of Affordability Concerns (AAC):** The California Public Utilities Commission (Commission) adopted this geographical designation in Decision 22-08-023. The AACs, presented at the census tract level, are areas where the Affordability Ratio (AR) metric for representative low-income households is disproportionately higher than the rest of the state. A census tract with a higher AR indicates that it is less affordable for households in that area to pay for essential utility services. The AACs can be imputed for a specific essential utility service. The Commission periodically updates AACs to reflect new demographic information and changes in costs for these services.
- c. **CalEnviroScreen:** A mapping tool developed by the California Office of Environmental Health Hazard Assessment (OEHHA). The tool uses environmental, health, and socioeconomic data to generate scores for every census tract in California. The scores allow for easy comparison among different census tracts. A census tract with a high score indicates it faces a much higher pollution burden compared to those with lower scores. The OEHHA updates the tool periodically to incorporate the latest demographic information. The OEHHA released its latest version, CalEnviroScreen 4.0, in October 2021.
- d. **Census Tracts:** Per the United States Census Bureau, census tracts are defined as small, relatively permanent geographic entities within counties (or their statistical equivalents) delineated by a committee of local data users. Generally, census tracts have between 2,500 and 8,000 residents and their boundaries usually follow visible features.



- e. CLEC: A Competitive Local Exchange Carrier (CLEC), per Public Utilities Code (Pub. Util. Code) §§ 234 and 1001, and Decision 95-07-054, provides local telephone services in areas that were previously designated for Incumbent Local Exchange Carriers (ILECs), in competition with ILECs, and must obtain a Certificate of Public Convenience and Necessity (CPCN) from the Commission.
- f. COLR: A Carrier of Last Resort (COLR) is required to serve upon request all customers within its designated service areas pursuant to Decision 96-10-066 and other relevant mandates.
- g. Community Isolation Outage: Pursuant to California Code of Regulations, Title 19. Public Safety, Division 2. California Governor's Office of Emergency Services, Chapter 1.5 Community Isolation Outages, § 2480.2. Community Isolation Outage Reporting Thresholds, a community isolation outage refers to a situation where a telecommunications service provider's end users are unable to make 911 calls or receive emergency notifications. The outage duration is measured in hours and minutes, starting from when the outage begins until service is restored.
- h. Customer: A customer is a separate account number for voice service, or a bundle of communications services including voice, and includes small business (5 lines or less) and residential customers.
- i. Disadvantaged Communities (DAC): Disadvantaged communities in California refer to areas that experience a combination of economic, health, and environmental burdens. These challenges include poverty, high unemployment rate, air and water pollution, the presence of hazardous wastes, as well as a high rate of asthma and heart disease. The state identifies these communities by collecting and analyzing data from communities throughout the state. The Commission has adopted the updated geographical designation of DACs from the California Environmental Protection Agency's (Cal EPA) in Decision 22-08-023. This designation is assessed at the census tract level, and lands under the control of federally recognized tribes.
- j. Environmental and Social Justice (ESJ) communities: They are predominantly composed of people of color or low-income individuals or families who are underrepresented in the policy-setting and decision-making process. They include (i) disadvantaged communities, as defined as census tracts that score in the top 25% of CalEnviroScreen, (ii) all tribal lands, (iii) low-income households, and (iv) low-income census tracts.

- k. Facilities-Based Carriers: A telephone corporation that owns or controls facilities used to provide communications services for compensation, including the line to the end user's location. A local exchange carrier providing service solely by resale of the ILEC's local exchange services is not a facilities-based carrier.
- l. GRC ILECs: A General Rate Case (GRC) Incumbent Local Exchange Carrier (ILECs) is a type of ILEC whose rates are regulated by the Commission per General Order 96-B. A GRC ILEC is designated a COLR in its franchise territories per D.96-10-066 and D.14-01-036.
- m. Installation: The process by which a service provider installs, configures, or programs a functional telephone line, as defined in Pub. Util. Code § 233, at a customer's residence or business and at the request of a customer, for the provision of voice, ~~data, or other~~ **communications** services.
- n. IEC: An Interexchange Carrier (IEC) is a wireline telephone company that provides interstate (long distance) communications services within the United States.
- o. ILEC: An Incumbent Local Exchange Carrier (ILEC) is a certificated local telephone company that used to be the exclusive local telephone service provider in a franchise territory established before the Telecommunications Act of 1996. See Pub. Util. Code §§ 234 and 1001.
- p. Interconnected VoIP Provider: Pursuant to Decision 24-11-003, an interconnected Voice over Internet Protocol (VoIP) provider is a company which provides service using Internet Protocol (IP) or a successor protocol to: (i) enable real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol compatible customer premises equipment; and (iv) permits users generally to receive calls that originate on the public switched telephone network (PSTN) and to terminate a call to the PTSN.

Fixed Interconnected VoIP Service Providers offer voice service tied to physical address associated with subscriber's primary place of use or registered location.

Nomadic-Only Interconnected VoIP Service Providers offer voice service not tied to physical address associated with subscriber's primary place of use or registered location.

- q. Local Exchange: A telecommunications system providing service within a specified area within which communications are considered

exchange messages except for those messages between toll points per D.96-10-066.

- r. Plain Old Telephone Service: Plain Old Telephone Service (POTS) is traditional analog voice transmission phone system implemented over physical copper lines.
- s. Small Business Customer: Small business customers are those that purchase five or fewer lines.
- t. Telephone Corporation: Pursuant to Pub. Util. Code § 234, a telephone corporation includes every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.
- u. Telephone Line: Pursuant to Pub. Util. Code § 233, a telephone line includes all conduits, ducts, poles, wires, cables, instruments, and appliances, and all other real estate, fixtures, and personal property owned, 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.
- v. URF Carrier: A Uniform Regulatory Framework (URF) carrier is a wireline carrier that has full pricing flexibility over all or substantially all of its rates and charges. This includes any ILEC that is regulated through the Commission's URF, as established in Decision 06-08-030, and includes CLECs and IECs.
- w. URF CLECs: CLECs that operate in territories previously reserved for the URF ILECs and regulated under the URF.
- x. URF ILECs: URF ILECs are distinguished from GRC ILECs in that they are currently granted pricing flexibility through D.06-08-030.
- y. Wireless Carrier: A wireless carrier (also known as a Commercial Mobile Radio Service provider) is a carrier or licensee whose wireless network is connected to the PSTN.

#### **1.4. Revision of Rules**

Public utility telephone corporations subject to these rules and other interested parties may individually or collectively file with this Commission a petition for rulemaking pursuant to Pub. Util. Code § 1708.5 for the purpose of amending these rules. The petition shall conform to the requirements of Rule 6.3 of the Commission's Rules of Practice and Procedure. In cases where the application of any of the rules incorporated herein results in undue hardship or expense, where the relief requested is

of minor importance or temporary in nature, it may request specific relief by showing of necessity by letter.

## **2. MINIMUM STANDARDS OF VOICE SERVICE MEASURES**

General. These rules establish minimum standards and uniform reporting levels for the installation, maintenance, and customer service for communications services. The established service measures for voice services are as follows:

- Installation Standard
- POTS and VoIP Outage Repair Standard
- Wireless Community Isolation Outage Repair Standard
- Customer Service Standard

### **2.1. Installation Standard**

This standard applies to the following POTS and interconnected fixed VoIP service providers:

- ~~All COLRs~~ GRC ILECs, URF ILECs and URF CLECs;
- Interconnected fixed VoIP providers that meet the criteria outlined in Decision 24-11-003:
  - All interconnected VoIP service providers, with the exception of nomadic-only interconnected VoIP service providers as defined in this decision, must obtain a grant of operating authority through a CPCN or a Section 1013 registration.
  - Facilities-based telephone corporations.
- a. Description. The Installation Standard requires communications telephone corporations to 1) establish basic service for POTS and VoIP within five business days of when a customer places an installation service order and 2) fulfill 100 percent of these service orders. This standard applies to residential and small business customers.
- b. Minimum Standard. Telephone corporations are required to complete service orders within five business days.
- c. Exemptions include the following:
  - i. Declaration of a state of emergency by the Governor related to disasters or electric grid outages;
  - ii. Natural catastrophes with the exception of drought, that are not declared as states of emergency;

- iii. Limited exemption under the 811 Underground Service Alert Program;
- iv. Third-party cable cuts;
- v. Incidents of cable theft or vandalism;
- vi. Customer's request to change appointment or any customer conduct or condition at the customer's premises that necessitates or delays an installation.
- vii. Lack of access to premise.
- viii. A commercial power outage except when the provider is subject to the Commission-established backup power requirements in D.20-07-011 and D.21-02-029.
- ix. Outages of third-party networks or services.

All applicable exemptions must be substantiated by an incident report, police report, customer request report, or other relevant information that document allowable exemption events.

- d. Reporting Unit. Individual service order level.
- e. Reporting Frequency. Telephone corporations shall compile reports monthly and submit them quarterly to the Commission (See Section 3 Reporting Requirements for details).
- f. Fine Mechanism: If a service order is not fulfilled within five business days, assess a base fine amount of \$5 per day beginning on the sixth day as an automatic customer credit. This automatic customer credit is required to be reflected on the customer's bill within 30 days after the last day of the initial billing period for the fulfilled service order. For unfulfilled service orders, checks must be sent to the customer within 30 days from the end of the calendar month. This automatic credit fine mechanism will continue until service orders are fulfilled.
- g. Environmental and Social Justice (ESJ) Consideration. For service orders in a DAC or Communications AAC that are not fulfilled within five business days, violations will be assessed at the same rate as those in non-ESJ communities.

Telephone corporations shall provide additional data on violations in these ESJ communities as part of GO 133 reporting (See Section 3 Reporting Requirements for details). Commission shall use the

data to determine if there is a need to increase base fine amounts or employ further enforcement actions.

## 2.2. POTS and VoIP Outage Repair Standard

This standard applies to the following POTS and interconnected fixed VoIP service providers:

- ~~All COLRs, GRC ILECs, URF ILECs and URF CLECs.~~
- Interconnected fixed VoIP providers that meet the criteria outlined in Decision 24-11-003:
  - All interconnected VoIP service providers, with the exception of nomadic-only interconnected VoIP service providers as defined in this decision, must obtain a grant of operating authority through a CPCN or a Section 1013 registration.
  - Facilities-based telephone corporations.
- a. Description. The POTS and VoIP Outage Repair Standard requires telephone corporations to restore outage tickets within 24 hours. The outage duration is expressed in hours and minutes, between the time of reported loss of service and when service is restored, less the hours and minutes that elapse during an allowable exemption event where applicable. This standard applies to residential and small business customer outage tickets.
- b. Minimum Standard. Telephone corporations are required to restore outage tickets within 24 hours.
- c. Exemptions include the following:
  - i. Declaration of a state of emergency by the Governor related to disasters or electric grid outages;
  - ii. Natural catastrophes with the exception of drought, that are not declared as states of emergency;
  - iii. Limited exemption under the 811 Underground Service Alert Program;
  - iv. Third-party cable cuts;
  - v. Incidents of cable theft or vandalism;
  - vi. Customer's request to change appointment or any customer conduct or condition at the customer's premises that necessitates or delays an outage repair.
  - vii. Lack of access to premise.

viii. A commercial power outage except when the provider is subject to the Commission-established backup power requirements in D.20-07-011 and D.21-02-029.

ix. Outages of third-party networks or services.

Carriers in the Tier 2 and Tier 3 High Fire Threat Districts are excluded from claiming exemptions for power outages related to disasters or natural catastrophes for the first 72 hours pursuant to Decision 20-07-011 and Decision 21-02-029, which require wireless and wireline carriers to provide 72 hours of backup power. Any claims by these carriers that providing service was impacted for any other reason must be substantiated with applicable data and reports.

All applicable exemptions must be substantiated by an incident report, police report, customer request report, or other relevant information that document allowable exemption events.

- d. Reporting Unit. The POTS and VoIP Outage Repair Standard is measured at the individual access line level.
- e. Reporting Frequency. Telephone corporations shall compile reports monthly and submit them quarterly (See Section 3 Reporting Requirements for details).
- f. Fine Mechanism. For outage tickets that are not repaired within 24 hours, the Commission shall assess two ~~parallel and concurrent~~ fine structures:

Assess an automatic customer credit equal to 1/30th of service's monthly bill for each day that exceeds the 24-hour repair standard for each access line. ~~Outages that exceed 48 hours are subject to multipliers up to four times 1/30th of the service's bill based on the duration of the outage.~~ Customer credits shall not exceed the full bill amount, of the service's monthly bill but outages lasting 7 days or longer shall result in a total refund of that month's bill to impacted customers. Applicable automatic customer credit must be reflected on the customer's bill within 30 days after the last day of the billing period during which the credit applies to.

For providers (i) in chronic failure status under GO 133-D as of the implementation date, or (ii) required to submit a corrective action plan under Rule 4, Concurrently, assess a fine payable to the general fund starting from a base of \$5 per day for outages lasting longer than 24 hours. Outages that exceed 48 hours are subject to multipliers up to four times \$5 per day based on the duration of the outage-, subject to a cap. Fines are incurred starting on (i) the

implementation date of these rules for carriers in chronic failure status; and (ii) the first day of the year following the missed outage repair standard for carriers required to submit a corrective action plan. Fines will continue for the duration of the corrective action plan.

POTS and VoIP Outage Repair Standard				
Outage Duration	24 to 48 hours	Above 48 to 72 hours	Above 72 to 96 hours	Above 96 hours
<del>Automatic Customer Credit Multiplier</del>	<del>1x</del>	<del>2x</del>	<del>3x</del>	<del>4x</del>
General Fund Fine Multiplier	1x	2x	3x	4x

- g. Environmental and Social Justice Consideration. For outage tickets in a DAC or Communications AAC that are not repaired within 24 hours, violations will be assessed at the same rate as those in non-ESJ communities.

Telephone corporations shall provide additional data on violations in these ESJ communities as part of GO 133 reporting (See Section 3 Reporting Requirements for details). Commission shall use the data to determine if there is a need to increase base fine amounts or employ further enforcement actions.

### 2.3. Wireless Community Isolation Outage Repair Standard

This standard applies to nationwide facilities-based wireless carriers (e.g., AT&T, Verizon, and T-Mobile).

- a. Description. The wireless community isolation outage repair standard is based on the California Governor's Office of Emergency Services' (Cal OES) community isolation reporting thresholds and notification requirements:

California Code of Regulations. Title 19. Public Safety. Division 2. California Governor's Office of Emergency Services. Chapter 1.5. Community Isolation Outages, 19 CCR § 2480.2. Community Isolation Outage Reporting Thresholds states, in relevant part:



(a) A community isolation outage that limits a telecommunications service provider's end users' ability to make 911 calls or receive emergency notifications shall be deemed to exist, and must be reported to the office, when any of the following conditions exist:

(3) For telecommunications service provided by mobile telephony service, as that term is defined in Public Utilities Code section 224.4, an outage that lasts at least 30 minutes and affects at least 25 percent of a carrier's coverage area in a single zip code.

California Code of Regulations. Title 19. Public Safety. Division 2. California Governor's Office of Emergency Services. Chapter 1.5. Community Isolation Outages, 19 CCR § 2480.3. Notification Requirements provides, in relevant part:

(b) For purposes of the requirement in Government Code section 53122 that notification to the office include "a description of the estimated area affected by the outage and the approximate communities, including cities, counties, and regions affected by the outage," telecommunications service providers shall list each affected ZIP Code, with an associated, readily-identifiable descriptive term that will enable validation of the ZIP Code, such as the name of a city, county, community name, or similar descriptive term, which shall be deemed sufficient for purposes of the initial notification to the office....

(2) For mobile telephony outages, the notice shall also include the estimated percentage of coverage degradation in the affected zip codes.

The Wireless Community Isolation Outage Repair Standard requires nationwide facilities-based wireless carriers to restore wireless community isolation outage occurrences that impact California customers within one hour. The outage duration is measured in hours and minutes between the time of reported loss of service and when service is restored.

- b. Minimum Standard. Restore wireless community isolation outage occurrences within one hour.

- c. Exemptions include the following:
- i. Declaration of a state of emergency by the Governor related to disasters or electric grid outages;
  - ii. Natural catastrophes with the exception of drought, that are not declared as states of emergency;
  - iii. Limited exemption under the 811 Underground Service Alert Program;
  - iv. Third-party cable cuts;
  - v. Incidents of cable theft or vandalism;
  - vi. Lack of access to premise.

Carriers in the Tier 2 and Tier 3 High Fire Threat Districts are excluded from claiming exemptions for power outages related to disasters or natural catastrophes for the first 72 hours pursuant to Decision 20-07-011 and Decision 21-02-029, which require wireless and wireline carriers to provide 72 hours of backup power. Any claims by these carriers that providing service was impacted for any other reason must be substantiated with applicable data and reports.

All applicable exemptions must be substantiated by an incident report, police report, customer request report, or other relevant information that document allowable exemption events.

- d. Reporting Unit. Wireless Community Isolation Outage Repair Standard is measured at the community isolation outage occurrence level.
- e. Reporting Frequency. Telephone corporations shall compile reports monthly and submit them quarterly (See Section 3 Reporting Requirements for details).
- f. Fine Mechanism. For wireless community isolation outage occurrences that are not repaired within one hour, the Commission shall assess a fine payable to the general fund in the amount of \$1000 for each outage occurrence. No multipliers will be assessed to the base fine amount for outage occurrences of longer duration.
- g. Environmental and Social Justice Consideration. Not applicable.

## 2.4. Service Quality Outage Standards Fine Mechanism Summary

Service Quality Outage Standards Fine Mechanism					
Standards	Enforcement Level	Automatic Customer Credit		General Fund Fine	
		Base Fine	Multiplier	Base Fine	Multiplier
POTS and VoIP Outage Repair Standard	Individual access line	1/30th monthly bill	<del>Yes,</del> up to 4x N/A	\$5	Yes, up to 4x
Wireless Community Isolation Outage Repair Standard	Community isolation outage	N/A	N/A	\$1,000	N/A

## 2.5. Customer Service Standard

This standard applies to the following POTS and interconnected fixed VoIP service providers and nationwide facilities-based wireless carriers:

- All COLRs;
- Interconnected fixed VoIP providers that meet the following criteria per Decision 24-11-003:
  - All interconnected VoIP service providers, with the exception of nomadic-only interconnected VoIP service providers as defined in this decision, must obtain a grant of operating authority through a CPCN or a Section 1013 registration.
  - Facilities-based telephone corporations;
- Nationwide facilities-based wireless carriers (AT&T, Verizon, and T-Mobile).

a. Description. The Customer Service Standard requires telephone corporations to comply with the following six criteria:

- i. Maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week:

At minimum, trained company representatives will be available to respond to customer telephone inquiries during normal business hours (Monday to Friday between 8am and 5pm Pacific Standard Time).

After normal business hours, a call may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business

hours must be responded to by a trained company representative on the next business day.

- ii. A customer representative must answer ~~90%~~ 80% of the customer service calls within 60 seconds ~~and 95% in five (5) minutes~~.
  - iii. Provide a chat component on the provider's webpage for customer service inquiries. Chatbots and other automated respond systems can provide general information, but must not replace customer representative response. Any chatbot or automated system must provide an option to speak to a trained company representative ~~within the first ten seconds of connecting to customer service~~.
  - iv. Provide a postal mail component for customer service inquiries. The postal mail contact must be provided on the company's website, via customer service telephone line, and bill inserts.
  - v. Resolve billing-related inquiries within 90 days from the initial customer inquiry.
  - vi. All outage-related inquiries must be directed to the appropriate standards: POTS and VoIP Outage Repair Standard or Wireless Community Isolation Outage Repair Standard.
- b. Standard. Adhere to all six criteria.
  - c. Exemption. ~~Not applicable.~~ These standards must be met under normal operating conditions.
  - d. Reporting Unit. Customer Service Standard is measured at the company level.
  - e. Reporting Frequency. Telephone corporations shall compile reports monthly and submit them quarterly (See Section 3 Reporting Requirements for details).
  - f. Fine Mechanism. For noncompliance with the call answer time standard in Rule 2.5.a.ii, the Commission shall assess a monthly fine payable to the general fund. The fine amount calculation is as follows:

~~Monthly Fine = Number of access lines x \$5 x 10 percent x  
Number of days noncompliance / 365~~

The initial base fine is \$500 per day, which will escalate to the highest daily fine of \$2,000 per day. The following table illustrates the progression.

**Answer Time Fine**

	<u>1 to 2 Consecutive Months</u>	<u>3 to 5 Consecutive Months</u>	<u>6 to 8 Consecutive Months</u>	<u>9 to 11 Consecutive Months</u>	<u>12 or More Consecutive Months</u>
<u>Fine Per Day</u>	<u>\$0</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$1,500</u>	<u>\$2,000</u>
<u>Days in Month</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Base Fine per Month</u>	<u>\$0</u>	<u>\$15,000</u>	<u>\$30,000</u>	<u>\$45,000</u>	<u>\$60,000</u>

- g. Environmental and Social Justice Consideration. Not applicable.

### **3. REPORTING REQUIREMENTS**

#### **3.1. Reporting Parameters**

The Commission's Communications Division (CD) staff shall propose via a draft resolution determine reporting parameters and guidance that track the requirements in these rules including templates, such as metadata fields, formatting, file types, and submission methods. CD staff shall update the templates as necessary, consistent with these rules and the reporting parameters and guidance adopted by the Commission via resolution.

#### **3.2. Quarterly Report Submission (four filings per calendar year)**

- a. All telephone corporations subject to GO 133 standards are required to submit the following information on a quarterly basis.
- b. Due Date. Each quarterly report must be submitted within 45 days following the end of each calendar quarter.
- c. Format. Submit the report in compliance with ~~CD~~ reporting parameters via email to the Network Performance and Public Safety Section of the Communications Division or its successor.
- d. Report Content. The report must include the following information at a minimum.
  - Active access line count
  - Service performance measures compared to established standards
  - Allowable exemption events wherever applicable

- Violations in ESJ communities, and
- Automatic customer credits issued due to Installation Standard and POTS and VoIP Outage Repair Standard violations.

The quarterly report must distinctly present monthly data, utilizing the standardized templates ~~provided by the Communications Division~~ adopted by the Commission via resolution.

- e. Retention of Records. Telephone corporations must retain all data and supporting documents for a period of five years.

### **3.3. Annual Report Submission (one filing per calendar year if applicable)**

- a. All telephone corporations that incur a fine resulting from GO 133 violations are required to provide an annual report submission, as detailed below.
- b. Due Date. Each annual report must be submitted within 60 days after the end of the calendar year and at least 10 days after the last quarterly submission of the calendar year.
- c. Format. Tier 2 Advice Letter submitted to the Network Performance and Public Safety Section of the Communications Division or its successor.
- d. Content. The report must detail all fines resulting from violations of ~~the Installation Standard,~~ the POTS and VoIP Outage Repair Standard, the Wireless Community Outage Repair Standard, and the Customer Service Standard for the specified reporting year.
- e. Once the Tier 2 Advice Letter is approved, the telephone corporation found in violation must pay the required fines to the Commission within 30 days.
- f. Retention of Records. Telephone corporations must retain all data and supporting documents for a period of five years.

## **4. CORRECTIVE ACTION PLAN (CAP) ENFORCEMENT MECHANISM**

All telephone corporations that adhere to the POTS and VoIP Outage Repair Standard are required to submit a Corrective Action Plan (CAP) if (a) they fail to repair 90% of the access line outages within 24 hours in a calendar month for six or more months within a calendar year or (b) are in chronic failure status under GO 133-D as of the implementation date.

Due Date. Within (a) 90 days after the end of the calendar year and at least 10 days following the annual submission or (b) 90 days after the implementation date for providers in chronic failure status (whichever is sooner).

Format. Tier 3 Advice Letter.

Content. A CAP must demonstrate meaningful progress in meeting service quality standards within a two-year span. The first six months of a CAP constitute the *implementation* phase. The remaining 18 months of a CAP constitute the *assessment* phase. Supplemental quarterly reporting is required for the entire two-year duration.

A CAP must include a detailed outline of specific actions the telephone corporation will take to improve performance, achieve compliance, and prevent recurring issues. It should include timelines, assign responsible staff or departments, detail the investment amount to execute the plan, establish performance metrics, and outline progress monitoring mechanisms.

A CAP must establish a clear path for meeting specific benchmarks within two years, starting from the time it identifies any failure to meet the required performance thresholds.

Commission Investigation. If a carrier fails to make substantial documented progress towards meeting service quality standards for six or more months during the assessment phase, the Commission shall initiate an order instituting investigation (OII) into continued noncompliance or other appropriate enforcement action.

A telephone corporation with a corrective action plan in place would not be subject to additional corrective action plans until the current plan is dispensed with or any OII or other enforcement action initiated for noncompliance is completed.

Retention of Records. Telephone corporations must retain all data and supporting documents for a period of five years, or in cases where the Commission initiates an OII, documents must be retained until a final judgment is reached on the matter.

## **5. SERVICE OUTAGE REPORTING**

- a. Applicability. This section applies to all telephone corporations.
- b. Description. The Commission adopts and utilizes the FCC's Network Outage Reporting System (NORS) reporting requirements. The Commission also adopts and utilizes the California Governor's Office of Emergency Services (Cal OES) requirement for telephone corporations to submit notifications for community isolation outages.

- c. NORS Reporting Procedures:
  - i. Telephone corporations are required to provide NORS reports for all service types, including POTS, VoIP, and wireless.
  - ii. Concurrent reports shall be submitted to the Communications Division and the Public Advocates Office or their successor divisions when the carrier files its reports with the FCC's NORS system. Carriers shall submit a report to the Commission when the communication disruption or outage meets the FCC's reporting threshold and that disruption or outage involves communications in California, regardless of whether the affected communications in California independently meet the FCC's reporting threshold.
  - iii. Final NORS reports shall be made confirming that service has been fully restored.
  - iv. The Communications Division may request, through a standard template, the underlying data, including but not limited to individual access line information, of these outage notifications. Any templates shall be proposed via resolution by Communications Division staff for adoption by the Commission.
- d. Cal OES Reporting Procedures:
  - i. Telephone corporations are required to provide community isolation outage notifications to Cal OES for all service types, including POTS, VoIP, and wireless.
  - ii. The Communications Division may request, through a standard template, the underlying data, including but not limited to individual access line information, of these outage notifications. Any templates shall be proposed via resolution by Communications Division staff for adoption by the Commission.
- e. Confidentiality. NORS and Cal OES reports submitted to the Commission pursuant to these rules shall be treated as confidential in accordance with Pub. Util. Code § 583 and General Order 66-D.
- f. Retention of Records. Telephone corporations must retain all data and supporting documents for a period of five years.



## **6. COMMISSION STAFF REPORTS**

CD staff will compile the reports submitted as required by the Reporting Requirements detailed in Section 3. They will upload these reports, along with the minimum service standards and the performance of each telephone corporation to the Commission's website.