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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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R2203016

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

Rulemaking 22-03-016

ADMINISTRATIVE LAW JUDGE'S RULING DENYING MOTION TO REOPEN RECORD

This Ruling denies the Joint Motion to Reopen and Supplement the Record (Motion to Reopen) filed on May 12, 2025, by the following parties: CTIA;¹ AT&T Mobility LLC (New Cingular Wireless PCS, LLC) (U3060C), AT&T Mobility Wireless Operations Holdings, Inc. (U3021C), and Santa Barbara Cellular Systems, Ltd. (U3015C) (collectively, AT&T); T-Mobile West LLC dba T-Mobile (U3056C) (T-Mobile); and Cellco Partnership dba Verizon Wireless (U3001C) (Verizon) (together, Wireless Parties).

Wireless Parties also filed a motion to file under seal that would protect certain information contained in the Motion to Reopen. This Ruling only addresses the Motion to Reopen.

1. Motion to Reopen

On May 12, 2025, Wireless Parties filed and served the Motion to Reopen with declarations from six individuals. The declarations are from individuals who claim to be employees of AT&T, T-Mobile, and Verizon and provide commentary on proposed service quality rules contained in the proposed

¹ CTIA is a trade association that represents the U.S. wireless communications industry, including AT&T, T-Mobile, and Verizon.

decision in this proceeding issued on April 11, 2025. The declarations include opinions on costs and employment, albeit without support or explanation.

Wireless Parties claim the following:

The Commission last sought public comment in this proceeding on June 27, 2024, when it requested comment on a Staff Proposal for revisions to (General Order) GO 133-D. The PD (proposed decision), however, would adopt rules applicable to wireless providers that are materially different from the rules offered in the Staff Proposal in that they are significantly more burdensome and present more complex implementation challenges. In particular, the PD would impose penalties for substantially shorter wireless outages than proposed in the Staff Report (1 hour rather than 24 hours), require wireless providers to answer customer calls more quickly a higher percentage of the time than proposed in the Staff Report, and impose more burdensome mandates on how providers interact with customers via online chat/automated systems.

As a result, the Wireless Parties had no opportunity to respond to these requirements in their prior comments, let alone provide evidence relevant to the feasibility, burdens and/or compliance challenges specific to these requirements, or to timely request an evidentiary hearing on these issues. Indeed, it was impossible to anticipate the proposal of these new, more burdensome and challenging rules prior to the release of the PD.²

Wireless Parties claim the statements made above constitute grounds to reopen the record.

2. Motion Denied

The Motion to Reopen is denied. Wireless Parties had ample opportunity to submit the information they now wish to include in the record.

² Wireless Parties, Joint Motion to Reopen and Supplement the Record, filed May 12, 2025, at 2-3.

In the case of claims regarding outage rules, Wireless Parties could have presented the information in response to the Assigned Administrative Law Judge's (ALJ) Ruling, issued April 17, 2023, which asked parties to comment on a Staff Report. The Staff Report included outage information. Wireless Parties could have presented this information at the September 7, 2023 Workshop. CTIA was a workshop panelist. Wireless Parties also could have presented this information in response to the Staff Proposal, issued by a ruling of the Assigned ALJ on June 27, 2024. It should be noted that Opening Comments to the June 27, 2024 Ruling were not due until September 2, 2024, meaning Wireless Parties had over two months to comment on the Staff Proposal.

In response to claims from some Wireless Parties made in their comments on the Staff Proposal,³ the Proposed Decision changes how the penalty for outages would be calculated, leading to a significant reduction in the overall fine. The proposed penalty in the Staff Proposal was calculated on a per-line basis, while the proposed penalty in the Proposed Decision would be calculated on a per-instance basis, capped at \$1,000 per incident for the first 24 hours.⁴ It appears that Wireless Parties' argument is that the Commission may only revise the Staff Proposal with the exact language provided by other parties. That is not an accurate legal interpretation.

Wireless Parties also had ample opportunity to submit the information they now wish to include in the record regarding the proposed customer service standard, as they could have done so in response to the Staff Proposal, issued by

³ Proposed Decision adopting General Order 133-E, issued April 11, 2025, at 96.

⁴ *Id.*

a Ruling of the Assigned ALJ on June 27, 2024. Wireless Parties also had over two months to prepare their comments on the Staff Proposal.

IT IS RULED that the Joint Motion to Reopen and Supplement the Record filed and served on May 12, 2025, by CTIA, AT&T Mobility LLC (New Cingular Wireless PCS, LLC) (U3060C), AT&T Mobility Wireless Operations Holdings, Inc. (U3021C), Santa Barbara Cellular Systems, Ltd. (U3015C), T-Mobile West LLC dba T-Mobile (U3056C), and Cellco Partnership dba Verizon Wireless (U3001C) is denied.

Dated June 3, 2025, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge