BEFORE THE PUBLIC UTILITIES COMMISSION OF

THE STATE OF CALIFORNIA

FILED
06/13/25
04:59 PM
R2406012

Order Instituting Rulemaking Proceeding to Consider Changes to the Commission's Carrier of Last Resort Rules.	Rulemaking 24-06-012 (Filed June 20, 2024)

OPENING COMMENTS OF THE UTILITY REFORM NETWORK AND CENTER FOR ACCESSIBLE TECHNOLOGY ON THE ADMINISTRATIVE LAW JUDGE'S RULING REGARDING COMMENTS ON TOPICS DISCUSSED AT APRIL WORKSHOPS

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June 13, 2025

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I. INTRODUCTION

Pursuant to the schedule established in the May 19, 2025, Administrative Law Judge's Ruling Regarding Comments on Topics Discussed at April Workshops, The Utility Reform Network (TURN) and Center for Accessible Technology (CforAT)—collectively, Joint Commenters—timely submit these opening comments. Joint Commenters continue to support policies that will protect access to basic service for all Californians and oppose calls for the Commission to move backwards on universal service and network resiliency.

II. DISCUSSION

A. A representative for AT&T California at the April 11 Workshop agreed with the statement that there is "nothing preventing" AT&T from offering a tariffed service relying on a fiber or wireless network.

1. Is there any legal barrier, or anything about the COLR rules, preventing a COLR from offering basic service using a fiber or wireless network? If such a barrier exists, what can we do to address that?

There is no legal barrier or component of the COLR rules that prevents a COLR from offering basic service using a fiber or wireless network. The Commission has made clear that COLR obligations are technology-neutral[1] and created an avenue for providers to offer basic service over technology other than POTS.[2] However, AT&T California (AT&T) has improperly asserted, both in pleadings and at the April 11, 2025, party workshop, that tariffed nature of basic service means that it can only provide basic service over POTS. This claim is incorrect.

AT&T incorrectly argues that basic service cannot be provided over VoIP because VoIP service is "subject to mandatory detariffing under federal law," citing the Federal Communications Commission (FCC) order that created 47 CFR 61.19(a) and the FCC's 2004

[1] D.24-06-024 (A.23-03-033, AT&T COLR Application) at pp. 22-23.
[2] D.12-12-038 (R. 09-06-019, High Cost Fund B Revisions) at OP 5.

Vonage Order as support for this proposition. As a threshold issue, the Commission has determined that "The Commission's authority to regulate fixed interconnected VoIP service providers, including imposing market entry requirements, is not preempted by the FCC Vonage Order."[3] Those market entry requirements include tariffing.[4]

Even without the Commissions' determination that the FCC has not preempted Commission' authority, AT&T's argument would still be faulty. In the 2004 Vonage Order, the FCC stated that if it were a telecommunications service, Vonage's nomadic VoIP service "would be considered a nondominant, competitive telecommunications provider."[5] 47 CFR 61.19(a) detariffs the international and interstate interexchange services of *competitive* carriers. AT&T attempts to combine these authorities to argue that VoIP service cannot be tariffed. However, all the current COLRs in California are *incumbent* carriers to whom 47 CFR 61.19(a) does not apply. Moreover, basic service provided over a fiber network as VoIP would likely be a fixed, not nomadic, VoIP service, further distinguishing basic service provided over VoIP from the nomadic, Vonage-style VoIP service AT&T describes.[6]

As discussed in Joint Commenters' initial proposal, some COLRs are *already* providing landline voice service, including basic service, using VoIP. through a combination of their copper and VoIP networks.[7] This will continue to be the case as COLRs transition their networks to newer technologies.

[3] D.24-11-003 (R.22-08-008, VoIP Regulation) at p. 25.
[4] D.24-11-003 at p. 21.
[5] Federal Communications Commission, Memorandum Opinion and Order, In the Matter of Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, WC Dkt. No. 03-211 (rel. Nov. 12, 2004) at para. 20.
[6] *See* D.24-11-003 (R.22-08-008, VoIP Rulemaking) at pp. 31-37.
[7] Amended Initial Proposal of Joint Commenters, filed Oct. 17, 2024, at pp. 30-31.

The question of whether a COLR could provide basic service over mobile wireless is a somewhat thornier issue, as international and interstate mobile wireless service is also subject to detariffing.[8] However, the Commission has already rejected provider's preemption arguments and is using its police powers to assert jurisdiction over wireless providers in terms of resiliency and service quality requirements.[9]

Notably, AT&T has not asserted that there are legal barriers to the provisioning of basic service over *fixed* wireless.[10] However, Joint Commenters have already expressed reservations about the use of either fixed or mobile wireless to provide COLR service due to their technical limitations and challenges with scalability.[11]

2. Is there any technological barrier preventing a COLR from offering basic service using a fiber or wireless network? If such a barrier exists, what can the Commission do to address that?

Though there may not be a technical barrier to merely providing voice service, it may be possible that fiber or wireless carriers could have technical limitations that may limit their ability to provide the elements of basic service as they currently exist or as they are currently described. Joint Commenters are not aware of specific technological barriers but reserve the right to respond in reply comments if industry parties identify specific issues. The Commission may be able to resolve some of these issues merely by updating the language used to describe certain elements of basic service. However, the Commission should carefully consider whether any

[8] 47 CFR 20.15(c).
[9] D.20-07-011 (R.18-03-011, Disaster Relief) at p. 139, COLs 49, 52; Proposed Decision Adopting General Order 133-E (R.22-03-016, Service Quality), issued Apr. 11, 2025, at pp. 11-12, COL 3 ("The Commission has jurisdiction over facilities-based wireless providers, and authority to ensure the reliability of communications networks.").
[10] *See* AT&T California's Reply Comments, filed Oct. 30, 2024, at p. 21, fn 8.
[11] Amended Initial Proposal of Joint Commenters at pp. 33-34. *See also* Andrew Afflerbach, Fixed Wireless Technologies and Their Suitability for Broadband Delivery, Benton Institute for Broadband and Society (June 2022), available at https://www.benton.org/sites/default/files/FixedWireless.pdf.

claimed technological barriers are result of legitimate technical limitations on the part of a COLR or merely the COLR's business practices.[12]

3. If the above statement by AT&T is not correct, please explain why a tariffed service relying on a fiber or wireless network cannot be offered.

See Joint Commenters' response to the first sub-question in this section, above.

4. If adequate infrastructure and coverage are in place today to satisfy customer demand for basic service through technologies other than Plain Old Telephone Service (POTS) over copper lines (implying that COLR obligations are not necessary to ensure access to communications services), why are COLRs not delivering basic service over that non-POTS infrastructure already? Specifically, why are COLRs that offer communications services over fiber or wireless infrastructure not offering basic service over that same infrastructure?

Joint Commenters understand that this question is for providers and will address this issue in reply comments.

B. <u>Certain COLRs, as well as US Telecom, have argued that COLRs face a competitive disadvantage versus non-regulated carriers, such as cable companies. Is this true? Assuming this is true, is there a justification for continuing the asymmetric treatment of COLRs versus other carriers, meaning COLRs operate with more regulation than competitors such as cable companies or wireless carriers?</u>

While USTelecom and AT&T may decry COLR obligations as a tremendous burden, COLR status has actually been a tremendous benefit to AT&T and other Incumbent Local Exchange Carriers.[13] The COLR obligation is a direct result of ILEC dominance in a given service territory. As the largest ILEC in California, AT&T's dominance in the marketplace is

[12] For example, the provisioning of printed directories is not an issue related to the technology a COLR uses to offer voice service.

[13] *See* A.23-03-003, The Utility Reform Network and Center for Accessible Technology Protest of the Application of Pacific Bell Telephone Company D/B/A AT&T California for Targeted Relief from Its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, at p. 16.

valuable and directly attributable to its historic monopoly position.[14] In its Annual Report to the Securities and Exchange Commission, AT&T states that "Connectivity is ingrained in our legacy going back nearly 150 years."[15] As the Commission has recognized, one benefit of being a monopoly ILEC has been the ability to build out the last mile of connectivity and the control of the telecommunications space on poles that is necessary for other wireline communications service providers to deploy networks.[16] For example, AT&T dominates the telecommunications pole space by virtue of its monopoly franchise, which is inextricably linked with its COLR obligations.[17] AT&T implicitly recognizes the value of its legacy customers, noting that among its expected areas of growth are "improving fiber penetration, accelerating subscriber growth and increasing broadband revenues."[18] Each legacy customer represents a potential fiber customer and a marketing opportunity for an ILEC. This enviable position is a direct result of the ILEC's historic monopoly franchises and their associated COLR obligations.[19]

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[14] *See*, *e.g.,* Richard Gabel, "The Early Competitive Era in Telephone Communication, 1893-1920," 34 Law and Contemporary Problems (340) 1969, available at https://scholarship.law.duke.edu/cgi/viewcontent.cgi?httpsredir=1&article=3246&context=lcp.

[15] AT&T Inc., 2022 Annual Report, available at https://investors.att.com/~/media/Files/A/ATT-IR-V2/financial-reports/annual-reports/2022/2022-complete-annual-report.pdf, at p. 1 (last accessed June 12, 2025).

[16] D. 16-12-025 (I.15-11-007 Telecommunications Competition Investigation), at p. 99, fn 262 ("Last mile loops and special access/BDS services are largely, but not completely, in the hands of the incumbent carriers, as reflected in both the Local Competition Report (Tables 14-15), . . . and in the *BDS Order* (¶ 52). Poles . . . are often owned jointly, and the incumbent carriers are not infrequently members of joint pole authorities. Interconnection, as framed in the 1996 Telecommunications Act, inherently involves access to incumbents' facilities.").

[17] *See, e.g.*, Response of Sonic Telecom (LLC) to Administrative Law Judge's Ruling requesting Responses on Remaining Proceeding Issues, filed in I.17-06-027/R.17-06-028 on Jan. 17, 2023, at p. 3 ("For example, in PG&E's service territory, the vast majority of poles are jointly owned by PG&E and AT&T (and sometimes other attachers as well). On such poles, AT&T owns the communications space, and acts as "landlord" of that space, and licenses attachment space to other communications carriers. Sonic utilizes this arrangement for thousands of its attachments. For such attachments, Sonic obtains permits from AT&T, not from PG&E.").

[18] AT&T 2022 Annual Report at p. 15.

[19] *See* TURN and CforAT Protest of the Application of Pacific Bell Telephone Company D/B/A AT&T California for Targeted Relief from Its Carrier of Last Resort Obligation and Certain Associated Tariff Obligations, filed in A.23-03-003 on Apr. 6, 2023, at p. 16.

C. If the Commission chooses to rely on competition for parts of California with multiple competing communications providers to ensure service instead of COLR obligations, how should the Commission manage the risks of consolidation in the industry reducing that competitive pressure or reducing the availability of critical communications services? If the Commission were to observe increasing market concentration4 in a part of the state where it had removed COLR requirements, would it be feasible to reinstate a COLR to address the reduced competition or reduced availability of critical communications services at a later time? Why or why not? Would there be other regulatory regimes that would protect against the risk of market concentration?

The Commission asks how to manage the risks of consolidation in the telecommunications industry if it were to rely on competition to provide service rather than the Commission's policy on Carrier of Last Resort obligations. As an initial matter, there are typically two ways that a provider can increase market share—either by offering services and prices that are more attractive to consumers, or by acquiring another company. Recently, providers appear to be focusing on the latter.

Joint Commenters observe that the telecommunications industry is today consolidating with acquisitions of smaller fiber optic and cable providers by the largest telecommunications providers, and the service provider focus is on provision of wireless/broadband bundles, not the provision of basic service. The theme of the consolidation is a competition among the few largest providers to expand their national fiber footprint in order to provide a "converged" bundle of wireless and wireline telecommunications services, where the "competition" at any given customer location is typically between one ILEC and one cable company.

A list of the most recent consolidating transactions includes:

- Verizon's proposed acquisition of Frontier Communications' complementary 25-state footprint, currently pending before the Commission in A.24-10-006. The combined company will have 25 million fiber passings in 31 states.[20]

[20] Verizon, Verizon to acquire Frontier (Sept. 5, 2024), available at https://www.verizon.com/about/news/verizon-to-acquire-frontier.

- Charter's proposed acquisition of Cox Communications' complementary footprint would make Charter the largest broadband provider in the US, surpassing Comcast (69.5 million passings versus 62.7 million).[21]
- AT&T's proposed acquisition of Lumen's Quantum's complementary 11 state mass market fiber-to-the-home business and concurrent forfeiture of Rural Digital Opportunity Fund awards in areas covered by its remaining copper network. AT&T intends to reach 60 million total fiber locations by 2030, roughly doubling where AT&T fiber is available today.[22]
- T-Mobile's acquisition of Lumos and official launch of T-Fiber in 32 markets[23] with the goal of deploying fiber to serve 12-15 million homes by 2030.[24]
- T-Mobile's acquisition of Metronet's residential fiber operations and customers with the goal of extending fiber service to 6.5 million homes by 2030.

The largest telecommunications companies – AT&T, Verizon, T-Mobile, Comcast and Charter – are emerging as the consolidators after these proposed transactions with the largest targets. Remaining potential acquisitions are significantly smaller, including Consolidated, Google Fiber, Brightspeed, and for cable, Astound, Mediacom, and Cable One. Consolidation activity is working down the ladder of target size.

Preservation of the wireless business is at the core of these transactions for the wireless companies. Each of the wireless providers is seeking to expand the footprint in which it can bundle fiber optic broadband service with its wireless service and other features into a "mobile plus home" offering. With convergence, wireless and wireline networks are managed as one. Since Comcast and Charter have MVNO (Mobile Virtual Network Operator) agreements with Verizon, they can sell Verizon's wireless service under their own brands and thus offer bundled wireless and broadband. Comcast and Charter have the largest broadband footprints in the U.S.,

[21] Jake Neenan, Charter-Cox Merger Provides Convergence Runway, Broadband Breakfast (May 16, 2025), available at https://broadbandbreakfast.com/charter-cox-merger-provides-convergence-runway/.
[22] AT&T, AT&T to Acquire Lumen's Mass Markets Fiber Business (May 21, 2025), available at https://about.att.com/story/2025/lumen-mass-markets-fiber-business.html.
[23] Alabama, Florida, Georgia, Ohio, Illinois, Indiana, Kentucky, Virginia, North Carolina, South Carolina.
[24] Michael Kan, T-Mobile Officially Launches its Fiber Service: Here's How Much it'll Cost You, PC Mag (June 3, 2025), available at https://www.pcmag.com/news/tmobile-fiber-home-internet-lumos-five-year-price-lock.

so AT&T and Verizon are seeking to expand their own footprints with the goal of being able to match bundle offerings with the cable companies so as not to lose wireless customers and gain what they can.

The historic cable/telephone company duopoly is alive and well and is being reinforced with these consolidating transactions in pursuit of convergence. A consumer's choice of converged service bundle in any given location will, *at best*, be the choice of a converged broadband/wireless bundle from either the cable company or the telecommunications company.

AT&T touts a "highlight" of its proposed acquisition of Lumen's mass market fiber customers as "giving American consumers more choice when selecting broadband and wireless services *the way they prefer – with fiber and 5G together* . . . . AT&T expects that its ability to offer 5G wireless and fiber broadband connectivity within Lumen's Mass Markets fiber footprint will enable the Company to *grow its base of high-value converged customer relationships* and *drive gains in its Mobility business*."[25]

Duopolistic rivalry between cable companies and telephony companies is focused on rival wireless/broadband bundles. Absent COLR rules from the Commission, basic service availability will be lost in the shuffle. The Commission cannot rely on competition to assure provision of basic service by a carrier of last resort, because from a carrier perspective, basic service is not where the money or rivalry is. Market concentration is happening now. The Commission should not remove COLR requirements in this environment because the service providers simply will not provide standalone basic service without Commission oversight.

[25] AT&T to Acquire Lumen's Mass Markets Fiber Business. (*emphasis added*)

D. For COLRs who are parties to this proceeding, please describe the specific steps necessary for a customer to subscribe to basic service, including but not limited to how this service is advertised on your website and what instructions are provided to customer service representatives to assist customers in subscribing to basic service. For all parties, should the Commission adopt any additional policies to address customer complaints about being improperly or inadvertently denied access to basic service?

The Commission should adopt additional policies to address customer complaints about being "improperly or inadvertently" denied access to basic service. The policies should ensure prompt repair of poorly maintained service and provide redress to customers who have been improperly denied basic service, or for whom a COLR has failed to repair service. In the context of this proceeding, redress should mean that the service is promptly installed and/or an impaired line is promptly repaired. This form of redress is separate and apart from the reporting requirements and penalties currently required under General Order (G.O.) 133-D or, when it is issued, a revised G.O. 133-E.

In the proceedings addressing service quality (R.22-03-016), AT&T's COLR application (A.23-03-003), and this proceeding, Californians provided comment at public participation hearings (PPHs) and in comments submitted to the proceedings' respective docket cards. These comments include countless examples of AT&T refusing to provide service to customers within its service territory, refusing to repair service, refusing to work with customers, and trying to

push customers into using non-landline services.[26] In some cases, at PPHs when customers spoke and reported these abuses, the presiding Administrative Law Judge directed AT&T representatives to meet with customers to resolve the issue by either repairing or installing service.

In addition to the complaints reported to the Commission at PPHs or in customer comments to docket cards, there are many reports of customers suffering the same experiences at the hands of AT&T that were not provided directly to the Commission. For example, ABC-7 in Los Angeles recently ran reports of elderly AT&T customers with significant medical issues going without landline service for several months, with their service promptly restored after the

[26] *See, e.g.,* Transcript of May 5, 2025, Remote Public Participation Hearing, Comments of Richard Friedman (452:9-454:23), Michael Rogawski (467:13-469: 14), Beverly Taylor (477:5-478:28), Rima Anthony (506:19-507:5), Jerry Ann Walker-Campbell (526:7-507:5); Transcript of April 30, 2025, Santa Rosa Public Participation Hearing, Comments of Holly Gustafson (365:13-366:17), Steven Powell (388:8-390:4), Kelly Dannier (390:9-392:6); Docket Card Comment of Denise Magee, posted in R.24-06-012 on May 19, 2025 ("I am a small medical business owner. I was forced by AT&T to switch my landline for a cell phone last Fall . . . . I do not have reliable DSL internet, I don't have a tech department . . . . It is important to my small business to have at least one land line that comes into my building. I have been told by AT&T that my place of business does not have access to fiber . . . ."); Docket Card of William Hudson, posted in R.22-03-016 on May 3, 2023 ("I have had a land line with ATT for 39 years, which I use as my general telephone number for my contacts other than family and friends. In late January it ceased to have a dial tone. After a good deal of difficulty and time, I was able to talk to an agent who said it would be two weeks before it was fixed; it was fine with ATT that for such an extended period time I would have no way of knowing who might be trying to reach me, and could therefore miss important calls. I objected and was told the charges for the missed time would be at least taken off my bill. When there [w]as still no dial tone after two weeks I called again, and, again after extended waiting, and a transfer to the wrong department I was finally told service would be restored the next day. In fact, it was, but the line was dead again the following day. Reaching an agent continued to be difficult, but repairs were promised, and made a day later, but for weeks afterward the line frequently had so much static that it was unusable, calls had to be made twice and messages on the answering machine were unintelligible. Needless to say, the promised credit has not appeared on my bill. This is not an acceptable level of performance, neither of the actual service itself nor of the practices of dealing with complaints and actually correcting problems, for such a vital service . . . ."). *See also* Opening Comments of TURN on the Proposed Decision of ALJ Thomas J. Glegola Dismissing with Prejudice the Application of AT&T California to Withdraw as a COLR, filed in A.23-03-003 o May 30, 2024, at pp. 6-11.

news stories ran.[27] These practices are shameful, violate the Commission's rules, and pose a significant threat to public safety.[28] A customer served by a COLR, who is therefore entitled to receive service, should not have to attend a PPH or reach out to local media to have their phone service restored or installed. The Commission should adopt additional policies to address customer complaints about being "improperly or inadvertently" denied access to basic service and service repair, or situations where AT&T strong-armed customers into abandoning basic voice service, including instances where the customer was told they had no choice.

The Commission should determine whether COLRs currently keep records on customers to whom they deny basic service and, if so, require the COLRs to provide that information to the Commission upon request. Providers should be required to keep such records and make them available for inspection by the Commission staff. The Commission should develop a process for customer redress. All customers desiring a landline should receive a landline. All customers with a landline who have been unable to have their service repaired should have their service repaired.

To develop a process for redress, the Commission should direct its staff to review customer complaints about a telephone companies refusing to provide service, or refusing to repair service, and to review the PPH transcripts and public comments to the dockets in this

[27] Carlos Granda, 7 On Your Side helps 95-year-old woman get her phone service restored after 2 months without it, See, ABC7 Los Angeles, (April 23, 2025), available at https://abc7.com/post/7-side-helps-claudine-douglas-get-phone-service-restored-2-months-due-copper-wire-theft/16233561/; Carlos Granda, More South Los Angeles residents say they need life-saving landline phone service restored, ABC7 Los Angeles (May 1, 2025), available at https://abc7.com/post/more-south-la-residents-reach-7-side-saying-need-life-saving-att-landline-phone-service-restored/16297746/.

[28] *See, e.g.,* G.O. 96-B, Rule 1.3.d. ("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, a carrier seeking to be a COLR needs to file a notice of intent (NOI) with the Commission in order to have access to high cost fund subsidies. Once designated a COLR, the carrier must get the Commission's approval to opt out of its obligation to serve.").

proceeding, A.23-03-003, and R.22-03-016 to determine which carriers have engaged in these practices. The Commission should require the providers identified in complaints and public comments to provide a notice to *all* of their voice customers (1) explaining that they are entitled to receive service over a TDM (time division multiplexing) copper landline and, (2) for those customers who have retained their landlines, that they are entitled to repairs pursuant to the time frames established in service quality rules (G.O. 133-D, and G.O. 133-E when it is adopted), and (3) providing toll-free contact numbers for customers to call. The notices should state that any customer who was denied basic service is entitled to receive basic service, in the form of a copper landline. The language for each provider's notice should be reviewed and approved by the Commission. To ensure that that the information is received by as many customers as possible who have been improperly denied service or service repair, the Commission should issue a statewide press release informing the media, and thus the public, of the steps it is taking and contact information for customers so that they may pursue redress.

E. Several parties have proposed revisions to basic service, or its elimination. Which elements of basic service remain necessary, if any?

The vast majority, if not all, basic service elements remain necessary. The Commission intended basic service to be an evolving standard to meet changing universal service needs,[29] and therefore Joint Commenters oppose diminishing what currently exists. For elements that providers allege are outdated, there are likely ways to modernize the core concepts to accommodate newer technologies while preventing a diminution in service for consumers.

1. Would a definition of basic service that requires a voice-grade connection to 911 and 711, as well as a requirement for participating in California LifeLine and ensuring compatibility with California Connect equipment and services, be sufficient to meet the needs of Californians?

[29] D.12-12-038 at p. 12; Cal. Pub. Util. Code § 883(b)(1), (4).

No, this definition is insufficient because it eliminates many elements that consumers have come to expect and rely on.[30] For example, this proposed definition eliminates all of the billing provisions—including the ability to receive unlimited incoming calls without incurring per-minute charges, a guaranteed option for a flat rate for unlimited outgoing calls, an option for monthly service rates without a contract—an option for unlimited calls to 800 and 8YY numbers, free access to customer service, and one-time billing adjustments for inadvertent or unauthorized charges.[31] These elements remain relevant and important to consumers today. Eliminating them would be a step backwards for universal service in California.

If anything, the Commission should *expand* the definition of basic service to ensure access to newer services and functionalities that are increasingly vital for public safety and participation in modern society. For example, in their Initial Proposal, Joint Commenters advocated for expanding the 911 access element to include other access to 988, the Suicide and Crisis LifeLine, and N11 numbers, like 211 (information on community services) and 811 ("Call Before You Dig"). At the April 4, 2025, workshop, multiple members of the rural county officials panel voiced support for expanding basic service to include 211 access specifically, noting that counties are developing it as an information sharing network and that it relieves pressure on 911 during emergencies by creating another avenue for non-emergency calls.[32]

[30] *See* D.12-12-038 at p. 12 ("Consistent with our universal service goals, we previously defined basic service as consisting of those communications needs essential for participation in modern society. In D.95-07-050, we characterized basic service as the minimum level of service that consumers had come to expect, or services that are essential to all residential telephone customers.").
[31] D.12-12-038 at Appendix A, pp. 4-5.
[32] Supervisors Jeff Griffiths and Sue Hook, April 4, 2025 Workshop at 3:09:14-3:10:09.

2. Should the definition of basic service also address resiliency and disaster response needs in California, such as by requiring backup power on a COLR's network facilities? How many hours of backup power are necessary for COLR service? Can this revision be neutral to different technologies, even though different technologies have completely different network architecture? Should COLRs be obligated to provide customers with Customer Premises Equipment equipped with backup power to enable resilient Voice over Internet Protocol or mobile voice service during power outages?

The definition of basic service should address resiliency and disaster response needs in California.[33] The criteria for an alternative service to replace legacy POTS service should include the requirement that the alternative network has sufficient backup power to continue to function for at least 72 hours during a prolonged power outage, regardless of the cause of the outage. Further, while Joint Commenters applaud the Commission's backup power and network resiliency requirements, they are not sufficient and should be expanded to apply to the entire state and to eliminate unreasonable exemptions. For the purposes of this proceeding, the criteria should specify that (1) networks providing bundled or unbundled basic service should have 72 hours of backup power; (2) for a service to be deemed an acceptable alternative to the legacy voice service offered over copper telephone lines, a guaranteed and verified 72 hours of backup power must be in place for all customers in a service area where a COLR wishes to withdraw as COLR; (3) and the Commission should announce its intent to revise the existing backup power and network resiliency requirements.

As telecommunications networks, society, and our planet's climate and weather patterns evolve, it is imperative that networks are reliable, regardless of the technology used to provide services. While one task of this proceeding is to specify criteria for "basic service," it is important to remember that a basic voice service may be sold as a bundle with other services. A

[33] *See* Amended Initial Proposal of Joint Commenters, at p. 36, Appendix B at pp. 4-6 (proposing the addition of the disaster relief consumer protections adopted in D.19-08-025 to the elements of basic service).

carrier may define bundled offerings as something other than "basic service" for regulatory reporting and marketing purposes. The criteria for "basic service" should apply to basic voice service *and* any bundled offering containing basic voice service. Moreover, in addition to basic voice service, other telecommunications and information services are also essential in that they provide customers with important connectivity, the ability to communicate and receive information, and the ability to seek important information. Californians should be able to count on all essential services continuing to work during power outages.

Joint Commenters applaud the Commission's efforts to improve network resiliency and service reliability by adopting backup power requirements for high and moderate fire threat areas and requiring carriers to submit network resiliency plans.[34] As it stands, while these requirements are vitally important, they are insufficient because they do not apply to all areas of the state. Moreover, there are many exceptions that allow carriers to either avoid the requirement altogether, or satisfy the requirements with plans to import resources from other states, resulting in communications networks failing when power is out. The Commission needs to revise these rules.

The 72-hour requirement should not solely apply to high and moderate fire threat areas. For example, there are areas spanning the entire length of the state that are major seismic regions where very large earthquakes can and have occurred. These range from densely populated areas in the Los Angeles region and greater San Francisco Bay Area[35] to rural communities and smaller cities (e.g., Ferndale, Eureka, Fortuna, and Arcata) affected by the Mendocino Triple

[34] D.21-02-029 at COL 3, OP 4; D.20-07-011 at COL 51, OP 2 (R.18-03-011, Disaster Relief Rulemaking).
[35] *See, e.g.,* California Department of Conservation, Earthquake Zones of Required Investigation Interactive Map, available at https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/ (last accessed June 13, 2025).

Junction, and inland areas affected by faults such as the San Andreas.[36] Some of these locations are in designated high/moderate fire threat areas, some are partially in designated high/moderate fire threat areas, and some are not. Regardless, when a major earthquake hits power is likely to be out for several days.[37] Moreover, in some regions of the state, it is not uncommon for winter storms to knock out power for long periods of time. There can also be instances of power outages where a local problem causes a lengthy power outage, the demand on the power grid is extremely high and steps are taken to reduce the load, or when there is a cybersecurity issue that results in a major outage. Regardless of the cause, the newer, "more advanced" telecommunications networks need to continue to provide essential communications services. This applies equally to a customer in downtown Sacramento who is having a heart attack during a power outage as it does to customers who have lost power during a public safety power shutoff when there is a wildfire in the region. It would be ironic for the most advanced telecommunications networks in history to fail when people need them the most. In comparison, when the legacy network is properly maintained, including the backup power supporting central offices and remote terminals, it does work when the power is out for several days.

3. Can broadband service meet the definition of basic service? Please explain.

Whether "broadband service" can meet the definition of basic service depends upon the *type* of broadband service being provided, i.e., while some types of broadband technology can

[36] University of California, Berkeley, Seismology Lab, Where the San Andreas Fault Ends (Oct. 27, 2008), available at https://seismo.berkeley.edu/blog/2008/10/27/where-the-san-andreas-fault-ends.html.
[37] *See, e.g.,* National Research Council, Practical Lessons from the Loma Prieta Earthquake, Washington, D.C. The National Academies Press (1994), at p. 13. https://doi.org/10.17226/2269 ("Lesson 27: Power outages in downtown San Francisco lasted several days following the earthquake due to the need for time-consuming inspections of major buildings for gas leaks and ignition sources prior to energizing the downtown power grid. This was the largest single source of business interruption resulting from the Loma Prieta earthquake.").

meet the definition of basic service, others cannot. Broadband can be delivered in multiple forms: (1) Digital Subscriber Line Service provided by ILECs or CLECs leasing copper loops; (2) a broadband service provided in a bundle with fixed VoIP service, offered by ILECs and CLECs, including cable broadband providers; (3) fixed wireless involving the use of transport facilities (copper, fiber, microwave) with the distribution network provided using spectrum from an ILEC's cellular network affiliate; (4) broadband provided over cellular networks; (5) a stand-alone broadband service provided either by an independent fixed wireless provider, an ILEC or a CLEC, with voice service provided by over-the-top VoIP, such as Vonage or Skype. Reliable backup power capable of supporting the network and service for 72 hours should be a requirement for any of these broadband options to be considered basic service.

For broadband to meet the definition of basic service, it would need to meet all of the criteria adopted by the Commission. Affordability should also be a concern. If voice service is provided as an adjunct to broadband service, it is an additional cost to the customer to both purchase voice service and to obtain backup power at the premises to ensure the service works in a power outage. At this point, California's LifeLine program does not support standalone broadband, there is no operational state or federal program specifically focused on subsidizing standalone broadband, and the additional cost may well pose a hardship for households who do not meet the eligibility requirements for state or federal Lifeline.

It is essential that basic voice service provides dispatchable location-based 911, or service that provides 911 call centers with precise information about a caller's location.[38] It is Joint Commenters' understanding that fixed VoIP, offered by ILECs and CLECs in conjunction with a

[38] R.24-06-012, Revised Proposal of The Utility Reform Network, the Communications Workers of America, District 9, and the Center for Accessible Technology on the Order Instituting Rulemaking to Consider Changes to the Commission's Carrier of Last Resort Rules, December 6, 2024, at pp. 3-4.

broadband line, meets this requirement. It is unclear whether fixed wireless services are capable to supporting location-based 911, or whether most providers do this in practice, but it is unlikely. The same concern applies to broadband provided over cellular networks.

The FCC recently issued a Further Notice of Proposed Rulemaking (FNPRM) to address Wireless E911 Location Accuracy Requirements.[39] The FNPRM states that only about 0.9% of wireless calls convey a dispatchable location, with the rest conveying location data in the form of coordinates.[40] The current horizontal location accuracy requirements have a significant margin of error of +/- 50 meters, which poses a problem for first responders in densely populated areas.[41] In comments to the FCC in response to a prior FNPRM, the International Association of Fire Chiefs pointed out that "while a ± 50-meter horizontal metric may provide enough information for a [public safety answering point] to provide a dispatchable address, it can also lead to responders arriving at an incorrect building location."[42] NENA, The 9-1-1 Association, raised the same concern:

> As noted previously by the Commission, vertical location accuracy - and indeed, floor-level estimations – would benefit greatly from increased accuracy in the horizontal plane. We note that the Commission's existing rules for horizontal uncertainty could easily place the caller on the right floor but in a building across the street.[43]

[39] Federal Communications Commission, In the Matter of Wireless E911 Location Accuracy Requirements, PS Dkt. No. 07-114, Sixth Further Notice of Proposed Rulemaking (adopted Mar. 27, 2005), available at https://docs.fcc.gov/public/attachments/FCC-25-22A1.pdf. ("FCC Wireless Location Accuracy FNPRM")
[40] *See* FCC Wireless Location Accuracy FNPRM at para. 39.
[41] FCC Wireless Location Accuracy FNPRM at para. 59.
[42] In the Matter of Wireless E911 Location Accuracy Requirements, PS. Docket No. 07-114, Comments of the International Association of Fire Chiefs on the Fifth Further Notice of Proposed Rulemaking, available at https://www.fcc.gov/ecfs/document/10221665818153/1, at p. 3.
[43] In the Matter of Wireless E911 Location Accuracy Requirements, PS. Docket No. 07-114, Comments of the International Association of Fire Chiefs on the Fifth Further Notice of Proposed Rulemaking (Feb. 21, 2020, available at https://www.fcc.gov/ecfs/document/102222567206119/1, at p. 6.

A broadband service offered over cellular networks or fixed wireless that is not capable of providing accurate dispatchable location-based 911 should not be considered to meet the criteria of basic service and should not be considered an acceptable replacement for COLR service.[44]

Similar concerns apply to a broadband service that only offers customers the ability to receive voice service with nomadic VoIP or over-the-top VoIP. Under the FCC's rules, non-fixed interconnected VoIP services only provide dispatchable location information if it is "technically feasible." If not, they provide registered location information that must be manually updated by the end user. Otherwise, 911 calls can be routed to a national emergency call center "*so long as* the provider as made a good faith effort to obtain location data from all available alternative location sources."[45] It is Joint Commenters' understanding that over-the-top VoIP providers are not accurately reporting their provision of location-based 911 to the FCC.

With respect to broadband provided using either wireless cellular service or fixed-wireless, there are significant reliability concerns. Many Californians commenting to this proceeding, R.22-03-016, and A.23-03-003 pointed out that wireless service is unreliable in their areas. FCC's 2021 Report to Congress echoed this concern:

> However, the comment record also indicates that today there are limits to the feasibility of providing the public with unrestricted access to 911 services over Wi-Fi or unlicensed spectrum.
>
> Existing Wi-Fi and unlicensed infrastructure typically are not engineered to provide the resiliency and reliability needed to support communications in a major emergency and are likely to be affected by many of the same conditions that impair mobile networks in such circumstances (e.g., power outages, physical damage to infrastructure from storms, floods, or wildfires). In addition, opening

[44] Revised Proposal of Joint Commenters on the Order Instituting Rulemaking to Consider Changes to the Commission's COLR Rules, filed Dec. 6, 2024, at pp. 3-4.
[45] Federal Communications Commission, Dispatchable Location for 911 Calls from Fixed Telephony, Interconnected VoIP, TRS, and Mobile Text Service (last updated Oct. 18, 2022), available at https://www.fcc.gov/911-dispatchable-location. The notion of what constitutes a "good faith effort" may be open to interpretation.

these platforms to the public for purposes of 911 access would require modifying or disabling authentication protocols and other safeguards, which could result in increased vulnerability.[46]

Any voice service that does not provide dispatchable location-based 9-1-1 should not be considered as a credible alternative for a COLR service. Furthermore, if a service, such as broadband offered over a cellular network or as a fixed wireless product, cannot be guaranteed to all customers indoors, it should not be considered as a credible alternative for a COLR service.

F. In filings, several parties have raised the presence of providers offering broadband service as a factor for Commission consideration as part of this proceeding, including as a condition for relieving COLR obligations. Parties at the April 11 Workshop repeated several of these arguments. For example, the presentation of Consolidated Communications included a map of the coverage territory of Consolidated Communications, overlayed with the coverage maps of wireline broadband providers. In light of that, parties are asked to respond to the following questions.

1. A broadband connection in and of itself is not a guarantee of a voice-grade connection to 911 and 711 services, Lifeline service, or compatibility with California Connect services. Should the Commission only consider broadband providers that offer a stand-alone voice product as credible COLR alternatives (other service providers that may serve an area but not as a COLR)?

Yes, for both affordability and consumer choice, Joint Commenters support the requirement of a standalone voice service offering. The billing provisions element in the current definition of basic service prohibits providers from "obligat[ing] customers to also subscribe to service bundles that require subscription to data and/or video services as a condition of receiving basic service."[47] Joint Commenters believe the Commission should maintain this requirement for potential COLR alternatives.

[46] Federal Communications Commission, Report to Congress, Study on Emergency 911 Access to Wi-Fi Access Points and Spectrum for Unlicensed Devices When Mobile Service is Unavailable, Prepared by the Public Safety and Homeland Security Bureau (March 23, 2021), available at https://docs.fcc.gov/public/attachments/DOC-371031A1.pdf, at para. 3.
[47] D.12-12-038, at Appendix A, § 4(f).

2. Broadband providers are not required to participate in the California LifeLine Program. Should the Commission only consider broadband providers that participate in California LifeLine as credible COLR alternatives?

As Joint Commenters have previously noted in this proceeding, the key purpose of the COLR rules is to make sure that every person in California has access to voice service.[48] While the LifeLine rules use slightly different language based on the provider's underlying technology, those rules require LifeLine providers to offer LifeLine services anywhere where those providers offer voice service:

> The provider must offer California LifeLine discounted services on a non-discriminatory basis to any Customer residing within the service territory where the provider offers retail residential telephone services.[49]
>
> The provider must offer California LifeLine discounted services on a non-discriminatory basis to any Customer residing within the service territory where the provider offers retail wireless telephone services.[50]
>
> Provider must offer California LifeLine discounted services on a non-discriminatory basis to any Customer residing within the service territory where the provider offers retail residential telephone services.[51]

Unlike other providers, California LifeLine providers and COLRs have similar obligations to offer service to every person in their respective service territories.[52] "Non-LifeLine" broadband providers are not required to, and likely would not, provide service to everyone in their service territories, and Commission should not consider those providers credible alternatives to COLR providers. Accordingly, the Commission should only consider broadband providers that participate in California LifeLine as credible COLR alternatives, but, as discussed below, using LifeLine participation to assess potential COLR alternatives has a major limitation.

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[48] *See, e.g.,* Amended Initial Proposal of Joint Commenters, at pp. 2-5, 28-29.
[49] G.O. 153, Appendix A-1, §4(d) (Wireline).
[50] G.O. 153, Appendix A-2, §5(d) (Wireless).
[51] G.O. 153, Appendix B, §4(c) (VoIP).
[52] Joint Commenters reiterate that a *duty* to serve everyone in an area is not a *guaranty* that a provider can *actually* serve everyone in that area.

The Commission cannot assume that a broadband provider participating in California LifeLine would reliably continue to do so under the current program rules, and therefore LifeLine participation is not a reliable sole criterion for assessing a broadband provider's suitability as a COLR alternative. California LifeLine considers wireless carriers and fixed VoIP providers to be "Non-Traditional Providers."[53] Non-Traditional Providers, unlike COLRs, voluntarily participate in LifeLine and can cease offering LifeLine service after doing as little as giving a 30-day notice to their subscribers.[54] If a broadband provider participating in LifeLine was also considered a Non-Traditional provider—either because it was offering bundled voice service as a fixed VoIP provider, or because the Commission modified the LifeLine program to support standalone broadband and categorized ISPs as Non-Traditional Providers—it would be able to end its California LifeLine participation as easily as any other Non-Traditional Provider. In contrast, COLRs must participate in California LifeLine indefinitely.[55] Accordingly, allowing a Non-Traditional Provider to replace a COLR because it participates in California LifeLine at a certain point in time would weaken universal service. At any time, that provider could voluntarily cease offering LifeLine or exit the market altogether, as recently occurred with California LifeLine providers Blue Casa and MCImetro.[56]

At a minimum, if the Commission were to consider LifeLine participation by broadband providers, it would need to change the LifeLine rules to ensure long-term LifeLine participation

[53] G.O. 153 § 2.37.
[54] G.O. 153 § 3.4, 4.8.
[55] *See* D.12-12-038, at p. 24, Appendix A, § 4(d). The Commission has also required California LifeLine participation of certain non-COLRs as merger conditions, and that required participation may or may not have an end date. D.20-04-008 (A.18-07-011 and A.18-07-012, Sprint/T-Mobile Merger) on Apr. 27, 2020, at OP 13 (requiring T-Mobile to participate in California LifeLine indefinitely as a condition of its merger with Sprint).
[56] Application of Blue Casa Telephone, LLC to Discontinue Provision of Local Exchange and Interexchange Services and Relinquish Eligible Telecommunications Carrier Designation, filed in A.23-09-006 on Sept. 13, 2023; Application of MCImetro Access Transmission Services LLC to Discontinue Local Exchange Service, filed in A.23-10-002 on Oct. 2, 2023.

of those providers to even begin to consider them as alternatives to COLRs.Finally, the language in General Order (G.O.) 153 and the COLR requirements create some ambiguity about the connection that providers are required to offer. Regardless of the technology used, G.O. 153 states that LifeLine providers must "provide a voice-grade connection from the Subscriber's Residence to the public switched telephone network or successor network."[57] G.O. 153 further states that "[n]othing in these rules alters or modifies the service obligation of a Carrier of Last Resort (COLR) to ensure continuity and functionality of Basic Service within the Residence."[58] Joint Commenters believe that the Commission intended "from the Subscriber's Residence" and "within the Residence" to have the same definition, i.e., a customer must be able to use their voice service from within their residence. The Commission may wish to clarify that provider that cannot provide service *within* a customer's residence, they are not a COLR alternative.

3. Should the Commission consider resiliency when evaluating COLR alternatives, and how can it do so in a technologically neutral manner?

For all the reasons discussed in Section E(2), above, the Commission should consider resiliency when evaluating COLR alternatives. Applying backup power and network resiliency requirements to *all* telecommunications carriers, regardless of underlying technology, would result in technological neutrality.

[57] G.O. 153, Appendix A-1, §1(e); Appendix A-2, §1; Appendix B, §II(1)(b).
[58] G.O. 153, Appendix A-1, §1(c); Appendix A-2, §1(b); Appendix B, §1(b).

G. COLR withdrawal proposals from certain COLRs rely on the presence of wireless carriers. In response to that, several parties have expressed concerns that network coverage maps, especially wireless maps, are not accurate. At public participation hearings held in Application 23-03-003, the Application of AT&T to withdraw as a COLR, a number of members of the public expressed similar reservations. In multiple proceedings on different topics, the Commission has repeatedly expressed concerns that coverage maps overstate network coverage or do not reflect customers' real-world experiences. This includes when the Commission investigated the state of competition in the California telecommunications market, when the Commission approved eligible telecommunications carriers designations for wireless carriers, and when evaluating California Advanced Service Infrastructure Account Grants. The Commission has previously challenged almost ten million locations in California as part of the FCC's mobile Broadband Data Collection. The wireless industry, in particular Verizon, has stated in other Commission proceedings that "verifying coverage at exact address… requires a level of certainty as to service availability at an address that is reasonable in the wireline context but unreasonable for wireless services." Given these concerns, for proposals relying on such coverage data and maps for COLR relief, how should the Commission weigh risks that real world coverage is inadequate? How might we leverage other technical data to support evaluation?

Public comment and the Commission's own previous proceedings have made it abundantly clear that wireless coverage maps are not reliable to determine whether a customer actually has wireless service at their location. In the Frontier/Verizon transfer of control case, Verizon was asked provide mapping which shows the "edge" of Verizon's Fixed Wireless Access offering in Frontier's service areas.[59] Verizon provided a link to the FCC's National Broadband Map which clearly does not provide accurate or suitable information for determining FWA service availability. The National Broadband Map specifically disclaims use of the map for indoor wireless availability purposes:

> Mobile providers generate the 3G, 4G LTE, and 5G-NR coverage areas shown on the map using propagation modeling, where the models include certain common settings for consistency. The coverage areas are meant to represent the areas where a user should be able to establish a mobile connection, *either outdoors or moving in a vehicle*, and achieve

[59] Brevitz Direct Testimony on Behalf of TURN, Joint Application of Verizon Communications and Frontier Communications for Approval of Transfer of Control, filed in A.24-10-006 on May 1, 2025, at p. 45, line 10.

> certain upload and download speeds. *Please note that the map does not include information on the availability of mobile wireless broadband service while indoors*. Moreover, because the coverage map is based on propagation modeling, a user's actual, on-the-ground experience may vary due to factors such as the end-user device used to connect to the network, cell site capacity, and terrain. The coverage maps on mobile wireless service providers' websites may be based on different parameters and assumptions, such as service availability provided through roaming agreements, and therefore may differ from the information shown here.[60]

The reasons why wireless service is not a reliable substitute for basic service meeting a COLR obligation are summarized by the Commission in the AT&T COLR Withdrawal case, A.23-03-003. In that proceeding, he Commission found that "many comments at public participation hearings and on the Docket Card … call into question whether the companies are able to offer service to every potential customer that requests it, given the gaps in these wireless providers' coverage due to changes in terrain, dense foliage, geographic or structural obstacles and other characteristics that limit wireless signal propagation." Furthermore, wireless capacity is a shared and limited resource based on radio spectrum. Whether a consumer actually has wireless service at a particular time is influenced by how many other consumers are using spectrum capacity and for what use (e.g., streaming a movie versus checking emails). Performance on mobile broadband networks is inherently variable, and gaps exist that are not captured on FCC coverage maps with standard "lab-setting" parameters. Regular actual speed and connectivity testing is essential to verify accuracy of the radio signal propagation modeling employed by wireless providers.

Additionally, the Government Accountability Office recently found that "the accuracy of the broadband availability data on the [National Broadband] map is uncertain."[61] The Report

[60] Federal Communications Commission, National Broadband Map: About, available at https://broadbandmapfcc.gov/about?version=jun2024 (last accessed June 12, 2025). (*emphasis added*)
[61] United States Government Accountability Office, Broadband Programs: Agencies Need to Further Improve Their Data Quality and Coordination Efforts (April 2025), GAO-25-107207, available at https://www.gao.gov/products/gao-25-107207. ("GAO Broadband Data Quality Report")

cites stakeholder interviews which "raised significant concerns about the reliability of broadband availability data on the National Broadband Map.[62] These concerns included "whether providers should serve as the source of the data" and that "providers have an incentive to overstate the service they offer to prevent competitors from having an opportunity to provide service to the same location."[63] The Report also notes that "providers' reporting of advertised speeds, as required by the FCC's data specifications, rather than speeds users typically experience, likely results in overstating the quality of the service,"[64] and the "FCC allows a provider to report that it serves a location even if it does not actually serve it, as long as the provider claims it could begin serving that location within 10 business days. This could lead to artificially inflating availability information."[65] Finally, "one federal agency official told us staff had found discrepancies between availability data on the map and their observations on the ground."[66]

It is up to the wireless carriers to document how wireless coverage data can be provided with sufficient accuracy to justify taking away the landline option of basic service. This is necessarily a very high standard given the criticality of basic service to people and public safety. Given the importance of basic service to the extent a COLR provider wants to withdraw from its COLR obligation, relying on wireless service as the alternative, the Commission should especially rely on the knowledge of county officials who know their area, and who know the boundaries where wireless signals fade.

[62] GAO Broadband Data Quality Report, at p. 13.
[63] *Id*.
[64] *Id*.
[65] *Id*.
[66] *Id*., at fn 34.

1. At the April 4 Workshop, rural county officials asked the Commission to exclude rural areas from COLR withdrawal for now. Additionally, it appears that Nevada permitted provider of last resort (Nevada's equivalent to COLR) withdrawal in urban areas but not rural areas, as Commissioner Brown estimated that 90 percent of Nevada's households no longer had COLR service, while more than half of Nevada's geography still is served by a COLR. Should the Commission continue to require COLR obligations in rural or low-household-density areas? How should the Commission determine what areas are categorized as rural?

Joint Commenters are reviewing this issue and reserve the right to respond in reply comments.

2. At the April 11 Workshop, the representative of Consolidated Communications asserted that the relatively flat terrain of Consolidated Communications' service territory may mean concerns about wireless coverage overstatement, or a lack of reliability are not experienced by customers living in the general area. Should the Commission consider terrain when considering wireless availability and reliability? How could it do so? (Dave, Regina to share RCRC email)

As noted above, topography, terrain, and vegetation all impact propagation of wireless radio signal. Moreover, this impact on radio signal propagation changes over time as vegetation and trees grow and buildings and other structures are built. The Commission should not surmise that wireless service is "good enough because the ground is flat" to allow for the withdrawal or substitution of essential COLR service. This ignores real impacts on wireless propagation caused by terrain, topography, vegetation, and structures.

Moreover, as discussed above, since wireless service relies on sharing radio spectrum among users, whether a consumer actually has wireless service at a particular time depends on how many other consumers are using spectrum capacity and for what use. Shared radio spectrum is subject to congestion during power outages or other emergencies to the point that wireless service is unusable. If a cell tower fails, traffic is rerouted to remaining cell sites, which adds to what is likely already very high congestion due to consumers attempting calls during the emergency.

Performance on mobile broadband networks is inherently variable, and gaps exist that are not captured on FCC coverage maps with standard "lab-setting" parameters. Actual speed testing is essential to verify accuracy of the radio signal propagation modeling employed by wireless providers. Furthermore, the same radio propagation concerns affect the ability of fixed wireless service to substitute for basic service provided under COLR obligations. Finally, fixed wireless service relies on line of sight and will not work reliably if the terrain, topography, structures, or vegetation and trees – which grow – affect line of sight propagation of signal. Consumer experience shows the pitfalls of relying on simplistic "the ground is flat, so wireless must work" thinking. A fixed wireless customer does not have much remedy when a tree on another property grows and blocks line of sight radio propagation necessary for fixed wireless to work at a particular location.

This reveals another important truth the Commission needs to keep in mind: an individual customer's options for telecommunications providers is entirely dependent on the location of their premises. Just because certain telecommunications services may be available to others in the general area does not mean those options will exist for a particular consumer. It takes physically operable facilities at the customer premises for telecommunications service to work, including basic service. The consumer can only be served by actually deployed facilities, and the existence of other facilities that are serving others nearby may not be sufficient.

Telecommunications service has long been subject to boundary issues and concerns. Service is provided based on wire centers and exchanges. As an historic example, in the context of Extended Area Service, one customer has access to a large local calling scope but the customer across the street must make a long-distance call for calls that are local for their neighbor. In the more modern context, this applies for availability of broadband services, which

are dependent on fiber facilities, outmoded DSL services, which are often the only option in some areas, and for wireless services, where the boundary is the edge of reliable wireless signal – which is variable.

3. At the April 4 Workshop, Judge Grant of Oregon mentioned that during its investigation Oregon received "boots on the ground" analysis to verify coverage. Supervisor Pyska also stated that coverage maps need to be "ground truthed." At the April 11 Workshop, EQUAL's representative recommended using Ookla data or that the Commission identify areas that require more investigation. How can the Commission reasonably verify wireless coverage, if at all?

Judge Grant and Supervisor Pyska are both correct: the Commission needs on-the-ground data to confirm whether wireless coverage is available in a particular area. The Commission could gather this data by re-launching the CalSPEED program, a survey program that used smartphone software to measure and map wireless broadband speeds in thousands of locations around California.[67] The most recent CalSPEED data available on the Commission's website is from 2020, which suggests updated data would be necessary to verify current wireless coverage.

To supplement any type of data-gathering, the Commission should also confer with Tribal leaders, county officials, first responders, and local governments about the availability of wireless coverage in their areas. As the Tribal, public safety, and rural county official panels demonstrated during the April 4, 2025, workshop, these leaders, first responders, and officials

[67] CPUC, Mobile Broadband Testing, https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-mapping-program/mobile-broadband-testing (last accessed June 9, 2025).

either know about the availability of service firsthand[68] or receive on-the-ground information from their constituents.[69]

H. How can the Commission obtain better, customer-centered data on the needs of people with disabilities to inform this rulemaking?

Joint Commenters appreciate the Commission's continued focus on the impact of any changes to the COLR rules on people with disabilities. Given the variety of disabilities and their impacts, it is difficult to identify solutions that will address the needs of every person with a disability. In fact, it is difficult to identify solutions that will address the needs of every person that has the *same* disability. Additionally, unlike other unserved and underserved communities whose populations are clustered in specific areas, people with disabilities tend to be more evenly scattered across the state, making targeted outreach more complicated. This problem is exacerbated by the fact that for some people with disabilities, attending a virtual or in-person hearing or workshop can be difficult because of mobility, lack of technology, or other issues, and surveys or other communications may not be available in a format that is accessible to some people with disabilities.

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[68] Sheriff Luke Bingham, April 4, 2025 Workshop Recording at 2:04:50-2:05:58 ("Even within our dispatch system and radio system, we have multiple repeaters, and there are still areas of our county where are radio systems don't work for my deputies, and that's true of cell phone systems."); Sheriff Matthew Kendall, April 4, 2025 Workshop Recording at 2:40:58-2:41:14 ("The other issue for me is we've seen coverage maps over the years from various telecommunications companies and whatnot, and although they look good when I look at them, a lot of them make me laugh because they will have full coverage in places where I've been standing just two days prior, unable to make any phone calls.").

[69] Supervisor Jessica Pyska, April 4, 2025 Workshop Recording at 3:02:50-3:04:21 ("It is quite common for people to have no cell service at their homes here . . . . I have constituents who are medically fragile who only have a landline. I had a couple reach out to me in the last few weeks . . . . They don't have cell service at their home. . . . They are living in a dense community . . . . I got another message from a constituent this morning, she lives in an area where, again, she doesn't have cell service. She has to go all the way into town to use her cell phone. That is an area that floods, almost regularly, whenever we have an atmospheric river."); Eric Cutright, April 4, 2025 Workshop Recording at 0:21:05-0:21:36 ("The Karuk Tribe is in a very rural area, and cell service is sometimes available and sometimes not but is definitely not available between communities, and so if there's an accident on the road or something like that, finding a nearby home with a landline can be the only way to receive 911 service, for instance. Otherwise, you're waiting for a passing car to drive to cell service to call 911 on your behalf.").

While Joint Commenters can identify the challenges to collecting comprehensive, customer-centered data about the communications needs of people with disabilities, we lack the expertise to develop a methodology to collect that data. To our knowledge, none of the other parties has that expertise. Accordingly, the Commission should select an entity with the proper expertise and qualifications to design and conduct a formal study regarding the communications needs of people with disabilities.

I. Should the Commission only consider providers who are required to provide free access to California Relay Service, or service compatible with other California Connect services or equipment, as credible alternatives to an existing COLR?

As discussed in further detail below, many people with disabilities have transitioned from relay service to newer communications tools. However, the fact that new communications tools are available does not mean relay services are no longer relevant, useful, or necessary. For many people with disabilities, relay services are the only option available to them. Accordingly, the Commission should only consider a provider a credible alternative to an existing COLR if that provider is required to provide free access to California Relay Service.

Additionally, the Commission should only consider providers who offer service compatible with other California Connect services or equipment as credible alternatives to an existing COLR. In the past few decades, the disability community's adoption of alternative modes of communication has outpaced policymakers' efforts to ensure that communications services are accessible. For example, while a substantial number of Deaf and hard of hearing people still rely on relay services, other Deaf and hard of hearing people have shifted to texting, chat services, voice-to-text applications, and videoconferencing. Many vision-impaired people rely on text-to-speech applications. Many (but not all) people with mobility issues or cognitive impairment benefit from touch screens and haptic feedback.

However, it is important to note that while many of these technological advancements may have their origins in assistive technology, these tools were developed for mass market customers, rather than people with disabilities. Once those tools became available, the disability community tested and adopted those tools. As a result, for some people with disabilities, these newer technologies may be only a partial solution and require additional tools. For example, a person with a disability could make voice calls, but require an anti-stuttering device, amplification for their voice, an artificial larynx, or an eye-driven communication device (e.g., a tablet with letters, words, or symbols which tracks which letters, words, or symbols the user is looking at and converts those letters, words, or symbols to audible speech). The Commission should only consider a provider a credible alternative to an existing COLR if that provider's service is compatible with California Connect services or equipment or other technology necessary to access voice service.

J. <u>While COLRs are not obligated to offer basic service using any specific technology, many COLRs claim basic service is synonymous with POTS delivered over copper lines. What is the cost difference for a COLR to maintain a copper network to deliver basic service and meet General Order 133-D service quality requirements compared to doing so over fiber optic lines? Over wireless? How do those costs impact the public or customers?</u>

Joint Commenters understand this question to be for providers and reserve the right to respond in reply comments.

III. CONCLUSION

Joint Commenters appreciate the opportunity to weigh in on the range of issues presented in the April 2025 workshops and look forward to continuing these discussions in reply comments.

Dated: June 13, 2025

Respectfully submitted,

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