

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



**FILED**

07/03/25

04:59 PM

11706027

Order Instituting Investigation into the Creation  
of a Shared Database or Statewide Census of  
Utility Poles and Conduit in California.

Investigation 17-06-027

And Related Matter.

Rulemaking 17-06-028

**REPLY COMMENTS OF SONIC TELECOM, LLC (U-7002-C)  
TO RESPONSES IN OPPOSITION TO SONIC'S MOTION FOR EXPEDITED  
TREATMENT OF SONIC'S PETITION FOR MODIFICATION OF D.22-10-025**

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July 3, 2025

**BEFORE THE PUBLIC UTILITIES COMMISSION  
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Order Instituting Investigation into the Creation of a Shared Database or Statewide Census of Utility Poles and Conduit in California.	Investigation 17-06-027
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**I. INTRODUCTION**

Pursuant to Rule 11.1 of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), Sonic Telecom, LLC (U-7002-C) (“Sonic”) submits this Reply to responses to Sonic’s Motion for Expedited Treatment of its Petition for Modification of Decision 22-10-025.<sup>1</sup> On May 30, 2025, Sonic filed a Petition for Modification of D.22-10-025 (“Petition”) in compliance with Rule 16.4 of the Commission’s Rules of Practice and Procedure.<sup>2</sup> The Petition requested clarification of the Decision’s language requiring pole owners to provide timely access to poles when an application for attachment is submitted for a pole with a preexisting violation not caused by the new attacher. Sonic concurrently filed a Motion for Expedited Treatment requesting that the Commission issue a decision on the Petition in an

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<sup>1</sup> CPUC Decision 22-10-025, *Decision Adopting One-Touch Make-Ready Requirements*, I.17-06-027 and R.17-06-028, issued on Oct. 27, 2022 (“Decision”).

<sup>2</sup> *Petition of Sonic Telecom, LLC For Modification of D.22-10-025 Decision Adopting One-Touch Make-Ready Requirements*, I.17-06-027 and R.17-06-028, filed on May 30, 2025 (“PFM”).

expeditious manner, so as to remove any uncertainty about the Commission’s Rules, because the investor-owned electric utilities and AT&T have made no efforts to demonstrate their conformance with this particular requirement of D.22-10-025.<sup>3</sup> Southern California Edison Company (“SCE”), AT&T, and Pacific Gas & Electric Company (“PG&E”) (collectively, “Opposing Parties”), notably the same entities whom the Petition targets, filed responses opposing Sonic’s Motion.<sup>4</sup> The assigned Administrative Law Judge (“ALJ”) granted permission via email on June 27, 2025, for Sonic to reply to the parties’ responses by July 3, 2025.<sup>5</sup>

## **II. OVERVIEW OF ISSUES RAISED IN RESPONSES THAT WARRANT REPLIES**

The Opposing Parties attempt to distract attention from the fact that Sonic’s request is simple and requires minimal effort from the Commission. Sonic’s motion simply asks that the Commission clarify its prior decision that pole owners have an obligation to allow attachers timely access to their poles, and that the Commission do so expeditiously. Nothing is substantively new about this request because D.22-10-025 already addresses Commission instructions that the Opposing Parties are ignoring. The responses filed by AT&T, SCE, and PG&E include a number of inaccurate statements warranting correction, none of which address

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<sup>3</sup> *Motion for Expedited Treatment of Sonic’s Petition for Modification of D.22-10-025*, filed May 30, 2025 (“Motion”).

<sup>4</sup> *Response of Pacific Bell Telephone Company D/B/A AT&T California (U1001C); AT&T Enterprises, LLC (U5002C); Santa Barbara Cellular Systems, Ltd. (U3015C); AT&T Mobility Wireless Operations Holdings, Inc. (U3021C); New Cingular Wireless PCS, LLC (U3060C) to Motion for Expedited Treatment of Sonic’s Petition for Modification of D.22-10-025*, filed on Jun. 20, 2025 (“AT&T Response”); *Southern California Edison Company’s (U 338-E) Response to Motion for Expedited Treatment of Sonic’s Petition For Modification of D.22-10-025*, filed on Jun. 20, 2025 (“SCE Response”); *Pacific Gas and Electric Company’s Response to Sonic’s Motion for Expedited Treatment of Petition for Modification of D.22-10-025*, filed on Jun. 20, 2025 (“PG&E Response”).

<sup>5</sup> *See Email Ruling from ALJ Mason granting Sonic’s request to file a reply in I.17-06-027 and R.17-06-028 to the Response of Pacific Gas and Electric Company, Southern California Edison Company, and AT&T to Sonic’s Motion for Expedited Treatment of its Petition for Modification of D.22-10-025 by July 3, 2025*, issued Jun. 26, 2025.

the substance of Sonic’s arguments supporting its Motion for Expedited Treatment. Instead, all three pole owners attempt to distract from the issue at hand—that they continue making no effort to comply with D.22-10-025 to address and remediate nonconforming poles that have pending pole attachment applications. Opposing Parties unequivocally confirm that they are not distinguishing overloaded and otherwise non-compliant poles brought to their attention by prospective broadband attachers from all other nonconforming poles. Further, Opposing Parties ignore the Commission’s instruction and stated intent in D.22-10-025 of ensuring applicants receive the timely pole attachment access necessary for broadband fiber deployment in California. Despite having demonstrably refused to comply with D.22-10-025, these Opposing Parties falsely attempt to recast Sonic’s Motion for Expedited Treatment as involving novel matters that will be addressed as part of the next phase of I.17-06-27 and R.17-06-28.

Opposing Parties further ignore the exigent circumstances outlined in Sonic’s motion.<sup>6</sup> In its response, SCE states that the timeline for pole remediation is directly being addressed in the pending ALJ’s May 12, 2025 ruling, and asserts that Sonic does not raise new facts to justify the need for expedited treatment.<sup>7</sup> AT&T also improperly claims that Sonic does not raise a “distinct issue,” conflating the One Touch Make Ready (“OTMR”) requirement for pole owners to accept or deny complete applications within 45 days with the longer timeframe proposed for other types of pole replacements.<sup>8</sup> PG&E makes similar arguments regarding the 45-day OTMR

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<sup>6</sup> “Sonic’s Petition seeking 45-day replacement timelines is directly intertwined with the Ruling and should not be decided in a vacuum apart from the Ruling.” PG&E Response at 7; *See also* SCE Response at 1-2, stating that “Sonic’s proposed change in its PFM on the timeline for pole remediations is directly being addressed in the pending Ruling where the Commission staff has proposed that complex pole replacements be performed within one year and that attachers be allowed to perform simple pole replacements and reinforcements.”

<sup>7</sup> SCE Response at 1.

<sup>8</sup> AT&T Response at 2.

requirement, meanwhile ignoring the directive in D.22-10-025 for pole owners to address preexisting violations and not deny applications for attachment due to preexisting violations not caused by the attachment applicant. Sonic has addressed PG&E's arguments regarding legal authority for expedited relief in its response below.<sup>9</sup>

### **III. ARGUMENTS IN REPLY TO FALSE ASSERTIONS RAISED IN OPPOSING PARTIES' RESPONSES**

#### **A. Responses to Sonic's Motion for Expedited Treatment Mischaracterize Sonic's Request Regarding the 45-day Obligation on Pole Owners, Established by D.22-10-025.**

Contrary to the assertions of the utilities, Sonic does not raise a novel legal argument in its Motion for Expedited Treatment. Sonic is simply asking that the Commission clarify and enforce its own decision that pole owners must address and remediate the nonconforming poles for which an attacher submits a complete pole attachment application. The pole owners' responses clearly mischaracterize Sonic's request pertaining to the 45-day OTMR obligation on pole owners, falsely claiming that Sonic is suggesting all pole replacements—including replacement of overloaded poles that do not have pending applications—should be performed within 45 days. In its Motion for Expedited Treatment, Sonic clearly asks the Commission to clarify and enforce D.22-10-025 because the pole owners are ignoring the Decision entirely. The pole owners are not providing access to their poles within 45 days, they continue to deny or indefinitely hold applications in abeyance due to preexisting non-conformances, and they have taken no steps to develop a process to timely remediate preexisting nonconformances and provide access to their poles as required by D.22-10-025.

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<sup>9</sup> PG&E Response at 1.

Expedited consideration of Sonic’s PFM is necessary for several reasons. First, the Commission should no longer permit pole owners’ continuing refusal to abide by the Commission’s directive set forth in D.22-10-025. Second, pole owners continue to preclude access to their poles, thereby blocking efforts to bring better and more affordable broadband access to Californians, despite the Commission’s efforts three years ago to remove impediments to broadband deployment throughout the state. Third, any additional delay in providing the clarification sought in the PFM puts at risk billions of dollars of federal government funding for broadband deployment through the Federal Funding Account (“FFA”) and Broadband Equity Access and Deployment (“BEAD”) programs, because funding recipients will not be able to complete their buildout obligations in accordance with the required project grant deadlines. Even worse, California may have to return the funding for failed projects.

D.22-10-025 has already established that pole owners cannot deny access due to preexisting nonconformances, and that pole owners are obligated to process and approve applications for attachments within 45 days.<sup>10</sup> The only logical way to read these two obligations is to view them as connected: pole owners cannot refuse to issue a decision on applications for attachments to a pole with existing non-conformity to avoid denying the application in violation of the Commission’s rules, or to sidestep the requisite remediation measures that would need to be taken upon approval. Nevertheless, AT&T, PG&E and SCE continue to assert that D.22-10-025 imposes no obligation on them to timely remediate poles with preexisting violations. Further, the Opposing Parties conflate the issue for consideration in this proceeding—whether a one-year pole replacement period is reasonable—with the entirely separate and settled 45-day timeframe to accept or deny an attacher access to poles.

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<sup>10</sup> D.22-10-025 at A-7 to A-8.

Sonic acknowledges that there may be exceptional circumstances when certain pole remediation and/or pole replacement work cannot be accomplished within 45 days. Nonetheless, pole owners should apprise the applicant of the cause for the delays in those instances and should provide remediation timelines that minimize the delay beyond the 45-day requirement. Sonic and other attachers should not be effectively denied access to poles due to preexisting violations not created by them.

**B. Sonic’s Motion Meets the Standard Under Rule 2.9(c), Demonstrating that a Financial Matter Should Be Addressed Expeditiously to Avoid Ratepayer Harm.**

Sonic’s Motion for Expedited Treatment, including the basis for the request, is similar to many other requests for expedited treatment frequently filed pursuant to the Commission’s Rules of Practice and Procedure.<sup>11</sup> PGE fails to present sufficient facts for its assertion that Sonic does not meet the standard of review under Rule 2.9(c), which authorizes the Commission to grant a request for expedited treatment if the requester demonstrates “specific facts, that constitute either a threat to public safety or the need to resolve a financial matter expeditiously to avoid ratepayer harm.” Sonic’s Motion for Expedited Treatment clearly demonstrates the need for resolution of a financial matter, and its PFM extensively demonstrates that deployment efforts have been delayed, substantially redesigned and in some cases thwarted altogether, subjecting Sonic to enormous undue expense.<sup>12</sup> Further, the PFM describes the instances in which the costs to install

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<sup>11</sup> See, e.g., *Application of Southern California Edison Company (U 338-E) for Applying the Market Index Formula and As-Available Capacity Prices Adopted in D.07-09-040 to Calculate Short-Run Avoided Cost for Payments to Qualifying Facilities Beginning July 2003 and Associated Relief, Joint Parties’ Motion for Expedited Consideration of Joint Petition for Modification of D.11-07-010 and Request to Establish Settlement Effective Date and Grant Motion for Closure*, filed Jul. 28, 2011; See also *In the Matter of the Application of PacifiCorp (U901E), for an Order Authorizing a General Rate Increase Effective January 1, 2023, Motion for Expedited Treatment of PacifiCorp’s Petition for Modification of Decision No. 23-12-016*, filed May 5, 2025.

<sup>12</sup> Motion for Expedited Treatment at 2; See also PFM at 18.

temporary bypass poles or underground fiber segments can increase the deployment costs several fold, often stymieing those fiber deployments.<sup>13</sup> Sonic has made exhaustive efforts to engage with pole owners and come to a resolution but unfortunately has had no success. Thus, the Motion clearly demonstrates a pressing financial issue in need of the Commission's resolution, in satisfaction of Rule 2.9(c).

**C. Sonic's Request for Expedited Treatment Remains Urgent Due to Imminent Public Safety Concerns.**

Public safety issues persist and will likely increase until pole owners comply with their obligations to address overloaded poles. Overloaded poles are proven fire hazards and have been responsible for devastating wildfires.<sup>14</sup> Nothing is more exigent than preventing public harm, especially when that harm can be prevented simply by pole owners taking responsibility for their basic obligations to timely remediate overloaded poles. An overloaded pole that fails to meet the minimum safety factor under GO 95 is, by definition, unsafe. D.22-10-025 speaks directly to this issue, requiring pole owners to timely bring their facilities into compliance, thereby resolving these safety hazards.

**D. Sonic's Motion Presents a Financial Matter That If Further Delayed, Will Significantly Harm California Residents, Including Rate Payers and Communities Without Adequate Broadband Connectivity.**

AT&T, SCE and PG&E continue to knowingly obstruct vital access to their utility poles, thereby delaying or obstructing broadband deployment by ignoring their obligations under D.22-10-025 and continuing to deny pole attachment applications for poles with preexisting nonconformances. After years of failed attempts to work through these issues with the pole

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<sup>13</sup> *Declaration of Declaration of Nathan Patrick in Support of Petition of Sonic Telecom, LLC for Modification of D.22-10-025 Decision Adopting One-Touch Make-Ready Requirements* at ¶¶ 15-22.

<sup>14</sup> Edison Utility Sued Over Role of Equipment in Los Angeles Fire, INS. J. (Jan. 13, 2025), <https://www.insurancejournal.com/news/west/2025/01/13/808038.htm>.

owners, including renewed efforts following D.22-10-025, Sonic was left with no alternative but to seek the Commission's assistance.

As discussed above, exigent circumstances exist because delays caused by the pole owners' failure to address overloaded poles significantly impede broadband deployment. Nonconforming overloaded poles are directly responsible for blocking deployment efforts, risking over \$1.86 billion in federal dollars allocated to the State of California for broadband deployment. States that receive BEAD funding from the National Telecommunications and Information Administration ("NTIA") must include claw back provisions for the recovery of BEAD funds in contracts with broadband providers "in the event of a subgrantee's noncompliance with the BEAD Program's requirements, ***including but not limited to failure to deploy network infrastructure in accordance with mandated deadlines.***"<sup>15</sup> Further, NTIA has also retained the right to take enforcement actions against states directly, including the right to pursue clawing back BEAD funds from states that fail to ensure subgrantees' accountability under the BEAD program requirements, such as meeting deployment timelines.<sup>16</sup> Deployment projects that receive BEAD funding must be completed within a short time period. It will be impossible for companies that are preparing deployment plans for BEAD and FFA funded projects to complete their projects within the required time periods if they cannot utilize these overloaded poles because the pole owners are not complying with the Commission decision that already directed the pole owners to remediate bad poles quickly, in order to provide access to attachers.

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<sup>15</sup> National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, *Notice of Funding Opportunity Broadband Equity, Access, and Deployment Program*, NTIA-BEAD-2022 at 51 (emphasis added).

<sup>16</sup> *Id.*

#### IV. CONCLUSION

For the above reasons, Sonic respectfully requests the Commission to clarify its Decision as requested in the PFM on an expedited basis, given that the issue was already decided and the pole owners continue to ignore that overloaded poles present a real and present danger to public safety, as well as delaying broadband deployment efforts and creating financial strain by implicating federal funding for California's BEAD program.

Respectfully submitted this 3rd day of July, 2025, at San Francisco, California.

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