



FILED

09/30/25

03:56 PM

R2507014

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

Order Instituting Rulemaking to Update
Communications Emergency Preparedness and
Network Resiliency Program.

R.25-07-014
(Filed July 24, 2025)

OPENING COMMENTS OF

**CALAVERAS TELEPHONE COMPANY (U 1004 C)
CAL-ORE TELEPHONE CO. (U 1006 C)
DUCOR TELEPHONE COMPANY (U 1007 C)
FORESTHILL TELEPHONE CO. (U 1009 C)
HAPPY VALLEY TELEPHONE COMPANY (U 1010 C)
HORNITOS TELEPHONE COMPANY (U 1011 C)
KERMAN TELEPHONE CO. (U 1012 C)
PINNACLES TELEPHONE CO. (U 1013 C)
THE PONDEROSA TELEPHONE CO. (U 1014 C)
SIERRA TELEPHONE COMPANY, INC. (U 1016 C)
THE SISKIYOU TELEPHONE COMPANY (U 1017 C)
VOLCANO TELEPHONE COMPANY (U 1019 C)
WINTERHAVEN TELEPHONE COMPANY
("SMALL LECS")**

**ON ORDER INSTITUTING RULEMAKING TO UPDATE COMMUNICATIONS
EMERGENCY PREPAREDNESS AND NETWORK RESILIENCY PROGRAM**

Patrick M. Rosvall
Chan Q. Vu
BRB Law LLP
492 Ninth Street, Suite 220
Oakland, CA 94607
Phone: (510) 955-1081
E-mail: patrick@brblawgroup.com

Attorneys for the Small LECs

September 30, 2025

I. INTRODUCTION.

Pursuant to Rule 6.2 of the California Public Utilities Commission’s Rules of Practice and Procedure and Ordering Paragraph 8 of the “Order Instituting Rulemaking to Update Communications Emergency Preparedness and Network Resiliency Program” adopted on July 24, 2025 (the “OIR”), Calaveras Telephone Company (U 1004 C), Cal-Ore Telephone Co. (U 1006 C), Ducor Telephone Company (U 1007 C), Foresthill Telephone Co. (U 1009 C), Happy Valley Telephone Company (U 1010 C), Hornitos Telephone Company (U 1011 C), Kerman Telephone Co. (U 1012 C), Pinnacles Telephone Co. (U 1013 C), The Ponderosa Telephone Co. (U 1014 C), Sierra Telephone Company, Inc. (U 1016 C), The Siskiyou Telephone Company (U 1017 C), Volcano Telephone Company (U 1019 C), and Winterhaven Telephone Company (U 1021 C) (the “Small LECs”) submit these opening comments to the OIR. The Small LECs are not respondents to the OIR,¹ but they submit these comments to ensure that the Small LECs’ operational and regulatory circumstances are considered as the Commission moves forward with this rulemaking. The Commission should ensure that any new resiliency rules do not impose oppressive burdens on small, rural carriers or expose them to unfunded mandates given their unique high-cost profiles and rate-of-return regulatory status.

The Small LECs support the overall policy goals expressed in the OIR, including the imperatives for network redundancy, network hardening, efficient service restoration, and thoughtful coordination with first responders and other utilities during emergencies.² Indeed, these values are enshrined in the community-focused and service-oriented ethics that have animated the Small LECs for more than 100 years. Many of the Small LECs serve rugged terrain in areas far removed from population centers, where access to telecommunications service is especially critical. Most of the Small LECs’ service territories are in “high fire threat” zones, and some areas have no access to commercial power. Mindful of these dynamics, the Small LECs have devoted extensive investments to ensuring that their networks are robust and that their emergency response protocols are comprehensive. Wherever feasible, the Small LECs are undergrounding their facilities, and they have pursued redundancy in their network architectures to ensure that their systems are positioned to “heal” when damage to facilities occurs. During the fires that have occurred in their service territories, the Small LECs have acted

¹ *OIR* at 10-11.

² *OIR* at 3.

as trusted partners and leveraged their local expertise to assist first responders and guide efficient restoration efforts.

These resiliency and emergency preparedness measures are important, and they come at a cost—a cost that the Commission cannot ignore in this proceeding. As the Commission considers the issues in this rulemaking, it should not overlook the cost pressures that Small LECs experience given their predominantly rural service areas and the expense caps that the Commission itself has imposed on the Small LECs’ cost recovery through the “expense caps” in the California High Cost Fund-A (“CHCF-A”).³ The potential benefits of expanded resiliency requirements must be balanced against the potential for dramatic cost increases and compliance burdens for small, rural carriers, who do not have economies of scale or denser, lower-cost urban areas to offset large expenses. For example, if the Commission were to restrict the use of portable generators to fulfill backup power requirements or require expansive emission-free power solutions, the cost could be crippling to the Small LECs, who would be unable to absorb the sweeping mandates of this sort. Network resiliency objectives must be evaluated in light of the associated costs.

From the Small LECs’ perspective, the Commission’s resiliency rules are working appropriately without the need for additional requirements, and the OIR does not identify a compelling basis to expand the geographic scope or substantive extent of the rules. Reliance on “resiliency plans” as the focal point of compliance with D.21-02-029 allows for reasonable variations and modulated solutions to satisfy the Commission’s resiliency objectives. At the same time, the annual filings provide a touch point with the Commission to ensure the flow of information regarding carriers’ compliance and implementation efforts. Based on the OIR, there does not appear to be a problem with the resiliency of wireline networks generally, and the Small LECs’ strong service records make it unnecessary to impose new rules on their resource-constrained operations. Reasonable exemptions for the Small LECs should be pursued in this proceeding, with the understanding that the Commission is already extensively reviewing Small LECs’ resiliency initiatives in their general rate cases. To the extent that the Small LECs are not

³ D.21-06-004 at 43 (O.P. 6-7) (imposing limitations on recovery of overall operating expenses and corporate expenses). These expense caps impose limitations on cost recovery using national metrics developed by the Federal Communications Commission (“FCC”), which do not in themselves apply to intrastate funding and which do not account for the higher operational and regulatory costs of providing service in California.

exempted from any costly rules that are developed here, the Commission should make an express commitment to fund the investments and permit recovery of the compliance expenses that are necessary to fulfill the Commission's directives.

The Small LECs offer the following comments to highlight their concerns as small, rural, rate-of-return carriers. The Small LECs also address each of the Commission's specific questions in the OIR to the extent that they are applicable to the Small LECs' circumstances.

II. SMALL LEC NETWORKS HAVE DEMONSTRATED HIGH LEVELS OF RESILIENCY DURING EMERGENCIES.

Given the rugged, rural terrain that they serve, many of the Small LECs have experienced wildfires in recent years, and their networks have held up admirably in the face of these events. For example, Sierra Telephone Company, Inc.'s ("Sierra") network modernization efforts helped keep service available during the 2022 Oak Fire, which burned 19,000 acres in Mariposa County.⁴ Sierra had engaged in extensive fiber deployment and undergrounding efforts in the area, and these proactive network design decisions led to only minimal damage for Sierra in the face of the Oak Fire.⁵ Similarly, the 2020 Slater Fire burned approximately 157,270 acres in California and Oregon, including significant portions of The Siskiyou Telephone Company's ("Siskiyou") service territory.⁶ Although the incident destroyed certain distribution facilities and two remote nodes in Happy Camp, which impacted under 100 customers' access to dial-tone service, Siskiyou was able to quickly restore service once its personnel were allowed access to the impacted area.⁷ Again, fiber deployment and undergrounding efforts were key to Siskiyou's resiliency and restoration efforts in a rural, low-income tribal area.

These success stories during emergencies demonstrate that there is no need for new rules addressing resiliency, at least as applied to the Small LECs. Where wildfires and other events occur that could threaten carriers' networks, the Small LECs are in regular contact with Communications Division staff, and the Small LECs already have strong incentives to future-proof their networks for long-term reliability. Moreover, based on the OIR, it appears that only

⁴ <https://www.fire.ca.gov/incidents/2022/7/22/oak-fire> (last accessed on September 17, 2025); A.21-11-005, *Sierra Opening Brief* at 81:11-83:5.

⁵ A.21-11-005, *Sierra Opening Brief* at 82:12-14.

⁶ *7/21/21 Safety and Enforcement Division Incident Investigation Report* at 1. The report is available at the following link: <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:f2e3d16b-34ca-3d01-94c7-95ded914141e>.

⁷ A.21-11-007, Exh. Siskiyou-2 (*Apland Opening Testimony*) at 16.

“2% of [high-fire threat districts] Tier 2 and Tier 3 sites remain susceptible to outages due to certain sites that are infeasible to provide backup power to.”⁸ This fact suggests that there is not a problem with wireline networks that would justify new rules here.

III. THE COMMISSION’S REVIEW OF SMALL LEC NETWORKS THROUGH RESILIENCY PLANS AND THE GENERAL RATE CASE PROCESS IS SUFFICIENT TO CONFIRM COMPLIANCE WITH COMMISSION STANDARDS.

Existing procedures already provide ample vehicles for the Commission to review carriers’ resiliency initiatives. The framework established in D.21-02-029 requires that carriers annually submit resiliency plans that address a wide array of operational and facility data, including each carrier’s ability to maintain basic service, detailed outage response plans, inventories of facilities with and without backup power, numbers of backup generators and fueling trucks, ability to replace damaged facilities, identification of responsible personnel, ability to support outage reporting, information regarding backup generators’ compliance with emissions regulations, mutual aid agreements, facilities that do not need or cannot accommodate backup power, and investment plans to improve network resiliency.⁹ Carriers are also required to conduct annual emergency preparedness exercises and maintain public communication plans to provide outage updates to customers and the general public.¹⁰ These materials are provided to Communications Division annually, which gives the Commission ongoing insight into carriers’ resiliency capabilities. The Small LECs note that Communications Division has issued data requests to obtain additional information on specific aspects of carriers’ resiliency plans.

The Small LECs are subject to even higher levels of scrutiny regarding their network architecture, backup power, and emergency response plans. In Small LEC general rate cases, carriers have been called upon to respond to propounded discovery on resiliency and emergency response issues prior to application filings and follow-up requests for information once proceedings are under way.¹¹ The heightened review that the Small LECs experience through

⁸ *OIR* at 4-5.

⁹ D.21-02-029, at 101-103 (OP 1).

¹⁰ *Id.* at 89, 104 (OP 5).

¹¹ *See* D.15-06-048, Appendix A at 2, Table 2 (“Applicant responds to ORA’s Master Data Request (MDR).”) Minimum data requests that the Public Advocates Office (“Cal Advocates”) has propounded on the companies seek extensive information pertaining to carriers’ facilities, network design, and emergency response protocols. These “MDRs” include requests for data regarding continuing property records, test year rate base plant additions, fiber ring infrastructure, outages and complaints, disaster

these cases would make it unnecessary and duplicative to impose expansive rules on them here. Given the distinct service territories and networks of these companies and their unique ratemaking structure, case-by-case review is more appropriate than a one-size-fits-all approach.

IV. THE COMMISSION SHOULD CONSIDER THE COSTS AND BENEFITS OF ANY PROPOSED ADDITIONS TO THE CURRENT RESILIENCY OR EMERGENCY RESPONSE RULES.

Because the Small LECs are already successfully maintaining the resiliency of their facilities under the existing regulatory frameworks, the Commission must carefully consider the incremental benefits and the associated costs of any new or substantially modified requirements. The Commission has an obligation under Public Utilities Code Section 321.1 to assess the consequences of its decisions, including the economic effects, and to mitigate the impacts of its decisions on customer, public, and employee safety. This statutory obligation means that the Commission should not impose duplicative requirements or mandate new measures that will not produce any incremental benefits; the Commission must also avoid placing financial strain on the Small LECs, as significant compliance cost increases could have negative impacts on public safety. For example, a new restriction on the number of portable generators a carrier can use during an emergency or outage, or a mandatory phase-out of portable generators, would require a substantial investment in permanent backup generation that would impose heavy costs on carriers, especially those serving predominantly rural areas. The expense caps in D.21-06-004 put the Small LECs at risk of not being able to recover the costs associated with new compliance requirements. The resulting revenue impacts would negatively affect system operations and maintenance, which in turn could impact public safety and long-term reliability.

V. IF NEW RESILIENCY RULES ARE ADOPTED, REASONABLE EXEMPTIONS FOR SMALL LECS AND DEVIATIONS FROM EXPENSE CAP LIMITATIONS SHOULD BE ADOPTED.

The Commission should adopt exemptions for “small independent telephone corporations,” as defined in Public Utilities Code section 275.6, from any new prescriptive rules

recovery and evacuation plans, Public-Safety Answering Point maps and transmission paths, Enhanced 9-1-1 availability, 9-1-1 routing information, points of contact for maintaining the 9-1-1 database, emergency Designated Single Point of Contact personnel, and list of emergency equipment and maintenance schedule. During these proceedings, companies have been subject to numerous follow-up questions regarding their network service quality, network resiliency and redundancy, and plans to maintain safe and reliable service. *See, e.g.* A.23-10-008 (Ducor Rate Case), Exh. PUBADV-7 (*Selvalakshmirajeswara Opening Testimony*).

or modifications to existing requirements.¹² As discussed throughout these comments, the Small LECs are meeting their resiliency obligations and their programs are subject to extensive Commission oversight and scrutiny already.

Regardless of any exemptions, the Commission should expressly state that the costs incurred to comply with existing and new resiliency requirements are fully recoverable notwithstanding the operating and corporate expense caps adopted in D.21-06-004. That decision stated that, despite the adopted cost caps, there may be situations such as wildfire dangers and public safety power shutoffs that cause the Small LECs to incur additional expenses.¹³ Because ensuring public safety is of great importance, the Commission committed to evaluating and consider authorizing additional funding for the Small LECs if and when such events arise. The disasters and power outages that necessitated the original resiliency requirements adopted in D.21-02-029, and which have prompted the Commission to revisit those requirements in this proceeding, are the type of events the Commission contemplated in D.21-06-004. It is therefore appropriate for the Commission to clarify in this proceeding that the Small LECs can fully recover their resiliency compliance costs without restriction, notwithstanding the “corporate expense cap” and “operating expense limitation” in D.21-06-004.

VI. RESPONSES TO QUESTIONS POSED IN PRELIMINARY SCOPING MEMO.

1. Should the Commission design and implement an enforcement mechanism for non-compliance with the Resiliency Program’s requirements? If so, how should the enforcement mechanism be structured?

There is no need for a predetermined penalty scheme or rigid enforcement mechanism in connection with the resiliency plan submissions. To the extent that an enforcement mechanism is adopted, it should only be applied to carriers who fail to provide the resiliency plan, not to address the contents of plans, which could involve interpretive issues or matters involving judgment that would not be appropriate for a penalty.

2. What data and reporting methods should be required of Communications Service Providers to ensure compliance with the Resiliency Program’s requirements and provision of uniform data sets to facilitate the Commission’s analyses?

The current resiliency plan template is sufficient. The format is flexible enough to accommodate differences between carriers, while providing straightforward information regarding carriers’ practices. The Small LECs reserve the right to offer further comments in

¹² Pub. Util. Code § 275.6(b)(6).

¹³ D.21-06-004 at 27.

response to this question after reviewing other parties' submissions.

3. How should the Commission improve access to resiliency data for state and local government entities and the public while addressing confidentiality concerns?

It is unclear why other state agencies or local government entities would need to access resiliency plans in full, but to the extent that resiliency plans do not contain critical infrastructure information or other confidential material, they could be posted publicly so that the public can review their contents. The Commission should not compel carriers to release materials that would expose critical network components to potential harm, and such disclosures could present public safety concerns. In the Small LECs' experience, the most important interaction with local governments pertains not to resiliency data, but to emergency response planning, and the Small LECs already have protocols in place with many municipal entities to coordinate when wildfires or other events occur. Further action to disseminate resiliency materials is not needed here.

4. How should the Resiliency Program apply to collocated service provider facilities?

The Small LECs do not offer service through collocation in other providers' central offices, so they have no position on this question.

5. What modifications should be made to the Resiliency Program's requirements for large Customer Premises Equipment?

This question is unclear in multiple respects, including ambiguity regarding what "modifications" may be considered and what is intended by the term "large" in connection with Customer Premises Equipment ("CPE"). The Small LECs understand that D.21-02-029 already expressly excludes CPE from the scope of the resiliency rules,¹⁵ and the Small LECs do not believe further requirements are needed in this area, regardless of the size of the CPE in question.

6. How should the Commission define and consider "feasibility" for implementation of the Resiliency Program?

The existing guidelines adopted in D.21-02-029 provide sufficient context for determining whether implementation of resiliency measures is feasible. Carriers are already required to identify facilities that do not require backup power, are unable to support backup power due to safety risks, or are objectively impossible or infeasible to deploy backup power to.¹⁶ Those requirements cover the full spectrum of reasons backup power will not be added to

¹⁵ D.21-02-029 at 62 (agreeing with wireline providers that customers must maintain "separate backup power" to CPE, but that wireline providers are still responsible to "maintain service on their end of the network.").

¹⁶ D.21-02-029 at 81–82.

specific facilities. The Small LECs are not aware of circumstances where the existing requirements have led to dispute or confusion regarding feasibility of installing backup power.

Should the Commission nevertheless decide that a new definition is required, the Small LECs recommend that “infeasible” be a fact-specific assessment, which would include (but not be limited to) situations such as lack of reasonable access to the site, lack of legal right to keep backup power facilities at a specific location, or lack of available space to site backup generation.

7. How should the Commission’s staff evaluate and determine appropriate disposition of service provider claims that implementing 72-hour backup power requirements at specific sites are infeasible?

The Commission already requires carriers to identify facilities where installation of backup power is infeasible or impossible, and to provide a discussion of the actions being taken to mitigate service loss at those locations.¹⁷ It is not necessary to create additional reporting requirements. Moreover, there should be no need for the Commission to adjudicate whether a carrier’s representations regarding infeasibility are credible or correct. Communications Division routinely issues data requests to obtain additional information regarding carriers’ resiliency plans, which is the appropriate mechanism for the Commission to obtain any information it feels would be helpful to supplement the resiliency plans. The Small LECs are intimately familiar with their systems, facilities, and the unique characteristics and terrain of their service territories. The Commission should not second-guess these carriers’ determinations that specific facilities cannot accommodate backup power, as the Small LECs already have strong incentives to install backup power wherever it is feasible to ensure continuity of service.

8. Should the Resiliency Program be extended beyond HFTD Tier 2 and Tier 3 areas to include other areas, such as those areas frequently impacted by disasters, other communities frequently impacted by PSPS events, and the equipment served from non-HFTD area or statewide? If so, how should the Resiliency Program be extended?

The resiliency program should remain focused on Tier 2 and Tier 3 High Fire Threat Districts (“HFTD”), which is sufficiently broad to encompass potential wildfire-related disasters and the vast majority of the electric utilities’ preventive power shutoff events. Extending the program outside the HFTD would impose significant financial burdens on the Small LECs, and it is not clear that the incremental benefit, if any, would be commensurate with the costs. The

¹⁷ *Id.* at 81.

Small LECs are not aware of a record of outages outside the HFTD that would justify expanding the program.

9. When relying upon mobile generators to fulfill 72-hour backup power requirements, what ratio of mobile generators to sites served is necessary to ensure system resilience performance at levels similar to facilities supported by non-mobile backup power supplies? At what maximum distance should mobile generator storage be from each site the generator serves to ensure timely deployment during adverse access conditions (such as during or immediately after severe storms, floods, earthquakes or wildfires)?

The Commission should continue to rely on the carriers' determinations in their annual resiliency plans regarding the number of mobile generators necessary to ensure their facilities can provide basic service. The Commission should not impose a fixed ratio of generators to sites served, nor should the Commission prescribe a maximum distance between mobile generator storage and facility sites. The adequacy of a carrier's mobile generator fleet, as well as the reasonableness of the carrier's generator storage locations, will vary significantly from carrier to carrier based on service area, terrain, facilities, outside plant labor resources, distance between sites, existence and condition of roads and highways between sites, accessibility of areas in the service territory, disaster and outage risk profiles, and many other factors. It is impossible to craft a one-size-fits-all solution, and even a "fits-some" approach is infeasible in this context. The Commission is already able to evaluate the sufficiency of each carrier's mobile generator resources and deployment through the resiliency plans; attempting to adopt more uniform requirements will not actually bolster resiliency.

10. Are there technological advancements that can improve resiliency that should be adopted by the Commission? If so, how should the Commission require those technological advancements as part of the Resiliency Program?

The Commission should not mandate the use of specific technologies to improve resiliency. Instead, the Commission should consider technology solutions proposed by individual carriers that meet their specific facility and operational characteristics. From the Small LECs' perspective, there are two issues that the Commission should consider. First, the enhanced deployment of fiber reduces the number of remote terminal and cabinets, which are above-ground facilities that are more exposed to fire and natural disaster risks. Undergrounding becomes more ubiquitous as more fiber is deployed, which allows networks to become scalable without the need for as many distribution "nodes" or remote terminals. Second, where feasible, line-power (using copper lines to power fiber all the way to the customer premise) can be used, and it should be an approved cost. The Small LECs recognize that line-power is not universally

available, but it is an important resiliency tool and the Commission should enable its use where practicable and ensure that the associated investments are included in rate base.

It is critical that the Commission continue to support cost recovery for companies that are engaged in undergrounding, fiber deployment, and line-power solutions. These resiliency measures require significant investment, particularly in the rural areas that are especially dependent on them. The critical nature of such public safety investments is potentially at odds with the expense cost caps on Small LEC rate recovery imposed by D.21-06-004. As discussed above, D.21-06-004 identified exceptions to the cost caps for public safety-related expenditures. The Commission must expressly authorize the Small LECs to recover their costs to comply with any existing and new resiliency requirements, regardless of the limits imposed by the cost caps.

11. Do the Resiliency Program requirements ensure system resilience in ESJ communities? If not, what are the resilience deficiencies and how can the system resilience requirements in ESJ communities be changed to ensure system resilience performance at levels similar to those in non-ESJ communities?

Resiliency is a key component to providing safe and reliable service, and customers in rural areas must have access to reliable service to the same extent as customers in urban areas. The resiliency program's requirements support basic communications services in rural communities that face elevated wildfire and outage risk and that are often under-served. It is not clear to the Small LECs that the current resiliency program needs to be changed in order to ensure resiliency for ESJ communities. Existing requirements are sufficient to ensure basic service, regardless of the specific community.

12. Do the Resiliency Program requirements ensure system resilience for accessible communication services used by those with access and functional needs? If not, what are the resilience deficiencies and how can the system resilience requirements be changed to ensure system resilience performance for accessible communication services used by those with access and functional needs?

The Small LECs do not have comments on this question at this time, but reserve the right to submit reply comments.

13. Should the Commission update existing requirements for providers to transition their 72-hour backup power sources to generation technologies that emit lower to no greenhouse gas emissions? If so, what parameters should the Commission establish for this requirement?

The Small LECs support the Commission's overarching goal of moving to greener solutions where feasible. Indeed, several of the Small LECs have already adopted or are exploring lower-emissions backup power solutions, including hydrogen fuel cells and solar power. Several of the Small LECs also rely on line-power, as discussed above. While this

solution is not universally available, it is “green.”

The question of whether the Commission should mandate a transition to lower-emission backup power must be examined in the context of practical considerations. Backup power is a significant expense regardless of the technology, but greener solutions tend to be more expensive than traditional generation. The costs of pursuing lower-emission solutions should be considered in the carriers’ rate cases where the Commission can evaluate the costs and benefits of such solutions on an individual basis. A one-size-fits-all solution does not exist, given the unique characteristics of each carrier’s service area and customer base. The Commission should continue to encourage carriers to transition to greener backup power solutions, and should support those efforts in the carriers’ rate cases, but the Commission should not issue a blanket mandate that holds all carriers to specific obligations regardless of their operational characteristics. The Small LECs’ individualized ratemaking procedures, driven by general rate cases, make this case-by-case treatment especially appropriate.

VII. CONCLUSION.

The Small LECs have unique service territories and ratemaking dynamics that differ from all other telecommunications carriers in California. The Commission should ensure that it considers the Small LECs’ constrained resources, rural service territories, and cost recovery limitations as it navigates the issues in this proceeding.

Respectfully submitted this 30th day of September 2025.

Patrick M. Rosvall
Chan Q. Vu
BRB Law LLP
492 Ninth Street
Oakland, CA 94607
Phone: (510) 955-1081
Email: patrick@brblawgroup.com
By: /s/ Patrick M. Rosvall
 Patrick M. Rosvall

Attorneys for the Small LECs