



STATE OF CALIFORNIA

GAVIN NEWSOM, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

10/15/25

01:42 PM

A1807011

October 15, 2025

Agenda ID # 23815
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 18-07-011, *et al.*:

This is the proposed decision of Administrative Law Judge Robert M. Mason III. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's October 30, 2025, Business Meeting. To confirm when the item will be heard, please *see* the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, *ex parte* communications are prohibited pursuant to Rule 8.2(c)(4).

/s/ MICHELLE COOKE

Michelle Cooke

Chief Administrative Law Judge

MLC:abb

Attachment

Decision **PROPOSED DECISION OF ALJ MASON (Mailed 10/15/2025)****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Joint Application of Sprint Communications Company L.P. (U-5112) and T-Mobile USA, Inc., a Delaware corporation, for Approval of Transfer of Control of Sprint Communications Company L.P. Pursuant to California Public Utilities Code Section 854(a).

Application 18-07-011

And Related Matter.

Application 18-07-012

**DECISION ON CENTER FOR ACCESSIBLE TECHNOLOGY'S
PETITION FOR MODIFICATION OF D.20-04-008**

Summary

This decision denies the *Center for Accessible Technology's Petition for Modification of [Decision (D.)] 20-04-008* because it fails to meet the requirements of Rule 16.4 of the Commission's Rules of Practice and Procedure. Rather than ask the Commission to make changes to D.20-04-008, the Center for Accessible Technology requests that the Commission reopen Applications 18-01-011 and 18-07-012 to enforce Ordering Paragraphs 32-37 of D.20-04-008. These Ordering Paragraphs address diversity obligations that were conditions of the merger authorization between Sprint Communications Company L.P. and T-Mobile USA, Inc. Such enforcement relief is not appropriate as part of a Petition for Modification.

While we are denying the *Petition for Modification*, we note that D.20-04-008 provides Commission staff with mechanisms to monitor and ensure compliance with the approved terms of the merger between T-Mobile and Sprint. CFAT may reach out to Commission staff and inquire about the Compliance Monitor's work to ensure T-Mobile's compliance with D.20-04-008, as well as about the development and enforcement of the citation program.

1. Background

1.1. Factual Background

On July 13, 2028, Sprint Communications Company L.P. (Sprint) and T-Mobile USA, Inc. (T-Mobile) filed a *Joint Application for Approval of Transfer of Control of Sprint Communications Company L.P.*

Following evidentiary hearings, on April 27, 2020, the Commission issued D.20-04-008 which approved the transaction with conditions. The Commission imposed conditions regarding diversity, equity, and inclusion that are set forth in Ordering Paragraphs 32-37:

32. New T-Mobile shall strive to achieve and maintain a diverse board of directors that includes substantial representation by people of color. New T-Mobile shall evaluate the makeup of its Board on an ongoing basis, encourage its stockholders to select diverse candidates to fill Board vacancies, and propose a diverse pool of candidates for its stockholders to consider when filling vacancies.
33. New T-Mobile shall continue to have a Diversity and Inclusion Office led by a Vice President with budgetary and decision-making authority to ensure that diversity is integrated into all aspects of the company and is among the company's core values.
34. New T-Mobile shall continue to have a Vice-President of Governmental Affairs who works with community

organizations on policy matters, technology needs, and investment.

35. New T-Mobile shall strive to increase the diversity of its workforce in California at all levels to reflect the diversity of communities where it operates. It shall conduct (and enhance existing) mentoring, outreach, recruiting, development and training programs that provide meaningful opportunities for employment and advancement.
36. New T-Mobile shall support and partner with local trade schools and other community and civic organizations in California to train and/or certify individuals for employment in the wireless, telecommunications, or technology industries. New T-Mobile shall invest in local community programs designed to prepare people of color and other diverse individuals to succeed in the workplace, including mentoring programs to enhance opportunities for upward mobility from entry-level to mid-level and senior management.
37. New T-Mobile shall strive to substantially increase, over the next three years, its diverse supplier spending in California. It shall establish specific goals in this area, including goals for the use of minority-owned banking, accounting, other financial, and legal services companies. New T-Mobile's goal for five years following the merger shall be to exceed T-Mobile's 22.88% annual diversity spending in California in 2019.

The proceedings were closed on April 27, 2020.¹

On February 12, 2021, the Commission approved Resolution T-17722, approving a Citation Program under the administration of Commission Staff to

¹ As we explain in detail, *infra*, there were some instances when the proceedings were reopened and later closed again.

assure T-Mobile USA, Inc.'s compliance with the requirements contained within the Ordering Paragraphs of Decision 20-04-008.

1.2. Procedural Background

On April 10, 2025, Center for Accessible Technology (CFAT) tendered two pleadings for filing: first, *CFAT's Motion for Party Status*; and second, CFAT's *Petition for Modification of D.20-04-008 (Petition)*. These pleadings were eventually accepted for filing on April 10, 2025, and April 11, 2025, respectively.

On April 25, 2025, T-Mobile filed its *Response to the Motion for Party Status*, arguing that CFAT cannot file a motion or become a party in a proceeding that is closed. As support, T-Mobile cites Rule 11.1(a) (Motions), which provides that the purpose for any motion at the Commission is for the Commission or Administrative Law Judge to "take a specific action related to *an open proceeding* before the Commission." (*Italics added.*) In addition, CFAT cites Rule 1.4(b)(2) (Party Status), which requires the moving party to "state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented." T-Mobile reads Rule 1.4(b)(2) as requiring an open proceeding before a Motion for Party Status can be heard.

T-Mobile also opposes the *Petition*, arguing that it fails to suggest any changes to D.20-04-008 as required by Rule 16.4(b).

On May 12, 2025, The Utility Reform Network (TURN) filed its *Response to CFAT's Petition*. TURN claims the Petition is timely and presents evidence that T-Mobile is not complying with the diversity-related merger conditions included in D.20-04-008. TURN further requests that the Commission enforce the diversity conditions contained in Ordering Paragraphs 32-37 of D.20-04-008.

On May 12, 2025, T-Mobile filed its *Response* to the *Petition*, arguing that it fails to suggest any changes to D.20-04-008 as required by Rule 16.4(b).

On July 25, 2025, CFAT filed a *Motion for Official Notice* and asked that the Commission take official notice of the following:

1. A March 27, 2025, letter from Mark W. Nelson, Executive Vice President and General Counsel, T-Mobile US, Inc., detailing T-Mobile's elimination of its diversity, equity, and inclusion initiatives.
2. A July 8, 2025, letter from Mark W. Nelson, Executive Vice President and General Counsel, T-Mobile US, Inc., detailing T-Mobile's elimination of its diversity, equity, and inclusion initiatives.
3. A Federal Communications Commission Public Notice re: Domestic Section 214 Application for the Transfer of Control of Subsidiaries of the Lumos Fiber Entities to Trailblazer Holdco, LLC (March 28, 2025);
4. Memorandum Opinion and Order, In the Matter of Applications of T-Mobile US, Inc. and United States Cellular Corporation for Consent to Transfer Control of Licenses, Authorizations, and Leases, GN Docket No. 24-286 (July 11, 2025).

For the reasons that follow, we deny CFAT's *Motion for Official Notice* because it is moot.

1.3. Submission Date

Not applicable.

2. Discussion and Analysis

2.1. Motion for Party Status

Motions for Party Status are governed by Rule 1.4.(b). The moving party must "state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented." While not expressly stated in the language of the Rule, the

Commission has interpreted Rule 1.4.(b) to apply to Motions for Party Status in an open proceeding. (See D.10-07-042 at 96 [motion for party status denied “because there are no further formal opportunities for parties to participate” in the proceeding.”].) Such an interpretation is consistent with the requirement in Rule 11.1(a) that all motions must be filed in an open proceeding. (See D.22-11-007 at 12, footnote 15 [“Pursuant to Rule 11.1, a motion may only be filed in an open proceeding.”].)

Here, A.18-07-011 and A.19-07-012 went through various openings, closures, re-openings, and closures that all occurred years before CFAT attempted to participate in this proceeding.² Therefore, CFAT’s *Motion for Party Status* is denied as there wasn’t an open proceeding for CFAT to participate in when its *Motion* was tendered for filing on April 10, 2025. The proceeding was reopened on April 11, 2025, with the filing of the *Petition*.

2.2. Petition for Modification

Denying CFAT’s *Motion for Party Status* does not, however, automatically resolve CFAT’s *Petition*. That is because pursuant to Rule 16.4(e), the petitioner need not be a party to the proceeding when it files the petition. Instead, the petitioner who is not currently a party “must state specifically how the petitioner

² With the issuance of D.20-04-008, Applications 18-07-011 and 18-07-012 were closed on April 27, 2020. The Applications were reopened on May 7, 2020, when the Consumer Groups (Public Advocates Office, Greenlining Institute, and TURN) filed their *Joint Application for Rehearing*. D.20-08-022 modified D.20-04-008, denied the *Joint Application for Rehearing*, and closed the Applications on August 6, 2020. The Applications were reopened on August 13, 2021, when the assigned Commissioner and assigned Administrative Law Judge issued their *Order to Show Cause* directing T-Mobile to explain why it should not be sanctioned for violating Rule 1.1. The Applications were closed on November 7, 2022, when the Commission issued D.22-11-005, finding that T-Mobile should be sanctioned for violating Rule 1.1.

is affected by the decision and why the petitioner did not participate in the proceeding earlier.”

CFAT fails to satisfy the requirements of Rule 16.4(e). CFAT does not provide any specifics about how CFAT’s interests are affected by T-Mobile’s alleged noncompliance with Ordering Paragraphs 32-37 of D.20-04-008. To the contrary, CFAT alleges that it represents individuals with disabilities, including small business owners with disabilities. Per CFAT, the Commission’s Supplier Diversity Program includes Disabled Veteran Businesses (DVBs) and Persons with Disabilities Businesses (PWDBs). CFAT argues that T-Mobile’s alleged, “...failure to participate in the Commission’s Supplier diversity Program could deprive DVBs and PWDBs of access to critical business opportunities.” (*Petition* at 7.) Yet these claims of potential future deprivations of DVB and PWDB business opportunities are speculative, are unsupported by a declaration or affidavit as required by Rule 16.4(b), and, therefore, fail to satisfy Rule 16.4(e)’s requirement that the petitioner demonstrate how it is *currently* being “affected.” (See D.10-09-004 at 2 [rejecting speculative claims as a basis for modifying a Commission decision].)

Even more problematic with CFAT’s *Petition* is that it fails to meet the requirements of Rule 16.4(a) and (b). Rule 16.4(a) states that the petition must ask the Commission to, “...make changes to an issued decision[.]” and Rule 16.4(b) states that a petitioner seeking modification relief “...must propose specific wording to carry out all requested modifications to the decision.” Rather than propose modifications to D.20-04-008, CFAT “...requests that the Commission reopen the proceeding for the purposes of enforcing Ordering Paragraphs 32-37 of D.20-04-008[.]” (*Petition* at 1; and 8.)

CFAT's failure to meet these requirements is fatal to its *Petition*. The Commission does not permit a party to use a petition as a means to obtain relief not contemplated by Rule 16.4 (*See, e.g.,* D.09-07-014 at 9-10 ["The purpose of a Petition for Modification...is to ask the Commission to make changes to an issued decision....As in D.08-01-019, we will not allow CE Council to use this Petition as a substitute for an Application for Rehearing."].) CFAT fails to offer any reason why the Commission can or should deviate from its adherence to the plain requirements of Rule 16.4.

In closing, we note that while the *Petition* is denied, D.20-04-008 does provide Commission staff with mechanisms to monitor and ensure compliance with the approved terms of the merger between T-Mobile and Sprint. Under "J. ENSURING COMPLIANCE" of D.20-04-008, the Ordering Paragraphs provide the following direction to Commission staff to hire a Compliance Monitor and to develop a citation program:

38. Compliance Monitor and Enforcement. Within 120 days of the effective date of the Commission decision approving the merger, CPUC shall hire, at New T-Mobile's expense, an independent monitor to review New T-Mobile's compliance with all its commitments herein. The compliance monitor shall meet initially with Staff within 30 days of being hired and at least quarterly thereafter to report on New T-Mobile's adherence to the conditions imposed by this decision.
39. The Compliance Monitor will make semi-annual findings on merger compliance and/or lack of compliance. For the instances where the New T-Mobile is out of compliance, the Compliance Monitor will recommend a penalty to bring T-Mobile into compliance and forward his findings and recommendation to the Director of the Commission's Communications Division and the Attorney General. The Attorney General may enforce this Order either pursuant

to Public Utilities Code Sections 702 and 2101, or under its independent authority, and such enforcement actions would not interfere with the Commission's authority but would be complementary. The CPUC shall develop a citation program that can be utilized to impose penalties on New T-Mobile for violations of the terms of this decision.

CFAT may reach out to Commission staff and inquire about the Compliance Monitor's work to ensure T-Mobile's compliance with D.20-04-008, as well as about the development and enforcement of the citation program.

3. Summary of Public Comment

Rule 1.18 allows any member of the public to submit written comments in any Commission proceeding using the "Public Comment" tab of the online Docket Card for that proceeding on the Commission's website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding.

There are no relevant public comments on the Docket Card.

4. Procedural Matters

This decision affirms all rulings made by the Administrative Law Judge and assigned Commissioner in this proceeding. All motions not ruled on are deemed denied.

5. Comments on Proposed Decision

The proposed decision of Administrative Law Judge Robert M. Mason III in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____ by _____.

6. Assignment of Proceeding

President Alice Reynolds is the assigned Commissioner, and Robert M. Mason III is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Applications 18-07-011 and 18-07-012 were closed on April 27, 2020.
2. Applications 18-07-011 and 18-07-012 were reopened on August 13, 2021, to address the Commission's Order to Show Cause.
3. Following the issuance of D.22-11-005, Applications 18-07-011 and 18-07-012 were again closed on November 7, 2022.
4. During the time in which Applications 18-07-011 and 18-07-012 were open, CFAT never sought to become a party to the proceedings.

Conclusions of Law

1. It is reasonable to conclude that CFAT's *Motion for Party Status* should be denied because it was tendered at a time when A.18-07-011 and A.18-07-012 were closed.
2. It is reasonable to conclude that CFAT's *Petition for Modification* should be denied for failing to comply with the requirements of Rule 16.4.
3. It is reasonable to conclude that CFAT's *Motion for Official Notice* should be denied as moot.

O R D E R

IT IS ORDERED that:

1. Center for Accessible Technology's *Motion for Party Status* is denied.
2. Center for Accessible Technology's *Petition for Modification* is denied.
3. Center for Accessible Technology's *Motion for Official Notice* is denied.
4. Applications 18-07-011 and 18-07-012 are closed.

This order is effective today.

Dated October __, 2025, at San Francisco, California