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Rulemaking 20-09-001

**REPLY OF CTIA
TO OPPOSITION OF THE UTILITY REFORM NETWORK AND CENTER FOR
ACCESSIBLE TECHNOLOGY TO
CTIA'S PETITION FOR MODIFICATION OF DECISION 21-10-020**

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Pursuant to Rule 16.4(g) of the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), and consistent with leave granted by Administrative Law Judge Glegola by email dated November 17, 2025, CTIA respectfully submits this reply to the Opposition of the Utility Reform Network and Center for Accessible Technology (“Joint Response”) to the Petition for Modification (“Petition”) of Decision (D.) 21-10-020 in the above-captioned docket.

I. INTRODUCTION AND SUMMARY.

CTIA appreciates that Administrative Law Judge Glegola has granted leave to file this reply, which is narrowly targeted to address the Joint Response’s inaccurate characterization that CTIA’s Petition for Modification (Petition) is based on “dubious factual claims” and seeks to relitigate matters decided by the Commission. The Petition requests two modest, targeted changes to the Ordering Paragraphs of D.20-10-020:

- Clarification that wireless service outages not caused by damage to or destruction of a wireless provider’s network facilities (i.e., situations that will not prompt repair or rebuilding of wireless facilities) do not trigger the requirement to meet with community leaders; and
- Where wireless providers’ network facilities *are* damaged or destroyed in a disaster, clarification that wireless providers’ community meeting obligations are discharged if local community leaders decline to meet or the meeting takes place virtually.

As discussed below, contrary to the claims in the Joint Response, there are sound factual bases for the Petition’s requested modifications to D.20-10-020, and these targeted changes do not seek to relitigate any issues that the Commission settled in that decision. The Petition offers the opportunity to resolve confusion about the scope of the community engagement requirements while preserving all of the goals that the Commission sought to achieve in D.21-10-020.

II. THE PETITION RESTS ON SOUND FACTUAL BASES.

The Joint Response asserts that the Petition rests on “dubious factual claims”¹ and “does not persuasively assert any relevant changed facts,”² but the factual bases for the Petition are well founded.

Outages With No Facilities Damage. The Petition seeks clarification regarding the need for community meetings when no repair or rebuilding will occur on the basis that, within the past year, “Staff’s interpretation of the scope of the requirements has changed, and Staff now expects community meetings for any service outage resulting from a declared disaster regardless of cause or duration.”³ This is demonstrably true.

The Joint Response *itself* cites Advice Letter filings approved by Communications Division Staff in prior years that involved restoral work alone, and in which the filer indicated that the community engagement requirement did not apply.⁴ This is also apparent from other

¹ Joint Response at 5.

² *Id.* at 4.

³ Petition at 2.

⁴ Joint Response at 6 n.23, *citing* AT&T Mobility Wireless Operations Holdings, Inc. d/b/a AT&T Mobility (U-3021-C) (AT&T Mobility), AL No. 191 (filed Nov. 12, 2021) (omitting reference to OP 5 entirely); AT&T Mobility AL No. 194 at 3 (filed Jan. 21, 2022) (AT&T Mobility “is not required to meet with the impacted communities”). Although various Advice Letter filings (and, indeed, D.21-10-020 itself) use the term “restoral” in different ways, CTIA’s Petition addresses only disaster-related outages with no damage to or destruction of wireless facilities.

Advice Letters submitted in prior years.⁵ In response to a filer inquiry, Communications Division Staff specifically clarified that “there is no requirement to have to meet in-person with the impacted community [where] the damages did not require a rebuild.”⁶ The Communications Division Staff’s prior interpretation also aligned with the longstanding (and, as far as CTIA is aware, current) interpretation of the Energy Division Staff, which approves Advice Letter filings under the identical community engagement provision for electric utilities for restoral work alone without community meetings.⁷

The Communications Division Staff’s interpretation changed, however, in the middle of 2025, when Staff began suspending Advice Letter filings from providers that did not engage in community meetings in such circumstances.⁸ Staff’s new interpretation is that “[t]here is no exception” to the community engagement requirement.⁹ Thus, the premise of the Petition—that

⁵ See, e.g., AT&T Mobility AL 213 (filed Sept. 11, 2023) (“Community engagement pursuant to Ordering Paragraph 5 of the Decision is not required because there are no facilities or equipment to be restored or rebuilt.”); see also T-Mobile West LLC (U 3056-C) Advice Letter 54, at 2 (filed Aug. 12, 2024) (reporting a cell outage per D.19-08-025 and noting that, although D.21-10-020 “seems to also require” Advice Letter filings for service outages following disasters, that requirement “seems limited to situations where a carrier’s facilities are damaged by the event such that they require rebuilding”); Cellco Partnership dba Verizon Wireless (U 3001-C) (Verizon Wireless) Advice Letter 368 (filed Jan. 14, 2022) (reporting network outage following winter storm disasters per D.19-08-025; approved with no concurrent filing per D.21-10-020).

⁶ Email from Jessica Rodriguez, Communications Division, CPUC, to Ross Johnson, AT&T, regarding Advice Letter 49865 (Jan. 27, 2025) (CD January 27 Email) (Attachment 1).

⁷ See, e.g., Southern California Edison (U 338-E), Advice Letter 5587-E (filed July 22, 2025) (“Because this was a service restoration effort requiring immediate action, SCE did not engage with community stakeholders prior to the restoration work as contemplated by OP 2 of D. 21-10-020 prior to commencing the work. Accordingly, SCE will not be submitting a second Advice Letter as contemplated in OP 3.”).

⁸ See, e.g., Letter from Anna Maria Johnson, Deputy Executive Director, Broadband and Communication, CPUC, to Steve Kukta, Director and Senior Counsel, T-Mobile, suspending Advice Letter 59 (May 7, 2025) (Attachment 2); Letter from Anna Maria Johnson, Deputy Executive Director, Broadband and Communication, CPUC, to Rex Knowles, Director, External Affairs, Verizon Wireless, suspending Advice Letter 412 (Aug. 1, 2025) (Attachment 3).

⁹ Letter from Anna Maria Johnson, Deputy Executive Director, Broadband and Communication, CPUC, to Karl Wardin, Regional VP, Regulatory, AT&T, suspending Advice Letters 232 and 49960 (May 7, 2025) (CD May 7 Letter) (Attachment 4). See also Joint Response at 9 n.31 (citing this letter).

Staff's interpretation of the community engagement obligation has changed within the past year—is factually accurate.

The Joint Response's assertion that it "is not, and has never been, the position of the Commission" that the post-disaster community engagement requirements do not apply in such situations is plainly inaccurate.¹⁰ The Joint Response's attempt to present this change as simply an evolution in *providers'* interpretation of the requirements disregards the underlying, demonstrable change in *Staff's* criteria for approval of these filings, which is the issue the Petition seeks to address.¹¹ The Joint Response also attempts to show that some parties to this proceeding may not have been aware of or relied upon Staff's earlier, less expansive interpretation of the community engagement requirement.¹² But—even if true—that information would have no bearing on the fact that Staff's interpretation of the requirement changed materially in the past year, which is the entirely valid basis for the Petition, which seeks to clarify the scope of the requirement.

Community Declines Meeting. The Petition also requests a modification to D.21-10-020 because CTIA members' experience with the community engagement requirements over the last four years has revealed that, in some cases, wireless providers request in-person meetings with local officials as required, but the local officials cannot meet within 30 days, decline to meet at all, do not respond, or prefer to meet virtually rather than in person.¹³ The Joint Response urges the Commission to reject this request as untimely because three wireline provider Advice Letters were filed in the year following the release of D.21-10-020 "in which local government

¹⁰ Joint Response at 2.

¹¹ *Id.* at 8-9.

¹² *Id.* at 6-10.

¹³ Petition at 7-8.

representatives did not respond to invitations to engage or affirmatively declined to participate.”¹⁴ In other words, the Joint Response acknowledges that the request is meritorious, but urges the Commission nevertheless to reject it solely on procedural grounds. Notably, however, none of the cited Advice Letters were filed by CTIA members (nor even wireless providers), but these three filings are representative of a larger issue that the Petition seeks to address. In any event, the Commission “has not applied the ... timing requirements of Rule 16.4 and its predecessor, Rule 47, in a mechanical way” where the underlying request is meritorious,¹⁵ as is the case here, as discussed below in Section III.

III. THE PETITION REQUESTS VERY LIMITED CHANGES TO D.21-10-020 AND DOES NOT SEEK TO RELITIGATE RESOLVED ISSUES.

As noted above, the Petition requests targeted modifications to D.21-10-020 to address only two narrow substantive issues arising out of the community engagement obligation—(1) the need for community meetings when no repair or rebuilding will occur, and (2) clarifying that a wireless provider’s community meeting obligation is discharged when local officials decline to meet with communications providers following a disaster, or the meeting takes place virtually.¹⁶ To be clear, the Petition would *not* exempt communications providers from the community engagement requirements in cases where communications providers replace damaged or destroyed network facilities on a like-for-like basis.

Contrary to the Joint Response’s assertions, the Petition does not challenge any of the Commission’s policy determinations in D.21-10-020 or seek to relitigate any issues resolved in that decision. Specifically, the Petition does *not* request any modification of the Commission’s

¹⁴ Joint Response at 9.

¹⁵ D. 13-07-018 at 8.

¹⁶ *See supra* Section I.

determinations that communities and communications providers will benefit from greater engagement following disasters,¹⁷ that community engagement requirements are within the scope of the Commission’s authority,¹⁸ or that such engagement is not an undue drain on resources.¹⁹ To the contrary, granting the Petition will make clear that communications providers are required to conduct community meetings whenever a declared disaster causes damage to or destruction of their communications network facilities.

The Petition also does not seek to “relitigate” any issue that the Commission definitively resolved in D.21-10-020.²⁰ As to the applicability of the community engagement requirement to outages involving no destruction of or damage to wireless network facilities, the discussion above shows that different parties, different Divisions of Commission Staff, and indeed the Communications Division Staff itself at different times, have interpreted D.21-10-020 differently.²¹ As such, the Joint Response is in error when it asserts that “the plain language of Ordering Paragraph 4 ... shows the intent of the Commission ... also to include other outages affecting California residents.”²² Indeed, Ordering Paragraph 4 sets the deadline for filing the first Tier 1 Advice Letter at “15 days from when [communications providers] are allowed into a disaster area *to assess the damage to their facilities.*”²³ Further, Ordering Paragraph 5 (which establishes the community meeting requirement itself), directs communications providers to “meet in person with the impacted community *to allow an opportunity to discuss any rebuilding*

¹⁷ Joint Response at 2, 4.

¹⁸ *Id.* at 1, 5.

¹⁹ *Id.* at 3.

²⁰ *Id.* at 4.

²¹ *See supra* Section II.

²² Joint Response at 3.

²³ D.21-10-020 at 27, OP 4 (emphasis added).

plans and consider incorporating any comments made by the affected community while working on their restoration.”²⁴ These provisions appear to have been the basis for the Communications Division’s prior, reasonable interpretation that “there is no requirement to have to meet in-person with the impacted community [where] the damages did not require a rebuild.”²⁵ Yet, several months later, the Communications Division found that the same language provides “no exception ... for service restoration versus rebuild effort.”²⁶

The Petition presents the Commission with the opportunity to clarify the scope of the community meeting obligations with modest modifications that are entirely consistent with the Commission’s goals and intent in D.21-10-020. As the Petition explains, “where the wireless provider is not engaging in repairs or rebuilding of its wireless network, the wireless provider’s engagement with the community would be of limited or no value, and service often is restored before any community meetings could occur. As a result, such cases do not provide the kind of opportunity for meaningful community input or engagement that the Commission contemplated in planning for repairs or restoration following damage to the wireless provider’s own facilities.”²⁷

D.21-10-020 also did not explicitly consider what should happen if local officials decline to meet with a communications provider following a disaster, do not respond to requests to meet, wish to meet more than 30 days later, or prefer to meet virtually rather than in person.²⁸ The Joint Response does not attempt to argue that the Commission addressed these circumstances in

²⁴ D.21-10-020 at 28, OP 5 (emphasis added).

²⁵ CD January 27 Email.

²⁶ CD May 7 Letter. *See also* Joint Response at 9 n.31 (citing this letter).

²⁷ Petition at 6.

²⁸ *See* D.21-10-020 at 19; *see also id.* at 28, OP 5.

D.21-10-020, and explicitly recognizes that providers have to file, and Commission Staff has to approve, Advice Letters effectively stating that the provider is unable to comply with the plain terms of that decision due to circumstances entirely beyond their control.²⁹

Contrary to the Joint Providers' claims, clarifying these issues as requested in the Petition will not in any way "relax requirements around community engagement,"³⁰ or remove "the burden on *providers* to engage meaningfully with local communities."³¹ Providers will remain obligated to conduct timely, in-person meetings with any community wishing to do so. The requested clarifications will simply address real-life circumstances not explicitly contemplated in D.21-10-020, and clarify that wireless providers' community meeting obligation is discharged when local officials decline to meet with communications providers following a disaster, or when such a meeting occurs virtually. The requested clarifications also will promote compliance with Commission requirements by eliminating an identified set of circumstances in which regulated entities currently must submit, and Commission Staff must approve, Advice Letter filings that do not comply with the facial terms of a Commission Decision.

Finally, the Joint Response suggests that the Petition's proposed modifications to D.21-10-020 are "substantive" and therefore "should be sought through the rulemaking process."³² CTIA does not agree that the proposed modifications require a new rulemaking, and the Joint Response offers no legal citations for its position that is contrary to the Commission's broad authority to modify its decisions,³³ as well as precedent upholding the Commission's authority to

²⁹ Joint Response at 9-10.

³⁰ *See id.* at 5; *see also id.* at 10 (arguing that clarification of this issue "would effectively narrow the requirement").

³¹ *Id.* at 10 (emphasis in original); *see also id.* at 5 ("the Commission should retain its existing requirement that the provider bears the responsibility....").

³² *Id.* at 8.

³³ *See, e.g.,* Public Utilities Code § 1708; Rules of Practice & Procedure, Rule 16.4.

make changes to decisions via petitions for modification.³⁴ Insisting on a rulemaking here would only delay the Commission's ability to provide clarity in a manner that is consistent with all of its goals in D.21-10-020.

IV. CONCLUSION

The Petition seeks only reasonable clarifications that are consistent with D.21-10-020, and CTIA requests that the Commission consider the Petition and grant the requested modifications.

Respectfully submitted November 17, 2025, at San Francisco, California.

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³⁴ See, e.g., D.13-07-018 (modifying a ten-year-old decision allowing construction of an above-ground electric transmission line to require undergrounding of the line); D.94-01-049 (denying a petition for rehearing because pending "petitions for modification are the proper vehicle to address these substantive policy questions").