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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 RURAL COUNTY REPRESENTATIVES OF CALIFORNIA ON ADMINISTRATIVE LAW JUDGE'S RULING ISSUING STAFF PROPOSAL

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I. Introduction

Pursuant to Rule 6.2 of the California Public Utilities Commission ("Commission" or "CPUC") Rules of Practice and Procedure, the Rural County Representatives of California ("RCRC") submits comments to *Administrative Law Judge's Ruling Issuing Staff Proposal for Comment* ("Ruling" or "Staff Proposal"), issued December 15, 2025, and revised via email ruling on January 6, 2026 by Administrative Law Judge Thomas J. Glegola to extend the comment deadline. RCRC is an association of forty rural California counties, and our Board of Directors is comprised of an elected Supervisor from each of our member counties. RCRC was granted party status on July 25, 2024, via an e-mail ruling from ALJ Glegola.

II. Discussion

As the Commission evaluates potential updates to California's Carrier of Last Resort (COLR) framework, RCRC urges that any reform continue to uphold the principles of universal access. While the deployment of next-generation networks and high-speed broadband[1] should be encouraged, modernization must occur equitably, and with explicit safeguards, especially in high-cost, rural and frontier regions where residents and small businesses rely heavily on basic voice service on the copper network as an essential safety-net for public safety, emergency response, and economic participation.

[1] High-speed broadband, at a minimum, is 100/20 Mbps as defined by the FCC.

Advancements in technology should strengthen, not weaken, the ubiquity, resiliency, and functionality of voice-grade telecommunications that Californians depend on.

The Staff Proposal describes the Commission's longstanding commitment to universal service; however, the Staff Proposal also fundamentally contradicts that commitment by envisaging scenarios in which *no* provider of last resort exists, potentially in areas that are described as having "Limited Consumer Choice."[2] A COLR framework that permits the complete abdication of *last-resort* responsibility is incompatible with ensuring safe and reliable utility service statewide.

A major point of tension, and source of stakeholder confusion as to what problem we're actually trying to solve, is the dueling narratives of COLR reform being framed either as an infrastructure upgrade problem, or regulatory burden problem. For instance, we are disappointed that industry representatives continue to perpetuate a false narrative that COLR specifically requires a copper-based voice network;[3] the Commission has repeatedly affirmed that COLR obligations are technology neutral. RCRC's concern is not with the transition away from a copper network to a modern fiber network, but with shielding telephone corporations from any accountability to provide an essential utility service based on unverified or overstated claims of market adequacy. The mere presence of nominal alternatives does not equate to legitimate consumer choice, particularly where those alternatives lack enforceable service quality standards or affordability protections.

A reliable voice connection remains essential infrastructure, especially in areas where commercial alternatives are unpredictable, unregulated, or entirely unavailable. Modern communications services designated to fulfill COLR obligations should provide functional equivalence to legacy voice services; meet clear, enforceable performance and reliability standards; remain subject to robust consumer protections and regulatory oversight; and continue to be accessible through state and/or federal affordability programs.

Moreover, allowing providers to exit COLR responsibilities—particularly in high-cost, low-density areas—may exacerbate service gaps over time. Once infrastructure is decommissioned and regulatory obligations are lifted, the Commission has no realistic mechanism to compel reinvestment or

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[2] The Staff Proposal does this in two ways, first by only protecting "Limited Consumer Choice" with COLR obligations for a maximum period of 15 years, and secondly by an overly broad definition of "Significant Consumer Choice" to include wireless options that will overstate functional voice options. Wireless service, which the Commission doesn't currently regulate, is noted in the Staff Proposal as not being a suitable alternative service.

[3] Assembly Committee on Communications and Conveyance Oversight Hearings: *The State of Broadband Affordability* (January 14, 2026), testimony of Lynn Follansbee, USTelecom; and *Carrier of Last Resort (COLR): Obligation for California's Telephone Corporations* (March 19, 2025), testimony of Jonathan Spalter, USTelecom.

restoration of service in areas that prove problematic. You cannot re-saddle a horse that's already bolted, as the Staff Proposal errs to think.

The Commission has massively struggled to hold current COLR providers accountable under General Order 133-D, and lacked the political will to extend *minimum* service quality protections for facilities-based wireless services in General Order 133-E. To make matters worse, a Proposed Decision released on January 23, 2026 proposes to close Rulemaking 22-03-016, foreclosing on hope the Commission would quickly right that wrong. This is more than just a missed opportunity. Such monumental changes to the COLR construct, as outlined in the Staff Proposal, need a strong foundation to support it and it is clear that the Commission has committed glaring policy failures that help any party meet the moment we are in to transform and update our regulatory structure. [4] Before dismantling the COLR framework as we know it today, the Commission must first demonstrate its ability *and willingness* to enforce minimum service obligations across all platforms. As stated in Decision 25-09-031, "market forces, as they currently exist, have not disciplined the service quality of VoIP and wireless service."[5]

III. Comments on Staff Proposal and Questions Posed in the Ruling

A. Chapter II: Modernizing Access to Essential Communications Services

1. Should the Commission include standalone broadband as a requirement of "Modernized Essential Communications Services"?

While RCRC appreciates the desire of the Commission to expand broadband build-out, RCRC cautions against incorporating standalone broadband as a substitute for voice-grade obligations absent clear evidence of equivalency. Broadband availability alone does not ensure reliable access to essential (voice-grade) communications services, particularly during power outages, wildfires, or other disasters not uncommon to California. It also raises the question of how the Commission intends to measure whether a COLR provider is offering adequate, standalone broadband in the future as a component of "Modernized Essential Communications Service."

[4] Also occurring recently in Decision 25-12-044, the Commission removed references to 100/20 Mbps as the essential service level after receiving industry pressure.

[5] *Decision Adopting General Order 133-E* (D.25-09-031), at page 200, Findings of Fact 19 (issued September 26, 2025).

In addition to the Staff Proposal narrative on pages 24-25 documenting party concerns with mapping, RCRC is concerned that the availability of broadband has been overstated and may misinform whether a customer or geographic area has "Significant Consumer Choice." The CPUC has also documented its own concerns regarding the reliability of the FCC's National Broadband Map, noting that in its own review it uncovered over 9.9 million California location requiring challenge due to inaccuracies in FCC-reported broadband availability. In a January 13, 2023 filing to the FCC Broadband Data Task Force,[6] CPUC explained that the overwhelming majority of these discrepancies involved wireless provider claims and that the sheer volume of errors created significant operational burdens, including the need for extended time to complete data validation and uploads. This large-scale mismatch between FCC provider-submitted data and CPUC-verified deployment and subscription records illustrates how the reliance on provider based mapping can misclassify millions of locations, misallocate broadband infrastructure funds, and leave underserved communities at risk of being overlooked. Ultimately, relying on FCC broadband data cannot provide a sound basis for determining whether consumers have the reliable alternatives necessary to justify substituting standalone broadband for essential voice-grade services. We agree that mobile carriers should not be used to calculate "Significant Consumer Choice."

B. Consumer Choice Categories: "Significant Consumer Choice"

Before responding to the questions posed in the Ruling, RCRC seeks clarity on the actual number or definition of Qualified Providers for the "Significant Consumer Choice" category. For example, the Staff Proposal uses inconsistent definitions:

- On page 20, "Significant Consumer Choice" is defined as "2+ Qualified Providers, excluding the COLR";
- Page 22 states that "Significant Consumer Choice" is defined "in areas with two or more Qualified Wireline Providers;"
- Page 25 states "two or more Qualified Providers other than COLR;" and
- Page 26 describes "two or more non-COLR Qualified Providers."

These are not the same numbers—the first supposes *more than* two, while the latter descriptions are equal to two. This must be reconciled and RCRC urges the Commission to adopt a single,

[6] See https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M528/K940/528940464.PDF

consistent standard requiring more than two (i.e. at least three) non-COLR facilities-based wireline "Qualified Providers," as defined, to establish "Significant Consumer Choice."

RCRC opposes the alternative definition of "Significant Consumer Choice" as one non-COLR wireline Qualified Provider plus two (facilities-based) wireless providers. Wireless service, as currently regulated and documented, lacks the service quality oversight, indoor reliability verification, and public safety assurances necessary to serve as a substitute for COLR obligations and should not be considered a Qualified Provider at this point in time. The Staff Proposal agrees that mobile service is not a substitute for COLR and not on the same level as a Qualified Provider. Therefore, the Staff Proposal is premature to include wireless options to measure "Significant Consumer Choice," which will overstate consumer access to functional options within the regulated marketplace.

Also, given the delayed implementation of General Order 133-E for facilities-based VoIP to comply to January 1, 2027, changes to the COLR rules should also consider a delayed implementation to ensure that the non-COLR Qualified Providers have appropriate regulatory oversight in place before regulatory COLR relief is granted.

1. **How should the Commission limit the scope of a COLR withdrawal application?**

   RCRC supports preserving Commission resources in order to thoughtfully vet COLR Applications, including ensuring sufficient public engagement and data scrutiny. The Staff Proposal's limit of one Application per provider per year is reasonable. RCRC may offer supplemental feedback in reply comments.

2. **What should be the maximum number of customers affected?**

   It is imperative that Applications be limited in a fashion that would enable meaningful Commission review, verification, and public participation. A withdrawal that affects 500 customers in downtown San Francisco is not commensurate to one that would affect 50 customers in a frontier county. The Commission should consider graduated scrutiny in the Pre-Application phase to not only potentially limit the maximum number of customers affected, but also take into account the population density, fire-threat district status, presence of tribal lands, or emergency service reliance of the customers affected to determine if an Application is appropriately sized for thorough review. The Ruling also

poses questions regarding customer transition plans, etc. This should also be taken into account as a limiting factor to determine an appropriate cap of customers affected for a particular Application to ensure a seamless transition for those affected. The Pre-Application phase is important and may need the authority to preserve Commission resources during the formal Application in order to competently consider the high stakes should provider relief of COLR obligations be granted. RCRC may provide supplemental feedback in reply comments.

3. What is a reasonable limit on the size of a geographic span in which a COLR may seek to withdraw?

An Application should have geographic coherence, such as county boundaries, to minimize potential confusion in a region. RCRC may provide supplemental feedback in reply comments.

4. Must the proposed withdrawal area be contiguous?

Yes, areas under consideration in an Application should be geographically contiguous to avoid cherry-picking, ensure customer notice, and minimize public confusion. RCRC may provide supplemental feedback in reply comments.

5. What documentation would provide sufficient evidence of consumer choice?

Any data and documentation used to demonstrate consumer choices and verify quality coverage must be publicly accessible and verifiable (e.g. free from confidentiality claims). Self-reported provider data, marketing coverage maps, or modeled availability is not sufficient and must be independently validated and reviewable.

6. If a replacement COLR is not designated, is a customer transition place necessary? If so, what elements should the transition include?

RCRC is concerned with the creation of new or future coverage gaps if no successor provider is designated to ensure universal service. A mandatory customer transition plan must be required in any withdrawal scenario and should include at a minimum:

- Advance customer and community notice with clear timelines;

- Direct customer assistance enrolling in alternative services;
- Equipment and installation support;
- Continuation of affordability protections; and
- Verification that alternative services are operational indoors.

The provisional withdrawal period must continue until all customers have successfully migrated over to a new service, not merely until the COLR ceases offering service.

7. How long should the COLR be required to provide basic service to existing customers after the withdrawal decision is approved?

Again, the provisional withdrawal period must continue until all customers have successfully migrated over to a new service, not merely until the COLR ceases offering service. While there may be a necessary minimum period, such as 24 months, it must be extendable to ensure service continues until the job is done, not until the calendar runs out.

8. How can the provisional withdrawal period be structured to ensure that all customers are able to find alternative service before the withdrawal is made permanent? Is it necessary for the Provisional Withdrawal period to continue after the COLR is permitted to cease offering basic service?

Yes, the provisional withdrawal period must continue until all customers have successfully migrated over to a new service, not merely until the COLR ceases offering service. As previously mentioned, the number of customers that would need to be successfully transitioned should be taken into account as a limiting factor of the Application. A successful Application is one that has little disruption on, or negatively impacts few, if any, customers.

9. What information should customers provide as part of the extended customer input process?

Customers should not bear a disproportionate burden at any point in this process. Many that would be negatively impacted are likely elderly, disabled, or lack broadband access. Customers should be asked to provide confirmation of service issues, and feedback on the success or failure of the transition. Everything else should fall on the provider's shoulders to prove and remedy.

10. Identify any other data that should be included in the required reporting.

RCRC has no comments at this time and may offer feedback in reply comments.

11. What should the standards be for the Commission to determine if a COLR has passed or failed the provisional withdrawal period?

Standards used to evaluate provisional withdrawal success or failure should be tied to consumer outcomes, including continuity of service (including after a potential technology migration), complaint resolution, and verified access to emergency services (including, but not limited to, 3-digit public services). Failure to meet these benchmarks must have adequate enforcement, such as automatic restoration of COLR obligations for the affected area. Of course, this may be impractical if the Commission authorizes, or a provider pursues, decommissioning legacy infrastructure.

12. If the Commission restores COLR obligations, how should the area be determined? Should the COLR obligation be restored throughout the entire area identified in the application/decision? Or should specific areas be carved out?

RCRC may offer feedback in reply comments.

13. For Significant Consumer Choice areas where the COLR chooses to withdraw, what are the net costs (total costs minus savings associated with COLR withdrawal) associated with withdrawing from COLR obligations?

RCRC has no comments at this time.

C. Consumer Choice Categories: "Limited Consumer Choice"

The only question that the December 15, 2025 Ruling requests feedback on for the "Limited Consumer Choice" chapter appears directed toward providers.[7] The omission to request other stakeholder feedback reflects a dangerous assumption that COLR withdrawals will be confined to well-served (i.e. "Significant Consumer Choice") areas despite clear economic incentives for providers to seek relief in high-cost regions where investments, including routine maintenance, have lagged and may be subject to current Corrective Action Plans under General

[7] The question asks, "1. For Limited Consumer Choice areas where the COLR chooses to withdraw, what are the net costs (total costs minus savings associated with COLR withdrawal) associated with deploying infrastructure capable of delivering indoor broadband speeds of 100 Mbps download and 20 Mbps upload and sufficient latency to enable VoIP to all Broadband Serviceable Locations in the area within five years of the Application's approval date?"

Order 133. This is a flawed premise and misdirects attention away from safeguarding those most at risk of such an enormous policy change to the COLR construct.

RCRC disagrees with the definition of "Limited Consumer Choice" on page 20-21. Rather than enumerate how many and what type of providers exist in a Limited Consumer Choice area, RCRC would surmise that an area that doesn't meet "Significant Consumer Choice" standards would therefore demonstrate that customers are not well-served and are, therefore, limited in market options. This is consistent with the explanation provided on page 22 of the Staff Proposal that, Limited Consumer Choice is defined where conditions of Significant Consumer Choice are not present. ***And if an area does not meet the Significant Consumer Choice criteria, it should be categorically ineligible for COLR relief.*** And to reiterate, "Significant Consumer Choice" should be defined, at a minimum, as access to more than two non-COLR Qualified Providers.

RCRC disagrees with much of the Staff Proposal's "Limited Consumer Choice" philosophy, which is inconsistent by asserting that "COLR obligations remain necessary in parts of California where there is Limited Consumer Choice"[8] but then goes on to allow relief of COLR obligations by "voluntarily committing" to provide modernized essential services for up to fifteen years.[9] There is no thought as to what would occur after the fifteen year period, implying that COLR obligations may categorically sunset altogether and without any due process in place, like those that exist in the pre-Application, Application, Application Evaluation Process, Provisional Withdrawal Period, etc. for Significant Consumer Choice areas. This cannot occur.

Given the uncertainty of whether COLR protections in underserved (i.e. "Limited Consumer Choice") areas would continue after a fifteen-year period, procedural requirements such as pre-Application consultation with local and tribal governments and other public transparency measures appear weakened or altogether optional in Limited Consumer Choice areas. These protections must apply uniformly to ensure due process and accountability, especially where consumers are most vulnerable to market failures and inadequate technology.

The Staff Proposal makes the desire of the Commission clear that Limited Consumer Choice areas should ultimately receive high-speed (100/20 Mbps) broadband infrastructure deployment. Given the insistence of providers that relief of COLR obligations in well-served areas would free up resources, RCRC would support re-directing investments into Limited Consumer

[8] Staff Proposal, page 2,
[9] Staff Proposal, page 17.

Choice areas for broadband deployment. However, standalone broadband has not been proven to be a suitable alternative for voice-grade access to emergency services and would lack any regulatory oversight, such as minimum service quality standards and enforcement mechanisms per General Order 133.

In sum, unless the Staff Proposal is clarified to remove references of providing services in Limited Consumer Choice areas for up to 15 years, it would amount to a race to the bottom and leave these underserved areas and customers potentially worse off. The Staff Proposal must be clear that Limited Consumer Choice areas—even those that receive modernized essential services—are wholly ineligible for COLR withdrawal, *period*.

D. Attachment C—Application Phase

1. If the COLR intends to use availability of mobile providers as evidence of significant consumer choice within an area, the COLR shall provide documentation of the results of its own testing of mobile service availability and usability throughout the area utilizing the Commission's CalSpeed app. What should the sample size and testing method be to verify coverage and usability of voice service indoors?

As mentioned above, given the inability of the Commission to establish minimum service quality standards for wireless providers pursuant to General Order 133-E, the availability of mobile service should not qualify and be considered as a "Significant Consumer Choice" option. Furthermore, the Commission should not rely on any COLR-provided data unless independently tested and verified. Indoor coverage of voice service must be present at the address level.

RCRC may offer additionally feedback in reply comments.

IV. Other Items

E. Pre-Application Phase Requirements

RCRC appreciates the Staff Proposal's requirements that, during the Pre-Application phase, a COLR must demonstrate compliance with service quality measures pursuant to General Order 133 for a period of 24 months preceding the filing of an Application, among other things.[10] This is a responsible provision that balances the "carrot" of regulatory relief for COLRs acting in

[10] Staff Proposal, page 29.

good faith and could make the Application process potentially less contentious and help increase the public's trust.

RCRC would also suggest that the Commission review whether the area affected under the Application has other (non-COLR) facilities-based wireless and wireline providers are outfitted with 72-hour back-up power pursuant to D. 20-07-011 and D.21-02-029.[11] While this is outside of the control of the COLR Applicant, it would serve to inform Commission Decisionmakers whether "Significant Consumer Choice" areas may or may not be adequately protected by alternative service options in the marketplace to warrant removing last-resort protections in a given area. The Commission should strategically account for the integrity of the regulated marketplace more holistically. This may alert the Commission to remedy resiliency failures and take enforcement actions.

RCRC further recommends that documentation that a COLR has met all Pre-Application requirements[12] be subject to a Tier 2 Advice Letter. Approval of the Tier 2 Advice Letter should precede the Application. This will provide stakeholders with greater transparency into the Pre-Application phase, which may otherwise occur behind closed doors.

F. Consultation with Local Governments

RCRC supports requiring meetings with tribes and local governments prior to a provider submitting an Application to the CPUC. The only way for decision makers at local governing bodies to meet together is at a publicly noticed meeting in accordance with the Ralph M. Brown Act.[13] Not all county (or city) governments are created equal and many do not have the same departments or staffing positions, which is often based on resources or function—generally, small population counties have smaller and more consolidated staffing functions than larger counties, as well as cities and counties have distinct differences in services and responsibilities, not all of which overlap. The governing body, such as the county Board of Supervisors or the City Council, are best able to identify the appropriate lead staff or department head(s) that may be the most suitable in this process than the ones specifically mentioned in the Staff Proposal. Therefore, providers should first seek to have a publicly noticed meeting at a local government body—in a city, if

[11] These Decisions do not apply outside Tier 2 and Tier 3 high-fire threat districts. Many areas in California will not have protection from electrical power outages, which are allowed to occur for safety and liability reasons outside high-wildfire areas.
[12] Staff Proposal, see page 35: requirements a-e, inclusive.
[13] See California Government Code §§ 54950-54963, inclusive.

applicable, and the county—and provide mapping and other pertinent information to that governing board. The governing board should designate its own point of contact for subsequent follow-up or more in-depth engagement in the Application process as necessary.

G. Areas for Future Examination

Compliance with Current COLR Rules and Denials of Basic Service

RCRC supports the staff suggestion that the CPUC should investigate current COLR rules and denials of basic service, service degradation, and other abandonment issues by existing COLRs. There are countless first-hand anecdotes from RCRC Board Members and staff where AT&T landlines have been denied, removed, or refused to be repaired that ultimately pressured the consumer off of their expensive, defunct landline. Carriers don't differentiate between forcing large amounts of these people off their infrastructure over time when painting the picture of a mass migration to wireless service. While enforcement may come late and do nothing to repair the trust or harm already done to the consumer, it may serve to identify patterns or redlining to the Commission and inform future policy decisions and enforcement actions.

High-Cost Fund Reform

Given the appetite for the Commission to expand broadband deployment, the High-Cost Fund subsidy is crucial in that success. Targeted reform can help Limited Consumer Choice areas achieve meaningful competition without sacrificing existing COLR protections.

V. Conclusion

RCRC continues to support modernizing California's COLR framework with the aim of providing *better* consumer options, but such modernization must be rooted in the promise of universal service and should not result in the premature loss of legacy service, especially in rural and underserved areas. Reforms that permit COLR withdrawal without verified and regulated alternatives, enforceable standards, and successor accountability risk irreparable harm to California's telecommunications landscape. RCRC may offer supplemental input or refinements in its reply comments should additional issues arise from parties opening comments. We appreciate your consideration of our comments.

Respectfully submitted,

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