

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking Proceeding  
to Consider Changes to the Commission's  
Carrier of Last Resort Rules.

Rulemaking 24-06-012

**THE PUBLIC ADVOCATES OFFICE REPLY COMMENTS TO  
CARRIER OF LAST RESORT JOINT PROPOSAL**

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**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
I. INTRODUCTION .....	1
II. DISCUSSION.....	1
A. WITHOUT THE JOINT PROPOSAL, THE STAFF PROPOSAL MAY CONFLICT WITH THE FCC NETWORK MODERNIZATION ORDER.....	2
B. THE JOINT PROPOSAL IS THE ONLY PATH THAT RETAINS AN OBLIGATION TO SERVE INTO THE FUTURE. ....	3
C. THE COMMISSION CAN ADDRESS GERRYMANDERING CONCERNS BY REQUIRING A RATIONAL RELATIONSHIP BETWEEN RELIEF AREAS AND WIRE CENTERS, WITHOUT UNDERMINING THE JOINT PROPOSAL. ....	7
D. THE TIER 2 ADVICE LETTER PROCESS CONTEMPLATED IN THE JOINT PROPOSAL IS APPROPRIATE. ....	9
III. CONCLUSION .....	10

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**I. INTRODUCTION**

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) respectfully submits these reply comments pursuant to the *Administrative Law Judge's Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates* (ALJ Ruling), issued on March 25, 2026, and the *Email Ruling Revising Deadline for Reply Comments in March 25, 2026 Ruling*, issued on March 26, 2026.<sup>1</sup> Cal Advocates submits these reply comments to address the following issues in the opening comments that were submitted by the parties on April 24, 2026:

- Without the Joint Proposal, the Staff Proposal may conflict with the Federal Communications Commission (FCC) Network Modernization Order;
- The Joint Proposal is the only pathway that retains an obligation to serve customers into the future;
- The Commission can address gerrymandering concerns by requiring a rational relationship between relief areas and wire centers, without undermining the Joint Proposal; and
- The Tier 2 advice letter process contemplated in the Joint Proposal is appropriate.

**II. DISCUSSION**

The Joint Proposal was created in response to the Carrier of Last Resort (COLR) and Network Modernization Staff Proposal (Staff Proposal) to ensure that any

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<sup>1</sup> *Email Ruling Revising Deadline for Reply Comments in March 25, 2026 Ruling*, March 26, 2026. Revises the filing deadline for reply comments from April 31, 2026 to May 1, 2026.

modernization framework enacted by the Commission produces enforceable that benefits for Californians. Some parties appear to misconstrue or mischaracterize the Joint Proposal in their opening comments, which Cal Advocates addresses below.

**A. Without the Joint Proposal, the Staff Proposal may Conflict with the FCC Network Modernization Order.**

Commenters rightly point out that the FCC recently passed the Report and Order on *Reducing Barriers to Network Improvements and Service Changes and Accelerating Network Modernization*<sup>2</sup> (FCC Order).<sup>3</sup> The FCC Order changes the federal regulatory landscape by pushing for the deployment of modern internet protocol (IP) communications infrastructure to replace older time-division multiplexing (TDM) infrastructure. The FCC Order states that it preempts state and local “requirements to the extent they needlessly constrain the deployment of modern, next-generation IP-based networks by impeding providers’ ability to discontinue providing interstate and jurisdictionally mixed legacy services and to retire outdated and deteriorating legacy networks cannot require the maintenance of the legacy systems.”<sup>4</sup>

The Commission’s current technology neutral position on COLR rules<sup>5</sup> is consistent with the new FCC Order because it allows the COLR to provide basic services using any communications technology that the COLR chooses, provided they meet the CPUC’s consumer protection standards. However, the Staff Report’s position that

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<sup>2</sup> *Reducing Barriers to Network Improvements and Service Changes; Accelerating Network Modernization*, WC Docket Nos. 25-209, 25-208, Report and Order, FCC 26-19 (March 27, 2026) (FCC Order).

<sup>3</sup> *Opening Comments of Frontier California Inc. (U 1002 C) Citizens Telecommunications Company of California Inc. dba Frontier Communications of California (U 1014 C) Frontier Communications of the Southwest Inc. (U 1026 C) On Administrative Law Judge’s March 25, 2026 Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates*, April 24, 2026 (Frontier Comments) at 2; *Opening Comments of Consolidated Communications of California Company, LLC (U 1015 C) On Administrative Law Judge’s March 25, 2026, Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates* April 24, 2026 (Consolidated Comments) at 4, 6, 9.

<sup>4</sup> FCC Network Modernization Order, Paragraph 7 at 3-4 and Paragraph 106 at 56.

<sup>5</sup> Decision (D.) 12-12-038, *Decision Adopting Basic Telephone Service Revisions*, December 24, 2012, Appendix A at A-1.

wireless communications would be insufficient could be in conflict with the FCC Order.<sup>6</sup> The Utility Reform Network (TURN) and Center for Accessible Technology (CforAT) join the Staff Proposal’s position in asserting that wireless is not a viable COLR replacement.<sup>7</sup> However, this position would be at odds with the FCC Order’s technology neutral approach, and invites the Commission to risk overstepping its authority.<sup>8</sup> The Joint Proposal provides a path forward that maintains the Commission’s technology neutral position, sets forth the requirements and conditions under which wireless can serve as a viable COLR alternative, protects COLR’s universal service guarantees, and avoids possible federal preemption by maintaining a consistent technology neutral position.<sup>9</sup>

**B. The Joint Proposal is the Only Path That Retains an Obligation to Serve into the Future.**

The Joint Proposal ensures that no customer is abandoned in a COLR relinquishment. Contrary to Empowering Quality Utility Access for Isolated Localities’ (EQUAL) assertion, the Joint Proposal does not “ignore” the Staff Proposal.<sup>10</sup> Rather, the Joint Proposal supplements the Staff Proposal by proposing a third, additional pathway to COLR relinquishment.<sup>11</sup> The Joint Proposal brings together AT&T California’s priority to retire copper networks and Cal Advocates’ priority to accelerate

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<sup>6</sup> *Administrative Law Judge’s Ruling Issuing Staff Proposal for Comment*, December 15, 2025 at 22.

<sup>7</sup> TURN Comments at 15-17, 33; *Center for Accessible Technology’s Comments on Administrative Law Judge’s Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates*, April 24, 2026 (CforAT Comments) at 5-6.

<sup>8</sup> It is plausible that the FCC lacks the preemptive reach as asserted in its Network Modernization Order, but such determination would require litigation and a judicial decision. State rules that maintain “in practice” copper networks may conflict with the FCC Network Modernization Order.

<sup>9</sup> *Public Advocates Office Opening Comments on the Administrative Law Judge’s Ruling Issuing Staff Proposal for Comment* January 30, 2026 (Cal Advocates Comments on Staff Proposal) at 17-22.

<sup>10</sup> *Empowering Quality Utility Access for Isolated Localities (EQUAL) Opening Comments in Response to the Administrative Judge’s Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates*, April 24, 2026 (EQUAL Comments) at 4.

<sup>11</sup> *The Public Advocates Office Reply Comments on the Administrative Law Judge’s Ruling Issuing Staff Proposal*, February 13, 2026 (Cal Advocates Reply Comments on Staff Proposal) at A-1, Section 1(c).

modernization.<sup>12</sup> Furthermore, Cal Advocates' categorical position has been, and remains, that no Californian should lose service during modernization.<sup>13</sup>

The wording of the Joint Proposal is explicit and unambiguous that the "COLR *must* additionally *offer* voice or broadband using any technology *throughout the Relief Area*" (emphasis added).<sup>14</sup> Both Cal Advocates and AT&T California reiterate this language in the Joint Proposal a second time<sup>15</sup> and ask the Commission to use its underlying COLR authority to create a modified obligation to serve customers using any technology.

TURN, CforAT, and Media Alliance assert that abandonment will occur regardless of the plain meaning of the Joint Proposal's language.<sup>16</sup> That assertion appears predicated on the premise that changing the current COLR rules is the problem. Yet, inexplicably, these parties endorse the Staff Report, which changes the current COLR rules by establishing a pathway out of COLR that does not carry any explicit obligation to serve in the future.<sup>17</sup>

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<sup>12</sup> See *Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) and the Public Advocates Office's Joint Proposed Response to Administrative Law Judge's Ruling on Comments to Joint Proposal*, April 10, 2026 (AT&T California and Cal Advocates Joint Response to ALJ Ruling on Joint Proposal) at 19, 24. As AT&T California states on the record, "AT&T California has made a commitment not to leave any customer behind in the transition to modern high-speed fixed and mobile broadband networks and services."

<sup>13</sup> Ernesto Falcon, *Modernizing COLR Should Leave No One Behind*, April 3, 2025, available at: <https://www.publicadvocates.cpuc.ca.gov/press-room/commentary/250403-modernizing-colr-should-leave-no-one-behind>.

<sup>14</sup> Cal Advocates Reply Comments on Staff Proposal at A-1.

<sup>15</sup> AT&T California and Cal Advocates Joint Response to ALJ Ruling on Joint Proposal at 19, 24.

<sup>16</sup> See TURN Comments at 5–6. Stating, "the remaining 80 percent of locations would have no COLR provider and no guaranteed basic service;" *id.* at 14, stating, "due to the fact that the COLR obligation would be eliminated, this provision has no teeth." See also CforAT Comments at 7. "[T]here is no requirement that the existing COLR offer any service at all in a relief area once its COLR obligations are lifted." See also *Media Alliance, Comments on AT&T/Cal Advocates Joint Proposal*, April 24, 2026 (Media Alliance Comments) at 3. "The joint proposal fundamentally undermines universal service principles and the Carrier of Last Resort rules by changing a governmental commitment not to leave any one behind."

<sup>17</sup> TURN Comments at 5; *Center for Accessible Technology Reply Comments on Administrative Law Judge's Ruling Issuing Staff Proposal for Comment*, February 13, 2026, at 5. Media Alliance Comments at 3.

TURN and CforAT raise concerns about whether the word “offer” could be misconstrued by carriers.<sup>18</sup> This concern overlooks the fact that the Commission can set parameters and include a definition of what “offers” should mean, if it were to adopt the Joint Proposal as part of a final decision. Frontier also raises this concern in its opening comments and argues that the Commission should reject the plain reading of the Joint Proposal to avoid creating an obligation to serve.<sup>19</sup> The Commission should reject efforts to water down the Joint Proposal. The modified obligation to serve is central to the Joint Proposal’s design, which is to provide an accelerated process that follows the same outcome as the Staff Report, but with commitments to continue serving from the COLR. The Joint Proposal is intentionally voluntary and flexible because it provides commitments that a COLR needs to willingly accept in exchange for the accelerated timeline.

Another faultline that appears to exist with opponents to the Joint Proposal stems from a conflation that retirement of copper networks is akin to abandonment of service.<sup>20</sup> However, as Commission staff itself noted,<sup>21</sup> efforts to prolong the use of copper networks carry significant risks as manufacturers have long abandoned producing hardware to sustain copper networks.<sup>22</sup> If those networks fail in the future and no

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<sup>18</sup> TURN Comments at 14. Stating, "nor does it provide a clear definition of what constitutes an 'offer' or how it defines 'throughout the Relief Area.'" CforAT Comments at 5, stating "the mandated level of service does not even have to be demonstrably available, but rather it must only be 'offered' by the provider."

<sup>19</sup> Frontier Comments at 5.

<sup>20</sup> EQUAL Comments at 3. "The Joint Proposal dismisses out of hand the continued need for copper-based land-line service and the myriad problems identified by consumer parties in this proceeding that will result from an elimination of copper-based POTS." TURN Comments at 21. Stating, "providing this carrier with a fast track toward abandoning service would exacerbate that behavior, leaving customers with no remedy."

<sup>21</sup> Cal. Pub. Utils. Comm'n, Workshop on Universal Service, Affordability, and the Role of Broadband in COLR Obligations, R.24-06-012, at 1:09:45 (Aug. 22, 2025), Available at: [https://youtu.be/OW7wNgqPXZ8?si=\\_YsBfEuHr9tH3WK7&t=4185](https://youtu.be/OW7wNgqPXZ8?si=_YsBfEuHr9tH3WK7&t=4185).

<sup>22</sup> *Paying to Stand Still: Legacy Copper Mandates in a Fiber World*, Int'l Ctr. for L. & Econ. (Feb. 27, 2026), available at: <https://laweconcenter.org/resources/paying-to-stand-still-legacy-copper-mandates-in-a-fiber-world/> (detailing how original manufacturers are no longer in operation, which has created the secondary resale market and reliance on E-Bay for spare parts).

hardware exists to restore them, it will be difficult to resurrect those copper networks. In addition, the categorical opposition to wireless substitution<sup>23</sup> runs contrary to the long-standing Commission policy of retaining technology neutrality in COLR and should be given no weight. If the fundamental concern with wireless substitution comes from a need for standards established by the Commission,<sup>24</sup> Cal Advocates not only agrees but has already provided those standards to the Commission in its opening comments on the ALJ's ruling issuing the Staff Proposal and reiterates its request that the Commission adopt those standards as part of its final decisions in this proceeding.<sup>25</sup> If the concern is that customers would have no recourse should a COLR violate the rules, Cal Advocates has provided extensive customer recourse options in an earlier filing<sup>26</sup> in this proceeding and the Staff Report contains extensive protections that can be utilized along with the Commission's general enforcement authority.

Nothing prevents the Commission from codifying the Joint Proposal using its underlying authority to establish a modified obligation to serve with an accelerated process while establishing the protections and oversight needed to ensure its efficient implementation.<sup>27</sup> Cal Advocates' prior comments support the establishment of adequacy rules for wireless networks to determine where substitution would be appropriate as part of the Joint Proposal.<sup>28</sup> The Commission has the authority to protect

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<sup>23</sup> *California Alliance for Digital Equity, Opening Comments on Administrative Law Judge's Ruling Issuing Comments on AT&T California and Cal Advocates' Joint Proposal*, April 24, 2026 (CADE Comments) at 9–10. Quoting TURN/CWA prior comments, "mobile service is not an acceptable replacement for a wireline service offered by a COLR."

<sup>24</sup> *California Farm Bureau Federation, Comments on Administrative Law Judge's Ruling on Comments to Joint Proposal of AT&T California and Cal Advocates*, April 24, 2026 (Farm Bureau Comments) at 6–7. "It has been clarified multiple times that wireless is not a suitable alternative to voice service, since it has no service quality standards."

<sup>25</sup> Cal Advocates Comments on Staff Proposal at 17-22.

<sup>26</sup> *Revised Proposal of the Public Advocates Office on the Order Instituting Rulemaking Proceeding to Consider Changes to the Commission's Carrier of Last Resort Rules*, December 6, 2025, at 13–16. Detailing copper retirement migration plans and withdrawal notices.

<sup>27</sup> AT&T California and Cal Advocates Joint Response to ALJ Ruling on Joint Proposal at 27-29.

<sup>28</sup> Cal Advocates Comments on Staff Proposal at 17.

consumers in both voice and broadband markets and can provide the requisite clarity in a final decision to address legitimate concerns raised by other parties.<sup>29</sup>

**C. The Commission can Address Gerrymandering Concerns by Requiring a Rational Relationship between Relief Areas and Wire Centers, Without Undermining the Joint Proposal.**

TURN raises concerns that pairing rural households with urban households could lead to gerrymandering of relief areas.<sup>30</sup> While Cal Advocates disagrees that any customer would be abandoned given the plain reading of Section 1(c) of the Joint Proposal, Cal Advocates agrees that clarification can address the gerrymandering concern.

The Joint Proposal was specifically designed for urban and suburban portions of the networks, and it is appropriate to ensure those safeguards embedded in the Joint Proposal. The market forces that drive the usage of the Joint Proposal are directly connected to the decommissioning of wire centers that maintain the copper networks. Any concerns raised by COLRs about increased operations and maintenance costs do not disappear if only part of a wire center is relieved of copper-based service. Therefore, it would be appropriate for the Commission to require a rational relationship between relief areas and wire centers to provide consistent contiguous territory in each relief filing. Relief areas should have close approximation to current boundaries of wire centers. The Joint Proposal's requirement that 80% of the relief area must contain gigabit wireline broadband is designed to restrict the usage of the Joint Proposal to urban and suburban territory with the focus on facilitating the transition in well served areas.<sup>31</sup> Adding a

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<sup>29</sup> Pub. Util. Code § 275.6. California State Assembly Bill (AB) 3643, (Polanco, 1994). See AT&T California and Cal Advocates Joint Response to ALJ Ruling on Joint Proposal at 27-29.

<sup>30</sup> TURN Comments at 23–24. "TURN believes this is a calculated choice that is designed to allow AT&T to carve up and/or gerrymander so-called Relief Areas in order to ensure broadband deployment only occurs in places where AT&T has already determined it will build absent the Joint Proposal while simultaneously allowing it to be relieved of its obligation to serve the most rural, underserved, and vulnerable communities in less profitable areas."

<sup>31</sup> Cal Advocates Reply Comments on Staff Proposal at A-1.

condition that connects that relinquishment to a present wire center as part of decommissioning would do little to disturb the Joint Proposal while addressing the concerns raised by TURN.<sup>32</sup>

Additionally, TURN implies that the Joint Response does not correctly identify Environmental and Social Justice (ESJ) Communities.<sup>33</sup> This implication is misconstrued, as the Federal Funding Account Round 2 Public Map included in the Joint Proposal adopts largely the same definitions of Disadvantaged Communities and Low Income areas as the ESJ Action Plan.<sup>34</sup>

Regarding rural markets, Cal Advocates continues to assert that the Commission needs to reform High-Cost Fund A and B to better target capital expenditure support to facilitate the modernization of networks to fiber and wireless.<sup>35</sup> The Commission should also enable effective local negotiation alongside these reforms to see if alternatives are better suited to serve rural needs. The Rural County Representatives of California's (RCRC) concern that the Joint Proposal would undermine the internal cross-subsidization is well-meaning but seems to misunderstand the Joint Proposal's focus on urban and suburban regions. By improving the profitability of urban and suburban portions of the network, additional dollars are freed up that the Commission can consider as it determines the future for rural access. The fiber expansion under the Joint Proposal, which would be one of the largest-ever fiber commitments from a state government, will be paid for by the reduction in operations and maintenance costs. The fiber build-out costs are one-time capital expenditures, while the cost savings continue after the network expansion is completed.

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<sup>32</sup> TURN Comments at 23–24.

<sup>33</sup> TURN Comments at 31.

<sup>34</sup> The Federal Funding Account (FFA) defines “Disadvantaged Community” using the California EPA definition, primarily census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0, and “Low Income” as 80% or less than statewide median income. The ESJ Action Plan relies on the same definition of “Disadvantaged Vulnerable Community (highest 25 percent of overall CalEnviroScreen 4.0 scores) and “Low Income” (80% or less than statewide median).

<sup>35</sup> Cal Advocates Opening Comments on Staff Proposal at 14-15.

**D. The Tier 2 Advice Letter Process Contemplated in the Joint Proposal is Appropriate.**

The Tier 2 advice letter process is appropriate for the Commission to review the COLR's compliance with the conditions of the Joint Proposal. Under General Order (GO) 96-B the Commission has the authority to delegate the review and disposition of advice letters to the Industry Division.<sup>36</sup> GO 96-B is clear on this matter:

“An advice letter will be subject to Industry Division disposition even though its subject matter is technically complex, so long as a technically qualified person could determine objectively whether the proposed action has been authorized by the statutes or Commission orders cited in the Advice Letter.”<sup>37</sup>

TURN argues that a Tier 2 advice letter is “completely unacceptable”<sup>38</sup> and insinuates that the Industry Division will not be able to evaluate whether a Tier 2 advice letter meets the requirements that will be set forth in a Commission decision in this proceeding.<sup>39</sup> The Commission may specify the requirements of a Tier 2 advice letter filing for relinquishment under the Joint Proposal by providing for those details within its decision in this proceeding.<sup>40</sup> It is not the Tier 2 advice letter that grants the approval of relinquishment; it is the Commission's detailed decision in this proceeding that would govern the details of the relinquishment that the Tier 2 process validates.<sup>41</sup>

Within the Tier 2 advice letter process, there is the opportunity for stakeholders to participate. Telecommunications Industry Rules within GO 96-B also provide the potential for customer notification under Industry Rule 3. This Rule states that utilities

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<sup>36</sup> General Order (GO) 96-B Rule 7.6.1

<sup>37</sup> GO-96 B, Rule 7.6.1.

<sup>38</sup> TURN Comments at 31.

<sup>39</sup> TURN Comments at 31

<sup>40</sup> GO 96-B, Rules 5.1 and 5.2.

<sup>41</sup> GO 96-B, Rules 5.1 and 5.2. “The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs.”

do not need to notify customers when a utility files an advice letter<sup>42</sup> “unless a further notice is required in the prior Commission order.”<sup>43</sup> Utilities must notify parties via a service list, and a party may file a protest.<sup>44</sup> The Commission may also mandate specific Tier 2 advice letter notice procedures for COLRs.<sup>45</sup> A 90-day notice to customers and the service list before a Tier 2 advice letter filing would allow parties sufficient time to prepare protests.

CforAT also cites potential due process concerns surrounding the Tier 2 advice letter review process.<sup>46</sup> However, the advice letter is not the decision under which the Commission grants COLR relinquishment; it is the Commission decision that defines the conditions and grants the relinquishment. The advice letter process and the Industry Division validate that the COLR is meeting the obligations set forth in the Commission’s decision. The Commission has provided sufficient opportunity for public and intervenor input in this proceeding and Commission decisions should not be relitigated.<sup>47</sup>

In sum, the Commission has the authority to implement its decisions through a Tier 2 advice letter process, consistent with GO 96-B.

### **III. CONCLUSION**

Cal Advocates appreciates this opportunity to respond to parties’ opening comments on the ALJ Ruling and requests that the Commission adopt the Joint Proposal

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<sup>42</sup> GO 96-B, Industry Rule 3.1.

<sup>43</sup> GO-96 B, Industry Rule 10.

<sup>44</sup> GO-96 B, Rule 7.4.

<sup>45</sup> GO 96-B, Industry Rule 3. “However, no further customer notice under this Industry Rule 3 or General Rule 4.2 is required of a Utility’s Compliance Advice Letter that implements a prior Commission order approving the Utility’s request for authorization of a Transfer, Withdrawal of Service, or higher rates or charges or more restrictive terms or conditions, unless a further notice is required in the prior Commission order.”

<sup>46</sup> CforAT Comments at 7, fn. 14.

<sup>47</sup> Pub. Util. Code § 1709. *See also* Pub. Util. Code § 1701.2(d). “The decision of the assigned commissioner or administrative law judge shall become the decision of the commission if no further action is taken within 30 days. Any party may appeal the decision to the commission, provided that the appeal is made within 30 days of the issuance of the decision.”

because it addresses the potential impacts of the FCC Order on this proceeding and retains an obligation to serve in the future. The Commission should also adopt the Tier 2 advice letter process set forth in the Joint Proposal because it establishes an efficient path for COLR relinquishment, while maintaining stakeholder input.

Respectfully submitted,

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