

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 R.24-06-012

**THE PUBLIC ADVOCATES OFFICE OPENING COMMENTS ON
ADMINISTRATIVE LAW JUDGE'S RULING SOLICITING COMMENTS ON
FCC SECTION 214 SERVICE DISCONTINUANCE RULES CHANGE IMPACT**

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I. INTRODUCTION

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these opening comments pursuant to the *Administrative Law Judge’s Ruling Soliciting Comments on FCC Section 214 Service Discontinuance Rules Change Impact* (ALJ Ruling), issued on May 28, 2026.¹ The ALJ Ruling seeks party input on whether, and how, the Federal Communications Commission’s (FCC) revision to Section 214 Service Discontinuance Rules² (FCC Order) impacts the California Public Utilities Commission’s (Commission) carrier of last resort (COLR) rules.

On March 26, 2026, the FCC adopted the FCC Order on *Reducing Barriers to Network Improvements and Service Changes and Accelerating Network Modernization* to promote network modernization and obtain benefits from end-to-end Internet Protocol (IP) networks.³ The FCC Order notes that the expansion of modern networks, and their associated benefits, has been hindered by rules that require carriers to maintain legacy networks that deliver “outdated services to an ever-decreasing number of subscribers.”⁴

As discussed in *The Public Advocates Office Reply Comments to Carrier of Last Resort Joint Proposal* (Cal Advocates Reply Comments on Joint Proposal),⁵ the FCC Order may have some limited preemptive effect on the *Carrier of Last Resort and Network Modernization Staff Proposal’s* (Staff Proposal) conclusion that the Commission’s COLR rules should recognize that wireless service is not an acceptable

¹ *Administrative Law Judge’s Ruling Soliciting Comments on FCC Section 214 Service Discontinuance rules Change Impact*, May 28, 2026 (ALJ Ruling).

² *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).

³ FCC Order at 2.

⁴ FCC Order at 2-3.

⁵ *The Public Advocates Office Reply Comments to Carrier of Last Resort Joint Proposal*, May 1, 2026 (Cal Advocates Reply Comments on COLR Joint Proposal) at 2-3.

substitute for legacy service, or any requirement that prefers copper networks.⁶ However, the potential preemptive impact has not been judicially reviewed and remains untested.⁷ Given this tension, the Commission faces a genuine choice. The Commission could adopt the Staff Proposal’s approach to COLR rules without accounting for the FCC Order and defend those rules through litigation, inviting legal risk and the prospect of a preemptive challenge. Alternatively, the Commission can adopt a framework consistent with Commission precedent on technology-neutrality, grounded in public safety and universal service, and aligned with the stated goals of the FCC Order. The safest route, and best choice for ratepayers, is the latter, as it would reduce the risk of a preemptive strike while also protecting Californians.

Cal Advocates recommends that the Commission adopt the Joint Proposal of Cal Advocates and AT&T California,⁸ together with the related modifications Cal Advocates has advanced in this proceeding. Specifically in response to the FCC Order, the Commission should: (1) adopt the Joint Proposal, which requires a COLR to offer voice or broadband using any technology throughout the Relief Area, tie network modernization (the stated purpose of the FCC Order) to continued obligations to serve, along with prioritization of low-income communities for fiber deployment, all while preserving the Commission’s technology-neutral position; (2) adopt Cal Advocates’ wireless recommendations, including the proposed signal-strength threshold and data-collection conditions, which allow wireless service to function as a viable COLR alternative and support mobile 911 access works inside the home; and (3) ground the rationale for any new framework in the State’s authority over public safety and universal

⁶ *Administrative Law Judge’s Ruling Issuing Staff Proposal For Comment*, Attachment 2, *Carrier of Last Resort and Network Modernization Staff Proposal (R.24-06-012)*, December 15, 2025 (Staff Proposal) at 22 (“...we do not consider mobile service as a full substitute for a COLR...”).

⁷ The FCC’s authority runs in parallel with state authority, with a division of responsibilities between interstate and intrastate matters. *Louisiana Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986).

⁸ See *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), Appendix A at A-1-A-2.

service, rather than consumer-choice concerns, so that the rules align with, rather than conflict with, the FCC Order.⁹ Taken together, these measures keep the Commission’s COLR rules within the space the FCC Order expressly preserves for states and minimize any exposure to preemption.

II. DISCUSSION

A. The FCC Order’s Assertion of Preemption Is Limited in Scope.

While the FCC Order is broad, its preemption statement is limited in scope. First, the FCC Order preempts state and local requirements only “to the extent they needlessly constrain the deployment of modern, next-generation IP-based networks.”¹⁰ Second, the preemption is limited to the discontinuance of interstate and jurisdictionally mixed services, with specific carve-outs for consumer protection, universal service, and public safety. As FCC Commissioner Anna Gomez explained:

“I also want to recognize the important role states play in protecting consumers, safeguarding public safety, and combating fraud. States are often the first line of defense for consumers navigating problems with their communications services, and their authority in these areas is not diminished by today’s action. The preemption framework adopted here is appropriately scoped to the discontinuance of interstate and jurisdictionally mixed services, and does not reach state consumer protection laws, state universal service obligations, or state authority over 911 service.”¹¹

This statement demonstrates that the Commission can align with the FCC Order by grounding its updated COLR rules in the State’s authority to protect public safety by ensuring access to 911 service and universal service obligations. The FCC Order emphasizes the importance of public safety:

⁹ It is worth noting that Cal Advocates’ recommendation that Lifeline remain an obligation in perpetuity for a COLR who seeks utilization of the Joint Proposal’s expedited process is not implicated by the FCC Order because Lifeline can be offered, and is already offered, over any technology.

¹⁰ FCC Order at 3.

¹¹ FCC Order at 77.

“We agree with these commenters that modernizing our discontinuance rules cannot come at the expense of legitimate safety concerns and that consumers must be able to rely on swift and accurate access to emergency services.”¹²

Accordingly, any new framework that the Commission adopts should ensure that COLR obligations do not impede the discontinuation of legacy services, while also protecting public safety and supporting access to essential communications services for all Californians. A COLR rule framed in that manner is legally distinct from a rule that blocks a provider due to consumer-choice concerns, and would be consistent with the stated goals of the FCC Order.

B. The Scoping Memo’s position on mobile services invites legal risk.

The Commission’s adoption of the Staff Proposal’s position that mobile service is not a full substitute for a COLR would invite unnecessary risk under the FCC Order.¹³ As explained in Cal Advocates’ Reply Comments on the Joint Proposal, the FCC Order “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.”¹⁴ While the Staff Proposal acknowledges the Commission’s technology-neutral position,¹⁵ it contradicts that position in structuring available pathways essentially prohibiting mobile service as substitute for legacy copper service.¹⁶ The Commission’s adoption of a standard that prohibits mobile service as a

¹² FCC Order at 27

¹³ Staff Proposal, at 22.

¹⁴ Cal Advocates Reply Comments on COLR Joint Proposal at 2-3, citing FCC Order, Paragraph 7 at 3-4 and Paragraph 106 at 56.

¹⁵ Staff Proposal at 26. “The CPUC’s COLR obligations are technology-neutral, and as such, COLR obligations may be fulfilled using fiber optic, coaxial cable, or wireless as alternatives to copper.”

¹⁶ Staff Proposal at 22 (stating that “we do not consider mobile service as a full substitute for a COLR. Rather, we propose mobile service should be considered as a supplementary service for purposes of consumer choice and not on the same level as a Qualified Provider.”).

substitute for legacy copper service would invite new conflicts with the FCC Order, which aims to reduce regulatory burdens and spur network modernization, including wireless technology.¹⁷ Failure to harmonize the Commission’s COLR rules with the FCC order would increase the risk of a preemption challenge,¹⁸ a risk that the Commission can substantially mitigate by adopting a framework consistent with the FCC Order’s recognition of the important role of States in protecting consumers and public safety.

C. Adopting the Joint Proposal along with Cal Advocates’ Recommendations Roots Updated COLR rules in Public Safety and Network Modernization.

The Commission should adopt Cal Advocates and AT&T California’s Joint Proposal. The Joint Proposal provides an additional pathway to the Staff Proposal that complies with the FCC Order.¹⁹ It is rooted in the modernization of networks, tied to specific obligations to low-income communities and a continuing obligation to serve, while retaining the Commission’s long held technology-neutral position.²⁰ Furthermore, the Joint Proposal unambiguously requires a COLR to “offer voice or broadband using any technology throughout the Relief Area.”²¹

The Commission should pair the Joint Proposal with Cal Advocates’ wireless recommendations. Cal Advocates has noted that the Commission should require carriers offering wireless service to meet the Commission’s consumer-protection standards,²² and has outlined the technical requirements and conditions under which wireless can serve as

¹⁷ FCC Order at 2.

¹⁸ AT&T itself is in fact making this specific attack today in the courts; *see Complaint, Pac. Bell Tel. Co. v. Reynolds*, No. ___ (S.D. Cal. filed May 20, 2026) available at <https://storage.courtlistener.com/recap/gov.uscourts.casd.856308/gov.uscourts.casd.856308.1.0.pdf>.

¹⁹ Cal Advocates Reply Comments on Staff Proposal, Appendix A at A-1.

²⁰ Decision (D.) 12-12-038, *Decision Adopting Basic Telephone Service Revisions*, December 24, 2012, Appendix A at A-1.

²¹ Cal Advocates Reply Comments on Staff Proposal, Appendix A at A-1.

²² Cal Advocates Reply Comments on COLR Joint Proposal, at 2.

a viable COLR alternative.²³ Adopting both the Joint Proposal and Cal Advocates’ technical recommendations for wireless signal strength and data collection, which are rooted in ensuring that wireless 911 access works inside the home, addresses the challenges that the FCC Order poses for the Commission’s adoption of new COLR rules. Adopting both the Joint Proposal and Cal Advocates’ related technical recommendations would re-align the new COLR rules with the Commission’s technology-neutral policy and avoid conflict with the FCC Order while also protecting Californians.

III. CONCLUSION

Cal Advocates appreciates this opportunity to provide opening comments on the ALJ Ruling and requests that the Commission adopt the recommendations stated above.

Respectfully submitted,

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²³ Notably, Cal Advocates has proposed a minimum Reference Signal Received Power (RSRP) threshold of -84 decibel-milliwatts as a requisite wireless signal strength outside a home to ensure sufficient indoor signal quality. See *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.