



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

06/17/26

04:59 PM

R2406012

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

Rulemaking 24-06-012
(Filed June 20, 2024)

**REPLY COMMENTS OF EMF SAFETY NETWORK ON ADMINISTRATIVE
LAW JUDGE'S RULING SOLICITING COMMENTS ON
FCC SECTION 214 SERVICE
DISCONTINUACE RULES CHANGE IMPACT**

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Dated: June 17, 2026

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Introduction

Pursuant to the schedule established on May 28, 2026, Administrative Law Judge Thomas J. Glegola’s Ruling Soliciting Comments on FCC Section 214 Service Discontinuance Rules Change Impact, EMF Safety Network timely submits these reply comments. EMFSN is a non-profit 501(c)(3) organization authorized pursuant to its articles of incorporation and bylaws to represent and advocate the interests of residents and small commercial customers of electrical, gas, water, and telephone utilities in California. Our organization’s mission is “to educate and empower people by providing science and solutions to reduce EMFs, improve lives, achieve public policy change, and obtain environmental justice.”

Discussion

It is deeply concerning that the CPUC (Commission) is now facing a potential preemptive challenge by the FCC after almost two years of extensive evaluation, in person and remote

meetings, numerous party submissions, countless hours of Commission staff time, and close to a thousand public comments in the CPUC docket expressing an urgent need to retain copper landlines. We appreciate the Commission's time and dedication to protecting people's connectivity while ensuring critical public safety.

In AT&T's May 29, 2026 filing for this proceeding which is titled: "Pacific Bell Telephone Company D/B/A AT&T California's (U 1001 C) Response to Administrative Law Judge's Ruling Ordering AT&T California Attestation and Verification," AT&T defensively states, "*Nor is there any basis to shift the blame to AT&T California for the lack of meaningful COLR reform nearly two years after the Commission instituted this proceeding, as the Ruling suggests. Indeed, the Ruling states that AT&T California's application for COLR relief is itself evidence of a "pattern" of "inappropriate" behavior. Such hostility to COLR reform is precisely why AT&T has turned to the FCC and the federal courts to preempt California's rotary dial-era obligations...*"¹

As a result, AT&T now looks to obtain FCC support for their aggressive plans to end legacy landline service in CA and promote their more profitable fiber and wireless agenda (FCC 26-120, 26-121, 26-123, 26-125)². AT&T's trifecta also includes their lawsuit against the CPUC and state Attorney General's office as well as an attempt to influence the state legislature to introduce a California Constitutional Amendment (ACA-9), thereby removing CPUC oversight over telecommunication services. This amendment has already passed the assembly.

Recent NPR radio and online news segments show more attempted influence by AT&T. Focusing on copper theft and AT&T's frustration with the state for standing in the way of progress, it appears that AT&T is currently engaging in an aggressive media campaign to sway public opinion.³ In these segments, Susan Santana, president of AT&T West and Senior EVP, transformation and global supply chain, is blaming California for impeding modernization so AT&T can more efficiently invest their resources into fiber and wireless. She is quoted as saying: "In an ideal world, California would find a way to help us transition, would identify a pathway to transition from maintaining a copper legacy network to allowing us to invest our resources into fiber and wireless, which is what most of the other states in this country have

already done." NPR goes on to report: "In late May, AT&T filed a lawsuit against California to allow it to discontinue its legacy copper wire-based phone service in line with Federal Communications Commission authorization to phase it out."

No mention in the NPR segments, of the two year in depth process the CPUC has undertaken with this Carrier of Last Resort Modernization proceeding, R.24-06-012, which includes ten public hearings in 2025, three remote and seven in person (held in various cities throughout California), five extensive on-line party meetings held from February 2025 to June 2025, an online docket for public comment with over a thousand express comments by ordinary citizens expressing their urgent need to retain copper landlines for public safety and accessibility to vital voice connections, the 81 page CPUC Staff Proposal on Carrier of Last Resort Modernization discussing various proposals and considerations that was responded to by numerous parties in the proceeding, and the many rulemakings by Judge Thomas Glegola inviting input by party participants from industry and consumer advocacy groups. All this continues to this very day!

Is This All About POTS?

We believe AT&T needs to acknowledge the reasons why so many customers want to retain their landlines. It's not that these customers are old folks who don't like change. There are legitimate issues that are not being addressed.

Unfortunately, AT&T has not been able to come up with an adequate replacement for their POTS service. If their replacement (AT&T Phone-Advanced) depends on wireless signals from cell towers or antenna arrays, that's a problem for the EMR-S disabled (people who suffer from Electromagnetic Radiation Syndrome) or residents who live in remote areas where cell service is unreliable. If the POTS replacement depends on fiber optic connections, the fiber must come to the premises, which is not available for many living in mountainous or remote areas. Fiber connections also depend on a router which requires a power source to function, so that means battery back-ups must be provided and have the capability to deliver emergency power for at least 24 hours, if not longer, since natural disasters can disrupt power for multiple days. AT&T fiber optic routers also emit wireless radiation at fairly high levels. Again, that's a problem for

the EMR-S disabled.

EMF Safety Network has always taken the position that the needs of the EMF-disabled and those with EMR-S, where access to universal, equitable, reliable and secure voice service does NOT rely on wireless radiation, must be considered. We are in communication with many POTS users on a regular basis, and we hear their alarm about losing copper landline service.

AT&T states that only 3% of their customers in Californians still use POTS. That's an average of 3 out of 100 (or 1 out of 33). From the many hundreds of complaints we have heard during public comment period at CPUC meetings, and many more in the R.24-06-012 docket, AT&T has been ignoring repair requests for years, which is perhaps why the POTS customer percentage is so low. Customers are routinely told that AT&T no longer serves landlines, so people are forced to use other means of connection that are not as reliable and can put the disabled at risk. Many people do not realize that they need to be persistent in holding AT&T accountable for servicing their lines. In most cases, complaints must be made to the CPUC to get AT&T to honor their obligations.

AT&T is claiming that copper theft is out of control, which is why they can't continue servicing landlines. While we're not disputing that this theft occurs and is a problem in some areas, the people we have spoken with simply need repair service that has nothing to do with copper theft.

A September 2025 article from an Informa TechTarget Publication ("Light Reading"), by Senior Editor Jeff Baumgartner, quoted AT&T's Susan Johnson about AT&T's profitable copper recycling program.⁴

"As Johnson told Light Reading last fall, AT&T is recycling and reselling the copper and other components it's pulling out of the network. 'I'm proud to say that I think the copper amount we've sold adds up to about five Eiffel Towers,' she said. 'So, really scaling that effort and putting that copper to better uses is another critical goal for 2026.' AT&T estimates it has recycled about 112 million pounds of copper so far."

More AT&T media PR is being carried out by Susan Johnson as she explains the growing need for recycled copper to meet AI demands in a May 5, 2026 YouTube video titled “Rewiring a telecom giant.”⁵

Disability Access Needs to be Addressed

In California, one in 10 people have some sort of disability, according to census figures. Between the ages of 18 and 64, one in 25 use a wheelchair or walker. Among those 65 and older, the rate rises to one in four. California mandates disability access for those in wheelchairs or walkers. What about the 1 in 33 who want to keep their landlines? How many of them are disabled and require accommodations for safe, dependable telephone service? Does AT&T have the statistics on how many 65 and older customers depend on their landlines because of a disability?

It is commonly known that many seniors who are less active rely on phone communication with friends and family, especially if they can’t drive or live at a distance from loved ones. During these important long conversations (which can last awhile), cell phones run low on battery power or hard of hearing folks often find that using cell “speaker mode” is difficult when trying to understand certain words. It has been our observation that a higher percentage of EMF disabled people are seniors, since they often have health problems that are exacerbated by radiofrequency radiation.

EMF Safety Network submits additional Reply Comments by N. Albert, Telecommunication Consultant

To further examine AT&T’s recent actions and the FCC’s attempts to preempt CPUC’s COLR rules, specifically the FCC’s revised Section 214 Discontinuance Rules, EMF Safety Network has sought the input of telecommunications consultant, N. Albert, who has analyzed some important issues on this topic. Although not a party to this proceeding, EMF Safety Network appreciates Mr. Albert’s perspective and in-depth analysis. We respectfully submit his reply comments, Attachment A, for your consideration. N. Albert’s comment topics include:

I. THE RISK OF PREEMPTION CHALLENGES SHOULD NOT DISCOURAGE THE COMMISSION FROM UPHOLDING COLR

II. THE COMMISSION IS NOT PREEMPTED FROM REGULATING INTRASTATE SERVICE

III. NO REFORM IS NEEDED TO ACCOMMODATE OTHER TECHNOLOGIES

IV. CUSTOMER NOTICE REQUIREMENTS SHOULD BE STRENGTHENED

V. POTS IS NOT JURISDICTIONALLY MIXED

VI. THE COMMISSION SHOULD NOT ELIMINATE REQUIREMENTS SOLELY TO APPEASE THE FCC, AT&T, OR OTHER COLRS

VII. THE COMMISSION MAY WISH TO CONSIDER SUBSIDIZING COLRS OR MORE EASILY FACILITATING THE ASSUMPTION OF COLR RESPONSIBILITIES BY ANOTHER ENTITY

Conclusion

We appreciate this opportunity to submit these comments and add our contribution to those documents already submitted by other parties in this proceeding. Once again, we thank the CPUC for their time and attention to this matter of great importance.

Respectfully submitted,

/s/ Sidnee Cox

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Reference links:

- [1] <https://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=608066516>
- [2] [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2226-125%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-125%22)))
- [3] <https://www.wbur.org/hereandnow/2026/06/08/copper-thefts>
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- [4] <https://www.lightreading.com/broadband/at-t-s-copper-retirement-plan-plows-ahead>
- [5] <https://www.youtube.com › watch?v=15LC-s3HpGM>

Attachment A:

June 17, 2026 Reply Comments of N. Albert, Telecommunications Consultant, to ALJ's Ruling Soliciting Comments on FCC Section 214 Service Discontinuance Rules Change Impact

ATTACHMENT A

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

June 17, 2026

REPLY COMMENTS OF N. ALBERT, TELECOMMUNICATIONS CONSULTANT, TO ADMINISTRATIVE LAW JUDGE'S RULING SOLICITING COMMENTS ON FCC SECTION 214 SERVICE DISCONTINUANCE RULES CHANGE IMPACT

In March, the Federal Communications Commission (FCC) adopted a Report and Order¹ which aims to preempt state rules that interfere with the discontinuance of interstate and jurisdictionally mixed services. This has brought the California Public Utilities Commission's (Commission) carrier of last resort rules (COLR Rules) under scrutiny for any actual or perceived conflict they may have with the FCC's rules. As some parties have pointed out, there are some impacts to the Commission's rules; however, other arguments of preemption are based on inaccurate understandings of the FCC's authority and the scope of its preemption authority. The Commission can and should retain COLR rules to continue to ensure that all Californians have access to reliable and accessible voice service.

I. THE RISK OF PREEMPTION CHALLENGES SHOULD NOT DISCOURAGE THE COMMISSION FROM UPHOLDING COLR

Several parties suggest that COLR rules should be significantly relaxed or eliminated entirely in order to avoid preemption challenges. Small Business Utility Advocates suggests reframing service continuation mandates to focus on transition adequacy². Frontier advocates eliminating COLR requirements altogether³. Both suggestions are misguided and fail to recognize that the competitiveness of voice services on average does not mean that they are actually competitive everywhere.

The FCC has made it clear that it is acting to protect industry interests, not consumers. Thus, the

¹ FCC, In the Matter of Reducing Barriers to Network Improvements and Service Changes (WC Docket No. 25-209) and Accelerating Network Modernization (WC Docket No. 25-208), FCC 26-19, released March 27, 2026.

² Opening Comments of Small Business Utility Advocates, p. 3

³ Opening Comments of Frontier Communications, p. 3

Commission is a critical backstop in ensuring that Californian consumers' access to reliable voice service is not interrupted. Relying purely on the FCC's Section 214 discontinuance rules as suggested by Frontier⁴ is inadequate and will not protect consumers. Rules that are perceived as obstacles by industry are simultaneously critical consumer protections that can spell life or death for hundreds of thousands of Californians. The Commission has an obligation to defend and uphold its COLR rules – which remain legally sound and defensible against current threats by AT&T and the FCC. Cal Advocates suggests adopting a framework more consistent with the FCC's to “reduce the risk of a preemptive strike.”⁵ This is a dangerous slippery slope; “harmonizing” necessary COLR rules with an FCC order of questionable legality would be a significant setback to millions of Californians. The Commission should uphold the rules it believes will most effectively protect Californians while also ensuring compliance with federal law – no more, no less.

Several parties make inaccurate claims about the FCC's ability to preempt the Commission's COLR rules, such as requirements that carriers provide POTS to all locations⁶, which is inaccurate since COLR is technology-neutral and does not require POTS. At the same time, technology neutrality must not be used as a means for significantly eroding the reliability of the voice services to which Californians have access, something that has been hitherto recognized by the CPUC. Consolidated Communications' suggestion that rules be changed to reflect “true technological neutrality” are insufficient; while COLR does not require specific technologies, not all technologies are equally reliable or accessible, something the Commission has recognized. Technology neutrality is intended to allow alternative technologies insofar as they can achieve comparable reliability and accessibility. Technologies that fail to do so must not be considered solely in the name of “technology neutrality.” For this reason, suggestions that “basic service may be provided over any technology... with no preference to, or requirement for... traditional wireline technologies⁷” must be rejected, given that non-wireline technologies have been shown to be demonstrably less reliable. A theoretical ability to call 911 with alternate technologies provides no guarantee of actual ability to do so in extenuating circumstances, including wildfires, earthquakes, and extended (multi-day) power outages, all of which are uniquely common in California. Frontier has explicitly noted that it would not replace copper with fiber at all present locations⁸, admitting that many customers will lose their only wireline voice connectivity if COLR rules are eliminated or relaxed to allow for less reliable wireless technologies. This is significant cause for concern.

Cal Advocates' concern about prohibiting mobile service as a substitute for copper service⁹ is

⁴ Opening Comments of Frontier Communications, p. 20

⁵ Opening Comments of The Public Advocates Office, p. 2

⁶ Opening Comments of Consolidated Communications, p. 3

⁷ Opening Comments of Consolidated Communications, p. 4

⁸ Opening Comments of Frontier Communications, p. 7

⁹ Opening Comments of Cal Advocates, p. 5

unfounded. Imposing minimum quality, reliability, and accessibility standards, on a technologically neutral basis, may have the effect of excluding wireless technologies in some use cases. This does not mean standards should be “relaxed” to allow for them, simply because the FCC believes that wireless is sufficient. As the Commission itself has noted, and as consumers have testified before the Commission previously, wireless has been demonstrably less reliable than wireline options. The Commission should not modify its current position on the inadequacy of wireless technologies to provide basic service.

II. THE COMMISSION IS NOT PREEMPTED FROM REGULATING INTRASTATE SERVICE

Carriers such as AT&T, Frontier, and Consolidated Communications are mistaken in claiming that the FCC’s revised Section 214 discontinuance rules allow carriers to stop providing POTS irrespective of the Commission’s COLR rules. The FCC’s attempts in its Network Modernization Order to assert authority over intrastate communications are legally questionable and unlikely to hold up to scrutiny. As other parties have noted, FCC rules do not preclude the Commission from imposing its own discontinuance requirements insofar as they pertain to intrastate voice services. There is no basis for the Commission to voluntarily relax or eliminate requirements solely to appease illegal overstep of the FCC’s congressionally delegated authority. As other comments note, “even if the FCC order was intended to preempt the CPUC’s authority to set or modify COLR rules under California law, the FCC lacks such power¹⁰.” I concur with and further refer to the Opening Comments of The Utility Reform Network and the Joint Opening Comments of the Rural County Representatives of California, California Alliance for Digital Equity, Center for Accessible Technology, and Media Alliance for further elaboration on the already well-established state authority over intrastate communications.

III. NO REFORM IS NEEDED TO ACCOMMODATE OTHER TECHNOLOGIES

Joint comments from other parties suggest that the Commission “renew its focus on reforming the elements of basic service that COLRs such as AT&T perceive to be a technological barrier to provide [service over fiber]¹¹.” This is unnecessary. No technological barriers exist to providing COLR service over fiber; AT&T itself recently filed comments with the Commission demonstrating it fulfills its basic service obligation over fiber for 5,600 customers in California¹². AT&T already provides basic service

¹⁰ Joint Opening Comments of the Rural County Representatives of California, California Alliance for Digital Equity, Center for Accessible Technology, and Media Alliance (“Joint Comments”), p. 2

¹¹ “Joint Comments”, p. 4

¹² Pacific Bell Telephone Company d/b/a AT&T California’s Response to ALJ’s Ruling Ordering AT&T California Attestation and Verification, May 29, 2026, p. 14
(<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M608/K066/608066516.PDF>)

over fiber, so clearly, there is no need to modify COLR rules to allow for alternate technologies such as fiber to be accommodated. No barrier exists aside from carriers' unwillingness to spend money in serving customers they do not consider profitable enough to serve – exactly why COLR exists in the first place. The Commission should not make arbitrary modifications to COLR to appease carriers.

IV. CUSTOMER NOTICE REQUIREMENTS SHOULD BE STRENGTHENED

The FCC Order significantly reduced the notice that customers receive about service discontinuations. Customers now may have as few as two weeks to file comments in opposition to a discontinuation. Additionally, as part of its current petition to disconnect 184,000 residential and 15,000 business customers, AT&T provided customers with misleading information about the transition and did not provide clear and actionable information about how to file objections with the FCC¹³, leading to some consumers initially filing comments in the wrong dockets.

As other parties suggest¹⁴, the Commission should strengthen its customer notice requirements to protect consumers and businesses by ensuring that all stakeholders have adequate time to learn about proposed changes and file opposition comments if they are unduly affected. This should include a plain language description of the proposed change, impacts, and timelines, and clear information about how to file comments, including the links to the FCC Electronic Comment Filing System (ECFS) and the relevant docket numbers.

V. POTS IS NOT JURISDICTIONALLY MIXED

Carriers to this proceeding paint an inaccurate picture of how POTS actually works. POTS is, and always has been, an almost exclusively intrastate service¹⁵. Interstate service is not offered by local exchange carriers, which is what COLR concerns. Some LECs may offer interexchange service through another subsidiary, but in general, consumers can obtain interexchange service from any interexchange carrier (IXC) of their choosing. LECs are not required to be IXCs. While the Network Modernization Order has implications for IXCs, it does not affect the Commission's ability to impose basic service requirements on LECs, so long as they do not require the functions of an IXC, which they do not.

AT&T points to “the ability to place and receive voice-grade calls over all distances¹⁶.” The revised basic service definition from D.12-12-038 also includes the requirement that COLRs provide “equal

¹³ AT&T Section 214 Discontinuance Applications, WC Dockets 26-120 and 26-121

¹⁴ Opening Comments of Small Business Utility Advocates, p. 6

¹⁵ I say “almost” to allow for edge cases such as LATAs or local exchange boundaries that cross state lines.

¹⁶ D.12-12-038, p. 18 (<https://docs.cpuc.ca.gov/PublishedDocs/SupDoc/A2209003/6553/517408149.pdf>)

access to interexchange carriers¹⁷.” AT&T’s argument to the FCC demonstrates a confusion of its own obligations to provide interstate services to customers under its long-distance subsidiary, AT&T Long Distance, with the mere facilitation of access to the greater PSTN via third-party interexchange carriers (IXCs). AT&T itself is an IXC, predominantly via its Feature Group D CIC “0288”, and many AT&T California local exchange customers do choose to presubscribe to AT&T’s long-distance offering. However, customers are free to choose another interexchange carrier or elect to have no long-distance service altogether. Frontier, in its opening comments, has likewise made the same confused argument,¹⁸ conflating interconnection requirements for interexchange service with interstate service itself.

The “all-distance” calling requirement, as distinct from the other local service considerations of this service element, is satisfiable solely through the provision of “Equal Access” capabilities to subscribers, through which customers may seek interexchange long-distance services from any IXC (which may or may not be affiliated with the COLR providing a customer’s local exchange service). This reflects current practice. A COLR does not need to provide its own IXC services to its local exchange customers; indeed, AT&T currently seeks to retire its IXC and has already grandfathered access to it outside of California¹⁹. Various ILECs around the country do not offer any IXC services of their own, and they are not obligated to.

The Commission cannot compel COLRs to provide interstate services, which are under the sole jurisdiction of the FCC. In particular, efforts in the current Staff Proposal which seek to require all-distance calling at a single unified rate²⁰ thus run contrary to federal law. The Commission cannot regulate the rates or terms of interstate interexchange services, nor can it require that COLRs provide IXC services. However, COLRs are only required to provide “Equal Access” capability, which avoids conflict with FCC discontinuance authority as these “Equal Access” arrangements do not constitute a provision of interstate service by a COLR that could be subject to preemption, but rather merely facilitate – via interconnection – the ability to make and receive calls of all distances.

Claims that “state commissions cannot prevent discontinuance of the intrastate component of the service without simultaneously preventing discontinuance of the interstate component²¹” are simply wrong and based on an intentional confused understanding of the way that traditional voice networks operate. IXCs are free to discontinue interstate interexchange service, solely with FCC authorization. Such authorization does not extend to local exchange carriers which merely provide *interconnection* with

¹⁷ Id.

¹⁸ Opening Comments of Frontier Communications, p. 18

¹⁹ AT&T grandfathered access to AT&T Long Distance in most states on October 15, 2025 (https://serviceguide.att.com/tariff/consumer/manage/secure/files/AT&T%20Long%20Distance%20Grandfather%20Notice_mgravim7_qd.pdf)

²⁰ Staff Proposal, p. 60

²¹ Opening Comments of Frontier Communications, p. 17

other companies that may provide interstate voice service.

Some carriers misleadingly state “customers... are not looking to subscribe to local/intrastate service separately from long-distance service.”²² And yet, some customers do this (typically for economic reasons), and all customers *can* do this, because *this is the way POTS works*. No consumer is obligated to purchase interstate service in order to use POTS. While some LECs may offer “bundled” all-distance packages, they are not obligated to. The mere presence of bundled packages in the marketplace does not negate the underlying distinction between calls that are included with any local exchange service, and those that are being processed by an interexchange carrier, even if affiliated with the LEC.

Thus, this basic service element is not nominally subject to FCC preemption. LECs are not required to provide interexchange services and thus have no grounds on which to seek preemption of COLR, which is only concerned with the functions of local exchange networks, which are purely intrastate networks. If the Commission wishes to shore up this element against preemption, it may wish to clarify that “Equal Access” interconnection obligations are all that are required to satisfy this service element. Even supposing “Equal Access” requirements were subject to preemption – which, being intrastate, they are not – such preemption would not extend to the underlying local exchange networks.

VI. THE COMMISSION SHOULD NOT ELIMINATE REQUIREMENTS SOLELY TO APPEASE THE FCC, AT&T, OR OTHER COLRS

Cal Advocates’ suggestion to adopt the Joint Proposal of Cal Advocates and AT&T California²³ should be rejected. Both the current Staff Proposal and the aforementioned Joint Proposal²⁴ significantly weaken the existing COLR protections and eliminate critical protections for protected groups, including people with disabilities.

AT&T has repeatedly attempted to mischaracterize certain elements of COLR, such as operator services and directory services, as features that “customers do not want.” This is demonstrably false: in 2024, AT&T customers made 55,000 operator-assisted calls and placed 51,000 calls to directory assistance²⁵. Why would customers make these calls if they did not want or need to?

These service elements – along with the requirement for free white pages directories – critically ensure that voice service can be utilized by *everyone* – including people with disabilities and people without Internet or computer access. The Commission has previously proposed eliminating these

²² Opening Comments of Frontier Communications, p. 17

²³ Opening Comments of Cal Advocates, p. 5

²⁴ <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M599/K037/599037513.PDF>

²⁵ Reply Comments of The Utility Reform Network on the ALJ’s Ruling Regarding Comments on Topics Discussed at August 22, 2025 Workshop, p. 30
(<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M590/K506/590506485.PDF>)

requirements in its Staff Proposal²⁶. This is a mistake. These requirements remain critical and must be retained. Rules like COLR exist precisely because COLR service is the “last resort” for many people. It is not enough that the majority of people are served without certain requirements. The requirements were arrived at precisely because eliminating any one of them would prevent marginalized groups from being able to fully utilize their voice service.

One need only look to other states where telecom has largely been deregulated to see the effects. For example, in Virginia, Verizon voluntarily elected to be regulated as a “competitive telephone company” following amendments to Virginia Title 56 in 2014²⁷, made as part of legislation introduced by a senator with significant campaign contributions from Verizon²⁸. Customers in Virginia are now denied the ability to receive free white pages directories – they are told that it can only be accessed online. This is not acceptable, as it further marginalizes people that are already being increasingly excluded and shut out of utilizing basic telecommunications services. However, it underscores that large RBOCs, in particular, like AT&T, will do anything and everything they can get away with (including bribing elected officials as AT&T did in Illinois to eliminate COLR legislation there²⁹).

COLR requirements are thus a critical safeguard, as these rules are, in many cases, all that ensures the accessibility of voice communications for many. Some COLRs, like AT&T, are trying to undermine the COLR regimen via a multipronged attack on the abilities of states, like California, to protect consumers. The CPUC (California *Public* Utilities Commission) should not give into these threats, but stand up for the rights of the people it represents – the public – and whom it is obligated to protect.

VII. THE COMMISSION MAY WISH TO CONSIDER SUBSIDIZING COLRS OR MORE EASILY FACILITATING THE ASSUMPTION OF COLR RESPONSIBILITIES BY ANOTHER ENTITY

In its petition for preemption, AT&T refers to COLR as an “almost entirely unfunded mandate³⁰.” It also noted that 200 carriers were offered the opportunity to assume AT&T’s COLR obligations and none accepted³¹. Frontier in its comments likewise laments the requirement another carrier assume COLR responsibilities prior to withdrawal³².

AT&T’s claims of an “unfunded mandate” are rather disingenuous, given it boasted profits of \$23

²⁶ Carrier of Last Resort Staff Proposal (R.24-06-012) “Staff Proposal” p. 64
(<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M591/K255/591255757.PDF>)

²⁷ <https://legacylis.virginia.gov/cgi-bin/legp604.exe?141+ful+CHAP0376&141+ful+CHAP0376>

²⁸ https://www.vpap.org/committees/125624/top_donors/

²⁹ <https://arstechnica.com/tech-policy/2024/05/att-paid-bribes-to-get-two-major-pieces-of-legislation-passed-us-govt-says/>

³⁰ Petition, p. 36 (footnote 157)

³¹ Petition, p. 35

³² Opening Comments of Frontier Communications, p. 6

billion last year³³. However, AT&T demonstrates a valid point – private entities are increasingly unwilling to provide basic and universal phone service, as they seek to prioritize profits over people. In economics, this is called “market failure.” As COLR services – POTS, in particular – enter a state of market failure, the Commission may wish to consider mechanisms to provide additional cost support (within reason) to COLRs who demonstrate their cost to support exceeds the revenue taken in from a service. Such subsidies should be contingent upon a commitment and actual effort by the COLRs to maintain and properly furnish their services, something COLRs such as AT&T have refused to do³⁴.

Alternately, the Commission may wish to consider if the State of California should have a greater role to play in ensuring the public has reliable phone service, rather than rely on private entities which are no longer willing to do so. As no carriers have yet accepted the opportunity to assume AT&T’s COLR obligations, the Commission should evaluate the feasibility of seizing AT&T’s COLR infrastructure and providing state-run basic utility voice service. AT&T has indicated it wishes to decommission its legacy equipment to the maximum extent possible and avoid the jurisdiction of the CPUC altogether; these assets could be transferred to a new utility run or overseen by the state to ensure that this service remains available to all consumers.

To this extent, the Commission should consider studying the economic feasibility of establishing a public utility to which existing COLRs could voluntarily transfer their COLR assets in order to be relieved of their remaining COLR responsibilities.

/s/ N. Albert

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³³ AT&T Complete Annual Report 2025 (“AT&T Annual Report”)

³⁴ AT&T’s extensive history of illegally denying customers service and neglecting to repair the services of existing customers is well established in the Commission’s record, see public comments on R.24-06-012 and Staff Proposal, p. 46