

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



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Order Instituting Rulemaking to Implement  
Resolution E-5076 and Review of Tribal Policies.

Rulemaking 22-02-002  
(Filed February 10, 2022)

**REPLY COMMENTS OF PACIFIC BELL TELEPHONE COMPANY D/B/A  
AT&T CALIFORNIA (U 1001 C); AT&T CORP. (U 5002 C); TELEPORT  
COMMUNICATIONS AMERICA, LLC (U 5454 C); SBC LONG DISTANCE,  
LLC D/B/A AT&T LONG DISTANCE (U 5800 C); AT&T MOBILITY  
WIRELESS OPERATIONS HOLDINGS, INC. D/B/A AT&T MOBILITY  
(U 3021 C); SANTA BARBARA CELLULAR SYSTEMS, LTD. D/B/A AT&T  
MOBILITY (U 3015 C); AND NEW CINGULAR WIRELESS PCS, LLC D/B/A  
AT&T MOBILITY (U 3060 C) IN RESPONSE TO THE SUPPLEMENTAL  
COMMENTS OF THE SOUTHERN CALIFORNIA TRIBAL CHAIRMEN'S  
ASSOCIATION**

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Dated: June 25, 2026

Pursuant to Administrative Law Judge Kao’s June 4, 2026 *Administrative Law Judge’s Ruling Directing Supplemental Information from Investor-Owned Utilities and Inviting Comments on Application of Tribal Land Transfer Policy to Surplus Properties* (“June 4 Ruling”),<sup>1</sup> Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C), AT&T Corp. (U 5002 C), Teleport Communications America, LLC (U 5454 C), SBC Long Distance, LLC d/b/a AT&T Long Distance (U 5800 C), AT&T Mobility Wireless Operations Holdings, Inc. d/b/a AT&T Mobility (U 3021 C), Santa Barbara Cellular Systems, Ltd. d/b/a AT&T Mobility (U 3015 C), and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (U 3060 C) (collectively, “AT&T”) hereby submit these reply comments responding to the Supplemental Comments of the Southern California Tribal Chairmen’s Association (“SCTCA”) filed June 15, 2026.<sup>2</sup>

## **I. INTRODUCTION**

AT&T supports the California Public Utilities Commission’s (“Commission”) ongoing commitment to meaningful Tribal engagement and recognizes the important policy goals reflected in the Tribal Land Transfer Policy (“TLTP”). AT&T submits these reply comments to address SCTCA’s proposal that telecommunications utilities be required to follow certain “minimum requirements:” 1) identify Tribes with ancestral claims to fee-owned land,

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<sup>1</sup> *Administrative Law Judge’s Ruling Directing Supplemental Information from Invest-Owned Utilities and Inviting Comments on Application of Tribal Land Transfer Policy to Surplus Properties* (“June 4 Ruling”), Rulemaking (R.) 22-02-002, (June 4, 2026).

<sup>2</sup> *Supplemental Comments of the Southern California Tribal Chairmen’s Association* (“SCTCA Comments”), Rulemaking (R.) 22-02-002, (June 15, 2026).

2) maintain designated Tribal points of contact and ongoing communications, and 3) make good-faith efforts to make any fee-owned land available to relevant Tribes before sale.<sup>3</sup>

AT&T respectfully requests the Commission decline to adopt SCTCA's telecommunications-specific proposal. The proposal is outside the scope of the June 4 Ruling, would undermine existing Commission exemptions from Public Utilities Code Section 851 review, and would effectively reverse longstanding Commission decisions without the required legal process.

## **II. DISCUSSION**

### **A. SCTCA's Telecommunications Proposal Is Outside the Scope of the June 4 Ruling.**

The June 4 Ruling is focused on surplus property. It directs applicable investor-owned utilities ("IOUs") to provide information about how they determine whether property is surplus, decide to offer surplus property for sale, and identify recent and current surplus property holdings; it also invites all parties to address how IOU surplus property sales should be coordinated with and incorporated into the TLTP.<sup>4</sup>

SCTCA's telecommunications proposal is not focused on surplus properties. Instead, SCTCA asks that telecommunications utilities identify Tribes with ancestral claims to their fee-owned land, designate Tribal points of contact, open and maintain ongoing communications with those Tribes, develop an understanding of each Tribe's connection to and interest in utility fee-owned lands, and make good-faith efforts to make land available to relevant Tribes whenever a

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<sup>3</sup> SCTCA Comments at 6-7.

<sup>4</sup> June 4 Ruling at 2.

telecommunications utility is considering a sale.<sup>5</sup> It therefore falls outside the scope of the comments requested by the June 4 Ruling.

**B. SCTCA’s Proposal Would Undermine Existing Section 851 Exemptions.**

SCTCA states that it is not asking the Commission to re-impose Section 851 on telecommunications carriers that are exempt from that statute,<sup>6</sup> but its proposed minimum requirements would impose practical burdens that the Commission’s Section 851 exemptions were designed to avoid. The proposal would require carriers to engage in pre-market identification, outreach, and negotiations before selling property, including in multi-property or portfolio transactions where timing, certainty, and transaction structure are critical.<sup>7</sup>

Those obligations would add delay and uncertainty to transactions involving telecommunications real estate. Requiring property to be offered to Tribes before the market process may deter potential buyers, introduce contingencies, or cause buyers to discount value based on the additional complexity. The proposal also would impose substantial administrative burdens due to the potentially conflicting records of Tribal claims and by SCTCA’s proposed requirement to consider a Tribe’s “interests, needs, and resources” when making land available;<sup>8</sup> the term “resources” is undefined and could create pressure to sell below market value, which would be in tension with the June 4 Ruling’s express focus on methods to ensure IOUs receive market value for surplus properties.<sup>9</sup>

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<sup>5</sup> SCTCA Comments at 6-7.

<sup>6</sup> *Id.* at 6.

<sup>7</sup> *Id.* at 6-7.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> June 4 Ruling at 2.

**C. SCTCA’s Proposal Would Effectively Reverse Commission Precedent Without Required Process.**

The Commission has adopted a line of decisions granting Section 851 relief to telecommunications carriers and transactions. As AT&T previously explained, that relief includes the 1994 simplification of the Section 851 process for certain nondominant interexchange carriers, the 1995 exemption for Commercial Mobile Radio Service providers, the 1998 expansion of the Advice Letter process to competitive local carriers providing non-monopoly local exchange services, and the 2010 expansion of Section 851 exemptions for certain non-controversial Uniform Regulatory Framework (“URF”) carrier assets, including land and buildings.<sup>10</sup>

The rationale for that relief remains equally if not more applicable today. The Commission recognized that competitive telecommunications providers operate in dynamic markets and need to conduct real property transactions without overly cumbersome procedures or undue delays; it also recognized that non-rate-of-return carriers do not have assurance that the costs of Section 851 review will be recovered in rates and that imposing such requirements can inhibit competition.<sup>11</sup>

SCTCA’s proposal would recreate the delay, cost, and uncertainty that the Commission sought to remove. By requiring pre-market Tribal identification, outreach, negotiations, and

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<sup>10</sup> *Reply Comments of Joint Parties Pacific Bell Telephone Company dba AT&T California (U 1001 C), AT&T Corp. (U 5002 C), Teleport Communications America, LLC (U 5454 C), SBC Long Distance, LLC dba AT&T Long Distance (U 5800 C), AT&T Mobility Wireless Operations Holdings, Inc. dba AT&T Mobility (U 3021 C), Santa Barbara Cellular Systems, Ltd. dba AT&T Mobility (U 3015 C), New Cingular Wireless Pcs, LLC dba AT&T Mobility (U 3060 C), MCI Communications Services LLC (U 5378 C) and Cellco Partnership (U 3001 C) in Response to the Assigned Commissioner’s Ruling Inviting Comment on Proposed Modifications to Tribal Consultation Policy and Tribal Land Transfer Policy; and Related Issues, Rulemaking (R.) 22-02-002, at 3 (December 8, 2025).*

<sup>11</sup> *Id.* at 3-4.

ongoing communications for telecommunications land sales, the proposal would effectively reintroduce transaction review and delay where the Commission previously determined that such requirements should not apply.

Adopting SCTCA's proposal in this proceeding would also be procedurally improper. It would effectively modify multiple Commission decisions granting Section 851 relief, including D.94-05-051, D.95-10-032, D.98-07-094, D.07-11-048, and D.10-05-019. It would be procedurally improper for the Commission to modify these final decisions in this proceeding.<sup>12</sup> Indeed, Decision 10-05-019 concludes that the exemption it adopts should remain in effect unless and until the Commission acts on a petition for modification of that decision,<sup>13</sup> and no such petition has been filed or acted upon.

### **III. CONCLUSION**

AT&T appreciates the opportunity to submit these reply comments. For the reasons set forth above, AT&T respectfully requests that the Commission decline to adopt SCTCA's proposed minimum requirements for telecommunications utilities.

DATED: June 25, 2026

Respectfully submitted,

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<sup>12</sup> See Pub. Util. Code, § 1709; D.18-09-024, 2018 Cal. PUC LEXIS 431 at 8 (“Collateral attacks of prior Commission decisions, which are final and unappealable, are impermissible.”) (citations omitted).

<sup>13</sup> D.10-05-019, *Phase I Decision Granting Exemption for Certain Telecommunications Carriers from Compliance with Section 851 of the Public Utilities Code in Connection with the Disposition of Noncontroversial Assets*, Rulemaking (R.) 09-05-006, at 35, COL 9 (May 11, 2010).