

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Order Instituting Rulemaking
Proceeding to Consider Service Quality
Rules for Wireless Carriers.

Rulemaking 26-02-017

**THE PUBLIC ADVOCATES OFFICE AND THE UTILITY REFORM
NETWORK OPPOSITION TO MOTION REQUESTING THAT THE
COMMISSION CONDUCT AN EVIDENTIARY HEARING**

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I. INTRODUCTION

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) and The Utility Reform Network (TURN) submit this opposition to the July 6, 2026 *Motion of CTIA, AT&T Mobility LLC (New Cingular Wireless PCS, LLC), AT&T Mobility Wireless Operations Holdings, Inc., Santa Barbara Cellular Systems, Ltd., T-Mobile West LLC DBA T-Mobile, and Cellco Partnership DBA Verizon Wireless Requesting that the Commission Conduct an Evidentiary Hearing*¹ (Motion), pursuant to Rule 11.1 of the California Public Utilities Commission’s (Commission) Rules of Practice and Procedure.²

The Assigned Commissioner’s Scoping Memo and Ruling (Scoping Memo) declined to set an evidentiary hearing because the parties “have not identified material disputed facts, nor have parties requested an evidentiary hearing.”³ The Scoping Memo added that though the parties may later file a motion for evidentiary hearing, “any motion must identify the specific disputed material facts.”⁴ This Motion here fails because it explicitly admits, “In sum, the Wireless Parties are not aware of any disputed facts in the record[.]”⁵

When applying the Rules of Practice and Procedure, such as Rule 7.5 and Article 13, to determine whether a hearing is necessary, the assigned Commissioner should apply and construe the Rules in a way to secure a “just, speedy, and inexpensive determination of the issues presented” in this proceeding.⁶ Because the Wireless Parties identify no disputed material facts at issue, the Motion fails to meet the Scoping Memo’s

¹ CTIA, AT&T Mobility LLC (New Cingular Wireless PCS, LLC), AT&T Mobility Wireless Operations Holdings, Inc., Santa Barbara Cellular Systems, Ltd., T-Mobile West LLC DBA T-Mobile, and Cellco Partnership DBA Verizon Wireless shall be referred to as the “Wireless Parties.”

² Unless otherwise indicated, all subsequent Rule references are to the Rules of Practice and Procedure.

³ *Assigned Commissioner’s Scoping Memo and Ruling (Scoping Memo)*, June 3, 2026, at 4.

⁴ Scoping Memo at 4.

⁵ Motion at 4.

⁶ Rule 1.2.

requirement to identify disputed material facts; and it must be denied in order to avoid unnecessary delay in the resolution of this proceeding.⁷

II. DISCUSSION

A. **Quasi-legislative proceedings need not have hearings, and the Wireless Parties have failed to show why one is needed.**

In this quasi-legislative proceeding, Public Utilities Code sections 1701.1 and 1701.4 allow an assigned Commissioner to determine “that a quasi-legislative case does not require a hearing.” In addition, under Rule 7.5, quasi-legislative proceedings “need not include hearings” but shall include certain components, such as a staff report, workshop, or public engagement workshop. The Scoping Memo’s schedule already includes multiple workshops, multiple public participation hearings, and a staff report.⁸ The Wireless Parties have failed to show why these components are insufficient for the parties and the public to adequately contribute to the rulemaking.⁹

Rule 12.3 says, “If there are no material contested issues of fact, or if the contested issue is one of law, the Commission may decline to set hearing.” The assigned Commissioner has properly declined to set an evidentiary hearing.¹⁰ After all, rather than focusing on factual disputes, this rulemaking focuses on what are the appropriate policies and regulations for service quality,¹¹ and the Wireless Parties themselves state that they “are not aware of any disputed facts in the record[.]”¹² Therefore, the Wireless Parties’ request for an evidentiary hearing must be rejected as unnecessary.

⁷ Of course, parties can submit exhibits and other evidence into the record under Rule 13.7 and other appropriate rules in the Rules of Practice and Procedure. But, as the Scoping Memo implies, evidentiary hearings should be reserved to resolve disputed material facts. See Scoping Memo at 4.

⁸ Scoping Memo at 5.

⁹ Motion at 4.

¹⁰ Scoping Memo at 4-5.

¹¹ See, e.g., Scoping Memo at 2 (“Should the Commission apply the service quality requirements in [General Order] 133-E to wireless voice services?”).

¹² Motion at 4.

B. The Motion fails to identify disputed facts and instead improperly focuses on policy disputes.

Contrary to the Scoping Memo’s clear requirement that evidentiary-hearing requests identify disputed material facts that should be resolved at an evidentiary hearing, the Motion instead focuses on policy disputes.¹³ As the Motion states, “[T]he Wireless Parties are not aware of any disputed facts in the record[.]”¹⁴ Furthermore, the Motion improperly focuses on policy disputes when it argues that “the fundamental questions to be addressed in this proceeding are whether the record establishes any need for regulatory service quality intervention and if so, what that intervention should be.”¹⁵

The four “disputed facts” put forth in the Motion are actually questions concerning regulatory designs and policies.¹⁶ For example, one of the Motion’s “disputed facts” is “[w]hether—or how—wireless service quality would be improved by the potential adoption of” certain performance metrics.¹⁷ None of the “disputed facts” identifies a concrete factual proposition on which the parties have submitted conflicting evidence that must be resolved through witness examination.¹⁸

Further, the Motion requests a hearing because the Commission might consider the non-Wireless Parties’ June 25, 2026 workshop presentations to be “credible information” or to be evidence—and doing so “would appear to” create a dispute.¹⁹ If any workshop participant indeed presented a figure, number, or other factual proposition that the Wireless Parties disagree with, then the Wireless Parties’ Motion should have identified

¹³ See generally Motion at 3-9.

¹⁴ Motion at 4.

¹⁵ Motion at 5.

¹⁶ Motion at 4-9.

¹⁷ Motion at 9.

¹⁸ Motion at 4-9.

¹⁹ Motion at 4-5 (“Should the Commission consider assertions made—and material presented—by the Non-Wireless Parties and Community Panelists at the June 25, 2026 Workshop as ‘credible information’, or as evidence, that will be considered part of the record, then the evidence provided to date by the Wireless Parties would appear to be in dispute.” (footnote omitted)).

that factual dispute as the basis for an evidentiary hearing.²⁰ But a hypothetical future disagreement does not satisfy the Scoping Memo’s requirement to identify “specific disputed material facts.”²¹ The Motion should be denied because of its failure to specify or identify any such factual disputes.

C. How data is to be characterized is a policy question, not a “disputed fact.”

Instead of identifying material facts in dispute, the Motion argues that a hearing is necessary to resolve policy disagreements over how data is characterized when deciding issues of regulatory policy.²² For example, the Wireless Parties allege that there is a material factual dispute over “[w]hether wireless providers’ service is reliable and resilient.”²³ This question is a policy-based characterization question for the Commission to consider when determining minimum requirements for service quality.

Another example of a “disputed fact” in the Motion is “[w]hether wireless providers’ customer service quality is high.”²⁴ However, the “disputed facts” put forth by the Wireless Parties are, at bottom, policy questions about whether there is a “need for regulatory service quality intervention and if so, what that intervention should be.”²⁵ They are about opinions on the most appropriate policies—not factual disputes about, for example, what happened or who did it.²⁶ Accordingly, the Motion fails to identify or specify any dispute about a material fact, and it should be denied.²⁷

²⁰ Scoping Memo at 4.

²¹ Scoping Memo at 4.

²² See generally Motion at 3-9.

²³ Motion at 6.

²⁴ Motion at 8.

²⁵ Motion at 5.

²⁶ See, e.g., *Seff v. Broward County*, 691 F.3d 1221, 1224 (11th Cir. 2012) (“[L]egal opinion alone would not create a factual dispute[.]”).

²⁷ See generally Motion at 3-9.

D. Developing the record does not require a hearing.

The Wireless Parties’ invocation of a “robust record” fails to establish a need for an evidentiary hearing.²⁸ Here, the Commission may properly develop an adequate record through written submissions, public participation hearings, data requests, exhibits, workshops, comments, and briefings. Indeed, Rule 7.5 and Public Utilities Code sections 1701.1 and 1701.4 contemplate that due process in a quasi-legislative proceeding generally requires certain components like a staff report, workshop, or public engagement workshop—but not an evidentiary hearing.²⁹

E. The motion mischaracterizes the record.

The Wireless Parties incorrectly state that “the only record evidence in the docket is the information provided in the Wireless Parties’ respective Responses to the OIR Information Requests.”³⁰ That incorrect statement overlooks the comments, evidence, and other materials that were submitted or cited by Cal Advocates, TURN, and other parties,³¹ such as Cal Advocates’ Appendices A through I in *The Public Advocates Office Opening Comments on the Order Instituting Rulemaking*.³²

²⁸ Motion at 1, 5.

²⁹ See, e.g., Rule 7.5(a) (“Quasi-legislative proceedings need not include hearings[.]”).

³⁰ Motion at 4. OIR stands for “Order Instituting Rulemaking.”

³¹ See generally, e.g., *Opening Comments of The Utility Reform Network on the Order Instituting Rulemaking*, April 1, 2026; *Opening Comments of the Rural County Representatives of California on Order Instituting Rulemaking*, April 1, 2026.

³² *The Public Advocates Office Opening Comments on the Order Instituting Rulemaking*, April 1, 2026, Appendices A - I.

III. CONCLUSION

The Motion must be denied because it fails to cite any material disputed facts that would require an evidentiary hearing.

Respectfully submitted,

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