

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA



FILED

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

Rulemaking 26-02-0198/27/26
(Filed February 26, 2026) 10:12 AM

R2602017

**EXPEDITED MOTION OF THE UTILITY REFORM NETWORK, AND CENTER FOR
ACCESSIBLE TECHNOLOGY FOR A PROTECTIVE ORDER**

Melissa Kasnitz
Legal Director
Center for Accessible Technology
3075 Adeline Street, Suite 220
Berkeley, CA 94703
Phone: (510) 841-3224
Fax: (510) 841-7936
E-mail: service@c4at.org

Ryan Johnston
Telecommunications Regulatory Attorney
The Utility Reform Network
360 Grand Ave., # 150
San Francisco, CA 94610
Phone: (415) 929-8876
E-mail: rjohnston@turn.org

August 27, 2026

I. INTRODUCTION

In accordance with Rule 11.1 of the Commission's Rules of Practice and Procedure, The Utility Reform Network (TURN), and Center for Accessible Technology (together Joint Filers) submit this Motion for a Protective Order (Motion) in the above-captioned proceeding. Joint Filers respectfully requests that the Commission issue a Protective Order for R.26-02-017 and requires that any person seeking access to confidential information relating to issues in this proceeding sign an Acknowledgment agreeing to be bound by the terms and conditions of the Protective Order. A draft Protective Order (including a draft Acknowledgment) is attached to this Motion as Attachment B.

Joint Filers also respectfully request that the Commission grant this motion on an *expedited* basis to allow parties to have access to confidential information as quickly as possible. According to the Administrative Law Judge's August 19, 2026, ruling, workshop opening comments are due on September 8, 2026, with replies due one week later on September 15, 2026.¹ The ruling also reminds parties that the proceeding will be submitted on September 15, 2026.² Under normal circumstances, responses to motions are due fifteen days after filing, and replies are due ten days after that. In this instance, a normal comment and reply period on this motion would could take longer than the record will be open. As such, the Commission should act quickly to ensure that relevant confidential information is available to intervenors in order to best develop the record in this proceeding.

II. DISCUSSION

In this proceeding, the Commission is considering whether to apply the service quality standards found in General Order 133-E to wireless voice services. The scope of issues presents

¹ See Administrative Law Judge's Ruling Issuing Staff Proposal at 1 (filed Aug. 19, 2026).

² Id. at 1.

a wide variety of issues, including investigating impacts on environmental and social justice (ESJ), how the Commission can best apply new or existing customer service metrics and reporting, and whether the Commission should apply the service quality requirements established in GO 133-E to wireless providers.³ As such, a robust discovery process is necessary to ensure that all parties have access to necessary information to address these various issues, and this process will require the exchange of documents and information that has been, and will be, identified as confidential.

Further, on June 22, 2026, TURN proffered a data request and form non-disclosure agreement (NDA) to T-Mobile to aid in the discovery process. At the time of filing this motion, and after several meet and confers and multiple rounds of redlines, TURN and T-Mobile have been unable to come to a mutually agreeable NDA. Additionally, on July 16, 2026, TURN propounded a data request and form NDA to AT&T to begin NDA negotiations. As with T-Mobile, TURN has been unable to enter into an NDA with AT&T after negotiations proved unproductive.

Both AT&T and T-Mobile have hamstrung TURN's participation in this proceeding by demanding the inclusion of new, onerous terms that have not been present in any TURN NDA agreements across its decades of participation in CPUC practice across telecommunications, energy, and water matters. While TURN is always amenable to common-sense NDA terms, some providers appear to be using the NDA negotiation process as a way to delay or limit TURN's participation in this proceeding. On one hand, providers assert that overbroad terms must be included to protect the provider from an unknown and unspecified A.I. boogeyman, while on the other hand insisting on antiquated terms that reflect discovery practices from the

³ See OIR at 2.

prior century before widespread adoption of digital technology. For example, AT&T insists on NDA terms that would require TURN attorneys and consultants to visit an AT&T office in person in order to view certain material that AT&T deems confidential. If TURN is facing these challenges, we are concerned that other parties are likewise without access to information necessary to our roles as intervenors and consumer advocates.

As of the date of this filing, TURN has not executed any NDA in this proceeding, despite many good faith attempts with three of the major wireless providers that are party to this proceeding. This fact is particularly troublesome, as Administrative Law Judge Glegola has already made multiple requests for information from wireless providers,⁴ and providers have designated significant portions of those responses as confidential.⁵

This Motion attaches a proposed ruling issuing a protective order and a proposed Protective Order. The proposed Protective Order is substantially similar to a Protective Order previously issued by the Commission in R.20-10-002, establishing procedures for accessing the confidential information that may be relevant in this proceeding. Those seeking access to confidential information are required to sign and date an Acknowledgement agreeing to be bound by the terms and conditions of the Protective Order and to file the signed Acknowledgement in this proceeding prior to accessing any confidential information.

⁴ See Administrative Law Judge's Ruling Issuing Staff Proposal at 2-3 (filed Aug. 19, 2026); Administrative Law Judge's Ruling Ordering AT&T, T-Mobile, and Verizon to Produce Previously Ordered Data at 4-6 (filed July 10, 2026); OIR at 13-15.

⁵ See Response of Cellco Partnership DBA Verizon Wireless (U 3001 C) to July 10, 2026 Administrative Law Judge Ruling Ordering AT&T, T-Mobile, and Verizon to Produce Previously Ordered Data at 3-8, 10, Exhibits 1-8 (filed July 27, 2026); Comments of AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U3060 C); AT&T Mobility Wireless Operations Holdings, Inc. (U 3021 C); and Santa Barbara Cellular Systems, LTD. (U 3015 C)) on Order Instituting Rulemaking and Responses to Information Requests at 8-12, 14, Attachment 1, Attachment 2 at 3-5, Attachment 3 at 4, 6, Attachment 4 at 3, 6, Attachment 5 at 3, Attachment 6 at 2, 4-6, Attachment 6, Attachment 8 at 2, Attachment 9 at, 2-3, Attachment 11 at 1-4 (file Apr. 1, 2026); Comments of T-Mobile West, LLC to Information Requests in the Order Instituting Rulemaking at 3-4, 6, 8-17, Attachments B-K (filed Apr. 1, 2026).

Adopting a single protective order that creates one set of procedures to govern access to confidential information would promote an efficient discovery process. The proposed Protective Order complies with the Commission's Rules of Practice and Procedure, General Order 66-D, and statute.

III. CONCLUSION

For the above-mentioned reasons, TURN respectfully requests that the Commission grant this Motion and issue a Protective Order that allows all parties access to confidential information submitted in this proceeding to inform their comments on the Staff Proposal and their participation in this proceeding.

Respectfully submitted,

/s/ Ryan Johnston

Ryan Johnston

Telecommunications Regulatory Attorney

The Utility Reform Network

360 Grand Avenue, #150

Oakland, CA 94610

Phone: (415) 929-8876

Email: rjohnston@turn.org

August 27, 2026

BEFORE THE PUBLIC UTILITIES COMMISSION OF
THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Proceeding to Consider Service Quality
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Rulemaking 26-02-017
(Filed February 26, 2026)

[PROPOSED] RULING ISSUING PROTECTIVE ORDER

The assigned Administrative Law Judge (ALJ) having reviewed the

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filed on August 26, 2026, and good cause appearing therefore, IT IS HEREBY ORDERED that:

- The following Protective Order shall govern access to confidential information in this proceeding.
- Persons seeking access to confidential information shall sign and date an Acknowledgment agreeing to be bound by the terms and conditions of the Protective Order and to file the signed Acknowledgment in this proceeding prior to gaining access to confidential information.

Dated: _____, 2026, at San Francisco, California.

Administrative Law Judge

[DRAFT] PROTECTIVE ORDER FOR Rulemaking 26-02-017

1. In this Protective Order, we adopt procedures to govern access to confidential information that may be filed in this proceeding, Rulemaking R.26-02-017. We anticipate that such information will be necessary to develop a complete record on which to base the California Public Utilities Commission's (Commission) findings, conclusions, and decisions in this proceeding. We therefore will make information marked as confidential available to Parties⁶ in this proceeding, but only pursuant to this Protective Order. We conclude that the procedures we adopt in this Protective Order give appropriate access to parties while protecting confidential information from improper disclosure, and that these procedures thereby serve the public interest.⁷

2. The Acknowledgement requirement of this Protective Order does not apply to the Commission's Office of the Public Advocates at the California Public Utilities Commission (Cal Advocates). Cal Advocates is bound instead by the confidentiality requirements of Public Utilities (Pub. Util.) Code §583 and General Order (GO) 66-D.

3. This Protective Order shall remain in effect until it is modified or terminated by the Commission or the assigned Administrative Law Judge (ALJ), or as described in paragraph 15 below, "Termination of Proceeding." Each Party governed by this Protective Order has the right to seek changes in it through the Commission's processes and procedures.

4. Definitions. As used herein, capitalized terms shall have the following meanings:

a. "Acknowledgement" means the Acknowledgement of Confidentiality attached to this Protective Order.

b. "Competitive Decision-Making" means a person's activities, association, or relationship with any of their clients or their employer involving advice about, analysis of, or participation in the relevant business decisions of the client or employer regarding the clients' or employer's provision or offering of communications services as those terms are broadly defined by the California Public Utilities Commission and the Federal Communications Commission.

c. "Confidential Information" means information that is not otherwise available from publicly available sources and is potentially subject to protection under the California Public Records Act (Government Code § 6250 *et seq.*), or is information that a Party (either the Submitting Party or the third-party who provided the information to the Submitting Party) reasonably claims to be confidential information, has kept strictly confidential, or claims constitutes some of its most sensitive business data which, if revealed, would place

⁶ Parties are determined pursuant to Rule 1.4 of the Commission's Rules of Practice and Procedure and are listed as such on the service list for this proceeding.

⁷ This Protective Order does not constitute a resolution of the merits concerning whether any information submitted under the Protective Order would be released publicly by the Commission in response to a proper request under the California Public Records Act (CPRA) (Government Code § 6250 *et seq.*), in response to a subpoena or other discovery, or otherwise.

the Party at an unfair business advantage. Claims by the Submitting Party that submitted information should qualify for confidential treatment may be subject to review and may either be approved or denied by the assigned ALJ or the Commission pursuant to the Commission's Rules of Practice and Procedure, GO 66-D, and Pub. Util. Code §583.

d. "Counsel" means In-House Counsel and Outside Counsel of Record in this proceeding.

e. "Employee" means a person employed by a Party to this proceeding or employed by an agent or representative of a Party who is actively engaged in the conduct of this proceeding (provided that such person is not involved in Competitive Decision-Making) and Support Personnel.

f. "In-House Counsel" means an attorney employed by a Party to this proceeding and who is actively engaged in the conduct of this proceeding, provided that such attorney is not involved in Competitive Decision-Making. (In this regard, an In-House Counsel's employer is considered his or her client).

g. "Non-Disclosure Agreement" or "NDA" means a contract creating a framework for sharing confidential information between a disclosing and a receiving party.

h. "Outside Counsel of Record" or "Outside Counsel" means the attorney(s), firm(s) of attorneys, or sole practitioner(s), as the case may be, representing a Party in this proceeding, provided that such attorneys are not involved in Competitive Decision-Making. The term "Outside Counsel of Record" includes any attorney representing a non-commercial Party in this proceeding, provided that such attorney is not involved in Competitive Decision-Making.

i. "Outside Consultant" means a consultant or expert retained for the purpose of assisting Counsel or a Party in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making. The term "Outside Consultant" includes any consultant or expert employed by a non-commercial Party in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making.

j. "Redacted Confidential Document" means a copy of a Stamped Confidential Document where the Confidential Information has been redacted and the redaction is marked as Confidential Information.

k. "Reviewing Party" means a Party or a Party's Counsel, Employee, Outside Counsel, or Outside Consultant who has obtained access to Stamped Confidential Documents pursuant to paragraphs 5, 6, or 7 of this Protective Order.

l. "Stamped Confidential Document" means any document, or any part thereof, that contains Confidential Information and that bears the legend (or which otherwise shall have had the legend recorded upon it in a manner that attracts the attention of a reasonable examiner) "CONFIDENTIAL INFORMATION - SUBJECT TO

PROTECTIVE ORDER IN R.26-02-017.” The term “document” means any written, recorded, electronically stored, or graphic material, whether produced or created by the Submitting Party or another person. By designating a document as “Stamped Confidential Document,” a Submitting Party signifies and represents that the document contains Confidential Information.

m. “Submitting Party” means a Party who submits a Stamped Confidential Document or Confidential Information to a Reviewing Party or to Commission Staff with a confidentiality claim in accord with the requirements of GO 66-D or in accord with an ALJ or Commission Ruling or Decision granting a motion to submit information under seal.

n. “Support Personnel” means employees of a Reviewing Party or a Reviewing Party’s Outside Firm and third-party contractors and employees of third-party contractors who are assisting in this proceeding by performing clerical or ministerial functions with regard to documents and information connected with this proceeding, including performing one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding.

5. Party’s Obligations in Designating Documents. This Protective Order does not waive compliance with the statutory mandates and Commission’s rules governing the submission and use of confidential information in Commission proceedings, including but not limited to GO 66-D, and the Commission’s Rules of Practice and Procedure (including Rules 11.3 and 11.4).⁸ The designation of any document or information as Confidential shall constitute a representation by the Submitting Party, subject to the Commission’s Rule 1.1 and GO 66-D, that the Confidential Information meets the requirements set forth therein for such designations. Only those portions of a document containing Confidential Information should be so designated consistent with guidance provided in this Protective Order.

6. Procedure for Obtaining Access to Stamped Confidential Documents. Any person seeking access to Stamped Confidential Documents and Confidential Information shall sign and date the Acknowledgment agreeing to be bound by the terms and conditions of the Protective Order. Parties whose representatives have signed an Acknowledgment shall file the signed document in the proceeding at least six business days prior to such person reviewing or having access to the Submitting Party’s Stamped Confidential Documents or Confidential Information. Each Submitting Party may file an objection to the disclosure of its Stamped Confidential Documents or Confidential Information to any person that has signed an Acknowledgment no later than three business days of the date that the Acknowledgment was filed.

Further, if a Submitting Party files additional Confidential Documents with the Commission or submits additional Confidential Documents with Cal Advocates, it must comply with GO 66-D and must separately file any objection to the disclosure of those

⁸ May 2021 Version.

additional Confidential Documents to any Reviewing Party before or contemporaneous with filing or submitting those documents.

Where a Reviewing Party seeks access to Confidential Information or Confidential Stamped Documents submitted to another Party in response to that other party's data or discovery request, the Reviewing Party shall serve a request on the Submitting Party at least five business days prior to such a person reviewing or having access to the information or documents specifying the material to which it seeks access. The Submitting Party shall have three business days from the date of receipt of the request for access to file an objection to the requested disclosure. Until any such objection is resolved by the assigned ALJ or a Law and Motion ALJ, a person subject to an objection from a Submitting Party shall not have access to Stamped Confidential Documents or Confidential Information. The provisions of this paragraph shall not be construed to apply to Cal Advocates, the Commission, or its Staff.

7. Use of Confidential Information. Persons obtaining access to Confidential Information (including Stamped Confidential Documents) under this Protective Order, including a Reviewing Party, shall use the information solely for the preparation and conduct of this proceeding before the Commission, any subsequent judicial proceeding arising directly from this proceeding, or any compliance filings established or ordered in this proceeding, including those submitted after the closure of this proceeding. Except as provided herein, parties that receive information under this Protective Order shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in other administrative, regulatory, or judicial proceedings.

Reviewing Party may discuss and share the contents of Confidential Information with another Reviewing Party, provided they have signed an Acknowledgement, and with the Commission and its staff.

Should the Commission or Staff rely upon or otherwise refer to the contents of any Stamped Confidential Documents or Confidential Information in their decisions or recommendations in this proceeding, they will do so by redacting any Confidential Information from the public version of the decision and by making the unredacted version of the decision or document available only pursuant to California Public Records Act (Government Code § 6250 et seq.), Pub. Util. Code § 583, GO 66-D, and the Commission's Rules of Practice and Procedure to a court subject to judicial process and procedure and to those persons entitled to access to Confidential Information under this Protective Order.

8. Filings with the Commission. A Reviewing Party or a Submitting Party may disclose Stamped Confidential Documents or Confidential Information in any document that it files in this proceeding (*e.g.*, comments) only if it complies with GO 66-D, Rule 11.4 of the Commission's Rules of Practice and Procedures, and the following procedure. The party shall submit to the Commission one copy of the filing containing Confidential Information (the "Confidential Filing") and an accompanying cover statement. The cover statement or first page of the Confidential Filing and each page of the Confidential Filing that contains or discloses Confidential Information must be clearly marked "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN R.26-

02-017.” The Confidential Filing shall be made under seal pursuant to the Commission’s processes and procedures and will not be placed in the Commission’s public file. The party shall also submit a copy of the filing in redacted form, *i.e.*, containing no Confidential Information (the “Redacted Confidential Filing”), to the Commission.

The Redacted Confidential Filing and the accompanying cover statement shall be stamped “REDACTED – FOR PUBLIC INSPECTION.” The cover statement accompanying the Redacted Confidential Filing shall state that the Submitting Party is filing a redacted version of the filing. Each Redacted Confidential Filing shall have the same pagination as the Confidential Filing from which it is derived. To the extent that any page of the Confidential Filing contains both Confidential Information and non-confidential information, only the Confidential Information may be redacted, and the page of the unredacted Confidential Filing shall clearly distinguish the Confidential Information from the non-confidential information.

9. Service of Documents Containing Stamped Confidential Information. Reviewing and Submitting Parties shall serve or otherwise make available through such procedures as the Commission may adopt, documents containing Stamped Confidential Information or attachments of Stamped Confidential Documents, only on those Parties and their representatives that have signed and filed the appropriate Acknowledgement and are eligible to receive such information and documents pursuant to this Protective Order. The Submitting or Reviewing Party shall serve the public redacted version on all parties to the proceeding as listed in the Commission’s official Service List.

10. Non-Disclosure of Stamped Confidential Documents. No Party shall disclose Confidential Documents or Information received pursuant to this Protective Order to a person not authorized by this Protective Order except upon prior written consent by the Submitting Party or upon further order or ruling of the Commission, the assigned Commissioner, the assigned ALJ, or a law and motion ALJ. Disclosure of Confidential Information or Stamped Confidential Documents by any person as provided herein including by accidental disclosure shall not be deemed a waiver by any Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information. Reviewing Parties, by viewing this material, agree: (1) not to assert any such waiver; (2) not to use Confidential Information to seek disclosure in other proceedings; (3) that accidental disclosure of Confidential Information by the Submitting Party shall not be deemed a waiver of any privilege or entitlement as long as the Submitting Party takes prompt remedial action.

11. Protection of Confidential Documents and Information. A Reviewing Party shall have the obligation to ensure that access to Confidential Information and Stamped Confidential Documents under its control is strictly limited as prescribed in this Protective Order. A Reviewing Party shall further have the obligation to ensure that its use of Confidential Information and Documents are only as provided in this Protective Order.

12. Client Consultation. Nothing in this Protective Order shall prevent or otherwise restrict Counsel from rendering advice to their clients relating to the conduct of this proceeding, any subsequent judicial proceeding, or submission of compliance materials arising therefrom and, in the course thereof, relying generally on examination of Stamped Confidential Documents or Confidential Information that they have received pursuant to this Protective Order; provided,

however, that in rendering such advice and otherwise communicating with such client, Counsel shall not disclose Stamped Confidential Documents or Confidential Information that they have received pursuant to this Protective Order to anyone not authorized to receive such information pursuant to this Protective Order.

13. Violations of Protective Order. Should a Reviewing Party, or any of its representatives violate any of the terms of this Protective Order, such Reviewing Party shall immediately convey that fact to the Commission and to the Submitting Party. Further, should such violation consist of improper disclosure of Confidential Information, the entity responsible for such disclosure shall take all necessary steps to remedy the improper disclosure. All disputes shall first be addressed by the parties through a meet and confer process in an attempt to resolve such disputes. If the meet and confer process is unsuccessful, either party may present the dispute for resolution to the Assigned ALJ or the Law and Motion ALJ.

14. Subpoena by Courts, Departments, or Agencies. If a court, or a federal or state department or agency issues a subpoena for or orders the production of Stamped Confidential Documents or Confidential Information that a Party has obtained under terms of this Protective Order, such Party shall promptly notify each Submitting Party of the pendency of such subpoena or order. Consistent with the independent authority of any court, department or agency, such notification must be accomplished such that the Submitting Party has a full opportunity to oppose such production prior to the production or disclosure of any Stamped Confidential Document or Confidential Information.

15. Termination of Proceeding and Return or Destruction of Protected Materials. Protected Materials related to this proceeding shall remain available to Authorized Reviewers until an order terminating this proceeding is no longer subject to judicial review. Protected Materials related to the submission of compliance filings ordered or established in proceeding shall remain available to Authorized Reviewers until the disposition of that compliance filing becomes no longer subject to judicial review. If requested to do so in writing after such a date, the Authorized Reviewers shall, within fifteen days after such request, return the Protected Materials to the Disclosing Party that produced such Protected Materials, or shall destroy the materials, except that copies of filings, official transcripts, and exhibits in this proceeding that contain Protected Materials, and notes and attorney work product based on Protected Materials may be retained.

**Acknowledgment of PROTECTIVE ORDER and Confidentiality Requirements in
Rulemaking 24-06-012**

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or, Confidential Information except as allowed by the Protective Order.

I acknowledge that a violation of the Protective Order is a violation of an order of the California Public Utilities Commission.

I acknowledge that nothing in the Protective Order limits any other rights and remedies available to a Submitting Party or Reviewing Party at law or equity against me if I use Confidential Information in a manner not authorized by the Protective Order.

I certify I am not involved in Competitive Decision-Making.

I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as a representative of a Reviewing Party, including as an Employee, Counsel, or Outside Consultant to a Reviewing Party and agree that I will not use such information in any other capacity.

I certify that I have procedures in place to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

I certify that I seek access to Confidential Information or Stamped Confidential Documents on behalf of the following Party: _____

.

Executed this _____ day of _____, 202[].

Signature: _____

Name: _____

[Position and Company: _____

Company Address: _____

Telephone: _____

Email: _____