

Decision 12-12-038 December 20, 2012

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding
Revisions to the California High Cost
Fund B Program.

Rulemaking 09-06-019
(Filed June 18, 2009)

DECISION ADOPTING BASIC TELEPHONE SERVICE REVISIONS

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DECISION ADOPTING BASIC TELEPHONE SERVICE REVISIONS

1. Introduction

By this decision, we adopt updated requirements for residential basic telephone service (basic service). Appendix A contains the updated list of service elements that comprise residential basic telephone service, along with the related requirements for offering these service elements. Although today's telecommunications marketplace offers an increasingly diverse range of products and technology options to consumers, the scope of this decision addresses only those basic telecommunications services, defined as those services essential to meet universal service needs.¹ Although the term "basic telephone service" appeared in many Commission decisions over the years, the Commission formally defined what the term meant for the first time in Decision (D.) 96-10-066. As stated in D.96-10-066, a uniform definition of basic service is important so that all residential telephone customers, no matter where they live in California, can expect a certain minimum level of service. Our updated basic service definition shall apply to any telephone corporation serving as Carrier of Last Resort (COLR) and/or offering Universal Lifeline Telephone Service within California.² The adopted basic service elements are designed to apply on a technology-neutral basis to all forms of communications technology that may be utilized, including wireline, wireless, and Voice over Internet Protocol (VoIP) or

¹ The principles underlying the California Public Utilities Commission's (CPUC or Commission) universal telephone service goals within a competitive environment are set forth in detail in D.95-07-050 (60 CPUC2d, 536, 546-547.)

² A "telephone corporation" is defined in Public Utilities Code Section 234 to include every corporation or person owning, controlling, operating, or managing any telephone line (with or without the use of transmission wires) for compensation within California.

any other future technology that may be used in the provision of telephone service.

Under Commission rules set forth in D.96-10-066, COLR status is required to receive California High Cost Fund-B (CHCF-B or B-Fund) support.³ The CHCF-B program supports the Commission's universal service goal to keep basic telephone service affordable. A COLR must offer basic service to all residential customers within its designated service territory, including those areas that are more costly or difficult to serve. Prior to the B-Fund, a system of implicit cross-subsidies kept basic rates affordable.⁴ By replacing these implicit subsidies with an explicit subsidy fund, the CHCF-B was designed to facilitate competitive pricing for services other than basic service, while preserving the affordability of essential basic service.

The basic service obligation applies on a statewide basis to all telecommunications carriers wishing to offer basic residential telephone service. Accordingly, the basic service obligation applies, not just in regions subject to high-cost support, but throughout California.

Another important universal service program designed to preserve the availability of basic telephone service to low-income customers at affordable

³ The rights and responsibilities of a carrier of last resort are set forth in D.96-10-066, Appendix B.6.D. attached hereto for reference purposes as Appendix C. Pursuant to Public Utilities (Pub. Util.) Code Section (§) 739.3, the CHCF-B was established in 1996 as part of a broader policy to ensure that universal telephone service continued to be available as local markets were opened to competition.

⁴ Because the Incumbent Local Exchange Carriers (ILECs) basic rates were set based upon an average between high and low cost areas, including profitable and less-profitable areas, basic residential rates in High-Cost areas were internally subsidized by revenues from more profitable exchanges, subsidies between product lines, and from other sources of revenues. (See D.95-07-050; 60 CPUC2d, 536, 546.)

prices is Universal Lifeline Telephone Service.⁵ Any carrier that seeks Lifeline support even if they are not a COLR, must offer the basic service elements as specified in Appendix A. Our revised definition adopted in Appendix A shall apply to Lifeline service as a starting point subject to further analysis and possible refinements that the Commission may consider in the Lifeline Rulemaking (R.) 11-03-013. Some households that qualify for Lifeline discounts may need telephone service that differs in important respects from the basic service elements in Appendix A. We thus find it in the public interest to provide additional flexibility in the manner in which carriers must provide basic service to qualify to receive support for discounted Lifeline services. The Commission may add, subtract, or refine the elements a California Lifeline Service Provider is required to offer its California Lifeline subscribers in the Lifeline proceeding (R.11-03-013), depending on the record developed therein. Our intent in this regard is to provide low-income customers with a broader range of flexibility for discounted Lifeline options, consistent with their Lifeline service needs and appropriate consumer protections.

A comprehensive definition of “basic telephone service” was last adopted in D.96-10-066. Pursuant to Pub. Util. Code § 1708, by ruling dated May 28, 2008, parties in R.06-06-028 were served notice with opportunity to comment that basic service definitions in D.96-10-066 may be modified.⁶

⁵ The Lifeline program was established in 1984 (D.84-11-028) to comply with the Moore Universal Telephone Service Act, Pub. Util. Code §§ 871-884 as a means to provide affordable basic residential telephone service to low-income households.

⁶ Pub. Util. Code § 1708 states: “The commission may at any time, upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter, or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the parties, have the same effect as an original order or decision.”

The definition of basic service was established in the mid-1990s, and has not been updated until now. When the Commission last adopted a basic service definition, competition within the wireline local exchange market had not yet fully commenced. Wireless service subscriptions were still nascent, and VoIP services were not readily available to residential consumers. The definition adopted in D.96-10-066 was based on wireline exchange technology offered by the large ILECs,⁷ the small regional Local Exchange Carriers (LECs),⁸ and competitive local exchange carriers (CLECs).⁹

Today's decision updates the basic service definition, recognizing the increasing diversity of choices among communications technologies since the 1990s. Our updated definition is designed to promote competition by technological neutrality while preserving the essential consumer protections.

The Consumer Bill of Rights, adopted in GO 168, asserts that consumers have a right to receive clear and complete information about all material terms and conditions, such as material limitations, for products and service plans they select or for which they request information. It also provides that consumers have a right to clear and complete disclosure of material limitations on access to 911 emergency services.

We recognize that many factors may affect a customer's ability to make and receive voice connections when utilizing wireless devices, as discussed in

⁷ An ILEC is a local telephone corporation that was the exclusive certificated local telephone service provider in a franchise territory established before the federal Telecommunications Act of 1996 and is now regulated under the Uniform Regulatory Framework, as established in D.06-08-030. (*See* Pub. Util. Code §§ 234 and 1001.)

⁸ The Commission regulates the small regional LECs through cost-of-service reviews as required by General Order (GO) 96-B.

⁹ The Commission regulates CLECs under rules established in R.95-04-043/I.95-04-044.

Section 4.1 below. Other factors that may affect a customer's ability to make and receive voice connections, regardless of technology, include natural disasters such as hurricanes, floods, and fires; or security breaches of the communications or electrical infrastructure.

To ensure that customers can make fully informed choices regarding the communications services that best meet their needs, with full knowledge of the tradeoffs among the benefits and limitations of different communications technologies, we require all companies offering basic service to provide customers and potential customers with information regarding 911 reliability and accuracy, as well as clear and conspicuous disclosures of the capabilities and material limitations in service coverage, service availability, and service quality. These information disclosures must be offered in a form that is readily accessible and available to existing and prospective customers. The disclosures must be of sufficient clarity and detail to enable customers to make an informed choice as to whether the service coverage, availability, reliability, and quality being offered is sufficient and suitable to meet the customer's expectations and needs.

To help achieve our goal of promoting informed consumer choice, we also direct the Communications Division to insure that the marketing for the California Lifeline program include information and educational materials explaining the capabilities and limitations of the communications technologies that Lifeline supports. These materials should reference Consumer Affairs Branch complaint data wherever possible.

2. Procedural Background

This rulemaking (successor to Rulemaking (R.) 06-06-028) was instituted to reform the California High Cost Fund-B program (CHCF-B or B-Fund) program. This phase of the proceeding focuses on basic telephone service revisions on a

statewide basis. The record underlying this decision was compiled through written comments, working group meetings, and public participation hearings. The California Public Utilities Commission (CPUC or Commission) undertook a review to update the definition of basic telephone service, initially in the context of instituting reforms to the B-Fund Program. On June 29, 2006, we opened R.06-06-028 to review and to institute reforms to the B-Fund program and to respond to concerns as to the size of the B-Fund.

In Decision (D.) 07-09-020, (in R.06-06-028), the Commission adopted various reforms to the B-Fund program, including scaling back the magnitude of the B-Fund by imposing more restrictive eligibility thresholds for receiving B-Fund support and by reducing the number of regions eligible for B-Fund support. Although adopting these restrictions significantly reduced the number of regions eligible for B-Fund support, the remaining regions still eligible for support amounts are based on cost proxy data from 1996.

In D.96-10-066, the Commission identified high-cost areas by estimating costs within “Census Block Groups” (CBGs) of the 1990 census where the cost of basic telephone service exceeded the system average cost in the territories of the large and mid-sized Local Exchange Carriers (LECs). Since these cost proxies were adopted more than 15 years ago, the state’s demographics, CBGs, communications technologies and costs of providing service in high-cost areas have changed considerably. As a result, as noted in D.07-09-020, the cost proxies used in the B-Fund support calculations may have grown increasingly outdated.

As a basis for continuing support in high-cost areas, the Commission concluded in D.07-09-020 that a new approach was needed to determine relevant cost data for purposes of supporting the provision of basic service through the B-Fund. Rather than relying on technology-specific cost proxy models as a basis

to determine high-cost funding levels, we sought to move toward market-based approaches that are unbiased toward any particular carrier or technology.

The Commission thus sought to design and implement a reverse auction process whereby carriers would competitively bid for the right to receive B-Fund support. The Commission sought to rely upon competitive bids as a way to determine high-cost support instead of conducting and litigating cost studies.

Initial comments on reverse auction design issues were filed on November 9, 2007, with reply comments on November 28, 2007. By ruling dated December 13, 2007, Working Groups were established to formulate recommendations for a reverse auction process. Working Group progress reports were issued on February 21, 2008, and May 1, 2008.

The Working Groups requested Commission guidance on certain threshold issues before pursuing further discussions. Opening and reply comments on threshold issues were filed on June 24, 2008 and on July 15, 2008, respectively. The general consensus was that the first issue that required resolution was an updated definition of basic telephone service. The assigned Commissioner thus determined that an updated definition of “basic service” requirements should be resolved as a priority before proceeding further with steps to update the high-cost levels and support, whether by reverse auction or by other means.¹⁰

While the process to update the basic service definition continued, a successor rulemaking was opened on June 18, 2009. The successor R.09-06-019 was tasked with continuing with reform of the B-Fund program. In a ruling

¹⁰ The question of whether to pursue implementation of a reverse auction remains a point of controversy. In this decision, we make no prejudgment concerning the merits of pursuing a reverse auction.

dated February 11, 2010, assigned Commissioner Bohn solicited comments on the advisability of continuing pursuit of a reverse auction, and concurrently issued proposed revisions to the basic service definition. The ruling also recognized the need to update the definition of basic telephone service in the reform of the Lifeline program, but deferred consideration of Lifeline issues to the Lifeline Docket, R.06-05-028.

The assigned Commissioner Bohn subsequently determined ,however ,that rather than considering separate revisions to “basic service” for service in B-Fund regions versus for any statewide offering of Lifeline service, all revisions to basic service should be addressed comprehensively in R.09-06-019.¹¹ In this way, the effects on Lifeline, the B-Fund, and any other basic service obligations could be addressed in a coordinated manner.

By ruling dated December 24, 2010, a series of public participation hearings (PPHs) were scheduled at locations throughout California to provide an opportunity for public input on changes in the basic service definition. These PPHs were held during March 2011. On April 27, 2011, then assigned Commissioner Peevey issued a revised draft proposal for basic service revisions. Parties filed comments on the draft proposal on May 16, 2011, and reply comments on May 31, 2011. In that April 27, 2011, Ruling, we made clear that one of our objectives was to “Maintain essential services and avoid degrading existing basic services or standards.”

Comments on proposed basic service revisions have been filed by the incumbent LECs: Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Verizon California Inc. (Verizon), SureWest Telephone (SureWest), and Citizens Telecommunications Company of California Inc, d/b/a Frontier

¹¹ By Amended Scoping Memo issued on May 10, 2010.

Communications Company of California. Comments were also filed by the small regional LECs and by parties representing other carriers' interests including Sprint Nextel, Time Warner Telecom of California, L.P, the California Cable and Telecommunications Association, Cox California Telecom LLC (Cox), Omnipoint Communications, Inc. (d/b/a T-Mobile), and Cricket Wireless.

Comments representing consumers' perspectives have been filed by the Division of Ratepayer Advocates (DRA), and jointly by The Utility Reform Network (TURN), Disability Rights Advocates, and the National Consumer Law Center.

3. Overview of Revisions to Basic Service Definition

Based on the comprehensive record, we hereby adopt the revised definition of residential basic telephone service set forth in Appendix A of this decision. In revising the definition, we also consolidate the existing elements into a more concise listing.¹² To the extent a carrier offers basic service, it must be offered on a nondiscriminatory basis to all residential households within the service provider's defined service territory.

In keeping with the essential nature of basic service, we require that all basic service providers must file and maintain tariffs or schedules with the Commission by a Tier 2 Advice Letter for its basic service offerings which must include its basic service rates, charges, terms, and conditions; and must make them publicly available. If a carrier chooses to offer basic service in all or part of its service territory using multiple, different technologies, each type of offering

¹² For ease of comparison between the service elements defined in D.96-10-066 and the revised list adopted in this decision, we provide a cross-reference of the prior and current elements by description and number in Appendix B of this decision.

must be tariffed or scheduled with the Commission. This requirement does not extend beyond basic service.

Each basic service provider must clearly inform all potential residential subscribers who contact the provider of their option to purchase basic service prior to initiating service. A provider must not represent to customers, or in advertising or by any other means, that any services, service elements, or service conditions, except those authorized by the Commission, constitute basic service in California. Carriers providing basic service must offer an option with monthly rates and without contract or early termination penalties.

Although basic service offerings must include the elements set forth in Appendix A, a carrier may elect also to offer added features and/or enhanced service elements without additional charge(s) as part of a basic service offering. The basic service provider must not, however, obligate the customer to subscribe to service bundles that require subscribing to video and or data services, as a condition of receiving basic telephone service. There is no restriction on offering customers such bundled service packages, provided that the customer is offered the option of subscribing to telecommunications services without being forced also to subscribe to bundled video or data services.

While carriers may offer basic service in conjunction with larger or enhanced service bundles, the carrier must not represent that any such additional services constitute "basic service" as defined by the Commission. At a minimum the service elements in the following section must be offered by any telephone corporation providing basic service within California. These revised basic service elements do not impose an obligation to provide basic service upon any carrier where no such obligation exists today. Nor do they prohibit a carrier from electing to provide additional elements as part of its basic service offering.

Any carrier may use any technology to satisfy any obligation to provide basic service as detailed below.

As a framework for adopting basic service revisions, we apply guiding principles and criteria designed to:

- a. Consolidate and streamline existing listings of service elements.
- b. Apply technology-neutral terminology and definitions.
- c. Preserve standards necessary to meet essential universal service needs while not degrading existing basic service or standards.

An appropriate definition of basic telecommunications service is fundamental in supporting the Commission's goal of universal service, grounded in essential consumer protections providing:

- a minimum level of telecommunications services available to virtually everyone in the state, i.e., there is ubiquitous presence of telecommunications services throughout the state, and
- that the rates for such services remain reasonable.

Consistent with our universal service goals, we previously defined basic service as consisting of those communications needs essential for participation in modern society. In D.95-07-050, we characterized basic service as the minimum level of service that consumers had come to expect, or services that are essential to all residential telephone customers. A provider can always offer more than what the basic service definition provides. (60 CPUC2d, 536, 549).

Our revised definition continues to uphold these same guiding principles, preserving essential consumer protections while also being flexible to accommodate evolving marketplace technologies and differences in how basic service may be offered. The revised definition focuses on meeting the end-user

customer's service needs rather than the specific technology used to provide it. Setting an appropriate definition thus requires a balanced approach, as noted in D.96-10-066:

If the service definition is too narrowly drawn, some service elements that may be essential for participation in society may only be enjoyed by those who can afford it. Or, certain urban areas of the state may enjoy some essential service elements that customers in more rural areas may not have. In balancing what services elements should be included in the definition of basic service, the Commission must also be cognizant of the extra cost. If too broad of a definition is adopted, consumers may end up paying for services that they do not need or want.¹³

Although communications technologies and regulatory rules have evolved since 1996, consumers are still entitled to basic service elements essential for their participation in society. Different modes of technology may accommodate variations in how basic service is provided. A definition designed to be technologically and competitively neutral, however, does not require that all modes of technology provide basic service in identical fashion. The adopted definition must be broad enough to accommodate variations in service features and billing arrangements. As technology and network architecture varies, the trade-offs of competing basic service options may also vary. At the same time, a technology-neutral definition does not mean settling for the lowest common denominator of service standards. Allowing such degradation in standards would undermine principles of universal service. Essential basic needs, particularly among the most vulnerable segments of the customer base (e.g., the elderly, those with disabilities, low-income segments, etc.) must continue to be met consistent with the Commission's universal service policies.

¹³ 68 CPUC2d; 542, 549.

Various parties argue that changes in technology and consumer behavior since the mid-1990s warrant eliminating service elements previously deemed essential for participation in society. To evaluate this argument, we consider the relevant data relating to the contemporary essential needs of consumers. Parties representing industry interests point to increasing numbers of consumers abandoning landline in favor of other communications technology alternatives, particularly wireless. Such parties infer that this trend toward use of wireless as a primary or sole source of communications indicates that residential consumers, in general, no longer require many currently available basic service elements.

Based on the growing use of wireless or broadband technologies, various carriers thus argue that existing basic service standards should no longer be required nor imposed. Verizon, for example, points to the diversity of products offered by wireless service in addition to mobility, including voice mail, texting and smart phones that provide broadband connectivity allowing music, video and other valued applications.

Verizon's recitation, however, blurs relevant distinctions between basic essentials and more diverse service options. We recognize that modern communication preferences and expectations among consumers reflect a diverse spectrum. The growing demand for this broader diversity of communications services is separate and distinct from the continuing need for essential basic service elements upon which a significant sector of consumers rely. The growing demand for music and video communications does not eliminate the need for basic service elements among those who rely upon them.

Likewise, the statistics showing increasing numbers of customers migrating toward wireless service does not negate the importance of existing basic service features for the majority of consumers. The relevant data source for

identifying basic service needs is the 95% share of residential market penetration that represents the Commission's universal service goal. By contrast, less than 50% of California consumers have chosen to discontinue wireline service. While a growing number of consumers may be willing to give up some basic service elements in favor of current wireless offerings, this minority does not determine the preferences or needs of customers that continue to rely upon basic service.

The principles of universal service extend to all segments of the public, not just the technologically sophisticated whose calling needs may be met by wireless or other alternative technologies. In particular, many among the elderly, disabled, economically disadvantaged, or non-English-speaking sectors may exhibit different needs compared to younger, technologically sophisticated, or more affluent sectors. As expressed by speakers at the PPHs held during March 2011, more vulnerable sectors of the public are not prepared or equipped to forfeit current protections offered through wireline basic service. Also, consumers in urban settings with multiple telecommunications choices face different constraints compared with those residing in rural or remote regions with fewer or only one choice of provider for basic service.

For many, the choice is not an either-or alternative between wireline versus wireless. Most Californian consumers today own both a wireline and a wireless phone. Wireline and wireless services may be complementary rather than complete substitutes for each other.

As noted in the Federal Communications Commission's (FCC) report on wireless markets for the first half of 2009, 22.7% of households were wireless only, up from 17.5% a year earlier, and 13.6% a year before that. Also, as noted in the CPUC Staff Report on Affordability of Telephone Service, on a statewide basis, of the households subscribing to landline, 24% of the households are

landline only, and 76% subscribe to both landline and wireless. In CHCF-B areas only 13% of households rely solely on landline and 87% of households subscribe to both landline and wireless services. Similarly, statewide Lifeline subscribers rely upon landline only service more so than those in CHCF-B areas. Of the statewide survey households subscribing to LifeLine, 49% have wireless, while 83% of the non-LifeLine customers have wireless.

These statistics signify that while a majority of the consuming public utilizes wireless communications, most wireless customers still concurrently subscribe to basic service. Consequently, these statistics indicate that most customers still value features currently available through wireline basic service that may not otherwise be available through a current wireless service plan. Accordingly, while these statistics indicate a growing use of wireless, current wireless service plans – without wireline at least as a back up – are still not exclusively meeting most consumers’ basic service needs. The protections offered by basic service as set forth in Appendix A thus remain essential in meeting universal service goals.

Certain parties characterize as outdated or “legacy Incumbent Local Exchange Carriers (ILEC)-centric” a definition of basic service that retains the existing elements in the definition. The essential principle that guides any revisions in the definition does not depend on whether the service is provisioned by an ILEC or another technology. The relevant factor is what a consumer needs today in terms of essential service features in today’s competitive marketplace irrespective of network architecture or technology. Although the essential basic service protections have traditionally been offered principally by the ILEC through wireline circuit-switched technology, the type of the network architecture used is not the determining factor in defining basic service needs.

Even with the current limitations in participation in the B-Fund and Lifeline programs, the market is still providing customers with a growing array of communications technologies through different types of service options. Adopting the revised basic service definition set forth herein will not diminish the growing array of alternative service and technology options that are available. Even to the extent that competitive providers choose not to meet the requirements for basic service, they retain the same competitive opportunities currently available in offering an array of consumer choices.

Certain parties argue that the basic service definition should be revised to conform to FCC universal service requirements. We conclude that it would be inappropriate to simply adopt the FCC-jurisdictional definitions for purposes of our updated basic service definition. The FCC definitions as presented in parties' comments lack sufficient detail or clarity to apply for our purposes here without further elaboration. Moreover, parties' proposal relied upon FCC service element definitions that have since been revised.

Relying on the FCC's definition as presented in parties' comments would still require this Commission to fill in the details associated with what many of the FCC's components would mean for a Carrier of Last Resort (COLR).

In any event, we choose to address the merits of each service element rather than simply discarding the entire definition and replacing it with one from a federal agency that was developed under different circumstances and for different purposes. We address each element of basic service in the following section.

4. Revised Basic Service Requirements

The updated residential basic telephone service elements adopted by this decision, and as further elaborated in Appendix A, are listed below:

1. The ability to place and receive voice-grade calls over all distances utilizing the public switched telephone network or its successor network;
2. Free Access to 911/Enhanced 911 service;
3. Billing provisions: flat rate options for unlimited incoming and outgoing calls, and California Lifeline rates and charges for eligible customers;
4. Directory services: access to directory assistance within the customer's local community; options for listed or unlisted directory listings; and options for free white pages telephone directory;
5. Access to 800 and 8YY toll-free services;
6. Access to telephone relay service as provided in Pub. Util. Code Section 2881;
7. Access to customer service information about Universal Lifeline Telephone Service, service activation, termination, and repair, and bill inquiries;
8. One-time free blocking for information services and one-time billing adjustments for charges incurred inadvertently, mistakenly, or without authorization; and
9. Access to operator services.

4.1. Ability to Place and Receive Voice-grade Calls over all Distances Utilizing the Public Switched Telephone Network or Successor Network

As the first revised element of basic service, we consolidate the following separate existing service elements:

- Access to single-party local exchange service
- Equal access to interexchange carriers
- Ability to place calls
- Voice-grade connection to the public switched telephone network or its successor network
- Provision of touch-tone dialing

These elements are replaced with the following summary requirement, as further specified in Appendix A, that:

The provider must offer customers the ability to place and receive voice-grade calls within a local exchange or an equivalent or larger-sized local calling area utilizing the public telephone network.

The existing five elements listed above, taken together, define customers' ability to send and receive voice calls both locally and by longer distance. The revised requirement consolidates these separate existing basic service elements on a technology-neutral basis.

The restated definition replaces language requiring access to "single party local exchange" service which relates to wireline network architecture and geographically-based exchange boundaries.

The existing service elements describe wireline network technology, but do not reflect how other technologies may offer two-way voice service. Non-wireline carriers may have different local calling boundaries or, in the case of wireless, no geographically limited calling boundaries at all. Wireless networks are not designed for interexchange access requirements that apply to wireline networks. Many wireless plans include nationwide long distance, encouraging customers to use the same network for local and longer distance calling. Wireless and Voice over Internet Protocol (VoIP) carriers typically combine local and long distance. For some customers, the benefits of such combined service from a single carrier may outweigh access to multiple carriers for only one segment (i.e. interexchange) of their telecommunications needs.

This revised element does not entail any change to the flat rate billing practices that existing wireline basic service providers currently use. Existing basic service customers will retain their ability to make calls within their local

community as they currently do. (We address the revised flat rate requirement in detail below.) At the same time, wireless or other non-ILEC providers that seek to offer basic service will not be required to conform to wireline exchange-based network architecture.

The existing basic service definition also requires that customers be given access to interexchange carriers serving in the local exchange regions. This interexchange access provides customers with the ability to make and receive calls over longer distances, even though the basic service focus is on the local community in which the customer resides. Where basic service is offered by a wireline provider, customers will continue to be able to access interexchange carriers offering service within the local exchange. Customers can thereby access a pre-subscribed long distance carrier. Wireline carriers offering basic service will remain subject to applicable federal law requiring access to the customer's presubscribed long distance carrier using 1+ dialing.

The revised definition can be satisfied by wireless service providers that do not have legal obligations to provide interexchange access. Unlike traditional wireline carriers; wireless and VoIP providers often have calling plans and network designs that do not necessarily distinguish between local, intrastate toll, or interstate toll calling; they may not have networks currently capable of providing equal access to interexchange carriers. By making wireless and other intermodal carriers subject to the revised definition above, however, they can satisfy basic service requirements, without being subject to the requirement to provide access to presubscribed long distance carriers.

The revised definition therefore requires that the basic service carrier provide the customer with a voice-grade connection from the customer residence

to the public switched telephone network or its successor network. Basic service customers have come to rely on dependable voice-grade transmissions.¹⁴

We recognize that there are many factors that may impact a wireless customer's ability to make and receive calls, including but not limited to the building materials used to construct the customer's residence; where the customer is in the house (e.g., in the basement or attic); amount and stature of surrounding vegetation; weather; call volume within the network cell at the time the call is attempted; potential sources of interference; and the type of phone used by the customer. These limitations, however, would not necessarily prevent a basic service customer from receiving a voice-grade connection from the customer's residence to the public switched telephone network or its successor network.

Carriers offering basic service must disclose to each customer before subscription that they are entitled to a voice-grade connection and the conditions under which the customer may terminate service without penalty if one cannot be provided. If at any time, a basic service customer fails to receive a voice-grade connection to the residence and notifies the provider, the basic service provider is required to (1) restore the voice grade connection, or if not possible; (2) provide basic service to that customer using a different technology if offered by the provider and if the customer agrees; or (3) allow the customer to discontinue service without incurring early termination fees, if applicable.¹⁵

We disagree with parties' claims that customers do not require a voice-grade connection within their homes as long as they have access to the

¹⁴ Current voice data quality on an Internet Protocol (IP) network may be sensitive to degradation in the form of latency, jitter, and packet loss.

¹⁵ Nothing in these rules should be inferred as modifying the service obligations of a COLR to ensure continuity of customers' basic service.

mobility advantage offered by wireless. This argument ignores the essential nature of basic service as a residentially-based service. While we recognize that wireless phones offer mobility advantages, those advantages do not negate the essential basic service need to be able to communicate within the customer's own residence.

Providing customers with the above-referenced options in the event of a loss of voice-grade connection will offer some degree of protection to customers. We recognize, however, that additional questions must be resolved in order to protect customers' rights to maintain a voice-grade connection in the case of COLR service where the option to switch to a different basic service provider may not be available to the customer. We shall address these additional issues in a separate proceeding to be instituted at a later date to address relevant service quality issues relating to COLR service.

We remove explicit reference to touch tone dialing, otherwise known as Dual Tone Multi Frequency signaling. This feature is implied in the requirement to provide the ability to send and receive calls over the public telephone network.

4.2. Provision of Free and Unlimited Access to Emergency Services

The basic service definition currently requires that customers be provided free and unlimited access to emergency 911/E911 services. Access to emergency services is essential to all consumers. Accordingly, the existing basic service standards and requirements for 911/E911 service access shall continue to apply.

Some additional clarification of the definition is necessary, however, to recognize the applicability of this service element to providers utilizing wireless or other alternative technologies. As various parties observe, although wireless

and other alternative technology providers are required by law to offer free access to emergency 911/E911, the technology and call routing protocols used to provide emergency access differs from those used by traditional wireline providers.

For purposes of the basic service definition, we recognize that carriers can utilize different technologies and procedures to provide emergency 911/E911 access. We do not dictate the use of any particular technology or network design for the purpose of satisfying the basic service requirement for 911/E911 access, but recognize that a carrier must comply with applicable state and federal laws pertaining to 911/E911 access.¹⁶

Any carrier that is not a traditional wireline provider of basic service will be required to make a showing by filing a Tier 3 Advice Letter¹⁷ that demonstrates its capability to provide 911/E911 that at a minimum provides location accuracy and reliability that is at least reasonably comparable but not necessarily identical to that offered by the existing COLR. Although we are requiring the 911 and service quality filings referred to in Ordering Paragraph (OP) 5 and Appendix A and elsewhere in this Decision to initially be filed as Tier 3 Advice Letters, once the necessary rules and guidelines are established through an approved Resolution, carriers will be allowed to file Tier 2 Advice Letters for

¹⁶ Public Utilities Code Section 2891 sets forth the requirements for wireless carriers to “provide access to the local emergency telephone systems described in the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) . . . in accordance with all Federal Communications Commission orders.” Applicable FCC orders include Wireless 911 Location Accuracy Requirements, 26 FCC Rcd 10074 (FCC 2011).

¹⁷ If a Tier 2 advice letter has not been suspended by staff by the end of a 30-day review period, it is deemed approved. The Commission has discretion to review further, where deemed warranted. A Tier 3 Advice Letter is effective only after Commission approval.

technologically similar modes for delivering basic service. The basic service provider will further be required to certify in the above mentioned Advice Letter that it is compliant with 911/E911 standards established by federal law and regulations, and will not be deemed to provide basic service if it has obtained a waiver from such federal laws and regulations. Each basic service provider must provide its potential and existing customers information regarding its 911/E911 location accuracy and reliability standards.

4.3. Billing Provisions

The basic service elements currently include the following billing affordability provisions:

- Provision of Lifeline Rates to Eligible Customers
- Customer Choice of flat rate or measured service for local calls
- Provision for “free” unlimited incoming calls

We shall incorporate these elements into one consolidated requirement to provide billing affordability protections in the form of (a) Lifeline rates to eligible customers, (b) a flat rate option for unlimited outgoing calling, and (c) unlimited incoming calls at no additional per-call or per-minute charge. We address each of these three component elements below.

4.3.1. Lifeline Rates to Eligible Customers

We retain the basic service requirement to offer Universal Lifeline Telephone Service rates and charges to all eligible basic service customers pursuant to the Moore Universal Telephone Service Act (Lifeline Program). Traditionally, the Lifeline rate is determined as a discount from the otherwise applicable stand-alone basic service rate. The manner in which the Lifeline rate will be calculated and applied is addressed in R.11-03-013 (successor to R.06-05-028).

The Commission has taken steps in D.10-11-033 to facilitate the offering of Lifeline by wireless and other nontraditional providers, clarifying that wireless and VoIP service providers may participate in the Lifeline program provided they offer Basic Service and otherwise comply with General Order (GO) 153.¹⁸ No wireless carrier, however, is currently receiving any support from the California Lifeline program.

Small LECs recommend that before a wireless or VoIP carrier receive either B-Fund or Lifeline support, that they meet the requirements of, or already be designated as, an Eligible Telecommunications Carrier (ETC) under FCC rules. Small LECs point to the importance of an alternative provider of basic service delivering service throughout the service territory for which they are designated ETCs, noting that leaving the service area selection to the carrier may result in cream skimming.

We shall require that a basic service provider must meet the Lifeline requirements adopted in D.10-11-033, along with any other applicable Lifeline implementation requirements adopted in R.11-03-013. Any basic service provider offering basic service must offer Lifeline rates on a non-discriminatory basis to any eligible customers within the region where the provider offers basic service. A basic service provider may not selectively exclude customers residing in areas that are more costly to serve, thus targeting only the customers that are

¹⁸ See D.10-11-033 at 68-69: Given the more dramatic shifts to wireless-only households over the last decade, with more than one million homes in California relying on wireless as their only communication service, California [footnote omitted] Lifeline should subsidize wireless telephone service when consumers choose that service as their residential service. In addition, there is no limitation on any type of technology or service provider to offer Lifeline service as long the basic service elements are part of the service delivered to the low-income customer.

less costly to serve. All consumers must have the ability to choose alternative technologies for basic service on a non-discriminatory basis.

If a Lifeline provider was allowed to selectively exclude customers residing in areas where it is more costly for the alternative Lifeline provider to serve, thus targeting only the low-cost customers, the Commission's goal to promote consumer choice will be undermined.

Although the Commission does not have jurisdiction to regulate the rates of wireless carriers, to the extent that a carrier seeks to qualify for B-Fund or Lifeline subsidies, that carrier must comply with the billing conditions applicable to basic service. As noted above, in the Lifeline Order Instituting Rulemaking (OIR) (R.11-03-013), we intend to consider additional refinements to the elements a California Lifeline Service Provider is required to offer its subscribers to California Lifeline service. Depending on the results of that proceeding, we may add, subtract, or otherwise elaborate on the elements applicable to California Lifeline Service.

4.3.2. Provision of Unlimited Incoming Calls at No Additional Charge

The current definition enables the customer to receive unlimited incoming calls without charge to the retail customer. We shall continue to include in the definition a requirement that customers be offered the option to receive unlimited incoming calls at no additional per-minute or per-call charge. We recognize that wireless carriers may recover their costs for delivering incoming calls in a different manner than do wireline. Nonetheless, we consider the requirement to provide the customer with the option to receive incoming calls without a per-call or per-minute charge to be a necessary feature of basic service.

Although wireless customers may be accustomed to paying for incoming calls on their cell phone, most wireless customers typically do so within an environment where they also rely on a separate wireline telephone. Therefore, such customers can choose whether to give out a cell phone number to receive calls, knowing they can use their wireline phone service to receive incoming calls at no charge. If the wireless provider becomes a COLR providing basic service, then the cell phone would become the customer's primary or only source for incoming calls. In that setting, the customer would no longer have the protection of receiving unlimited incoming calls on a wireline phone at no charge. Accordingly, we shall require any provider of basic service to offer its customers the option of receiving incoming calls without incurring a per-minute or per-call charge. We shall adopt the requirement to offer this billing option as an essential affordability protection for basic service customers while preserving the flexibility for the customer to select an alternative billing plan if it is more affordable.

Although we require that any carrier provide its customers with the option for unlimited incoming calls as part of basic service at no additional charge, we emphasize that the carrier may offer its customers other alternative billing plans that may provide some customers with a more affordable monthly bill. For example, even though a customer pays no per-minute or per-call charges for incoming calls, the customer would still be required to pay a flat rate for basic service. The customer might still indirectly absorb some share of costs for incoming calls embedded in the payment of a flat rate for basic service.

Alternatively, if a customer utilizes a relatively low volume of minutes, or uses phone service during off-peak periods, the customer may ultimately save money by subscribing to a billing plan that charges a per-minute or per-call

charge instead of a flat rate for unlimited incoming and outgoing calls. A customer should be permitted to subscribe to such an alternative billing plan for basic service, rather than a flat rate plan, if the caller finds the alternative plan offers more affordability. Accordingly, a carrier may satisfy basic service requirements by offering the customer any alternative billing plan as long as the customer is also offered the option of subscribing to a plan that allows for unlimited incoming calls at no additional charge and unlimited outgoing calls within a local calling area, all for a flat rate.

4.3.3. Customer Option of Flat Rate for Unlimited Outgoing Local Calling

Under the current definition of basic service, the provider must offer a choice of a flat rate option which covers the ability to place unlimited calls that originate and terminate within the same local exchange area.¹⁹

Under the current definition, flat rate service applies only to calls terminating within the same local exchange within which the call originates. For calls terminated beyond the subscriber's local exchange boundaries, a per-minute toll charge applies. Basic service customers in some instances also have the option of paying a measured rate for local calls. In the Lifeline OIR (R.11-03-013), we previously noted that Lifeline local measured service enables low-income persons to have basic telephone service for a very modest sum, and that we were reluctant to alter this component of the Lifeline program without explicit analysis and clear direction pending revisions to GO 153. Consistent with that position,

¹⁹ Under the terms of current tariffs, ILECs must offer certain customers measured rate local service. Also, the Small ILECs are currently exempt from the requirement to offer customers the choice of a flat or measured rate option, unless the small LECs currently offer that option. (See Rule 4C in Appendix B to D.96-10-066). Nothing in this decision is intended to modify those existing arrangements.

we shall not alter any existing provisions applicable to the provision of Lifeline local measured service pending a further record in R.11-03-013.

Under the revised definition, we shall retain the requirement for a fixed or flat rate option for basic calling needs, but we shall permit flexibility in terms of how the rate is applied, depending on whether the provider utilizes wireline exchanges.

Providers, such as wireless, that do not utilize local exchanges or central office rate centers for billing purposes will not be required to offer flat rate plans based upon local exchanges. We will still require, however, that wireless providers offer a basic service option for unlimited outgoing calls within a prescribed calling area. For purposes of this requirement, the designated calling area designated by a wireless carrier must be no smaller than the existing wireline local calling area in which the basic service customer is currently served. For this purpose the customer's local calling area includes any authorized Extended Area Service regions in which the customer may call for a flat rate. By requiring all basic service providers to offer customers the option of unlimited local calling at a flat rate, customers will have the choice of basic service from any available provider without incurring per-minute charges.

We recognize, however, that wireless carriers currently offer a variety of billing plans, some of which provide unlimited calling only during certain hours, or only for certain categories of calls, with per-minute charges for calls during other hours. Other wireless plans may offer a limited number of minutes for use anytime during the month, but with per-minute charges for calls that exceed the fixed allowance. In order to maximize the choices available to customers, we shall provide the option for wireless customers to select an alternative billing plan for their basic service that offers per-minute usage charges for certain calls if

the customer finds such alternative plan more affordable and better suited overall as compared with the unlimited calls at a flat rate. As noted above in the preceding section, as long as the wireless carrier offers the option of subscribing to basic service for a flat rate that covers unlimited incoming calls and unlimited outgoing calls within a designated calling area, the carrier may also offer the customer alternative billing plans that may be more affordable for the customer. Depending on the terms and conditions of a given wireless billing plan, customers may be able to lower their overall monthly wireless phone bill by subscribing to the plan best tailored to their particular calling patterns.

We will not restrict the alternative billing plans offered to meet basic service requirements as long as such plans are offered to the customer on an equal disclosure basis along with a flat rate basic service plan as an available option. Each customer can then make their assessment as to which billing plan best meets their basic service calling needs.

Earlier in this proceeding, parties were encouraged to seek consensus on a fixed allowance of minutes that could serve as a proxy for a wireless version of flat rate basic service. There was much opposition to setting any specified minutes of usage allowance. Parties argued that billing plans should be tailored to the needs and preferences among customers.

We recognize that individual customers vary in calling needs and preferences. A calling allowance that is optimal for one customer will not necessarily optimize calling preferences of others. The concept of basic service is not that standards must match exactly every customer's calling preferences, but rather, that an affordable option be provided within the price range of the majority of customers for meeting basic needs. Wireline and wireless calling plans need not be identical to achieve the goal of affordable basic service.

The precise measure of what constitutes essential basic calling needs is difficult to quantify and will vary depending on individual patterns and situations. By requiring all basic service providers to offer an option of a monthly unlimited local calling allowance option at a flat rate, we establish a reasonable proxy to the affordability currently offered under the existing flat rate basic service for calls within a local exchange. We emphasize that we are not here authorizing any additional charges for basic service customers, but rather, are merely authorizing a fixed rate option that would replace per-minute or per-call charges with a fixed amount that does not vary with call volume within the specified geographic limits. This revision is intended to provide additional choice to customers that may prefer to use a wireless carrier or any other provider for their basic service needs.

4.3.3.1. Affordability Provisions in High-Cost Areas

When the basic service definition was adopted in D.96-10-066, the flat rate was subject to Commission-regulated caps. Although the requirement to offer a flat rate still applies, the level of the rate is no longer subject to Commission-regulated caps.

Effective January 1, 2011, the Commission no longer imposes caps on basic rates. The COLR, however, is still required to certify that its basic rate in a designated high-cost area does not exceed 150% of the highest basic rate charged in California outside of the high-cost area. If a non-wireline COLR does not offer a separate stand-alone rate outside of the high-cost area, such carrier is to apply the 150% limit based on stand-alone rates of an adjacent ILEC or other acceptable proxies as may be approved by the Commission. (*See* D.08-10-040, OP 14).

We disagree with parties claiming that offering a fixed or flat rate option is an outdated vestige of an era when wireline was the only option. Based upon the significant numbers of customers that still subscribe to basic wireline service, and in view of comments on this issue heard at the PPHs held in this proceeding, we conclude that a flat rate option for basic calling needs continues to represent an essential need. We recognize that individual customer billing preferences may vary. For example, certain customers may accept a limited number of on-peak minutes when they can have unlimited usage, including some long-distance, during off-peak times. Nonetheless, for a significant number of customers, a flat rate option offers an essential affordability protection. Irrespective of how technology has evolved over time, basic service must remain affordable. A flat rate for essential basic calling needs continues to provide important affordability protection.

4.4. Provision of Directory Services

The existing definition requires access to directory services through the following separate elements:

- Access to local directory assistance and to foreign Numbering Plan Areas (NPA).
- Provision of a published directory.
- Provision of a directory listing in a published directory, if desired.
- Access to operator services.

The revised definition consolidates these separate elements to require the provider to offer access to directory assistance, the option for a published directory, and the option for a directory listing. We elaborate on the manner in which these options may be offered in view of differences between wireline and wireless service. Nonetheless, we preserve the customer's right to elect to receive

these services, taking into account the variations among different technologies and provisioning options involved.

4.4.1. Access to Directory Assistance

The current definition, referencing directory assistance “access to foreign NPAs” refers to access to directory assistance in areas outside the caller’s local calling area via NXX-555-1212 dialing. We shall continue to require access to directory assistance, recognizing that directory assistance remains necessary to enable customers to readily access phone numbers for communicating with others. We shall modify the definition, however, to recognize that directory assistance may be offered in more diverse ways depending on the carrier and mode of service. We shall replace references to calling areas by local exchange or NPA, with more generic reference to access to listed numbers within the customer’s local community. While it is not necessary to require directory assistance cover the exact exchange boundaries employed by a wireline carrier, we shall require access to directory assistance for listings within the local community of the subscriber. We shall define the local community to cover geographic areas at least equivalent to the range and quality currently provided by the customer’s existing COLR.

Small businesses and residents of rural areas, in particular, depend upon directory services that are knowledgeable about local businesses and residential listings. The definition will require that providers of basic service offer directory assistance.

4.4.2. Provision of Directory Listing

The existing definition requires the free provision of one directory listing per year as provided for in D.96-02-072.²⁰ We recognize, however, that wireless service providers typically do not provide a published listing of its subscribers' phone numbers in a directory. Moreover, many wireline customers actually pay to keep their phone numbers out of a white pages directory. Basic service customers will continue to have the option that currently exists to have their number listed for free in a published directory, but will not be required to do so. For basic service provided by a traditional wireline carrier, a customer's listing shall be included for free in the local directory and directory assistance as a default unless the subscriber affirmatively requests to have the number unlisted. Where a non-traditional provider offers basic service, however, the customer number may be excluded from the local directory and directory assistance as a default unless the subscriber affirmatively requests to have the number listed.

The carrier should provide appropriate disclosure to the customer, such as through a customer service number and/or web site link, concerning how the customer may request a directory (as discussed below) and/or how the customer may affirmatively request to have a published listing, or to be unlisted, if different than the default arrangement.

²⁰ As stated in D.96-02-072, Appendix E, § 8.J. (2): "[Incumbent Local Exchange Carriers] ILECs shall include [competitive local carriers] CLCs' customers telephone numbers in their 'White Pages' and directory listings associated with the areas in which the CLC provides local exchange telecommunications services to its customers, except for CLC customers who desire not to have their telephone numbers appear in such listings and databases, at nondiscriminatory tariff rates charged to the CLC or its customer."

4.4.3. Provision of White Pages Directory

The existing definition requires the offering of a free white pages telephone directory as part of basic service. In adopting this requirement in 1996, we noted that:

Telephone customers have become accustomed to receiving a free white pages directory and yellow pages directory every year. Free directories minimize the number of calls made to directory assistance, and promote the wide distribution of yellow pages advertising. We shall add the free white pages directory to the definition of basic service.²¹

White page directories containing both business and residential listings are commonly bundled with yellow-page directories and provided to both residences and businesses in the ILEC's service territory. The directories list all residential customers in the customer's local calling area, with published numbers, and typically contain, or are bundled with, business and government white pages, traditional yellow page listings, and sometimes additional consumer guides.

A white page directory competes with the carrier's directory assistance service, and empowers consumers to take advantage of this competition to reduce their costs of telephone service. Eliminating the customer's access to a white page directory would eliminate a critical element of customer choice.

Accordingly, a basic service provider must provide customers the option to receive a free white pages directory covering the local community in which the customer resides. For purposes of this definition, the local community shall include a geographic area at least equivalent to the area covered by the white pages directory that the existing COLR currently provides.

²¹ D.96-10-066, 68 CPUC2d 524, Slip OP. at 28.

At the same time, we recognize that wireless service providers do not typically provide customers with published directories. In any event, irrespective of the technology utilized, basic service customers must retain the option to receive a directory if they so choose. Thus, if a wireless carrier offers basic service, the wireless carrier has an obligation to provide its customers with the option to receive a free published directory.

We also provide for flexibility in meeting this requirement for telecommunications providers that do not publish their own directory. The directory publishing market has not supported a white-page directory, in particular, for the wireless industry. Accordingly, we shall not require a basic service provider to engage in directory publishing, so long as the provider makes arrangements to have a white pages directory delivered to subscribers who wish to receive one.

In such instances where a provider does not publish or distribute its own directory, the requirement to provide a published white pages directory will be deemed satisfied if the provider makes available the option to obtain a published directory.

For purposes of our revised basic service definition, we shall therefore require that customers be provided the option to receive a free white page directory covering the local community in which the customer resides, to include a geographic region at least equivalent to the range of the white page directory provided by the existing COLR. Preserving this requirement protects customers' interests in having access to published directory listings.

Although the delivery of a white pages directory has traditionally been provided in paper form, the Commission has approved Verizon's proposal (in Advice Letter 12535) to end automatic delivery of printed white pages directories

containing residential listings and instead to offer its customers the alternative option of receiving the directory of residential listings electronically in CD-ROM format, or by online directory of the listings. (*See* Resolution T-17302).

Under this authorization, Verizon customers will no longer receive paper delivery of the directory unless they affirmatively elect to keep receiving it by contacting Verizon. A customer need only make a one-time election to receive a printed paper copy of the white page residential listings directory. The one-time election entitles the customer to continue to annually receive a paper directory unless the customer changes his/her request or discontinues local service from Verizon.

Accordingly, while we approved this variation in the manner of providing access to a published directory for Verizon, the underlying requirement in D.96-10-066 to provide the option to receive a local directory remains a required element of basic service.

Since Verizon has been authorized to provide electronic delivery, we recognize the Verizon authorization as being compliant with the revised definition. Other basic service providers operating in Verizon's service territory will similarly be permitted to satisfy the directory requirement by complying with the same requirements applicable to Verizon. At this point, however, since we have not developed a record on the implications of more widespread applicability of the Verizon proposal to other carriers providing service outside of the Verizon territory, we refrain from broadening the Verizon authorization to apply to other carriers' service outside of the Verizon territory through this decision. If other carriers serving outside of the Verizon territory seek authority to offer the availability of directories electronically by CD-ROM or on-line in accordance with similar terms and conditions as set forth for Verizon in

Resolution T-17302, they may file Tier 2 advice letters seeking such authority, and justifying why such authorization should be granted. Any such advice letters will be considered on a case-by-case basis.

We, thus, disagree with parties claiming that market developments demonstrate that consumers no longer view a white page listing as an essential element of basic service and that we should discontinue the requirement to provide a local directory. Consumers' ability to interact in their local community of interest is supported by having the ability to receive a free local directory as a feature of basic telephone service. The revised definition that we adopt safeguards consumers rights to continue to receive a free local directory while providing appropriate flexibility in how this requirement may be satisfied.

4.5. Access to 800 or 8YY Toll-Free Services

The basic service definition in D.96-10-066 entitles customers to access 800 or 800-like (8YY) toll-free services without incurring per-call or per-minute toll charges. We shall continue to include this requirement for any provider seeking to offer basic service, requiring unlimited access to 8YY toll-free services. Important social, health care, and financial services, as well as recreational options, rely upon access to 8YY calls to meet essential customer needs.

Current federal law requires wireline carriers to treat calls to 8YY numbers as toll-free calls. Wireless carriers providers, however, typically treat access to 800 or 800 like toll-free services the same as any other call and impose per-minute charges. Various wireless calling plans place limits on customers' minutes of usage. Under such plans, calls to 8YY numbers count against the customer's specified minutes of usage, resulting in additional charges to call 8YY numbers in volumes that exceeded the specified allowances.

Because calls to 8YY numbers would count against the user's specified minutes of usage, the user would incur additional charges to call 8YY numbers in volumes exceeding the user's specified minutes and such calls would not be considered "free."

Each provider of basic service must offer at least one basic service option that allows unlimited calls to 800 and 8YY toll-free numbers with no additional usage charges for such calls. A provider may offer alternative billing plans for basic service that may include usage for calls to 800 and 8YY toll-free numbers.

The provision of 8YY numbers will be provided for free to customers that subscribe to the unlimited calling flat rate option. In any event, the carrier must provide full disclosure to the customer concerning how charges for 800 numbers would apply if the customer does not subscribe to an unlimited calling flat rate option.

4.6. Access to Telephone Relay Service as Provided for in Pub. Util. Code § 2881

The provisions of § 2881 make reference to the Deaf and Disabled Telecommunications Program and the statewide relay system that became the California Relay Service. This "basic service" element mandates the important protection that any carrier providing "basic service" must offer customers access to the relay service established under § 2881. We are unpersuaded by arguments of AT&T, Cox, and Nexus that there is no need to include this element as it is a statutory mandate. As the Small LECs and Surewest note, Pub. Util. Code § 2881 does not apply to all carriers, such as intermodal competitors.

We shall maintain this element, affirming that all providers of basic service, regardless of the technology used, must offer access to the Relay Service to customers pursuant to provisions of § 2881.

4.7. Free Access to Customer Service for Information about Universal Lifeline Telephone Service, Service Activation, Service Termination, Service Repair and Bill Inquiries

Access to customer service for information about the above-referenced services shall be retained as an element of basic service. Free access to customer service information about these essential categories of basic service empowers customers to make proper decisions about their service needs. As the Lifeline program is revised to encourage wireless providers to participate, such providers will be required to provide free access to the above-referenced information.

4.8. One-Time Free Blocking for Information Services, and One-Time Billing Adjustments for Charges Incurred Inadvertently, Mistakenly, or Without Authorization

This element was originally aimed at blocking calls to 900/976 information numbers which had been recently introduced into the market in the late 1980s/early 1990s. Some parties argue that this requirement now seems unnecessary as consumers have grown familiar with these types of services.

We shall retain this element. We disagree with parties who claim that 900/976 blocking is no longer an issue and this provision should be dropped. Even though the original billing problems encountered with 900/976 numbers may have subsided, other unauthorized charges may continue to be a potential risk. Basic service providers should not be allowed to force basic service customers to buy add-ons or pay per-use fees for non-basic features. Consumers should be able to control the potential for unexpected charges up front by being fully informed about “features” in their service that may result in additional charges, and having ability to block access to these features. Accordingly, the general protections that this service offers continue to be relevant. As a practical

matter, most if not all carriers currently provide blocking to these types of numbers.

4.9. Access to Operator Services

The existing provision that basic service includes free access to operator services continues unchanged.

5. Service Quality Standards

5.1. Importance of Service Quality Standards for Basic Service

In addition to defining the service elements making up basic service, the Commission has a statutory duty to ensure that telephone corporations serve customers based on reasonable statewide service quality standards. Applicable standards include but are not limited to, network technical quality, customer service, installation, repair, and billing. The obligation to meet adequate service quality standards extends beyond basic service providers to include any telephone corporation, as defined under Pub. Util. Code § 234(a).²²

Appropriate consumer protection standards associated with basic telephone service quality must be in place and enforced, regardless of the service provider technology involved. The Commission has previously adopted service quality standards for wireline carriers.²³ In the case of wireless and VoIP, however, proceedings have not yet been conducted to identify, adopt, and enforce the necessary standards.

²² A telephone corporation, for purposes of applying service quality standards under the Commission's general orders, includes every certificated or registered carrier, and every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.

²³ The Commission adopted service quality reporting measures and standards in GO 133-C through D.09-07-019 on July 9, 2009 as a result of R.02-12-004.

In D.09-07-019, the Commission most recently addressed the issue of telecommunications service quality standards, but concluded that it was premature to address whether it had jurisdiction to require service quality reporting for wireless, VoIP, and IP-enabled carriers. We deferred any decision on such service quality issues pending the FCC's rulemaking regarding the regulatory treatment of such carriers.²⁴ Wireless and other intermodal carriers whose request for COLR status in high-cost areas is granted will be expected to comply with any applicable service quality standards ultimately adopted by the Commission.

5.2. Positions of Parties

Parties filing comments in this proceeding expressed conflicting views on service quality standards in the context of basic service requirements.

Small LECs argue that consumers who receive basic telephone service from a carrier other than an ILEC should also receive the benefit of the GO 133-C service quality standards. TURN agrees. Small LECs state that there are numerous consumer protection rules that should also be applied to alternative providers of basic service – pointing to warm-line requirements as an example.

²⁴ See Order Instituting Investigation (OII) on the Commission's Own Motion to Determine the Extent to Which the Public Utility Telephone Service Known as Voice over Internet Protocol Should be Exempted from Regulatory Requirements [D.06-06-010] (2006) __Cal.P.U.C.3d __, at 3 (slip op.).) VoIP providers fall into two general categories. Facilities-based providers, own the last-mile broadband connections that reach end-users. There are also "over-the-top" VoIP providers that provide voice services by using a last-mile broadband connection that the customer has the responsibility to secure from some source.

DRA proposes the following areas that service quality standards must address include:

- Standardized operator response time;
- Street level coverage maps for wireless service;
- Network Outage Reporting System data; and
- Carrier specific complaint statistics from the Commission's Consumer Affairs Branch (CAB).

DRA argues for adoption of standards for each technology providing basic service. For wireline carriers, the Commission established standards in GO 133-C. Service quality standards and measures in GO 133-C address, but are not limited to, customer service, installation, and repair, and apply variously to General Rate Case ILECs and URF LECs. GO 133-C requires that all facilities-based certificated and registered telephone corporations report major service interruptions, and that wireless carriers provide coverage maps that include "a clear and conspicuous disclosure of material limitations in wireless service coverage depiction and wireless service availability." The GO rules also include requirements about record keeping, the location of records, and the availability of those records to be viewed by the public. However, there are currently no service quality standards for VoIP providers and the only requirement applicable to wireless carriers is to supply coverage maps to customers.

DRA proposes that VoIP and wireless providers should report operator answering time performance based on the GO 133-C requirements for wireline carriers. DRA proposes that VoIP providers should provide network outage information to the Commission, as wireline and wireless carriers do now. DRA believes that wireless providers of basic telephone service should provide more than the general coverage maps required under GO 133-C and should provide

customers with detailed street level wireless coverage maps. VoIP providers are exempt from the requirements of the Billing Rules Decision (D.10-10-034) but DRA proposes that they comply with the same rules as wireline and wireless providers. DRA also proposes the Commission publish CAB statistics on all providers of basic service to alert customers of service problems.

Other parties offered alternative perspectives on service quality and fitness standards. AT&T continues to advance the position that service quality standards are only an issue for a reverse auction, should the Commission decide to conduct one. AT&T states that service quality standards should not be established for basic service outside of the auction context.

AT&T also states that the competitive marketplace will ensure providers have sufficient incentive to provide adequate service in order to attract and retain customers. AT&T argues that wireless carriers compete for customers based on network quality and performance and do so in the absence of Commission mandates.

Without service quality standards, the potential for waste, fraud, and abuse increases. Service quality standards are an integral component of the revision of the basic service definition that the Commission cannot ignore.

Cricket Wireless also argues that the Commission should not impose service quality requirements on wireless carriers in this or any proceeding. Cricket offers its perspective on why service quality regulation is not needed for supported wireless carriers.

Given the variability of service quality over any given coverage area and in the interest of ensuring customers are satisfied with their service, wireless carriers have largely adopted a model that allows customers to “test drive” their service and assess whether the phone meets their needs (e.g., works in their

home or office, along their typical travel routes, etc.). If the customer is not satisfied with the level of service, they are able to return the phone within a certain amount of time.

TURN agrees that “trial periods” are a positive improvement with wireless mobility offerings, but contends that a trial period does not resolve the service quality issue for supported services.

5.3. Discussion

Consistent with our universal service obligations to ensure that all Californians have access to essential telecommunications services necessary for them to interact and participate in modern society, we conclude that further proceedings are warranted to identify, adopt, and enforce appropriate service quality standards applicable to any carrier, including wireless or VoIP, that serves in the capacity of COLR in a high-cost area.

We cannot necessarily assume that competitive forces ensure that wireless providers serving in the capacity of COLR will make the necessary commitment to quality standards for all of customers. Objective measures of wireless carrier performance, as produced by entities such as Consumer Reports, consistently report significant variation in wireless carrier performance. Wireless industry practices offering trial periods for their services do not provide a sufficient substitute for service quality standards, particularly where COLR obligations are involved.

Accordingly, we must develop a further record regarding the requisite standards together with enforcement tools to ensure that the standards are met. We shall issue a further ruling either in this docket or another proceeding to provide further guidance on the development of a record on this issue.

In addition to the need to identify, adopt, and enforce standards for wireless and other alternative technologies, we also recognize the need to consider additional measures to promote compliance and enforcement of existing quality standards applicable to wireline carriers.

In its March 2011 report on telecommunications carrier compliance with existing standards, the Commission's CD found a number of instances where carriers failed to meet existing service quality standards. CD recommends that the Commission initiate an OIL, and/or an OIR to review the GO 133-C standards, particularly with regards to Out-of-Service restoration times and assess why carriers consistently could not meet this standard, why carriers are not regularly meeting the operator answer time standard of 60 seconds or less, consider adopting new standards or modify existing standards, and consider penalty mechanisms for companies that consistently fail to meet one or more standards. We agree that the adequacy of existing compliance and enforcement of service quality standards needs to be reviewed, and necessary remedial action taken, as that inquiry may determine to be warranted.

On December 1, 2011, the Commission issued R.11-12-001 to evaluate telecommunication corporations' service quality performance and to consider modification to service quality rules. The scope of R.11-12-001, however, has not been expressly designed to address the particular issues that we have identified here, namely, the service quality standards that should apply to COLRs, particularly those using newer technologies such as wireless or VoIP.

We conclude that either opening a new OIR or addressing the issue in R.11-12-001 is an appropriate forum in which to consider further issues relating to service quality standards for wireless or other nontraditional carriers, with express consideration of service quality standards in connection with the offering

of basic service, by carriers in the capacity of a COLR. Alternatively, the Commission may choose to address these issues within R.11-12-001 provided that the scope of the proceeding is amended accordingly. As noted above, at a minimum, this consideration should include appropriate standards relating to providing maintenance of a voice-grade connection from the customer's residence to the public switched telephone network or its successor network. Accordingly, further issues regarding service quality standards applicable to the provision of basic service by wireless and other non-traditional carriers seeking COLR status, including measures to ensure compliance and enforcement will be addressed either in R.11-12-001 or in a new OIR that we may open at a future date.

Until the Commission determines the extent to which service quality standards should be adopted for non-traditional wireline carriers, a provider that wishes to offer basic service utilizing anything other than traditional exchange-based wireline technology that cannot comply with all the requirements of GO 133-C must file a Tier 3 advice letter. This filing must indicate what GO 133-C service quality measurements and reporting procedures it can comply with, those it can provide functionally equivalent reports for and lastly what measurement and reporting requirements are not applicable to the technology it is using to provide basic service.

6. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Thomas R. Pulsifer is the assigned Administrative Law Judge in this proceeding.

Comments on Proposed Decision

The proposed decision of the assigned Commissioner in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code,

and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on December 5, 2011, and reply comments were filed on December 12, 2011, by various parties. An additional round of comments on a revised version of the proposed decision were filed on February 24, 2012. We have incorporated parties' comments as appropriate in finalizing this decision.

7. Findings of Fact

1. The Commission, in D.96-10-066, last devised minimum basic service standards applicable to the Commission's universal service program.
2. The existing adopted requirements for basic telephone service apply to any carrier seeking to qualify for B-Fund support and/or for Lifeline support.
3. Under the B-Fund program, a COLR must offer basic residential service to all customers within a designated service area, and receives funding to subsidize affordable basic rates in high-cost areas.
4. The Commission undertook to update the definition of basic service in view of the passage of time since the definition was last adopted.
5. Although basic service has traditionally been provided by carriers using local exchange wireline network architecture, other forms of telecommunications services offered by wireless, cable, and VoIP have been growing in popularity, particularly over the past decade.
6. Revising the basic service definition in a competitively neutral manner offers the potential to expand the range of providers offering basic service, thereby increasing the range of service choices for consumers.
7. Wireless and VoIP currently offer telecommunications services in competition with ILECs, but do not currently offer basic service.

8. While the Wireless and other alternative offerings are configured differently from basic service, those offerings currently serve as partial, but not complete, substitutes for basic service for many customers.

9. Although a growing percentage of customers subscribe to wireless or VoIP service for certain communications needs, a majority of customers continue to subscribe to basic wireline service, either alone or in combination with wireless service.

10. Wireless and VoIP communications services offer mobility and other potential advantages that are not available through traditional wireline basic service. At the same time, wireless and VoIP service plans omit certain features and benefits that are otherwise currently available through basic service.

11. While some customers have discontinued wireline service in favor of other communications services, the needs and preferences of that minority of customers do not represent the needs and preferences of the majority of customers that continue to subscribe to basic wireline service.

12. Information received from members of the public through oral presentations at public participation hearings and through written letters to the Commission indicate that elimination of essential service features currently available through basic service would be detrimental.

13. Based upon the features currently relied upon by customers, essential basic service features include the service features set forth in Appendix A of this decision.

14. A defining feature of the basic service obligation is the capability for all residential customers within a designated service area to send and receive telephone calls.

15. For purposes of basic service, if the carrier's customers within the designated basic service area lack the capability to maintain a voice-grade connection from the customer residence to the public switched telephone network or its successor network, then the carrier would fail to satisfy a key basic service need.

16. The ability to receive unlimited incoming calls without a per-minute or per-call charge is an existing feature that customers have come to expect at least for their basic service. Although wireless customers may be accustomed to paying for incoming calls on their cell phone, most wireless customer typically do so within an environment where they also rely on a separate wireline telephone for receiving such calls.

17. The flat rate option for calls within a local exchange currently available as a basic service element provides a measure of affordability and predictability in the monthly bill. In order to provide a comparable degree of affordability and predictability in meeting basic calling needs offered by a wireless provider, the requirement to offer both unlimited incoming and outgoing calls, for a flat rate provides a reasonable proxy. As long as the carrier offers the option for a flat rate for unlimited calling in a given calling area subject to equal disclosure with other rate plans, the carrier may also offer the customer an alternative rate plan for purposes of basic service that is not restricted as to per-minute or per-call charges.

18. Providing wireless customers with the option to select for their basic service either a flat rate plan or an alternative billing plan that offers per-minute usage charges for certain calls may offer a more affordable or better suited billing plan.

19. Free access to 911/E911 service is an essential basic service. Delays or failure to promptly route 911 calls to local emergency responders could risk significant loss to a customer relying on 911.

20. Wireless providers are currently subject to FCC compliance standards for 911/E911 calls which involve a different standard compared to existing wireline standards.

21. Regardless of whatever technology or network design a carrier utilizes to provide 911/E911 access, in order to qualify as basic service, the carrier must provide the caller with 911/E911 location accuracy and reliability that is at least reasonably comparable to that offered by the existing COLR, and in accordance with applicable state and federal law and regulations, including California Public Utilities Code Section 2892 and FCC location accuracy orders including 26 FCC Rcd 10074 (FCC 2011).

22. If a wireless carrier becomes a provider of basic service, the cell phone would become the customer's primary or only source for incoming calls. In that settling, the customer would no longer have the protection of receiving incoming calls on a wireline phone at no charge.

23. The provision of Lifeline service is an essential basic service element that promotes affordable basic service for low-income consumers.

24. Access to directory assistance remains a necessary basic service element to enable customers to readily access phone numbers for communicating with others.

25. Having the option to receive delivery of a published local directory as a basic service feature provides an important means for consumers to interact with others within their local community. Requiring basic service providers to

provide customers the option to receive a free white pages directory preserves basic service customers' interests in having access to published directory listings.

26. Although wireless service providers do not typically provide customers with published directories, basic service customers are entitled to the option to receive a directory if they so choose.

27. The directory publishing market has not supported a white-page directory, in particular, for the wireless industry. Accordingly, there is no need to require a basic service provider to engage in directory publishing, so long as the provider makes available the option to obtain a white pages directory to subscribers who wish to receive one.

28. Verizon currently satisfies the basic service requirement to provide a local directory under the procedures authorized in Resolution T-17302 by providing the option for electronic delivery by CD-ROM format or via on-line delivery, as an alternative to paper delivery. Other basic service providers serving customers within the Verizon service territory also can satisfy the local directory requirement by complying with the same requirements for electronic delivery as does Verizon. Providers seeking to offer basic service outside of the Verizon territory can file Tier 2 advice letters for purposes of seeking authorization to satisfy the local directory requirement under the procedures authorized in Resolution T-17302.

29. Current basic service rules entitle customers to access to 800 or 8YY toll-free services without incurring per-call or per-minute toll charges.

30. Requiring that any provider of basic service offer toll-free unlimited access to 8YY toll-free services will help meet important social, health care, and business needs of customers that rely upon access to 8YY calls.

31. Requiring any provider of basic service to offer customers access to telephone relay services pursuant to the provisions of Pub. Util. Code § 2881 will provide important consumer protections, particularly to the deaf and disabled sector of consumers.

32. Essential basic service includes requiring any provider of basic service to offer free access to information about Lifeline, service activation or termination, service repair or bill inquiries.

33. Essential basic service includes requiring one-time free blocking for 900/976 Information Services and adjustments for charges incurred mistakenly or without authorization.

34. Further proceedings are warranted to identify the extent to which service quality standards should be adopted for non-traditional wireline carriers. In the meantime, it is reasonable to require that a provider that wishes to offer basic service utilizing anything other than traditional exchange-based wireline technology that cannot comply with all the requirements of GO 133-C file a Tier 3 advice letter in accordance with Appendix A requirements.

Conclusions of Law

1. While reducing the regulation of telecommunications services and prices in recent years through adoption of the “Uniform Regulatory Framework,” the Commission has continued to impose minimum service requirements for the provision of “basic telephone service.”

2. The relevant criteria for determining basic service requirements include whether a service element meets an essential residential consumer needs and whether the element is defined in competitively neutral manner.

3. The determination of essential residential consumer needs should consider relevant universal service goals to ensure consumers throughout California have

access to essential telecommunications services, taking into account the essential needs of the most vulnerable consumer sectors, including the elderly, those with disabilities, and low-income sectors.

4. While basic service may be offered in combination with additional features or as part of a larger bundle of services, basic service should also be made available without obligating the customer also to subscribe to video or data services.

5. Defining basic service on a technologically neutral basis does not warrant the degrading of essential consumer needs to satisfy the lowest common denominator of service features that carriers may currently be willing to offer.

6. A defined set of basic service features and related general requirements, as set forth in Appendix A, is warranted as an essential tool to satisfy the Commission's universal service goals.

7. Any carrier seeking to meet the requirements for a COLR in accordance with the rules adopted in D.96-10-066, Appendix B.6.D, should offer at least the basic service elements, as defined in Appendix A of this decision.

8. The basic service features and related general requirements set forth in Appendix A should be applied to any carrier seeking to offer basic service in California, including carriers seeking to qualify as a COLR, as well as a provider that seeks to offer California Lifeline service without serving as the customer's COLR. Further modifications to the elements required for the provision of California Lifeline service will be considered in R.11-03-013, the Commission's rulemaking to reform Lifeline policies. Depending on modifications adopted in R.11-03-013, the Commission may add, subtract, or refine the required elements applied to the provision of California Lifeline Service.

9. Further issues regarding the determination of minimum service requirements applicable to wireless or other carriers that seek to qualify as a COLR should be addressed either in a new OIR proceeding or as part of R.11-12-001. These further proceedings should also address the adequacy of compliance and enforcement of any service quality standards that are adopted.

10. In accordance with the Consumer Bill of Rights, adopted in GO 168, consumers have a right to receive clear and complete information about all material terms and conditions, such as material limitations, for products and service plans they select or for which they request information. Consumers also have a right to clear and complete disclosure of material limitations on access to 911 emergency services.

11. In order to ensure customers can make fully informed choices regarding communications services, communications service providers should provide customers with information disclosures in a form that is readily accessible and available to existing and prospective customers, and of sufficient clarity and detail to enable customers to make an informed choice as to whether the service coverage, availability, reliability, and quality being offered is sufficient and suitable to meet the customer's expectations and needs.

O R D E R

IT IS ORDERED that:

1. The basic telephone service elements and related requirements set forth in Appendix A are hereby adopted. These elements and requirements must be met by any service provider offering basic service in California. While carriers may offer basic service in conjunction with added features and/or enhanced serve

elements without additional charge(s) as part of a basic service offering, carriers must not obligate the customer also to subscribe to data and/or video services as a condition of basic service. Any basic service rates and elements, including any added features or enhanced service elements must be offered on a non-discriminatory basis, and consistent with Appendix A requirements.

2. Any service provider seeking to qualify as a carrier of last resort or for California Lifeline support must offer basic telephone service in accordance with the basic service elements and related requirements of Appendix A.

3. The adopted basic service elements and related requirements set forth in Appendix A modify and supersede the previous basic service requirements as adopted in Appendix A, Part 4, of Decision 96-10-066.

4. Further proceedings in Rulemaking (R.) 11-03-013 shall resolve all other issues pertaining to Universal Lifeline Telephone Service reform. Accordingly, the Commission may adopt further modifications in R.11-03-013 for the provision of Lifeline service. Such further modifications adopted in R.11-03-013, may add, subtract, or refine the elements of service as applied to the provision of Lifeline.

5. Further proceedings, either in a new Order Instituting Rulemaking or in Rulemaking 11-12-001, are required to determine and adopt appropriate service quality standards applicable to providers seeking to qualify as a carrier of last resort. In the meantime, a provider that wishes to offer basic service utilizing anything other than traditional exchange-based wireline technology that cannot comply with all the requirements of General Order (GO) 133-C should file a Tier 3 advice letter, indicating what GO 133-C service quality measurements and reporting procedures it can comply with, those it can provide functionally

equivalent reports for and lastly what measurement and reporting requirements are not applicable to the technology it is using to provide basic service.

6. To ensure that customers can make fully informed choices regarding the communications services that best meet their needs, with full knowledge of the tradeoffs among the benefits and limitations of different communications technologies, all companies offering basic service shall provide existing and prospective customers with information regarding 911 reliability and accuracy, as well as clear and conspicuous disclosures of the capabilities and material limitations in service coverage, service availability, and service quality. The disclosures must be offered in a form that is readily accessible and available to existing and prospective customers, with sufficient clarity and detail to enable customers to make an informed choice as to whether the service coverage, availability, reliability, and quality being offered is sufficient and suitable to meet the customer's expectations and needs.

7. The Commission's Communications Division shall insure that the marketing for the California Lifeline program include information and educational materials explaining the capabilities and limitations of the communications technologies that Lifeline supports. These materials shall reference Consumer Affairs Branch complaint data wherever possible.

8. Rulemaking 09-06-019 remains open for remaining issues relating to California High Cost Fund-B reform.

This order is effective today.

Dated December 20, 2012, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners

APPENDIX A

Basic Telecommunications Service Elements

At a minimum, the following service elements must be offered on a nondiscriminatory basis by any carrier providing Residential Basic Telephone Service (basic service) within California. These revised basic service elements do not impose an obligation to provide basic service upon any carrier where no such obligation exists today. Nor do they prohibit a carrier from electing to provide additional elements as part of its basic service offering. Any carrier may use any technology to satisfy any obligation to provide basic service as detailed below:

I. Basic Service Elements:

1. The provider must offer customers the ability to place and receive voice-grade calls over all distances utilizing the public switched telephone network or successor network.
 - a. Carriers offering basic service must at a minimum enable calls to be sent and received within a local exchange or over an equivalent or larger-sized local calling area.
 - b. A basic service provider must allow equal access to all interexchange carriers within the local calling area in accordance with state and federal law and regulation.
 - c. Carriers offering basic service must provide a voice-grade connection from the customer residence to the public switched telephone network or successor network.
 - d. Carriers offering basic service must disclose to each customer before subscription that they are entitled to a voice-grade connection and the conditions under which the customer may terminate service without penalty if one cannot be provided.
 - e. If at any time, a basic service customer fails to receive a voice-grade connection to the residence and notifies the provider, the basic service provider is required to (1) promptly restore the voice-grade connection, or if not

possible (2) provide basic service to that customer using a different technology if offered by the provider and if the customer agrees; or (3) allow the customer to discontinue service without incurring early termination fees, if applicable. Nothing in these rules should be inferred as modifying the service obligation of a COLR to ensure continuity of customers' basic service.

2. Free access to 911/Enhanced (E) 911 service.
 - (a) A basic service provider must provide free access to 911/E911 emergency services, in compliance with current state and federal laws and regulations.
 - (b) Any carrier that is not a traditional wireline provider of basic service will be required to make a showing by filing a Tier 3 Advice Letter that demonstrates its ability to provide 911/E911 location accuracy and reliability that is at a minimum at least reasonably comparable, but not necessarily identical to, that traditional wireline service offered by the existing COLR.
 - (c) The basic service provider will further be required to certify in a Tier 3 Advice Letter filing that it is compliant with 911/E911 standards established by state and federal laws and regulations, and will not be deemed to provide basic service if it has obtained a waiver from such state and federal laws and regulations.
 - (d) Each basic service provider must provide its potential and existing customers information regarding its 911/E911 emergency services location accuracy and reliability standards.

3. Access to directory services.

- (a) Each basic service provider must offer access to directory assistance within the customer's local community that covers an area at least equivalent to the size of the geographic area the existing COLR's directory assistance service provides.
- (b) For basic service provided by other than a traditional wireline carrier, a customer's listing may be excluded from the local directory and directory assistance as a default unless the subscriber affirmatively requests to have the number listed.
- (c) For basic service provided by a traditional wireline carrier, a customer's listing shall be included for free in the local directory and directory assistance as a default unless the customer affirmatively requests to have the number unlisted.
- (d) A basic service provider must provide customers the option to receive a free white pages directory covering the local community in which the customer resides. For purposes of this definition, the local community shall include a geographic region at least equivalent to the area covered by the white pages directory that the existing COLR currently provides.
- (e) Because Verizon California, Inc. (Verizon) and other providers of basic service to customers residing in Verizon's service territory have been authorized to provide electronic delivery pursuant to Resolution T-17302, that authorization is compliant with the white pages directory requirement for basic service in Verizon's territory.

- (f) The requirement to provide a free published directory can be satisfied using the procedures authorized in Resolution T-17302 in other territories upon the filing of a Tier 2 Advice Letter. Under this authorization, the affected customers will receive delivery of the directory electronically by CD-ROM or by on-line access, unless a customer affirmatively elects to receive a traditional printed paper copy by contacting the basic service provider under the procedures authorized in Resolution T-17302.

4. Billing Provisions

- (a) Providers of basic service must offer customers the option to receive unlimited incoming calls without incurring a per-minute or per-call charge.
- (b) Carriers offering basic service must offer a flat rate option for unlimited outgoing calls that at a minimum mirrors the local exchange or an equivalent or larger sized local calling area in which the basic service customer resides.
- (c) Basic service must be offered on a non-discriminatory basis to all residential households within the provider's service territory. A carrier may satisfy this obligation using different technologies throughout its service territory.
- (d) Basic service providers must offer Lifeline rates on a non-discriminatory basis to any customers meeting Lifeline eligibility requirements residing within the service territory where the provider offers basic service.
- (e) Carriers providing basic service must offer an option with monthly rates and without contract or early termination penalties.
- (f) Carriers may offer added features and/or enhanced service elements without additional charge(s) as part of a basic service offering. For example, carriers must not obligate customers to also subscribe to service bundles that require subscription to data and/or video services as a condition of receiving basic service.
- (g) As of January 1, 2011, the Commission no longer imposes caps on basic rates. A COLR serving in a high-cost area,

however, will continue to be required to certify that its basic rate in a designated high-cost area does not exceed 150% of the highest basic rate charged by a COLR in California outside of the high-cost area.

5. Access to 800 and 8YY Toll-Free Services.

- (a.) Each provider of basic service must offer at least one basic service option that allows unlimited calls to 800 and 8YY toll-free numbers with no additional usage charges for such calls. A provider may offer alternative billing plans for basic service that may include usage charges for calls to 800 and 8YY toll-free numbers.
- (b) In any event, the carrier must provide full disclosure to the customer concerning how charges for 800 numbers would apply if the customer does not subscribe to an unlimited calling flat rate option.

6. Access to Telephone Relay Service as Provided for in Pub. Util. Code § 2881.

Basic service providers must offer free access to California Relay Service pursuant to § 2881 for deaf or hearing-impaired persons or individuals with speech disabilities.

7. Free Access to Customer Service for Information about Universal Lifeline Telephone Service (ULTS) Service Activation, Service Termination, Service Repair and Bill Inquiries.

The basic service provider shall provide free access to customer service for information about the above-referenced services.

8. One-Time Free Blocking for Information Services, and One-Time Billing Adjustments for Charges Incurred Inadvertently, Mistakenly, or Without Authorization.

Basic service must include the provision of one-time free blocking for 900/976 information services and one-time free billing adjustments for changes inadvertently or mistakenly incurred, or without authorization.

9. Access to operator services

Basic service shall include free access to operator services.

II. General Requirements

In addition to the basic service elements and related requirements listed above, basic service shall be provided consistent with the following requirements.

- a) A basic service provider must file and maintain tariffs or schedules with the Commission by a Tier 2 Advice Letter for its basic service offerings which must include its basic service rates, charges, terms, and conditions; and must make them publicly available. Requirements for customer notice and/or Commission filings for revisions in basic service rates, charges, terms, and/or conditions must be made in accordance with the applicable requirements for tariff filings set forth in General Order 96-B.
- b) If a carrier chooses to offer basic service in all or part of its service territory using multiple, different technologies, each type of offering must be tariffed or scheduled with the Commission. This requirement does not extend beyond basic service.
- c) Each basic service provider must clearly inform all potential residential subscribers who contact the provider prior to initiating service of their option to purchase basic service and to subscribe to basic service on a month-to-month basis with no termed contracts.
- d) A provider must not represent to customers, or in advertising or by any other means, that any services, service elements, or service conditions, except those authorized by the Commission, constitute basic service in California.
- e) Until the Commission determines the extent to which new service quality standards should be adopted for carriers, a provider that wishes to offer basic service utilizing anything other than traditional exchange-based wireline technology that cannot comply with all the requirements of General Order 133-C must file a Tier 3 advice letter.

- f) This filing must indicate what General Order 133-C service quality measurements and reporting procedures it can comply with, those it can provide functionally equivalent reporting information for and lastly what measurement and reporting requirements are not applicable to the technology it is using to provide basic service. This filing must further indicate how the new service or new technology maintains essential basic services or standards.

(END OF APPENDIX A)

Appendix B - Cross-References of Existing to Revised Service Element Listings

(Page 1 of 1)

Element #	Existing Definition Elements from Decision 96-10-066	Cross-References to Revised Element List
1	Access to single-party local exchange service	(See Revised Element 1)
2	Access to interexchange carriers	(See Revised Element 1)
3	Ability to place and receive calls	(See Revised Element 1)
4	Ability to receive free unlimited incoming calls	(See Revised Element 4)
5	Free touch-tone dialing	(See Revised Element 1)
6	Free Unlimited Access to emergency services 911/E911	(See Revised Element 2)
7	Access to Local Directory Assistance	See Revised Element 3a)
8	Provision of Lifeline Rates for eligible customers	(See Revised Element 4)
9	Choice of "flat" or "measured" rate service	(See Revised Element 4)
10	Provision of free directory listing	(See Revised Element 3)
11	Provision of "white pages" telephone directory	(See Revised Element 3)
12	Access to operator services	(See Revised Element 9)
13	Voice-grade connection to the public switched telephone network	(See Revised Element 1)
14	Free Access to toll-free 8YY Services	(See Revised Element 5)
15	One-time free blocking for Information Services	(See Revised Element 8)
16	Access to Telephone Relay Service	(See Revised Element 6)
17	Free Access to information about Lifeline, service activation, etc.	(See Revised Element 7)

(End of Appendix B)

APPENDIX C

Rules Governing Carrier of Last Resort

(Excerpted from D.96-10-066, Appendix B Adopted Universal Service Rules - Part 6. - California High Cost Fund-B)

Part 6.D. Carrier of Last Resort

1. All of the incumbent local exchange carriers (LECs) listed in Attachment A of [Decision 96-10-066 rules] shall be designated as the carrier of last resort (COLR) in all their respective service areas at least until such time that another carrier or carriers are designated as the COLR.
2. Other qualified [competitive local carriers] may seek to become a designated COLR, or to compete in a Geographic Study Area (GSA) without being designated a COLR.
3. Only designated COLRs shall have access to the CHCF-B subsidy based on the number of residential customers that it serves in high-cost GSAs.
4. Designated COLR NOI: Those CLCs seeking to be designated a COLR shall file an advice letter in compliance with GO 96-A, stating that the carrier intends to be designated a COLR. The advice letter shall become effective in 40 days from the date of filing, unless a protest to the advice letter is filed. The advice letter shall contain a statement of the following, which the Commission will consider the following factors in deciding whether the COLR status should be granted:
 - a. The facilities the carrier has in place or the arrangements that the carrier plans to enter into in order to provide basic service; and
 - b. The ability of the carrier to promote the goals of universal service to all customer segments throughout the COLR's service area.
5. A designated COLR shall be required to serve all customers upon request, both residential and business, who are located within the COLR's designated service area as specified in subsection 6 below.

6. A designated COLR shall be required to serve the following:
 - a. Until such time as provided for in Rule 6.D.1, above, all incumbent LECs in order to avail themselves of the subsidy for a high-cost GSA, shall be required to serve all the high-cost GSAs that are within the incumbent LEC's existing exchange area boundaries;
 - b. All CLCs who are designated COLRs in order to avail themselves of the subsidy of a particular high-cost GSA shall be required to serve the entire GSA(s) that is (are) within the CLC's designated service territory for which it has elected COLR status; and
 - c. A designated COLR may opt out of its obligations in a GSA by advice letter, unless it is the only carrier remaining in the GSA, in which case it must file an application to withdraw as the COLR, and continue to act as the COLR until the application is granted or a new COLR has been designated as a result of an auction.

(END OF APPENDIX C)