

Decision 24-04-015 April 18, 2024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Wi-Fiber of Northern California, LLC for a Certificate of Public Convenience and Necessity to Provide Full Facilities-Based and Resold Competitive Local Exchange and Non-Dominant Interexchange Service.

Application 23-08-015

**DECISION GRANTING WI-FIBER OF NORTHERN CALIFORNIA, LLC
A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE
FULL FACILITIES-BASED AND RESOLD COMPETITIVE LOCAL EXCHANGE
SERVICES AND RESOLD INTEREXCHANGE SERVICES**

Summary

Pursuant to Public Utilities Code Section 1001, the Commission grants Wi-Fiber Of Northern California, LLC a Certificate of Public Convenience and Necessity to provide full facilities-based and resold competitive local exchange services and full facilities-based and resold interexchange services in California subject to the terms and conditions set forth in the Ordering Paragraphs.

Application 23-08-015 is closed.

1. Background

On August 16, 2023, Wi-Fiber Of Northern California, LLC, (Wi-Fiber or Applicant) a limited liability corporation in California filed an application for a certificate of public convenience and necessity (CPCN) to provide full

facilities-based and resold competitive local exchange services in the service territories of (1) Pacific Bell Telephone Company d/b/a AT&T California (AT&T California), (2) Frontier California Inc. (Frontier California), (3) Citizens Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier Communications), and (4) Consolidated Communications of California Company (Consolidated Communications and full facilities-based and resold interexchange services throughout California, as well as non-dominant interexchange carrier status (Application (A.) 23-08-015)).¹ The August 16, 2023 Application was accompanied by a motion for confidential treatment of its supporting Exhibits, F, G.1, H, and I. An amendment to proposed confidential Exhibit I was filed on October 13, 2023 along with an additional motion to seal.

Wi-Fiber's principal place of business is located at 311 South Main Street, Ukiah, California 95482.² Wi-Fiber proposes to provide Voice over Internet Protocol (VoIP) services and expand its broadband fiber network from middle-mile sites to deploy Fiber-to-the-Premises (FTTP) technology upgrades, thereby increasing service speeds and consumer options. Applicant intends to use "public infrastructure such as poles and conduit, and/or to access public rights of way, utility corridors or otherwise meet local jurisdictions' criteria for issuing permits to install telecommunications facilities."³

¹ Application at 1-2.

² October 13, 2023 *Prehearing Conference Statement Of W-Fiber Of Northern California, LLC* (PHC Statement) at 2.

³ Application, at 1-2; See also *Reporter's Transcript of October 18, 2023 Prehearing Conference Virtual Proceeding* at 6:23-7:10.

No party filed a protest or response to the Application. Commissioner Darcie L. Houck and Administrative Law Judge (ALJ) Andrea D. McGary were assigned to A.23-08-015 on September 22, 2023.

The *Administrative Law Judge's Ruling Setting Remote Prehearing Conference & Prehearing Conference Statement Deadline* was issued on October 6, 2023. The Ruling set a remote WebEx prehearing conference (PHC) for October 18, 2023, with PHC statements due in advance of the hearing. Applicant's PHC statement and an amendment to A.23-08-015 supplementing the record with additional financial fitness bank statements marked as Exhibit 1 were filed on October 13, 2023 along with an additional motion to seal.⁴

The PHC was held on October 18, 2023. Following the PHC, the *Assigned Commissioner's Scoping Memo and Ruling* was issued on January 19, 2024. On January 24, 2024 ALJ McGary issued a ruling ordering Wi-Fiber to provide supplemental verifications and/or information to the Commission regarding applicant, its affiliates, officers, directors, partners, agents, owners, and management.⁵

⁴ See October 13, 2023 *Prehearing Conference Statement of Wi-Fiber Northern California, LLC*. (Wi-Fiber PHC Statement); See also October 13, 2023 *Amendment To Application of Wi-Fiber Of Northern California, LLC For A Certificate Of Public Convenience And Necessity To Provide Full Facilities-Based And Resold Competitive Local Exchange And Non-Dominant Interexchange Service*; See also October 13, 2023 *Motion Of Wi-Fiber Of Northern California, LLC For Leave To File Under Seal, Confidential Exhibit 1 In The Amendment To Application Of Wi-Fiber Of Northern California, LLC For Certificate Of Public Convenience And Necessity To Provide Full Facilities-Based And Resold Competitive Local Exchange And Non-Dominant Interexchange Service*.

⁵ *Administrative Law Judge's Ruling Ordering Supplemental Information On Managerial And Technical Staff* (January 24, 2024)

Wi-Fiber filed a second amendment to its Application on February 6, 2024, notifying the Commission of a change to its key management personnel and removing its prior technician manager Lane Charpenter from managerial and technical competence consideration.⁶ On February 12, 2024, Applicant filed the *Response Of Wi-Fiber Of Northern California, LLC To ALJ Request For Supplemental Information* along with a motion for confidential treatment of its accompanying Attachment A.⁷

2. Submission Date

This matter was submitted on February 12, 2024 upon Applicant's filing of the *Response To Administrative Law Judge Ruling Requesting Supplemental Information*.

3. Jurisdiction

The Commission has broad jurisdiction over "public utilities,"⁸ as defined in Public Utilities (Pub. Util.) Code Section 216.⁹ California's constitution extends the Commission's jurisdiction to companies engaged in "the transmission of telephone and telegraph messages," which includes both public utility services and facilities.¹⁰ The Commission classifies entities providing two-way voice

⁶ *Second Limited Amendment to Application Of Wi-Fiber Of Northern California, LLC For A Certificate of Public Convenience And Necessity to Provide Full Facilities-Based And Resold Competitive Local Exchange And Non-Dominant Interexchange Service* (February 6, 2024).

⁷ *Motion of Wi-Fiber Of Northern California, LLC For Leave To File Under Seal, Confidential Attachment A In The Response To Administrative Law Judge Ruling Requesting Supplemental Information* (February 12, 2024).

⁸ Pub. Util. Code § 216.

⁹ Pub. Util. Code § 234.

¹⁰ See D.20-07-011, at 14-15, See Cal. Const., Art. XII, §§ 1-6; Pub. Util. Code § 701.

communications service for compensation within California as “telephone corporations”¹¹ and regulates them as public utilities.^{12,13}

As part of its regulatory authority over “telephone corporations,” the Commission authorizes certificates of public convenience and necessity to “telephone corporations” seeking to construct a “line, plant, or system, or any extension thereof” in California.¹⁴ Pub. Util. Code Section 233 defines a “telephone line” to include “all conduits, ducts, poles, wires, cables, instruments, and appliances, and other real estate, fixtures, and personal property owned or controlled, operated, or managed in connection with or to facilitate communication by telephone, whether such communication is had with or without the use of transmission wires.” This includes services delivered over any technology, including but not limited to, traditional copper lines, coaxial cable, fiber optic cable, and mobile or fixed wireless radios.

Providers of interconnected VoIP service are telephone corporations subject to the Commission’s jurisdiction.¹⁵ In 2021, the Commission’s Communications Division directed interconnected VoIP carriers operating in California to apply for either a registration pursuant to Pub. Util. Code Section 1013 or a Certificate of Public Convenience and Necessity pursuant to Pub. Util. Code Section 1001. The Commission is currently considering the licensing obligations for interconnected VoIP carriers in Rulemaking 22-08-008.

¹¹ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68.

¹² Pub. Util. Code § 216(a).

¹³ Telephone corporations are required to file annual affiliate transaction reports, and pay surcharges and user fees.

¹⁴ Pub. Util. Code § 1001.

¹⁵ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68, *citing* Rulemaking (R.) 22-08-008.

Because Wi-Fiber proposes to provide VoIP over its fiber optic network, services, Wi-Fiber is a telephone corporation and a public utility subject to the California Public Utilities Commission's (Commission) jurisdiction.

4. California Environmental Quality Act (CEQA)

Pursuant to the CEQA¹⁶ and Rule 2.4 of the Commission's Rules of Practice and Procedure (Rules), the Commission acts as the designated lead agency to consider the environmental consequences of projects that are subject to the Commission's approval to determine any potential environmental impacts, to avoid adverse effects, and ensure that any affected environmental impact is restored or otherwise mitigated to the fullest extent possible under CEQA.

Wi-Fiber's initial proposed construction activities will generally include install of fiber in Mendocino County by way of buildout, including "boring in public rights of way and running aerial fiber on utility poles."¹⁷

These activities fall within the following classes of projects that are exempt from CEQA and for which neither an Environmental Impact Report nor a Negative Declaration is required.¹⁸

1. Class 1 Exemption: operation, repair, maintenance, leasing or minor alteration of existing public or private structures and facilities, with negligible or no expansion of an existing use. This includes existing facilities used to provide public utility services. (California Code of Regulations Title 14, Section 15301.)

¹⁶ Public Resources Code § 21000 *et seq.*

¹⁷ Application at 5 and Exhibit D.

¹⁸ The Commission considers both Categorical (Classes 1, 2, 3, 4, and 32 listed herein) and Statutory Exemptions (Public Resources (Pub. Res.) Code Section 21080.51 listed herein). Categorical Exemptions apply to classes of projects that generally do not have potential substantial impacts on the environment. Statutory Exemptions are projects specifically excluded from CEQA consideration as detailed by California law.

2. Class 2 Exemption: replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. (14 CCR Section 15302.)
3. Class 3 Exemption: construction including water main, sewage, electrical, gas and *other utility extensions of reasonable length* to serve such construction. This includes the construction of limited numbers of new small facilities or utility extensions. (14 CCR Section 15303.)
4. Class 4 Exemption: minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Among other things, this includes filling of earth into previously excavated land with material compatible with the natural features of the site, and minor trenching and backfilling where the surface is restored. (14 CCR Section 15304.)
5. Class 32(a-e) Exemption: consists of projects characterized as in-fill development meeting the following conditions: (a) The project is consistent with applicable general plan designation, general plan policies, and applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. (14 CCR Section 15332.)
6. Pub. Res. Code Section 21080.51, which provides an exemption from CEQA for projects that consist of linear broadband deployment that meet certain requirements.

Wi-Fiber's proposed activities involve construction of reasonably short utility extensions (Class 3). In order to provide its service, initially Wi-Fiber will

bore in public rights of way and run aerial fiber on utility poles in Mendocino County. Exemption of these activities is consistent with Commission precedent. Wi-Fiber's proposed new construction activities are similar to those undertaken by other carriers that the Commission has decided are categorically exempt from CEQA. *See, e.g.,* Decision (D) 06-04-063 (*ClearLinx Network Corporation*); D.06-04-067 (*CA-CLEC LLC*).

Wi-Fiber requests approval to utilize a procedure for expedited review of its projects once it is aware of a specific site(s) in which it plans construction. The proposed procedure tracks the expedited review procedure that the Commission approved for other carriers. Such a process will expedite the review and is appropriate for the type of construction outlined here, which will likely be categorically exempt. By establishing this expedited review process, the Commission is able to review the information on a specific project to confirm that it is categorically exempt from CEQA or to explain why further environmental review is required. At the same time, the proposed review process will enable Wi-Fiber to undertake construction of its projects in an efficient manner without experiencing delays caused by an unnecessarily protracted CEQA review.

Similar to the procedure approved for other carriers, the following procedure will be used to obtain Commission approval of **Wi-Fiber's** claimed CEQA exemptions for proposed construction projects:

1. **Wi-Fiber** will provide the Commission's Energy Division with:
 - a. A detailed description of the proposed project, including:
 - i. Customer(s) to be served;
 - ii. The precise location of the proposed construction project; and

- iii. Regional and local site maps.
 - b. A description of the environmental setting, to include at a minimum:
 - i. Cultural, historical, and paleontological resources;
 - ii. Biological resources; and
 - iii. Current land use and zoning.
 - c. A construction workplan, to include:
 - i. Commission Preconstruction Survey Checklist – Archaeological Resources;
 - ii. Commission Preconstruction Survey Checklist – Biological Resources;
 - iii. A detailed schedule of construction activities, including site restoration activities;
 - iv. A description of construction/installation techniques; and
 - v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information.
 - vi. A list of permits required for the proposed project;
 - d. A statement of the CEQA exemption(s) applicable to the proposed project; and
 - e. Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable.
2. The Energy Division will review Wi-Fiber's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable; and
 3. Within 21 days from the date of Wi-Fiber's submittal, the Energy Division will issue either:

- a. A Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research; or
- b. A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.

The Commission reviewed the application and finds that:

1. Wi-Fiber's proposed facilities-based project activities are very limited;
2. These activities would in almost all circumstances be very likely to qualify for an exemption from CEQA; and
3. The proposed process for reviewing the applicability of CEQA exemptions to Wi-Fiber's facilities-based projects is not only adequate for the Commission's purposes as CEQA Lead Agency, but is also in the public interest because it enables Wi-Fiber to respond in a timely manner to requests for service without the delay or burden of a full CEQA review when such review is unnecessary.

This decision therefore approves Wi-Fiber's proposed process for Commission review of claimed CEQA exemptions for construction projects undertaken pursuant to Wi-Fiber's full facilities-based authority, based on the specific facts of this case with the following modifications related to the Commission's Energy Division review and approval or disapproval of the proposed exemptions.

If the Energy Division rejects Wi-Fiber's claimed CEQA exemption(s) and issues a letter of denial to Wi-Fiber, it must either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any construction activities.

Wi-Fiber shall not perform any full facilities-based construction activities without first obtaining an NTP from the Energy Division or authorization by the Commission after the requisite environmental review.

Since Wi-Fiber states that it does not intend to construct any facilities other than equipment to be installed in existing buildings or structures,¹⁹ it does not appear that granting this application will have an adverse impact upon the environment. Before it can construct facilities other than equipment to be installed in existing buildings or structures, Wi-Fiber must file for additional authority, and submit to any necessary CEQA review.

The Commission previously determined that public convenience and necessity requires it to allow competition in the provision of Competitive Local Exchange Carrier (CLEC) service, (Rulemaking 95-04-043/Investigation 95-04-044). Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

5. Financial Qualifications

To be granted a CPCN for authority to provide full facilities-based and resold competitive local exchange services and full facilities-based and resold interexchange services, a new applicant must demonstrate that it has a minimum of \$100,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.²⁰ Wi-Fiber's application and supplemental filings provided bank statement financial documents establishing it had an

¹⁹ Application at 5.

²⁰ The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in D.13-05-035 and D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.14-11-004.

excess of \$100,000.²¹ Since Wi-Fiber has provided documentation that it possesses a minimum of \$100,000 that is reasonably liquid and available, it demonstrated that it has sufficient funds to meet its start-up expenses and fulfilled this requirement. Wi-Fiber's financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are available. Accordingly, Wi-Fiber must demonstrate that maintained at least \$100,000 that was reasonably liquid and available for its first year of operations by providing the Commission's Communications Division with a confidential copy of its updated financial documentation at both six and 12 months from the issuance date of this decision by email to cdcompliance@cpuc.ca.gov."

In addition to demonstrating financial fitness, Wi-Fiber must also demonstrate it has an amount equal to the deposit required by AT&T California, Frontier California, Frontier Communications, and Consolidated Communications would be available to Wi-Fiber for one year following certification.²² Wi-Fiber proposed to initially interconnect with AT&T California, Frontier California, Frontier Communications, and Consolidated Communications. In response to ALJ inquiry, Wi-Fiber provided appropriate disclosure of its due diligence efforts to confirm the deposits amounts that will be due from local exchange or interexchange carriers in the subject services territories, including but not limited to review of its existing interconnection agreements and direct contact with the carriers to confirm any required sum

²¹ August 16, 2023 Application, confidential Exhibit G.1 (Bank Statements) and October 13, 2023 Amended Application confidential Exhibit 1 (Bank Statements).

²² The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in D.13-05-035 and D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.14-11-004.

certain deposit amounts.²³ In addition to the \$100,000 discussed above, Wi-Fiber has provided bank statement financial documentation that it has funds available for any deposits that may be required by AT&T California, Frontier California, Frontier Communications, and Consolidated Communications. Therefore, no additional resources are required at this time to cover deposits.

6. Technical Qualifications

To be granted a CPCN for authority to provide competitive local exchange and/or interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.²⁴ Wi-Fiber supplied biographical information on its management in Exhibit I to its application that demonstrates it has sufficient expertise and training to operate as a telecommunications provider.

In its application, Wi-Fiber verified that no one associated with or employed by Wi-Fiber as an affiliate, officer, director, partner, or owner of more than 10 percent of Wi-Fiber, or anyone acting in a management capacity for Wi-Fiber

(a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations

²³ Wi-Fiber PHC Statement at.2.

²⁴ D.13-05-035; D.95-12-056 at Appendix C, Rule 4.A.

of [Sections] 17000 *et seq.*, [Sections] 17200 *et seq.*, or [Sections] 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.²⁵

Also, to the best of Wi-Fiber's knowledge, neither Wi-Fiber, nor any affiliate, officer, director, partner, nor owner of more than 10 percent of Wi-Fiber, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.²⁶

For the foregoing reasons, this decision finds that Wi-Fiber is in compliance with the requirements of D.13-05-035.

7. Tariffs

Applicant requested detariffed status²⁷ and may be exempt from the requirement to file tariffs provided that Applicant complies with the consumer protection rules identified in D.98-08-031.

²⁵ These certifications are required by D.13-05-035, OP 14.

²⁶ *Id.*

²⁷ Application at 8.

Detariffed status is not available for carriers providing residential local exchange service. Based on the application, it does not appear that Applicant intends to provide residential local exchange service at this time.²⁸

Pursuant to D.12-12-038, Appendix A, Section II, parts a and b, basic service must be tariffed or scheduled. In the future, if Applicant decides to offer services that require a tariff or schedule, such as basic service, Applicant must submit proposed tariffs and/or user guides to the Commission's Communications Division via Tier 2 Advice Letters using the General Order (GO) 96-B advice letter process at least thirty (30) days before initiation of service.

8. Map of Service Territory

To be granted a CPCN for authority to provide competitive local exchange service, an applicant must provide a map of the service territories it proposes to serve.²⁹ In its Response, Wi-Fiber provided a map of the location of its proposed service territory, in compliance with this requirement.

²⁸ *Id.*

²⁹ D.95-12-056 at Appendix C, Rule 4.F.

9. Rule 3.1(i) Statement

Rule 3.1(i) sets forth the requirement that a utility filing an application under Pub. Util. Code Section 1001 provide a statement regarding GO 104-A, Section 2. Wi-Fiber states that it is not aware of any reportable matters pursuant to GO 104-A, Section 2. Wi-Fiber, therefore, has nothing to report under this rule. However, going forward, Wi-Fiber must file all reports required of a public utility under Commission jurisdiction.

10. Expected Customer Base

Wi-Fiber provided its estimated customer base for the first and fifth years of operation in Exhibit H of its application. Therefore, Wi-Fiber has complied with this requirement.

11. Request for Treatment as a Non-dominant Interexchange Carrier

Applicant requests treatment as a non-dominant interexchange carrier (NDIEC), which would exempt it from the requirements of Pub. Util. Code Sections 816-830 concerning stocks and security. Applicant also requests an exemption from Pub. Util. Code Section 851, solely for the transfer and encumbrance of utility property to secure debt. The Commission detailed its rules regarding exemption of non-dominant carriers in D.85-01-008, and subsequently modified in D.85-07-081 and D.85-11-044. Pursuant to D.85-07-081 and D.85-11-044 (addressing NDIECs) and D.97-01-015 (addressing CLECs), NDIECs and CLECs are exempt from Pub. Util. Code Section 851 for the sole purpose of the transfer or encumbrance of utility assets to secure debt.

This decision denies Applicant's request for NDIEC status because Wi-Fiber plans to provide full facilities-based and resold local exchange service. However, Wi-Fiber's request for exemption from Pub. Util. Code Section 851 for

the sole purpose of securing debt pursuant to the decisions referenced above, is granted.

12. Safety Considerations

With the adoption of the *Safety Policy Statement of the California Pub. Util. Commission* on July 10, 2014, the Commission has, among other things, heightened its focus on the potential safety implications of every proceeding. The Commission considered the potential safety implications here and is satisfied that Wi-Fiber will meet the Commission's minimum safety goals and expectations of CLECs because: (1) Wi-Fiber has taken steps to meet the financial requirements as set forth in this decision for a facilities-based CLEC, and (2) Wi-Fiber is a public utility that is required pursuant to Pub. Util. Code Section 451 to "... furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities ... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

13. Conclusion

Wi-Fiber's application conforms with the Commission's rules for certification as a competitive local exchange and interexchange carrier. Accordingly, the Commission grants Wi-Fiber's CPCN to provide full facilities-based and resold competitive local exchange services in the service territory of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications and full facilities-based and resold interexchange services in California subject to compliance with the terms and conditions set forth in the OPs.

The CPCN granted by this decision provides benefits to Wi-Fiber and corresponding obligations. Wi-Fiber receives authority to operate in the

prescribed service territory, and this authority enables Wi-Fiber, pursuant to Section 251 of the 1934 Communications Act, as amended by the 1996 Telecommunications Act (47 U.S.C. Section 251), to interconnect with telecommunications carriers.³⁰ This authority also enables Wi-Fiber to obtain access to public rights-of-way in California as set forth in D.98-10-058, and approved in *T-Mobile West LLC v. City and County of San Francisco*, 6 Cal. 5th 1107 (2019), subject to the CEQA requirements set forth in this decision.

In return, Wi-Fiber is obligated to comply with all Pub. Util. Code provisions, Commission rules, GOs, and decisions applicable to telephone corporations providing approved services. The applicable statutes, rules, GOs, and decisions include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, Wi-Fiber is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in the Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code Section 451 which states that every public utility "...shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

14. Request to File Under Seal

Pursuant to Rule 11.4, Wi-Fiber has filed motions for leave to file confidential materials under seal, including: (1) Application Exhibit F (Projected Operating Costs and Revenues), Exhibit G.1 (Bank Statements), Exhibit H (Estimate of Customers For First & Fifth Years), and Exhibit I (Executive

³⁰ The California Pub. Util. Code uses the term "telephone corporation." Its counterpart in federal law is a "telecommunications carrier."

Resumes), dated August 16, 2023; (2) Amended Application Exhibit 1 (Bank Statements), dated October 13, 2023; and (3) Attachment A (Financial Information) to its *Response To Administrative Law Judge Ruling Requesting Supplemental Information*, February 12, 2024.

Wi-Fiber represents that the information is sensitive, and disclosure could place Wi-Fiber at an unfair business disadvantage. The Commission granted similar requests in the past and does so here.

15. Summary of Public Comments

Rule 1.18 allows any member of the public to submit written comment in any Commission proceeding using the “Public Comment” tab of the online Docket Card for that proceeding on the Commission’s website. Rule 1.18(b) requires that relevant written comment submitted in a proceeding be summarized in the final decision issued in that proceeding. No Public Comments were received in this A.23-08-015 proceeding.

16. Comments on Draft Decision

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Pub. Util. Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

17. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Andrea D. McGary is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. Wi-Fiber Of Northern California, LLC is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).
2. Wi-Fiber’s proposed construction activities may fall within one or more CEQA categorical exemptions.

3. Wi-Fiber has a minimum of \$100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.

4. Wi-Fiber has sufficient additional cash or cash equivalent to cover deposits that may be required by other telephone corporations in order to provide the proposed service.

5. Wi-Fiber's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.

6. No one associated with or employed by Wi-Fiber as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than ten (10) percent of Wi-Fiber, or anyone acting in a management capacity for Wi-Fiber: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Section 17000 *et seq.*, Section 17200 *et seq.*, or Section 17500 *et seq.* of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

7. To the best of Wi-Fiber's knowledge, neither Wi-Fiber, or any affiliate, officer, director, partner, nor owner of more than ten (10) percent of Wi-Fiber, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the FCC or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

8. Wi-Fiber requested and is eligible for exemption from tariffing requirements and must observe the consumer protection rules adopted in D.98-08-031.

9. Wi-Fiber provided a map of the location of its proposed service territory.

10. Wi-Fiber has no information to report under Rule 3.1(i), which requires that a utility filing an application under Pub. Util. Code Section 1001, provide a statement regarding compliance with GO 104-A, Section 2.

11. Wi-Fiber provided an estimate of its customer base for the first and fifth year of operation.

12. Pursuant to Rule 11.4, Wi-Fiber filed motions for leave to file confidential materials under seal, including: (1) Application Exhibit F (Projected Operating Costs and Revenues), Exhibit G.1 (Bank Statements), Exhibit H (Estimate of Customers For First & Fifth Years), and Exhibit I (Executive Resumes), dated August 16, 2023; (2) Amended Application Exhibit 1 (Bank Statements), dated October 13, 2023; and (3) Attachment A (Financial Information) to its *Response To Administrative Law Judge Ruling Requesting Supplemental Information*, February 12, 2024.

Conclusions of Law

1. Wi-Fiber should be granted a CPCN to provide full facilities-based and resold competitive local exchange services in the service territories of AT&T California, Frontier California, Frontier Communications,

Consolidated Communications and full facilities-based resold interexchange services in California, subject to the terms and conditions set forth in the OPs.

2. Wi-Fiber should be allowed to use the Energy Division 21-day CEQA exemption review process.

3. Wi-Fiber should be granted resold interexchange authority and may not construct any facilities, including equipment in existing buildings or structures.

4. In order to ensure that Wi-Fiber maintains its financial requirements, Wi-Fiber should be required to provide the Commission's Communications Division with updated financial documentation both six and 12 months from the issuance date of this decision by email to cdcompliance@cpuc.ca.gov.

5. Wi-Fiber, once granted a CPCN, should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities.

6. Wi-Fiber should be granted an exemption from the requirement to file tariffs.

7. Wi-Fiber's August 16, 2023 motion to file Application Exhibit F (Projected Operating Costs and Revenues), Exhibit G.1 (Bank Statements), Exhibit H (Estimate of Customers For First & Fifth Years), and Exhibit I (Executive Resumes) should be granted for three years.

8. Wi-Fiber's October 13, 2023 motion to file Exhibit 1 (Bank Statements) to its Amended Application should be granted for three years.

9. Wi-Fiber's February 12, 2024 motion to file Attachment A (Financial Information) to its *Response To Administrative Law Judge Ruling Requesting Supplemental Information* should be granted for three years.

10. Wi-Fiber should not be granted non-dominant carrier status..

11. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity is granted to Wi-Fiber Of Northern California, LLC to provide full facilities-based and resold competitive local exchange services in the territories of Pacific Bell Telephone Company d/b/a AT&T California, Frontier California Inc., Citizens Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California, and Consolidated Communications of California Company, and full facilities-based and resold interexchange services in California, subject to the terms and conditions in this decision.
2. The certificate granted, and the authority for Wi-Fiber Of Northern California, LLC to render service to customers under the rates, charges, and rules authorized, will expire if not exercised, by offering or actively providing service on a wholesale and/or resale basis, after 12 months from the effective date of this decision. Wi-Fiber Of Northern California, LLC is responsible for seeking approval for an extension of time to comply with this decision pursuant to Rules of Practice and Procedure Rule 16.6.
3. Wi-Fiber Of Northern California, LLC is assigned utility identification number U7447C and is responsible for using this as its corporate identification number in the caption of all original filings with this Commission, in the titles of other pleadings filed in existing cases, and informal submissions to the Commission.
4. Wi-Fiber Of Northern California, LLC must file in this docket a written acceptance of the certificate granted in this proceeding within 30 days of the

effective date of this decision. The written acceptance filed in this docket does not reopen the proceeding.

5. Wi-Fiber Of Northern California, LLC must provide the name, address, e-mail address, and telephone number of its designated primary regulatory/official contact person to the California Public Utilities Commission's Communications Division within five days of written acceptance of its certificate. Refer to Attachment B for additional information related to updating contact information.

6. Wi-Fiber Of Northern California, LLC must provide the name, address, e-mail address, and telephone number of its designated contact person for purposes of resolving consumer complaints to the California Public Utilities Commission's Consumer Affairs Branch within five (5) days of written acceptance of its certificate. Refer to Attachment B for additional information related to updating contact information.

7. Wi-Fiber Of Northern California, LLC must submit a Tier-1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with Decision 13-05-035 to the California Public Utilities Commission's Communications Division within five days of the effective date of this decision. Wi-Fiber Of Northern California, LLC is responsible, if needed, for seeking approval for an extension of time to submit the Tier-1 Advice Letter containing a copy of the performance bond. Wi-Fiber Of Northern California, LLC is responsible for ensuring that the performance bond is active for all periods of its operations and comply with the annual performance bond filing on or before March 31 of each year. Refer to Attachment B for additional information on performance bond requirements.

8. Wi-Fiber Of Northern California, LLC must submit its compliance with Public Utilities Code Section 708, Employee Identification Cards, to the California Public Utilities Commission's Director of the Communications Division, in writing, by email to cdcompliance@cpuc.ca.gov, within 60 days of the effective date of this decision.

9. Wi-Fiber Of Northern California, LLC must provide the date that competitive local exchange service is first rendered to the public, to the California Public Utilities Commission's Director of the Communications Division, in writing, by email to cdcompliance@cpuc.ca.gov, no later than five days after service first begins.

10. Wi-Fiber Of Northern California, LLC must demonstrate that it maintained at least \$100,000 that was reasonably liquid and available for its first year of operations by providing the California Public Utilities Commission's Communications Division with a confidential copy of its updated financial documentation at both six and 12 months from the issuance date of this decision by email to cdcompliance@cpuc.ca.gov.

11. Wi-Fiber Of Northern California, LLC is subject to California public purpose program surcharges (surcharges) and user fees; and is responsible for timely reporting and remittance of surcharges and user fees using the California Public Utilities Commission's proprietary Telecommunications and User Fee Filing System. Refer to Attachment B for additional information on surcharges and user fees requirements.

12. Wi-Fiber Of Northern California, LLC is responsible for submitting an annual report in accordance with General Order 104-A to the California Public Utilities Commission's Director of the Communications Division, by e-mail to cdcompliance@cpuc.ca.gov, no later than March 31 of the year following the

calendar year for which the annual report is submitted. Refer to Attachment C for additional information on annual report requirements.

13. Wi-Fiber Of Northern California, LLC is responsible for submitting its annual affiliate transaction report in accordance with Decision 93-02-019 to the California Public Utilities Commission's Director of the Communications Division, by e-mail to cdcompliance@cpuc.ca.gov, no later than May 1 of the year following the calendar year for which the annual affiliate transaction report is submitted. Refer to Attachment D for additional information on annual affiliate transaction report requirements.

14. Wi-Fiber Of Northern California, LLC is subject to all the current requirements applicable to competitive local exchange carriers and interexchange carriers included in Attachments B, C, and D to this decision; all Consumer Protection Rules contained in General Order 168; and all applicable California Public Utilities Commission rules, decisions, General Orders, and statutes that pertain to California public utilities on an ongoing basis.

15. Wi-Fiber Of Northern California, LLC must submit an application for expanded authority to operate without NDIEC status prior to construction of full facilities.

16. The staff of the California Public Utilities Commission's Energy Division is authorized to review, process, and act upon Wi-Fiber Of Northern California, LLC's requests for a determination that its full facilities-based construction activities are exempt from the requirements of the California Environmental Quality Act.

17. If Wi-Fiber Of Northern California, LLC wishes to engage in full facilities-based construction activities and believes that these activities are exempt from California Environmental Quality Act, Wi-Fiber Of Northern

California, LLC shall first apply to the California Public Utilities Commission's Energy Division staff for a determination of exemption from California Environmental Quality Act by providing the Commission's Energy Division (Energy Division) with:

- a. A detailed description of the proposed project, including:
 - i. Customer(s) to be served;
 - ii. The precise location of the proposed construction project; and
 - iii. Regional and local site maps.
- b. A description of the environmental setting, including at a minimum:
 - i. Cultural, historical, and paleontological resources;
 - ii. Biological resources; and
 - iii. Current land use and zoning.
- c. A construction workplan, including:
 - i. Commission Preconstruction Survey Checklist – Archaeological Resources;
 - ii. Commission Preconstruction Survey Checklist – Biological Resources;
 - iii. A detailed schedule of construction activities, including site restoration activities;
 - iv. A description of construction/installation techniques;
 - v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
 - vi. A list of permits required for the proposed project.
- d. A statement of the California Environmental Quality Act exemption(s) claimed to apply to the proposed project; and
- e. Documentation supporting the finding of exemption from California Environmental Quality Act.

- f. The Energy Division will then review the submittal and notify Wi-Fiber Of Northern California, LLC of either its approval or its denial of Wi-Fiber Of Northern California, LLC's claim for exemption from California Environmental Quality Act review within 21 days from the time that Wi-Fiber Of Northern California, LLC's submittal is complete.

18. If the California Public Utilities Commission's Energy Division approves Wi-Fiber Of Northern California, LLC's claimed California Environmental Quality Act exemption(s), the staff shall prepare a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research. If the Energy Division disapproves Wi-Fiber Of Northern California, LLC's claimed California Environmental Quality Act (CEQA) exemptions, the staff shall issue to Wi-Fiber Of Northern California, LLC a letter which states the specific reasons that the claimed CEQA exemptions do not apply to the proposed project.

19. If the California Public Utilities Commission's Energy Division disapproves Wi-Fiber Of Northern California, LLC's claimed California Environmental Quality Act (CEQA) exemption(s), Wi-Fiber Of Northern California, LLC shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

20. Wi-Fiber Of Northern California, LLC's August 16, 2023 motion to file Application Exhibit F (Projected Operating Costs and Revenues), Exhibit G.1 (Bank Statements), Exhibit H (Estimate of Customers For First & Fifth Years), and Exhibit I (Executive Resumes) under seal is granted for a period of three years after the date of this decision. During this three-year period, this information

shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling.

21. Wi-Fiber Of Northern California, LLC's October 13, 2023 motion to file Exhibit 1 (Bank Statements) to its Amended Application under seal is granted for a period of three years after the date of this decision. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling.

22. Wi-Fiber Of Northern California, LLC's February 12, 2024 motion to file Attachment A (Financial Information) to its *Response To Administrative Law Judge Ruling Requesting Supplemental Information* under seal is granted for a period of three years after the date of this decision. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling.

23. If Wi-Fiber Of Northern California, LLC believes that it is necessary for the sealed information to remain under seal for longer than three years, Wi-Fiber Of Northern California, LLC may file a new motion showing good cause for extending the sealing order no less than 30 days before the expiration of this order.

24. Application A.23-08-015 is closed.

This decision is effective today.

Dated April 18, 2024, at Sacramento, California.

ALICE REYNOLDS
President
DARCIE L. HOUCK
JOHN REYNOLDS
KAREN DOUGLAS
MATTHEW BAKER
Commissioners

ATTACHMENT A

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(END OF ATTACHMENT A)

ATTACHMENT B

REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS (Carrier)

1. Carrier is subject to all the current applicable California Public Utilities Commission (CPUC or Commission) rules, decisions, General Orders, and statutes that pertain to California public utilities and telephone corporations on an ongoing basis.

2. Carrier is responsible for rendering services to customers under the rates, charges and rules authorized by the Commission within 12 months from the date of the decision. Rendering services may include but are not limited to offering and/or actively providing services to its customers on a wholesale and/or resale basis.

3. Carrier is responsible for keeping all contact information up to date with the Commission. Changes to its primary regulatory and/or complaint contact information must be provided electronically, using the “Contact Information Request Update” form at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone> under Service Provider Requirements and Programs. Carrier is responsible for updating this information within 30 days of the change, or at least annually by June 1 of each calendar year.

4. Carrier is subject to California public purpose program surcharges and user fees. Pursuant to Decision (D.) 22-10-021, all telephone corporations operating in California must assess, collect, report and remit public purpose program surcharges based on the number of active access lines. For definition of access line, see Section 5.2.2 of D.22-10-021. The surcharge funds the following California public purpose programs:

- a. The Universal Lifeline Telephone Service Trust
Administrative Committee Fund (Pub. Util. Code § 277);

- b. The California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073);
- c. The California High Cost Fund-A (Pub. Util. Code § 275.6); D.96-10-066, at 3-4, App. B, Rule 1.C);
- d. The California High Cost Fund-B (Pub. Util. Code § 276.5), D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);
- e. The California Advanced Services Fund (Pub. Util. Code § 281; D.07-12-054); and
- f. The California Teleconnect Fund (Pub. Util. Code § 280; D.96-10-066, at 88, App. B, Rule 8.G).

User Fees must be assessed and collected based on intrastate telecommunications revenues. The User Fee funds the CPUC's annual operating budget for regulating the telecommunications corporations under its jurisdiction (Pub. Util. Code §§ 431-435).

5. Carrier is responsible for obtaining guidance and directive from the Commission's Communications Division for timely reporting and remitting of public purpose program surcharges and the user fees through the Commission's proprietary Telecommunications and User Fee Filing System (TUFFS).

Additional information about telecommunications surcharges and user fees is available from the CPUC website: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>.

6. Carrier is responsible for timely and accurately reporting its number of access lines and remitting the resulting public purpose program surcharges through TUFFS even if there is zero (0) access line to report and zero (0) resulting surcharges to remit. Carriers that report and/or remit surcharge funds after the due date will be charged a penalty equal to an annual rate of 10%. Send an email to Telcosurcharge@cpuc.ca.gov for questions related to surcharges and access to

TUFFS. Current and historical surcharge rates can be found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/surcharge-rates>.

7. Carrier is responsible for timely and accurately reporting and remitting the user fees based on a standard user fee remittance rate applied to the gross intrastate revenue or an annual minimum user fee of \$100, whichever is greater. The user fee remittance rate is determined annually by the Commission and posted on the Commission's webpage. The reporting and remittance of user fees must be through TUFFS within 15 days after the end of each calendar quarter (March 31, June 30 and September 30, and December 31) or January 15 due date for those paying the annual minimum user fee of \$100. TUFFS will automatically adjust the minimum user fee amount due to \$100 when the annual gross intrastate revenue is zero (\$0) or less than the annual minimum user fee of \$100. Under Pub. Util. Code Section 405, carriers that are in default of reporting and submitting user fees more than 30 days after the quarterly user fee payment due dates of April 15, July 15, October 15, and January 15, or more than 30 days after the January 15 due date for those utilities paying the annual minimum user fee of \$100, will be subject to automatic penalties including suspension or revocation of their authority to operate in California. Send an email to userfees@cpuc.ca.gov for questions related to user fees. Current and historical user fee rates can be found at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees/user-fee-rates>.

8. In compliance with Resolution T-16901, December 2, 2004, Carrier is responsible for checking the joint tariff for public purpose program surcharges and user fees filed by Pacific Bell Telephone Company dba AT&T California and

apply the current public purpose program surcharges and user fees amounts in that joint tariff on end-user bills until further revised.

9. Carrier is responsible for ensuring that its tariff filings reflect all surcharges and fees to which it is subject to, as identified above.

10. If Carrier is a competitive local exchange carrier, the effectiveness of its future competitive local exchange carrier tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

11. If Carrier is a non-dominant interexchange carrier, the effectiveness of its future non-dominant interexchange carrier tariffs is subject to the requirement of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

12. Carrier providing competitive local exchange service is responsible for submitting a service area map as part of its initial tariff filed via Advice Letter to the Communications Division.

13. Carrier is responsible for submitting a copy of its complete tariff in use to the California Public Utilities Commission's Director of the Communications Division, by e-mail to cdcompliance@cpuc.ca.gov, in compliance with Public Utilities Codes Section 489(a), no later than February 15 of each year. If Carrier is de-tariffed, it is responsible for providing an annual certification that it is granted exemption from tariff filing or is a de-tariffed carrier and identify the authorization granting such status.

14. Carrier is responsible for obtaining a performance bond of at least \$25,000 in accordance with Decision 13-05-035. Within five business days after the effective date of CPCN authority, carrier is required to submit a Tier-1 advice letter to the Director of the Communications Division with a copy of the license holder's executed bond. The performance bond must be a continuous bond (*i.e.*, there is no termination date on the bond) issued by a corporate surety company

authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Pursuant to Decision 13-05-035, the Commission must revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

15. Carrier is required to submit a Tier-1 Advice Letter on an annual basis, no later than March 31 of each year, with a copy of the executed performance bond. Carrier is responsible for ensuring that its performance bond does not lapse during any period of its operation. Additional information regarding performance bond requirement is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/performance-bond-requirements>.

16. Carrier is responsible for ensuring that its employees comply with the provisions of Pub. Util. Code Section 2889.5 regarding solicitation of customers.

17. If Carrier is 90 days or more late in complying with its reporting obligations to the Commission including but not limited to filing its annual reports (e.g., Operations and Financials, and Affiliated Transaction Reports), submitting Performance Bonds, reporting and remitting surcharges and user fees; and has not received written permission from the Commission or Communications Division to file or remit late, the Communications Division may issue a citation pursuant to Resolution T-17601. Failure to comply with the issued citation or timely appeal the citation may result in a revocation of the company's operating authority and/or a referral to the Commission's Consumer Protection and Enforcement Division for enforcement action, which could result in additional fines, penalties, or other sanctions.

18. Carrier is exempt from Rule 3.1(b) of the Commission's Rules of Practice and Procedure.

19. Carrier is exempt from Pub. Util. Code Sections 816-830.

20. If Carrier decides to discontinue service or file for bankruptcy, it must immediately notify the California Public Utilities Commission's Director of the Communications Division, by e-mail to cdcompliance@cpuc.ca.gov.

(END OF ATTACHMENT B)

ATTACHMENT C

ATTACHMENT C ANNUAL REPORT

In addition to the annual reports requirement pursuant to General Order 104-A, submit the following information electronically via email to cdcompliance@cpuc.ca.gov no later than March 31 of the year following the calendar year for which the annual report is submitted.

Failure to submit this information on time may result in a penalty as provided for in Pub. Util. Code Sections 2107 and 2108.

Required information:

1. Exact legal name and Utility ID number of the reporting utility.
2. Address of the reporting utility.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (*e.g.*, corporation, partnership, sole proprietorship, etc.).
If incorporated, specify:
 - a. Date of filing articles of incorporation with the Secretary of State.
 - b. State in which incorporated.
6. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:
 - a. Regulated public utility.
 - b. Publicly held corporation.
10. Balance sheet as of December 31st of the year for which information is submitted.
11. Income statement for California operations for the calendar year for which information is submitted.

12. Cash Flow statement as of December 31 of the calendar year for which information is submitted, for California operations only.

Additional information about the reporting requirements is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/annual-report-forms>. For any questions concerning this report, please send an email to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT C)

ATTACHMENT D

ATTACHMENT D

CALENDAR YEAR AFFILIATE TRANSACTION REPORT

Submit the following information electronically using the Annual Affiliate Transaction Report Form³¹ via e-mail to cdcompliance@cpuc.ca.gov no later than May 1 of the year following the calendar year for which the annual affiliate transaction report is submitted.

1. Each utility must list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the Annual Affiliate Transaction Report.
 - Form of organization (e.g., corporation, partnership, joint venture, strategic alliance, etc.);
 - Brief description of business activities engaged in;
 - Relationship to the utility (e.g., controlling corporation, subsidiary, regulated subsidiary, affiliate);
 - Ownership of the utility (including type and percent ownership)
 - Voting rights held by the utility and percent; and
 - Corporate officers.
2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in item 1 above. The chart must have the controlling corporation (if any) at the top of the chart, the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart, and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary must be clearly noted.
3. For a utility that has individuals who are classified as “controlling corporations” of the competitive utility, the utility must only report under the requirements of item 1 and item 2 above any affiliated entity that either (a) is

³¹ An Annual Affiliate Report form (in PDF format) has been developed to help facilitate the submission of this reporting obligation and it is available at: <https://www.cpsc.ca.gov/-/media/cpsc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/annual-affiliate-transaction-report-form.pdf>.

a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.
5. Any required information, documents, or other material that a utility is unable to provide must be reasonably described and the reasons they cannot be obtained, as well as the efforts expended to obtain them, must be set forth in the utility's Annual Affiliate Transaction Report and verified in accordance with Section I-F of Decision 93-02-019.
6. Utilities that do not have affiliated entities must submit, in lieu of the annual transaction report, an annual statement to the Commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

Additional information about the reporting requirements is available at <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/annual-report-forms>. For any questions concerning this report, please send an e-mail to cdcompliance@cpuca.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT D)