

ALJ/ADR/abb

Date of Issuance 1/24/2025

Decision 25-01-011 January 16, 2025

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FiberFirst SoCal, LLC
for Registration as an Interexchange
Carrier Telephone Corporation
Pursuant to the Provisions of Public
Utilities Code Section 1013.

Application 24-04-009

**DECISION GRANTING FIBERFIRST SOCAL, LLC, A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
TO PROVIDE FIXED INTERCONNECTED VOICE OVER INTERNET
PROTOCOL SERVICES**

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**DECISION GRANTING FIBERFIRST SOCAL, LLC, A CERTIFICATE OF
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TO PROVIDE FIXED INTERCONNECTED VOICE OVER INTERNET
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Summary

Pursuant to Public Utilities Code Section 1001, the California Public Utilities Commission (Commission) grants FiberFirst SoCal, LLC a certificate of public convenience and necessity to provide non-facilities-based fixed interconnected Voice over Internet Protocol services in California subject to the terms and conditions set forth in the Ordering Paragraphs.

Application 24-04-009 is closed.

1. Background

Application of FiberFirst SoCal, LLC for Registration as an Interexchange Carrier Telephone Corporation Pursuant to the Provisions of Public Utilities Code Section 1013, with its accompanying Exhibits A through F, was filed on April 22, 2024, (Application (A.) 24-04-009). FiberFirst SoCal LLC, a Delaware limited liability company located in Charlotte, North Carolina and authorized to do business in California (Applicant or FiberFirst) seeks authority from the California Public Utilities Commission (Commission) for FiberFirst to provide non-facilities-based fixed interconnected Voice over Protocol (VoIP)¹ services, statewide in California.² The Application included a request for confidential treatment of its accompanying Exhibit F.³

¹ Public Utilities (Pub. Util.) Code §239.

² Application at 1-2. See also *Administrative Law Judge's Ruling Ordering Applicant FiberFirst SoCal, LLC to submit Supplemental Voice and Data Telecommunication Service Information and Response to Second Request From Administrative Law Judge For Supplemental Information* (October 8, 2024).

³ Application at Exhibit F (*2022 and 2023 Financials* [Unaudited]).

On April 24, 2024, Applicant filed a motion for confidential treatment of Exhibit D (*Resumes*) and Exhibit E (*Affiliates*) to the Application.⁴ In its review of A.24-04-009, Commission staff determined that FiberFirst was not qualified to use the Pub. Util. Code Section 1013 simplified registration process due to FiberFirst's request for confidential treatment of Exhibits C, D, and F. On June 20, 2024, A.24-04-009 was reassigned from Commission Communications Division Examiner Robert Osborn to Commissioner Matthew Baker and Administrative Law Judge (ALJ) Andrea D. McGary.⁵

No party filed a protest or response to the Application.

On July 22, 2024, Applicant filed a notice of withdrawal of its April 24, 2024, motion for confidential treatment of Exhibit D and Exhibit E as well as a request to return A.24-04-009 to the Communications Division for review in a "streamlined process."⁶

A prehearing conference (PHC) was held by ALJ McGary on August 13, 2024. During the PHC, ALJ McGary ordered FiberFirst to provide supplemental information regarding its financial fitness and the corporate standing of its disclosed parent company Generate Ubiquity Holdings, LLC. On August 14, 2024, FiberFirst filed: (1) a certificate of standing and (2) audited financial statements for Generate Ubiquity Holdings, LLC with a declaration in

⁴ *Motion of FiberFirst SoCal, LLC For Leave to File Under Seal Confidential Exhibits D and E To Application Of FibertFirst SoCal, LLC Registration As An Interexchange Carrier Telephone Corporation Pursuant To The Provisions Of Public Utilities Code Section 1013* (April 24, 2024).

⁵ A.24-04-009 originally sought registration as an interexchange carrier pursuant to Pub. Util. Code Section 1013, an expedited and ministerial registration process. The June 20, 2024 reassignment to Commissioner Baker and Judge McGary removed A.24-04-009 from the Section 1013 *Application For Registration of Licensee* track to evaluation as a Certificate of Public Convenience and Necessity pursuant to Pub. Util. Code Section 1001. See also *Notice of Reassignment* (June 20, 2024).

⁶ *Notice of FiberFirst SoCal, LLC To Withdraw Motion to File Under Seal For Confidential Exhibits D and E To Application of FiberFirst SoCal, LLC For Registration As An Interexchange Carrier Telephone Corporation Pursuant To The Provisions Of Public Utilities Code Section 1013 (July 22, 2024).*

support of automatic confidential treatment of the proffered financial statements.⁷

A scoping memo was issued on September 13, 2024.⁸ On October 3, 2024, ALJ McGary issued a ruling requesting additional information regarding FiberFirst's intended voice and data telecommunication services. Applicant filed response to the ALJ's request for additional information on October 8, 2024.⁹

ALJ McGary issued a ruling requesting the estimated number of customers FiberFirst expects to serve in its first and fifth years of operation. Applicant filed a response to the ALJ's request for customer base information on November 22, 2024.¹⁰

2. Submission Date

This matter was submitted on November 22, 2024, upon Applicant's filing in response to ALJ McGary's request for estimated customer base information.

3. Issues Before the Commission

The issues in this proceeding are as follows:

⁷ See *Response of FiberFirst To ALJ's Request For Supplemental Information (2023 Audited Financials Generate-Ubiquity Holdings, LLC and Subsidiaries) (California Secretary of State Certificate of Good Standing)* (August 14, 2024). See also *Statement of Confidential Status Pursuant to Decision 97-09-035 For Financial Documents In Confidential Attachment A Of FiberFirst Response To ALJ Request For Supplemental Information* (August 14, 2024).

⁸ Applicant FiberFirst's July 22, 2024, request to remove A.24-04-009 from the Commission's Administrative Law Division and return to the Communications Division was denied in the *Assigned Commissioner's Scoping Memo and Ruling* (September 13, 2024).

⁹ See *Administrative Law Judge's Ruling Ordering Applicant FiberFirst SoCal, LLC to submit Supplemental Voice and Data Telecommunication Service Information* (October 3, 2024). See also *Response to Second Request From Administrative Law Judge For Supplemental Information* (October 8, 2024).

¹⁰ See *Administrative Law Judge's Ruling Ordering Applicant FiberFirst SoCal, LLC to Submit Supplemental Estimated Customer Base Information* (November 13, 2024). See also *Response To*

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Administrative Law Judge Ruling Requesting Supplemental Estimated Customer Base Information
(November 22, 2024).

1. Whether FiberFirst meets all of the Commission requirements, including but not limited to financial, technical, and California Environmental Quality Act requirements for a certificate of public convenience and necessity.
2. Whether there are other safety considerations.

4. Jurisdiction

The Commission has broad jurisdiction over “public utilities,”¹¹ as defined in Pub. Util. Code Section 216.¹² 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.¹³ The Commission classifies entities providing two-way voice communications service for compensation within California as “telephone corporations”¹⁴ and regulates them as public utilities.^{15,16}

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.¹⁷ 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

¹¹ Pub. Util. Code §216.

¹² Pub. Util. Code §234.

¹³ See D.20-07-011 at 14-15; See also Cal. Const., Art. XII, §§ 1-6 and Pub. Util. Code § 701.

¹⁴ Pub. Util. Code §§216 and 233-234; D.22-10-021 at 68.

¹⁵ Pub. Util. Code §216(a).

¹⁶ Telephone corporations are required to file annual affiliate transaction reports and pay surcharges and user fees.

¹⁷ Pub. Util. Code §1001.

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 voice services, including both local exchange, interexchange, and interconnected Voice over Internet Protocol (VoIP) service, are telephone corporations subject to the Commission’s jurisdiction.¹⁸ Providers of local exchange, interexchange, and fixed interconnected VoIP services must obtain a CPCN or 1013 registration license to operate in California.¹⁹ Providers of only nomadic interconnected VoIP are subject to the Commission’s jurisdiction for rules of general applicability and preempted from licensing requirements that act as barriers to market entry; these providers must obtain a nomadic registration to operate in California.²⁰

FiberFirst proposes to offer fixed interconnected VoIP services. FiberFirst is a telephone corporation and a public utility subject to the Commission’s jurisdiction.

5. Proposed Construction and California Environmental Quality Act

Applicant proposes to provide non-facilities-based service. Pursuant to the California Environmental Quality Act (CEQA)²¹ 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

¹⁸ Pub. Util. Code §§ 216, 233, 234; D.22-10-021 at 68; D.24-11-003 at 003.

¹⁹ D.24-11-003.

²⁰ *Ibid.*

²¹ Public Resources Code § 21000 *et seq.*

projects that are subject to the Commission's approval to determine any potential environmental impacts, to avoid adverse effects, investigate alternatives, and ensure that any affected environmental impact is restored or otherwise mitigated to the fullest extent possible under CEQA. Since FiberFirst states that it does not intend to construct any facilities, it can be seen with certainty that there is no possibility that granting this application will have an adverse impact upon the environment. Before it can construct facilities, FiberFirst must file for additional authority, and submit to any necessary CEQA review.

Granting this CPCN will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

6. Financial Qualifications

To be granted a CPCN for authority to provide non-facilities-based fixed interconnected VoIP services, an applicant must demonstrate that it has a minimum of \$25,000 cash or cash equivalent, reasonably liquid and readily available to meet the firm's start-up expenses.²²

In confidential information filed under seal as Attachment A (*2023 Audited Financials*) to its August 14, 2024, *Response Of FiberFirst SoCal, LLC To Administrative Law Judge Request For Supplemental Information* (August 2024 Suppl. Financials), FiberFirst provided sufficient documentation in the form of audited financial statements of its disclosed parent company Generate-Ubiquity Holdings, LLC to confirm that it has: (1) at least \$25,000 that is reasonably liquid and available, and (2) sufficient funds to meet its start-up expenses. Parent

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²²D.24-11-003.

company Generate-Ubiquity Holdings, LLC has also provided adequate confirmation of its intent to assume responsibility for FiberFirst's start-up financial obligations and hence fulfilled this requirement.²³ FiberFirst's financial documentation will be subject to verification and review by the Commission for one year to ensure that such funds are and remain available.

In addition to demonstrating financial fitness, FiberFirst must also demonstrate it has \$25,000 for deposits to interconnect with local exchange carriers.²⁴ Applicant has made the required deposit showing via its confidential under seal filings, August 2024 Suppl. Financials. Accordingly, Applicant met its deposit requirement.

7. Technical Qualifications

To be granted a CPCN for authority to provide non-facilities-based fixed interconnected VoIP service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.²⁵ FiberFirst supplied biographical information on its management in Exhibit B and Exhibit D to its application that demonstrate it has sufficient expertise and training to operate as a telecommunications provider.²⁶

8. Certification Requirements

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

²³ See Reporter's Transcript of August 13, 2024, Prehearing Conference Virtual Proceeding at 8:18 to 9:14 (October 8, 2024).

²⁴ D.24-11-003.

²⁵ *Ibid.*

²⁶ Application at Exhibit B (*Company Management*) & Exhibit D (*Resumes*).

- 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 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.²⁷

Additionally, to the best of FiberFirst' knowledge, neither FiberFirst, nor any affiliate, officer, director, partner, nor owner of more than 10 percent of FiberFirst, or any person acting in such capacity whether or not formally appointed, is being, or has been investigated by the Federal Communications

²⁷ Application at 2. These certifications are required by D.13-05-035, Ordering Paragraph 1

Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.²⁸

For the foregoing reasons, this decision finds that FiberFirst is in compliance with the requirements of Decision (D.) 24-11-003.

9. Tariffs

CLECs, IECs, and fixed interconnected VoIP providers requesting detariffed status may be exempt from the requirement to file tariffs provided they do not provide basic service as defined by D.12-12-038 and comply with the consumer protection rules identified in D.98-08-031. Based on the application, it does not appear that FiberFirst intends to provide services that require a tariff or schedule and therefore detariffed status is granted.

In the future, if FiberFirst decides to offer services that require a tariff or schedule, such as basic service, FiberFirst must submit proposed tariffs and/or user guides to the Commission's Communications Division via Tier 2 Advice Letters using the General Order 96-B Advice Letter process at least 30-days before initiation of service.

10. Expected Customer Base

Applicant provided its estimated customer base for the first and fifth years of operation in its November 22, 2024, Response To ALJ request for supplemental information.²⁹ Therefore, FiberFirst has complied with this requirement.

²⁸ *Ibid.*

²⁹ See *Response To Administrative Law Judge Ruling Requesting Supplemental Estimated Customer Base Information* (November 22, 2024).

11. 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 FiberFirst will meet the Commission's minimum safety goals and expectations of VoIP providers because: (1) FiberFirst has taken steps to meet the financial requirements as set forth in this decision for a fixed interconnected VoIP service provider, and (2) FiberFirst 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."

12. Conclusion

FiberFirst's application conforms with the Commission's rules for certification as a non-facilities-based fixed interconnected VoIP provider. Accordingly, the Commission grants FiberFirst's CPCN to provide non-facilities-based fixed interconnected VoIP in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to FiberFirst and corresponding obligations. FiberFirst receives authority to operate in the prescribed service territory, and this authority enables FiberFirst, 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

In return, FiberFirst is obligated to comply with all rules, General Orders, decisions, and statutes applicable to telephone corporations providing approved services. The applicable rules, General Orders, decisions, statutes include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, FiberFirst 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, in part, 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.”

13. Additional Requirements for Applicants Following Commission’s Grant of CPCN

The CPCN granted in this decision is contingent upon FiberFirst’s compliance with several requirements: (1) rendering service to customers within 12 months from the effective date of this decision; (2) using its assigned corporate identification number in the caption of all original filings with the Commission; (3) filing in this docket a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this decision; (4) providing the name, address, e-mail address, and telephone number of its designated primary regulatory/official contact person to the Commission’s Communications

³⁰ The California Public Utilities Code uses the term “telephone corporation.” Its counterpart in federal law is a “telecommunications carrier.”

Division within five days of written acceptance of its certificate; (5) providing the name, address, e-mail address, and telephone number of its designated contact person for purposes of resolving consumer complaints to the Commission's Consumer Affairs Branch within five days of written acceptance of its certificate; (6) submitting a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond within 30 days of the effective date of this decision; (7) submitting its compliance with Public Utilities Code Section 708, Employee Identification Cards, to the Commission's Director of the Communications Division, in writing, by e-mail to cdcompliance@cpuc.ca.gov, within 60 days of the effective date of this decision; (8) providing the date that competitive local exchange service is first rendered to the public, to the Commission's Director of the Communications Division, in writing, by e-mail to cdcompliance@cpuc.ca.gov, no later than five days after service first begins.

These requirements are in addition to FiberFirst's ongoing obligation to be subject to all the current requirements applicable to Voice over Internet Protocol providers included in Attachments B, C, and D to this decision (including annual affiliate transaction reports, ongoing performance bond requirements, and payment of surcharges and user fees); all Consumer Protection Rules contained in General Order 168; and all applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities on an ongoing basis.

14. Request to File Under Seal

FiberFirst's April 24, 2024, request for confidential treatment of Application Exhibit D (*Resumes*) and Exhibit E (*Affiliates*) was withdrawn July 22, 2024.³¹

³¹ See Notice of FiberFirst SoCal, LLC To Withdraw Motion To File Under Seal For Confidential Exhibits D and E To Application For FiberFirst SoCal, LLC For Registration As An Interexchange Carrier Telephone Corporation Pursuant To The Provision Of Public Utilities Code Section 1013 (July 22, 2024).

Pursuant to Rule 11.4, FiberFirst continues in its request for leave to file confidential materials under seal, including 1) Exhibit F (2022 and 2023 Financials [Unaudited]) appended to the original April 22, 2024, Application and 2) Attachment A (2023 Audited Financials) appended to its August 2024 Suppl. Financials.

FiberFirst represents that the financial information proffered in support of A.24-04-009 is automatically confidential pursuant to Commission D.97-09-035.

FiberFirst's financial documents are granted confidential treatment for a period of three years without the need to file a motion for confidential treatment of the aforementioned documents.³² During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If FiberFirst believes that it is necessary for this information to remain under seal for longer than three years, FiberFirst may file a motion showing good cause for extending this order by no later than 30 days before the expiration of the grant of confidentiality.

All rulings by the assigned Commissioner and the assigned ALJ are affirmed. All pending motions are deemed denied.

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

³² D.24-11-003 at 48-54; GO 66-D; Cal. Constitution Article 3, subdivision (b)(2).

summarized in the final decision issued in that proceeding. No Public Comments were received in this proceeding.

16. Comments on Proposed Decision

The proposed decision of Administrative Law Judge Andrea D. McGary 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. No comments were received.

17. Assignment of Proceeding

Matthew Baker is the assigned Commissioner and Andrea D. McGary is the assigned Administrative Law Judge in this proceeding.

Findings Of Fact

1. FiberFirst's principal place of business is Charlotte, North Carolina.
2. FiberFirst proposes to provide fixed interconnected VoIP services.
3. FiberFirst submitted an application for registration as an interexchange telephone corporation which is being evaluated under Pub. Util. Code Section 1001 and evaluated after the November 12, 2024, issuance of D.24-11-003, establishing a regulatory framework for VoIP.
4. FiberFirst will not construct any facilities.
5. Granting this CPCN will expand the availability of technologically advanced telecommunications services within the state.
6. FiberFirst has a minimum of \$25,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
7. FiberFirst has an additional \$25,000 to cover deposits that may be required by other telephone corporations in order to provide the proposed service.

8. FiberFirst's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.

9. No one associated with or employed by FiberFirst as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10 percent of FiberFirst, or anyone acting in a management capacity for FiberFirst: (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.

10. To the best of FiberFirst's knowledge, neither FiberFirst, or any affiliate, officer, director, partner, nor owner of more than 10 percent of FiberFirst, or any person acting in such capacity whether or not formally appointed, is being, or

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has been investigated by the FCC or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

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

12. FiberFirst proposes to provide service throughout California.

13. FiberFirst provided an estimate of its customer base for the first and fifth year of operation.

14. FiberFirst intends to begin providing fixed interconnected VoIP service in California beginning on June 1, 2024.

15. Pursuant to Rule 11.4, FiberFirst requested leave to file confidential materials under seal, including: (1) Exhibit F (*2022 and 2023 Financials* [Unaudited]) appended to its original April 22, 2024, Application and (2) Attachment A (*2023 Audited Financials*) appended to its August 2024 Suppl. Financials.

Conclusions Of Law

1. FiberFirst should be granted a CPCN to provide non-facilities-based fixed interconnected VoIP services in California, subject to the terms and conditions set forth in this decision.

2. FiberFirst is a telephone corporation and a public utility as defined in Pub. Util. Code Section 234(a) and Section 216(a).

3. FiberFirst should be granted non-facilities-based fixed interconnected VoIP operating authority and may not construct any facilities, including equipment in existing buildings or structures.

4. Granting FiberFirst a CPCN is in the public interest.

5. FiberFirst meets the financial requirements for a CPCN pursuant to D.24-11-003.

6. FiberFirst meets the technical managerial requirements for a CPCN pursuant to D.24-11-003.
7. FiberFirst meets the certification requirements for a CPCN pursuant to D.24-11-003.
8. FiberFirst should be granted an exemption from the requirement to file tariffs.
9. FiberFirst should be subject applicable rules in D.20-08-011 for operating in a small LEC territory.
10. FiberFirst, once granted a CPCN, should be subject to the applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities.
11. The certificate granted, and the authority for FiberFirst to render service to customers under the rates, charges, and rules authorized, should 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. FiberFirst should be responsible for seeking approval for an extension of time to comply with this decision pursuant to Rules of Practice and Procedure Rule 16.6.
12. FiberFirst should be assigned utility identification number U7462C and should be 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.
13. FiberFirst should 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.

14. FiberFirst should 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.

15. FiberFirst should 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 days of written acceptance of its certificate.

16. FiberFirst should submit a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with the process established in D.10-09-017/D.11-09-026 and modified by D.13-05-035 and Decision 24-11-003 to the California Public Utilities Commission's Communications Division within 30 days of the effective date of this decision.

17. FiberFirst should 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 e-mail to cdcompliance@cpuc.ca.gov, within 60 days of the effective date of this decision.

18. FiberFirst should be subject to all the current requirements applicable to fixed interconnected VoIP included in Attachments B, C, and D to this decision (including annual affiliate transaction reports, ongoing performance bond requirements, and payment of surcharges and user fees); 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.

19. FiberFirst's request for confidential treatment of Exhibit F (2022 and 2023

Financials [Unaudited]) appended to it April 22, 2024, Application should be granted for a period of three years after the date of this decision.

20. FiberFirst's April 24, 2024, motion to file Exhibit D (*Resumes*) and Exhibit E (*Affiliates*) to its April 22, 2024, Application under seal should be denied as moot following the July 22, 2024, filing of Notice of FiberFirst SoCal, LLC To Withdraw Motion To File Under Seal For Confidential Exhibits D and E To Application For FiberFirst SoCal, LLC For Registration As An Interexchange Carrier Telephone Corporation Pursuant To The Provision Of Public Utilities Code Section 1013.

21. FiberFirst's request to file under seal Attachment A (*2023 Audited Financials*) appended to its August 2024 Suppl. Financials should be granted for a period of three years after the date of this decision.

22. FiberFirst's request to file under seal Exhibit A (*Estimate Of Customers For First and Fifth Years*) appended to its November 22, 2024, *Response To Administrative Law Judge Ruling Requesting Supplemental Estimated Customer Base Information* should be granted for a period of three years after the date of this decision.

23. All rulings by the assigned Commissioner and the assigned Administrative Law Judge should be affirmed.

24. All pending motions should be deemed denied.

O R D E R

IT IS ORDERED that:

1. A Certificate of Public Convenience and Necessity is granted to FiberFirst SoCal, LLC to provide non-facilities-based Voice over Internet Protocol services in California, subject to the terms and conditions in this decision.

2. FiberFirst SoCal, LLC may not construct any facilities, including equipment in existing buildings or structures.

3. The certificate of public convenience and necessity granted, and the authority for FiberFirst SoCal, 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. FiberFirst SoCal, LLC is responsible for seeking approval for an extension of time to comply with this decision pursuant to Rule 16.6 of the California Public Utilities Commission's Rules of Practice and Procedure.

4. FiberFirst SoCal, LLC is assigned utility identification number U7462C and is responsible for using this as its corporate identification number in the caption of all original filings with the California Public Utilities Commission (Commission), in the titles of other pleadings filed in existing cases, and informal submissions to the Commission.

5. FiberFirst SoCal, LLC must file in this docket a written acceptance of the certificate of public convenience and necessity 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.

6. FiberFirst SoCal, 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 of public convenience and necessity. Refer to Attachment B for additional information related to updating contact information.

7. FiberFirst SoCal, 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 days of written acceptance of its certificate of public

convenience and necessity. Refer to Attachment B for additional information related to updating contact information.

8. FiberFirst SoCal, LLC must submit a Tier 1 Advice Letter containing a copy of the license holder's executed performance bond in accordance with the process established in Decision (D.)10-09-017/D.11-09-026 and modified by D.13-05-035 and D.24-11-003 to the California Public Utilities Commission's Communications Division within 30-days of the effective date of this decision. FiberFirst SoCal, 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. FiberFirst SoCal, 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.

9. FiberFirst SoCal, 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 e-mail to cdcompliance@cpuc.ca.gov within 60-days of the effective date of this decision.

10. FiberFirst SoCal, 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.

11. FiberFirst SoCal, LLC's April 22, 2024, request for confidential treatment of Exhibit F (2022 and 2023 Financials) to its April 22, 2024, Application for

Registration License 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. If FiberFirst SoCal, LLC believes that it is necessary for this information to remain under seal for longer than three years, FiberFirst SoCal, LLC may file a new motion showing good cause for extending this order by no later than 30-days before the expiration of this order.

12. Pursuant to Applicant's July 22, 2024, *Notice of FiberFirst SoCal, LLC To Withdraw Motion To File Under Seal For Confidential Exhibits D and E To Application For FiberFirst SoCal, LLC For Registration As An Interexchange Carrier Telephone Corporation Pursuant To The Provision Of Public Utilities Code Section 1013*, FiberFirst SoCal, LLC's April 24, 2024, motion to file under seal Exhibit D (*Resumes*) and Exhibit E (*Affiliates*) to its April 22, 2024, Application for Registration License is denied as moot.

13. FiberFirst SoCal, LLC's August 14, 2024, request for confidential treatment of Attachment A (*2023 Audited Financials of FiberFirst's parent company Generate-Ubiquity Holdings, LLC*) appended to its August 14, 2024, *Response Of FiberFirst SoCal, LLC To Administrative Law Judge Request For Supplemental Information* 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. If FiberFirst SoCal, LLC believes that it is necessary for this information to remain under seal for longer than three years, FiberFirst SoCal, LLC may file a new motion showing good cause for extending this order by no later than 30-days before the

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expiration of this order.

14. FiberFirst SoCal, LLC's November 22, 2024, request for confidential treatment of Exhibit A (*Estimate Of Customers For First and Fifth Years*) appended to its November 22, 2024, *Response To Administrative Law Judge Ruling Requesting Supplemental Estimated Customer Base Information* 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. If FiberFirst SoCal, LLC believes that it is necessary for this information to remain under seal for longer than three years, FiberFirst SoCal, LLC may file a new motion showing good cause for extending this order by no later than 30-days before the expiration of this order

15. All rulings by the assigned Commissioner and the assigned Administrative Law Judge are affirmed.

16. All pending motions are deemed denied.

17. Application 24-04-009 is closed.

This decision is effective today.

Dated January 16, 2025, at San Francisco, California.

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

ATTACHMENT A

TARIFF DEFICIENCIES

This Attachment is Intentionally Left Blank.

(END OF ATTACHMENT A)

ATTACHMENT B

ATTACHMENT B

REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS, INTEREXCHANGE CARRIERS AND FIXED INTERCONNECTED VOIP 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

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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 access line to report and zero 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-percent. Send an e-mail 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 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 e-mail 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 T16901, December 2, 2004, Carrier is

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responsible for checking the joint tariff for public purpose program surcharges

and user fees filed by Pacific Bell Telephone Company d/b/a 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 and D.24-11-003. Within 30 calendar 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 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.

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 Form³³ 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

³³ 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->

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[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)

ATTACHMENT E

ATTACHMENT E
SURCHARGE REPORT

E-mail the following information to telcosurcharge@cpuc.ca.gov and cdcompliance@cpuc.ca.gov.

Subject Line should include "Surcharge Prior to CPUC CPCN Approval Per D.24-XX-XXX, A.24-04-009."

Body of e-mail should include:

Background: Carriers are obligated to pay all past-due surcharge and present pursuant to Pub. Util. Code Section 285 and D.22-10-021. A 10 percent accrued interest for late remittance of public purpose program surcharges should be paid between the date of operation without license and the date filing for the application. The Commission's Communications Division is authorized to calculate the following:

- Public purpose program surcharges owed between the date of operation without the license, and the issuance date of this CPCN decision; and
- Interest owed between date operation without a license and filing date for the application.

Request: Please calculate the surcharge and interest owed. Below is the following information to perform the calculations:

1. Carrier Name _____
2. Starting date of Operation without License _____
3. Filing Date of application _____
4. Issuance Date of the Decision _____
5. Monthly Intrastate Revenue report prior to February 1, 2022

| | 2022 | 2023 |
|-----------------|------|------|
| January | n/a | |
| February | | |
| March | | |

| | 2022 | 2023 |
|------------------|-------------|-------------|
| April | | n/a |
| May | | n/a |
| June | | n/a |
| July | | n/a |
| August | | n/a |
| September | | n/a |
| October | | n/a |
| November | | n/a |
| December | | n/a |

6. Number of Active Access Line from April 2023 to Issuance of this Decision.
See Section 5.2.2 of D.22-10-021 for definition of access line.

| | 2023 | 2024 |
|------------------|-------------|-------------|
| January | n/a | |
| February | n/a | |
| March | n/a | |
| April | | |
| May | | |
| June | | |
| July | | |
| August | | |
| September | | |
| October | | |
| November | | |
| December | | |

(END OF ATTACHMENT E)