

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

November 14, 2025

Agenda ID #23871

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-486:

This is the draft resolution of Administrative Law Judge Theresa Moore resolving K.25-06-013. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution. Comments shall be served (but not filed) within 20 days of the date that the draft resolution was mailed and published on the Commission's website as provided in Rule 14.5 of the Commission's Rules of Practice and Procedure. Comments shall be served upon all persons on this proceeding's service list and on Administrative Law Judge Theresa Moore at theresa.moore@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC: smt

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-486
Administrative Law Judge Division
[Date]

R E S O L U T I O N

RESOLUTION ALJ-486 Resolving the Appeal K.25-06-013 of
Citation Number CD-2025-05-014 of BARR Tell USA, LLC,
(U-7393-C).

SUMMARY

This resolution resolves the appeal by BARR Tell USA, LLC, K.25-06-013, from Citation No. CD-2025-05-014 issued on May 20, 2025, by the Communications Division of the California Public Utilities Commission. The citation imposes a \$1,000 fine for failing to timely report the active number of access lines it served in California and failing to timely pay Public Purpose Program surcharges in violation of Public Utilities Code §§ 247.1, 285, 702, 2101, 2107, 2108; Decision 22-10-021; and Resolution T-17601. The citation is sustained. The appeal is denied.

K.25-06-013 is closed.

PROCEDURAL BACKGROUND

The California Public Utilities Commission's (Commission) Communications Division (CD) oversees compliance of telecommunications carriers and has the authority to impose fines.¹ On May 20, 2025, CD issued citation number CD-2025-05-014, which imposed a \$1,000 fine on Barr Tell USA, LLC (U-7393-C)(Barr Tell) for failing to timely report the number of access lines served in

¹ Resolution T-17601, June 22, 2018, at 1; California Public Utilities (Pub. Util.) Code §§ 2101, 2107, 2108.

California and failing to timely pay Public Purpose Program surcharges.² On June 9, 2025, Barr Tell timely appealed citation number CD-2025-05-014.

Barr Tell appealed the citation for several reasons. First, Barr Tell claims that CD should have notified its President Mr. Harold Barr directly before issuing the citation so that the matter could have been remedied immediately. Second, Barr Tell argues it was unable to report and pay on time because it had ongoing problems logging into the Commission's updated Telecommunications & User Fees Filing system (TUFFS)³, the system used by telecommunications carriers to report its active number of access lines and to remit its Public Purpose Program surcharges.

On July 3, 2025, CD tendered the mandatory compliance filing along with a *Communications Division Motion to Accept Late Compliance Filing*. On July 15, 2025, the assigned Administrative Law Judge granted the motion.

On August 5, 2025, the Administrative Law Judge held the noticed hearing remotely over WebEx. CD and Mr. Harold Barr, Barr Tell's President, representing Barr Tell, appeared at the hearing.

At hearing, CD moved to have all its exhibits received into evidence in the proceeding without objection from Barr Tell. The Administrative Law Judge granted the motion and moved all exhibits into the record.

RESOLUTION OF THE APPEAL

The Commission regulates telecommunications carriers primarily pursuant to the Pub. Util. Code Sections 701, 2101, and 2017, as well as Commission Orders, Resolutions, and Decisions⁴. General Order (GO) 153 requires, as relevant here,

² Resolution T-17601.

³ CD implemented the TUFFS reporting system in 2019. This system is referred to as Legacy TUFFS. Telecommunication Carriers would report monthly revenue subject to surcharges in the legacy TUFFS. The revenue reported for each of the three months were aggregated by Legacy TUFFS to calculate user fees due for the quarter. Following an update to the surcharge mechanism, the Commission updated the TUFFS reporting system. In 2023, the Commission launched the updated TUFFS reporting system that is currently used by carriers.

⁴ See, Decision 22-10-021.

that telecommunications carriers report and remit their surcharges, reporting deadlines, and interest for late payment of surcharges.⁵ D.22-10-021 requires all telephone carriers to report their access lines.^{6,7}

Resolution T-17601, issued by the Commission on June 22, 2018, authorizes CD to issue citations to telecommunications carriers for violation of the Public Utilities Code and/or Commission orders. Resolution T-17601 specifically authorizes CD to issue citations and levy scheduled penalties for a telecommunications carrier's failure to report and remit surcharge payments for at least six months.⁸ The failure of a company to report and remit surcharge payments for at least six months will result in a penalty of \$1,000 per event up to a maximum of \$3,000.⁹ In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal under Resolution ALJ-377.

In May 2010, the Commission implemented the TUFFS reporting system for telecommunications carriers to report access lines and pay related surcharges. This system is now referred to as Legacy TUFFS. Telecommunication Carriers would report monthly revenue subject to surcharges in the legacy TUFFS. Legacy TUFFS then aggregated the revenue reported for each of the three months to calculate user fees due for the quarter. In 2022, the Commission updated the reporting requirements and surcharge payments for telecommunications carriers.¹⁰ Following the update to the surcharge mechanism, the Commission also updated the TUFFS reporting system.

Before launching the updated TUFFS reporting system, the Commission notified all Telephone Corporations of the new system. On December 7, 2022, CD sent an email to all Telephone Corporations (including Barr Tell) notifying all Telephone

⁵ GO 153, Section 11.

⁶ D.22-10-021 at 60 and 75, Ordering Paragraph 2.

⁷ See, CD letter, dated December 7, 2022, with subject "Telecommunications & User Fee Filing System to Facilitate Access-Line Data Reporting," notifying Barr Tell of the requirement to report the number of access lines and remit their surcharge payment in accordance with D.22-10-021.

⁸ Resolution T-17601, Ordering Paragraph 3 ["We authorize the Communications Division to issue citations and levy scheduled penalties as discussed in this Resolution and as set forth in Appendices A, B, and C."]; Resolution T-17601, Appendix A, at A-2.

⁹ Resolution T-17601, Appendix A.

¹⁰ D.22-10-011.

Corporations that beginning May 1, 2023, carriers would be required to access newly created accounts to report their number of access lines using the newly launched Telecommunications & User Fees Filing System (TUFFS). Telephone Corporations began reporting access lines and paying required surcharges using the updated TUFFS system on May 1, 2023.

At the hearing, CD testified to and presented exhibits, without objection, that showed the following:

- CD notified telecommunication carriers, including Barr Tell, of the new TUFFS system, and of updated reporting requirements before implementing the new system.
- Between May 2 and May 4, 2023, Mr. Barr reported trouble accessing TUFFS. CD provided technical assistance to Mr. Barr.
- On May 18, 2023, Barr Tell successfully reported an access line in TUFFS. This report met a due date of August 9, 2023.
- On February 18, 2025, CD notified Barr Tell that it was required to report its number of access lines served in California and remit Public Purpose Program surcharges and user fees.
- On May 20, 2025, CD issued a citation to Barr Tell via United States Postal Service mail to Mr. Harold Barr.
- On May 20, 2025, Barr Tell reported access lines in TUFFS. This reporting was 284 days late in violation of both Resolution T-17601 (six-month reporting requirement) and the 40-day surcharge payment requirement.

At the hearing, Mr. Barr testified that he had difficulty accessing TUFFS in May 2023. CD assisted Mr. Barr who was ultimately able to access TUFFS to report and pay, allowing Barr Tell to meet its August 2023 reporting requirements. Mr. Barr also testified that he did not recall CD's February 2025 notice. Mr. Barr confirmed that Barr Tell reported and paid surcharges on May 20 and 21, 2025. Mr. Barr did not deny or challenge the facts in CD's exhibits.

All CPCN holders are notified of their regulatory obligations at the time the Commission issues them a CPCN. Barr Tell failed to timely report several lines on May 20, 2025, and failed to timely remit Public Purpose Program surcharge payment for those lines as required. Although Mr. Barr did not recall receiving CD's February 18, 2025 notice, Barr Tell is presumed to have read that correspondence. More importantly, Barr Tell, like all other telecommunications carriers, must meet its regulatory requirements. We note that Barr Tell, reported access lines and paid required surcharges immediately upon receiving the citation which brings them back into compliance with their regulatory obligations. However, Barr Tell has not met their burden to show error in citation or penalty asserted.

Therefore, the penalty is sustained, and the appeal is denied.

SAFETY

The Commission has broad authority to regulate public utilities, particularly regarding safety concerns. Although Barr Tell's failure to timely report and remit surcharge payments did not pose any direct safety concerns, the integrity of the regulatory process and remission of surcharges for public utilities furthers safety through regulatory compliance.

COMMENTS

Comments are allowed on this Resolution as required by Pub. Util. Code §311(g) and Rule 14.5 of the Commission's Rules of Practice and Procedure. A draft of today's Resolution was distributed for comment by the interested parties on DATE.

ASSIGNMENT OF PROCEEDING

Theresa Moore is the assigned Administrative Law Judge for this citation appeal.

FINDINGS OF FACT

1. On May 20, 2025, CD issued Citation No. CD-2025-05-014 to Barr Tell for failure to meet its surcharge obligations, including failure to report number of access lines, and failure to remit Public Purpose Program surcharges and user fees.
2. By May 20, 2025, Barr Tell had not reported several lines for 284 days, thereby failing to report them and failing to timely remit Public Purpose Program surcharge payment for them as required.
3. No harm to people or property damage resulted from Barr Tell's failure to timely report and pay the associated surcharges.
4. Failure of a regulated utility to meet applicable regulatory requirements harms the Commission's regulatory process.

CONCLUSIONS OF LAW

1. GO 153, Section 11 requires telecommunications carriers to report and remit their surcharges, reporting deadlines, and interest for late payment of surcharges.
2. D.22-10-021 requires that telecommunications carriers remit Public Purpose Program surcharge payments no later than 40 days after the close of the applicable reporting period.

3. Resolution T-17601 authorizes CD to issue a citation of \$1,000 per event up to a maximum \$3,000 for a telecommunications carrier's failure to report and remit surcharge payments for at least six months.
4. The \$1,000 fine imposed here is consistent with Pub. Util. Code §§ 247.1, 285, 702, 2101, 2107, 2108, Commission Decision 22-10-021, and Commission Resolution T-17601.

THEREFORE, IT IS ORDERED that:

1. The appeal, K-25-06-013, of Citation number CD-2025-05-014 is denied.
2. Barr Tell, USA, LLC must pay the penalty of \$1,000 by check or money order payable to the California Public Utilities Commission and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, San Francisco, California 94102. Barr Tell, USA, LLC within 30 days of the effective date of this Resolution. Barr Tell, USA, LLC shall write on the face of the check or money order, "For deposit to the General Fund pursuant to Resolution ALJ-486".
3. K.25-06-013 is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, 2025, the following Commissioners voting favorably thereon:

RACHEL PETERSON
Executive Director

ALJ/TM3/smt

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION RESOLUTION ALJ-486 Resolving the Appeal
K.25-06-013 of Citation Number CD-2025-05-014 of BARR Tell USA,
LLC, (U-7393-C).

INFORMATION REGARDING SERVICE

I have electronically served all persons on the attached official service list who have provided an e-mail address for K.25-06-013.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served by U.S. mail on all parties listed in the "Party" category of the official service list for whom no e-mail address is provided.

Dated November 14, 2025, at San Francisco, California.

/s/ SENERITA MARTINEZ

Senerita Martinez

N O T I C E

Persons should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

***** **SERVICE LIST** *****

**Last Updated on 14-NOV-2025 by: KB3
K2506013 LIST**

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