

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CitySwitch Tower, LLC
for a Certificate of Public Convenience
and Necessity pursuant to Public
Utilities Code Section 1001.

Application 25-11-007

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

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

Summary

Pursuant to Public Utilities Code Section 1001, the California Public Utilities Commission grants CitySwitch Tower, 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, subject to the terms and conditions set forth in the Ordering Paragraphs.

Application 25-11-007 is closed.

1. Background

On November 24, 2025, CitySwitch Tower, LLC (Applicant), a Delaware Limited Liability Company authorized to do business 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 within all the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T California), Frontier California Inc. (Frontier California), Citizens Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California (Frontier Communications), and Consolidated Communications of California Company (Consolidated Communications, formerly SureWest Telephone) and interexchange services throughout

California.¹ The Commission did not receive any protests or responses to the application.

On December 18, 2025, the California Public Utilities Commission (Commission) issued a Resolution ALJ 176-3574, on preliminary determinations of category for proceedings initiated by application pursuant to Rule 7.1 of the Commission's Rules of Practice and Procedure (Rules).

On January 20, 2026, the Commission issued a Notice of a Virtual Prehearing Conference (PHC) in the above-entitled matter before Administrative Law Judge (ALJ) Zhen Zhang, for January 30, 2026.

On January 30, 2026, the assigned ALJ held a PHC to address the issues of law and fact associated with the application, determine the need for a hearing, set the schedule for resolving the matter, and address other matters as necessary. At the PHC, the ALJ directed Applicant to respond to questions clarifying its business and services.

On February 17, 2026, Applicant filed a comprehensive response to the ALJ questions.

On March 9, 2026, Applicant filed a supplemental response to the ALJ questions.

On March 12, 2026, the Commission issued a Scoping Memo and Ruling. On April 13, 2026, the ALJ requested additional information regarding entities associated with Applicant. On April 28, 2026, Applicant responded.

¹ Operations throughout California covers the service territories of the Uniform Regulatory Framework Incumbent Local Exchange Carriers (ILECs) and the General Rate Case Incumbent Local Exchange Carriers (also known as Small ILECs).

In their response, Applicant clarified it proposes to provide full facilities-based and resold competitive local exchange services, as well as full facilities-based and resold interexchange services.

Applicant also clarified its relationship with three entities associated with the following Federal Registration Numbers (FRN):

- CitySwitch, LLC (FRN: 0014399034): A separate and independent legal entity from Applicant, with no connection to Applicant, and no business dealings with Applicant.
- CitySwitch II, LLC (FRN: 0026497602): Wholly owned subsidiary of Applicant that enters into agreements related to the development, leasing, and ownership of communications structures.
- CitySwitch II (FRN: 0027160878): FRN was created for CitySwitch II, LLC, but never used.

Applicant clarified that it uses FRN: 0026497602 and does not intend to acquire a separate FRN for Applicant.

Applicant's principal place of business is located at 3715 Northside Parkway NW, Suite 1-200, Atlanta, GA 30327.

2. Submission Date

This matter was submitted on April 28, 2026, upon review of responses to rulings requesting additional information and a determination that no further information or evidence is needed to evaluate the issues in this proceeding.

3. Issues Before the Commission

The issues in this proceeding are as follows:

1. Whether Applicant meets all Commission requirements, including financial, technical, and California

Environmental Quality Act (CEQA), requirements for a CPCN; and

2. Whether Applicant should be authorized to use the Commission's Energy Division's 21-day expedited environmental review process for its full facilities-based construction activities under statutory categorical exemptions to CEQA.

4. Jurisdiction

The Commission has broad jurisdiction over "public utilities," as defined in Public Utilities (Pub. Util.) Code Section 216.² 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.³ The Commission classifies entities providing two-way voice communications service for compensation within California as "telephone corporations,"⁴ and regulates them as public utilities.⁵

As part of its regulatory authority over "telephone corporations," the Commission authorizes CPCNs to "telephone corporations" seeking to construct a "line, plant, or system, or any extension thereof" in California.⁶ 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

² Pub. Util. Code Sections 216, 234.

³ See Decision (D.) 20-07-011 at 14-15; Cal. Const., art. XII, Sections 1-6; Pub. Util. Code Section 701.

⁴ Pub. Util. Code Sections 216, 233-234; D.22-10-021 at 68.

⁵ Pub. Util. Code Section 216(a). Telephone corporations are required to file annual affiliate transaction reports and pay surcharges and user fees.

⁶ Pub. Util. Code Section 1001.

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 voice services, including local exchange carriers, interexchange carriers, and interconnected Voice over Internet Protocol (VoIP) service providers, are telephone corporations subject to the Commission’s jurisdiction.⁷ Providers of local exchange, interexchange, and fixed interconnected VoIP services must obtain a CPCN or 1013 registration license to operate in California. 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.⁸

Applicant proposes to provide full facilities-based and resold competitive local exchange services, as well as full facilities-based and resold interexchange services. Applicant is a telephone corporation and a public utility subject to the Commission’s jurisdiction.

5. Proposed Construction and California Environmental Quality Act Compliance

Applicant proposes to provide full facilities-based service in addition to resold service. Pursuant to CEQA and Rule 2.4, the Commission acts as the

⁷ Pub. Util. Code Sections 216, 233-234; D.22-10-021 at 68; D.24-11-003 at 18-19.

⁸ D.24-11-003 at 40-42.

designated lead agency to consider the environmental consequences of projects that are subject to the Commission's approval.⁹ As the lead agency, the Commission must identify any potential environmental impacts and reduce and avoid them to the extent feasible.

Applicant's proposed construction activities generally include the installation of, acquisition of, or access to existing facilities from other carriers and utilities, or construction of its own facilities, as necessary. As a result, Applicant seeks "full" facilities-based authority for these activities.¹⁰

These activities are expected to fall within Classes 1, 2, 3, 4 and 32 categorical CEQA exemptions and Public Resources Code Section 21080.51 statutory CEQA exemption for which neither an Environmental Impact Report nor a Negative Declaration is required.¹¹ Exemption from CEQA review of these activities is similar to those undertaken by other carriers that the Commission has decided are exempt from CEQA.¹²

Applicant may use the 21-Day CEQA review process adopted in D.21-04-006 and extended to telecommunications licensing in D.24-11-003. This

⁹ Pub. Resources Code Sections 21000, *et seq.*

¹⁰ *See* Application of CitySwitch Tower, LLC for a Certificate of Public Convenience and Necessity Pursuant to Public Utilities Code Section 1001, November 24, 2025 (Application), Appendix I at I-2.

¹¹ D.24-11-003 at 57-58.

¹² *See, e.g.*, D.06-04-063 (describing procedure for full facilities-based construction activities that involve potential exemptions from environmental review); D.06-04-067 (finding project exempt from further environmental review).

process will expedite the review and is appropriate for the type of construction outlined here, which will likely be exempt.

If the Energy Division rejects Applicant's claimed CEQA exemption(s) and issues a letter of denial to the Applicant, the Applicant must either: (1) redesign the specific project and facilities and then reapply for a finding of exemption from CEQA; or (2) file a formal application with the Commission seeking approval and full CEQA review, before commencing any construction activities.

Applicant shall not perform any full facilities-based construction activities without first obtaining a Notice to Proceed from the Energy Division or authorization by the Commission after the requisite environmental review.

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

6. Financial Qualifications

To receive a CPCN for authority to provide full facilities-based and/or resold 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.¹³

In the application, Applicant provided documentation in Appendix K showing it had at least \$100,000 that is reasonably liquid and available. The documentation demonstrates that Applicant has sufficient funds to meet its

¹³ The financial requirement for competitive local exchange carriers (CLECs), non-dominant IECs (NDIECs), and fixed interconnected VoIP providers is contained in D.24-11-003 at Appendix F.

start-up expenses and fulfills this requirement. The Commission will verify and review the Applicant's financial documentation for one year to ensure that such funds are available. Accordingly, Applicant must demonstrate that it 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, Applicant must also demonstrate that it has an additional \$25,000 available for deposits to interconnect with local exchange carriers. Applicant met this requirement by providing documentation of its ability to pay deposits in Appendix K.

7. Technical Qualifications

To receive 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.¹⁴ Applicant supplied biographical information on its management in Appendix G to its application. The information provided demonstrates that Applicant has sufficient expertise and training to operate as a telecommunications provider.

8. Certification Requirements

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

¹⁴ D.95-12-056 at Appendix C, Rule 4.A, *as modified by* D.13-05-035 and D.24-11-003.

(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.¹⁵

Also, to the best of Applicant's knowledge, neither Applicant, nor any affiliate, officer, director, partner, nor owner of more than 10 percent of Applicant, 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.¹⁶ For the foregoing reasons, this decision finds that

¹⁵ D.13-05-035 at Ordering Paragraph (OP) 14 (requiring certifications); *see also* D.24-11-003 at 46 (extending and updating existing processes).

¹⁶ D.13-05-035 at OP 14.

Applicant is in compliance with the requirements of D.13-05-035 and D.24-11-003.

9. Tariffs

CLECs, Interexchange Carriers (IECs), and fixed interconnected VoIP providers requesting detariffed status and 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. Applicant indicated it will not offer services that require a tariff or schedule. Therefore, detariffed status is granted.

In the future, if Applicant decides to offer services that require a tariff or schedule, such as basic service, the Applicant must submit proposed tariffs and/or user guides to the Commission's Communications Division by Tier 2 advice letter using the General Order (GO) 96B advice letter process at least 30 days before initiation of service.¹⁷

10. Service Territory

A map of the service territory is required if an applicant only seeks to operate in specific portions of the state.¹⁸ Applicant proposes to provide competitive local exchange services in all the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T California), Frontier California Inc. (Frontier California), Citizens Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California (Frontier

¹⁷ D.12-12-038 at 10-11.

¹⁸ CPCN Application Form, Question 6 (Stating that if an applicant seeks to operate in specific portions of the state, then Appendix C would include a list of the specific portion(s) or geographical location(s) of the state and/or ILEC territory(ies) and a copy of the map(s)).

Communications), and Consolidated Communications of California Company (Consolidated Communications, formerly SureWest Telephone) and interexchange services throughout California. Because Applicant will provide services in the entire state, Applicant is not required to provide a map. In the future, Applicant anticipates providing project specific maps in connection with Energy Division's 21-day Environmental Review Process.¹⁹

11. Rule 3.1(i) Statement

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

12. Expected Customer Base

Applicant provided its estimated customer base for the first and fifth years of operation in Appendix I, Question 11.j of its application. Therefore, Applicant has complied with this requirement.

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

Applicant requests treatment as an NDIEC, as detailed in D.85-01-008 and modified in D.85-07-081 and D.85-11-044. The Commission recently streamlined and updated the requirements for CLECs and NDIECs, and established a regulatory framework for VoIP providers in D.24-11-003. Therefore, Applicant is

¹⁹ Application, Appendix I at I-3.

accorded all exemptions traditionally granted to NDIECs, without the need for an individual grant for such treatment in this decision. Accordingly, Applicant request for NDIEC treatment is moot. Applicant must follow the requirements as summarized and provided for by D.24-11-003,²⁰ and as indicated in Appendices B through D.

14. 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. The Commission finds that Applicant will meet the Commission's minimum safety goals and expectations of CLECs/IECs/VoIP providers because: (1) Applicant has taken steps to meet the financial requirements, as set forth in this decision for a facilities/non-facilities-based CLECs/IECs/VoIP providers; and (2) Applicant 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."

15. Conclusion

Applicant's application conforms with the Commission's rules for certification as a CLEC and IEC. Accordingly, the Commission grants Applicant's CPCN to provide full facilities-based and/or resold competitive local

²⁰ D.24-11-003 at 58-82 (Section 8.2).

exchange services in the service territories of all the service territories of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications, formerly SureWest Telephone, and interexchange services throughout California, subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to Applicant and corresponding obligations. Applicant receives authority to operate in the prescribed service territory, and this authority enables Applicant, 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. This authority also enables Applicant 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, Applicant 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 the consumer protection rules, tariffing, and reporting requirements. Moreover, Applicant is obligated to pay all Commission-prescribed user fees and public purpose program surcharges, as set forth in Attachment 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.”

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

16. Additional Requirements for Applicants Following Commission’s Grant of Certificate of Public Convenience and Necessity

The CPCN granted in this decision is contingent upon Applicant’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, email address, and telephone number of its designated primary regulatory/official contact person to the Commission’s Communications Division within five days of written acceptance of its certificate; (5) providing the name, address, email 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 Pub. Util. Code Section 708, Employee Identification Cards, to the 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; and (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 email to cdcompliance@cpuc.ca.gov no later than five days after service first begins. These requirements are in addition to Applicant's ongoing obligation to be subject to all the current requirements applicable to CLECs, IECs, and VoIP 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 GO 168; and all applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities on an ongoing basis.

17. Confidential Treatment of Documents and Other Procedural Matters

Applicant provided the following: (1) financial documents as listed in D.24-11-003 Appendix F in its application, Appendix K; (2) estimated number of customers in the first and fifth year of operation in its application, Appendix I; and (3) the estimated cost of construction in its application, Appendix I. These documents are granted confidential treatment for a period of three years, without the need to file a motion for confidential treatment.²¹ During this three-year period, this information shall not be publicly disclosed except on further Commission order or ALJ ruling. If Applicant believes that it is necessary for this information to remain under seal for longer than three years, Applicant may

²¹ D.24-11-003 at 48-54; GO 66-D.

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.

18. Summary of Public Comments

Rule 1.18 allows any member of the public to submit written comments 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 comments submitted in a proceeding be summarized in the final decision issued in that proceeding.

There are no public comments on the Docket Card.

19. Comments on Draft Decision

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

20. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Zhen Zhang is the assigned ALJ in this proceeding.

Findings of Fact

1. Applicant is a Limited Liability Company authorized to do business in California.
2. Applicant’s principal place of business is 3715 Northside Parkway NW, Suite 1-200, Atlanta, GA 30327.
3. Applicant proposes to provide local exchange and interexchange services.

4. Applicant is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).
5. Applicant's proposed construction activities are likely to fall within the Classes 1, 2, 3, 4, and 32 CEQA categorical exemption.
6. Applicant proposed to construct or may acquire or obtain access to existing facilities from other carriers and utilities or construct its own facilities, as necessary. As a result, CitySwitch seeks "full" facilities-based authority for these activities.
7. The Commission is the lead agency for this project under CEQA.
8. Granting this CPCN will expand the availability of technologically advanced telecommunications services within the state.
9. Granting Applicant a CPCN is in the public interest.
10. Applicant has a minimum of \$100,000 in cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.
11. Applicant has an additional \$25,000 to cover deposits that may be required by other telephone corporations to provide the proposed service.
12. Applicant meets the financial requirements for a CPCN pursuant to D.24-11-003.
13. Applicant's management possess sufficient experience, knowledge, and technical expertise to provide local exchange and interexchange services to the public.
14. No one associated with or employed by Applicant as an affiliate, officer, director, partner, agent, or owner (directly or indirectly) of more than 10 percent of Applicant, or anyone acting in a management capacity for Applicant: (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 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; (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.

15. To the best of Applicant's knowledge, neither Applicant, or any affiliate, officer, director, partner, nor owner of more than 10 percent of Applicant, 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.

16. Applicant requested and is eligible for exemption from tariffing requirements and must observe the consumer protection rules adopted in D.98-08-031 and D.24-11-003.

17. Applicant meets the applicable requirements of Rule 3.1.
18. Applicant meets the technical managerial requirements for a CPCN pursuant to D.13-05-013 and D.24-11-003.
19. Applicant meets the certification requirements for a CPCN pursuant to D.13-05-013 and D.24-11-003.
20. Applicant proposes to operate in all the service territories of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications, formerly SureWest Telephone, and interexchange services throughout California.
21. Applicant has no information to report under Rule 3.1(i), which requires that a utility filing an application under Pub. Util. Code Section 1001 provides a statement regarding compliance with GO 104-A, Section 2.
22. Applicant provided an estimate of its customer base for the first and fifth years of operation.
23. Applicant will meet the Commission's minimum safety goals.
24. Applicant filed documents which have a presumption of confidentiality pursuant to D.24-11-003 and GO 66-D in Appendix I and Appendix K.

Conclusions of Law

1. Applicant should be granted a CPCN to provide full facilities-based and/or resold competitive local exchange services and interexchange services in the all service territories of AT&T California, Frontier California, Frontier Communications, and Consolidated Communications, formerly SureWest Telephone, and interexchange services throughout California subject to the terms and conditions set forth in this decision.

2. Applicant should be allowed to use the Energy Division's 21-day CEQA exemption review process.

3. Applicant should demonstrate that it 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 providing updated bank statements within eight and 14 months, respectively, as an information-only submittal by email to cdcompliance@cpuc.ca.gov.

4. Applicant should be exempt from tariffing. In the future, if Applicant decides to offer services that require a tariff or schedule, such as basic service, Applicant should submit proposed tariffs and/or user guides to the Commission's Communications Division via Tier 2 advice letters using the GO 96-B advice letter process at least 30 days before initiation of service.

5. The certificate granted, and the authority for Applicant 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. Applicant should be responsible for seeking approval for an extension of time to comply with this decision pursuant to Rule 16.6.

6. Applicant should be assigned utility identification number U-7548-C 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.

7. Applicant 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.

8. Applicant should provide the name, address, email address, and telephone number of its designated primary regulatory/official contact person to the Commission's Communications Division within five days of written acceptance of its certificate.

9. Applicant should provide the name, address, email 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.

10. Applicant 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 D.24-11-003 to the Commission's Communications Division within 30 days of the effective date of this decision.

11. Applicant should submit its compliance with Pub. Util. Code Section 708, Employee Identification Cards, to the 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.

12. Applicant should provide 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 email to cdcompliance@cpuc.ca.gov no later than five days after service first begins.

13. Applicant should be subject to all the current requirements applicable to CLECs, IECs, and fixed interconnected VoIP 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 GO 168; and all applicable Commission rules, decisions, GOs, and statutes that pertain to California public utilities on an ongoing basis.

14. Applicant's financial documents, expected customer base, and construction costs should be kept under seal for a period of three years from the issuance date of this decision pursuant to D.24-11-003.

15. All rulings by the assigned Commissioner and the assigned ALJ should be affirmed.

16. All pending motions should be deemed denied.

17. 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 CitySwitch Tower, LLC to provide full facilities-based and/or resold) competitive local exchange services in all the service 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 throughout California, subject to the terms and conditions set forth in this decision.

2. CitySwitch Tower, LLC is allowed to use the California Public Utilities Commission's Energy Division's 21-day California Environmental Quality Act exemption review process.

3. CitySwitch Tower, 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 providing updated bank statements within eight and 14 months, respectively, as an information-only submittal by email to cdcompliance@cpuc.ca.gov.

4. The certificate granted and the authority for CitySwitch Tower, 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. CitySwitch Tower, LLC is responsible for seeking approval for an extension of time to comply with this decision pursuant to Rule 16.6 of the Commission's Rules of Practice and Procedure.

5. The CitySwitch Tower, LLC is assigned utility identification number U-7548-C 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.

6. CitySwitch Tower, 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.

7. CitySwitch Tower, LLC must provide the name, address, email 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.

8. CitySwitch Tower, LLC must provide the name, address, email 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. Refer to Attachment B for additional information related to updating contact information.

9. CitySwitch Tower, 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. Refer to Attachment B for additional information on annual performance bond requirements.

10. CitySwitch Tower, 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.

11. CitySwitch Tower, 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.

12. CitySwitch Tower, LLC is subject to all the current requirements applicable to competitive local exchange carriers, interexchange carriers, and fixed interconnected 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 California Public Utilities Commission rules, decisions, General Orders, and statutes that pertain to California public utilities on an ongoing basis.

13. Confidential Treatment of CitySwitch Tower, LLC's application, Appendices K and I is granted for a period of three years after the date of this decision pursuant to Decision 24-11-003. During this three-year period, this information shall not be publicly disclosed except on further Commission order or Administrative Law Judge ruling. If CitySwitch Tower, LLC believes that it is necessary for this information to remain under seal for longer than three years, CitySwitch Tower, LLC may file a motion showing good cause for extending this order by no later than 30 days before the expiration of this order.

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

15. All pending motions are deemed denied.

16. Application 25-11-007 is closed.

This decision is effective today

Dated _____, at San Francisco, California.

ATTACHMENT A

ATTACHMENT A
TARIFF DEFICIENCIES

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(END OF ATTACHMENT A)

ATTACHMENT B

ATTACHMENT B**TELEPHONE CORPORATION REQUIREMENTS APPLICABLE TO PROVIDERS OF 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 (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 updated in the Commission's Telecommunications and User Fee Filing System (TUFFS) portal within 30 days of any change or at least annually by June 1 of each calendar year. Additionally, information on accessing TUFFS is available from the Commission's website:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>.

4. Carrier is subject to California public purpose program surcharges and user fees. Pursuant to Decision (D.) 22-10-021, as modified by D.24-11-003, 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 the 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 Commission’s annual operating budget for regulating telecommunications corporations under its jurisdiction (Pub. Util. Code §§ 431-435). Pursuant to D.24-11-003, Interconnected VoIP service providers operating in California are subject to User Fees, starting on July 1, 2025.

5. Carrier is responsible for obtaining guidance and directives 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 TUFFS portal. Additional information about telecommunications

surcharges and user fees is available from the Commission's website:

<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/telecommunications-surcharges-and-user-fees>.

6. Carrier is responsible for timely and accurate reporting of its number of access lines and remitting the resulting public purpose program surcharges through TUFFS, even if there are zero access lines 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 email to Telcosurcharge@cpuc.ca.gov for questions related to surcharges and access to TUFFS. Current and historical surcharge rates are available from the Commission's website: <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 accurate reporting and remitting of 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, 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 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. Pursuant to D.24-11-003, Interconnected VoIP service providers operating in California are subject to User Fees, starting on July 1, 2025. Send an email to userfees@cpuc.ca.gov for questions related to user fees. Send an email to userfees@cpuc.ca.gov for questions related to user fees. Current and historical user fee rates are available from the Commission's website: <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 applying 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, as identified above.

10. If Carrier is a provider of interexchange services, competitive local exchange services, and/or fixed interconnected VoIP services, the effectiveness of its future nondominant carrier tariffs, if applicable, 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 is responsible for submitting a copy of its complete tariff in use to the Commission's Director of the Communications Division, by email to cdcompliance@cpuc.ca.gov, in compliance with Pub. Util. Codes Section 489(a), no later than February 15 of each year. Additional information is available from the Commission's Website: <https://www.cpsc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/tariff-filing-requirements>.

13. Carrier is responsible for obtaining a performance bond of at least \$25,000 in accordance with D.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 via [TD. PAL@cpuc.ca.gov](mailto:TD.PAL@cpuc.ca.gov) with a copy of the license holder's executed performance 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. Requests for an extension of time to submit the initial performance bond must be submitted to the Director of the Communications Division via email at cdcompliance@cpuc.ca.gov within 30 days of the effective date of this decision using the performance bond filing extension form is available from the Commission's website: <https://www.cpsc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/performance-bond-requirements>. Pursuant to D. 13-05-035, the Commission must revoke a CPCN 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.

14. 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 from the Commission's website: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/carrier-reporting-requirements/performance-bond-requirements>.

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

16. 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.

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

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

19. If Carrier decides to discontinue service or file for bankruptcy, it must immediately notify the Commission's Director of the Communications Division by email 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, Telephone Corporations must submit the following information electronically to the Commission's Communications Division using the Annual Operational and Financial Information Report Form via email to cdcompliance@cpuc.ca.gov, no later than March 31st of the year following the calendar year for which the annual report is submitted.²²

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.

²² An Annual Operations and Financial Information Report form (in PDF format) has been developed to help facilitate the submission of this reporting obligation and available from the CPUC website: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/aropfi.pdf>.

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.

Additional information about the reporting requirements is available from the Commission's website: <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@cpuc.ca.gov with a subject line that includes: "CD Annual Reports."

(END OF ATTACHMENT C)

ATTACHMENT D

ATTACHMENT D**CALENDAR YEAR AFFILIATE TRANSACTION REPORT**

Telephone Corporations must submit the following information electronically to the Commission's Communications Division using the Annual Affiliate Transaction Report Form²³ via email to cdcompliance@cpuc.ca.gov, no later than May 1st of the year following the calendar year for which the annual affiliate transaction 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.

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

²³ An Annual Affiliate Report form (in PDF format) has been developed to help facilitate the submission of this reporting obligation and available from the Commission's website:

[https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/annual-affiliate-transaction-report-form .pdf](https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/annual-reporting-requirements/annual-affiliate-transaction-report-form.pdf).

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 items 1 and 2 above any affiliated entity that either (a) is 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 D.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 from the Commission’s website: <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)