

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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The City of Santa Barbara)
)
 Complainant,)
)
 vs.) C.10-01-005
) (Filed January 19, 2010)
 Verizon California Inc., a)
 California corporation (U 1002 C),)
)
)
 Defendant.)
 _____)

**MOTION FOR SUMMARY JUDGMENT OF
VERIZON CALIFORNIA INC. (U 1002 C)**

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August 6, 2010

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Pursuant to the telephonic conference in this case, the Administrative Law Judge will resolve the Complaint on the basis of briefs submitted by way of competing motions for summary judgement. Verizon California Inc. (U 1002 C) (Verizon) submits this motion for summary judgment in accordance with the agreement of the parties and the direction of ALJ Ryerson.

SUMMARY OF RELEVANT FACTS

The City of Santa Barbara (the City or Santa Barbara) in 2006 adopted an aerial-to-underground service conversion project on Cliff Drive near its intersection with Meigs Drive, denominated Underground Utility District (UUD) No. 10. The City relies on Southern California Edison's funds allocated to the City under SCE's Rule 20A to pay for UUD No. 10 and asked Verizon to move telephone aerial service underground. Verizon agreed to do so in the public rights of way at its cost under Verizon's Tariff Schedule Cal PUC D&R Sheets 71-73, Rule 40A.1 (hereafter Rule 40). Relying on Rule 40A.1.b and Commission policy, however, Verizon has refused to pay for the underground supporting structure on the private property of affected residential and commercial establishments. The City reads Verizon's tariff differently and has filed the Complaint to compel Verizon to pay for the underground supporting structure on private property.

SUMMARY OF ARGUMENT

The Complaint presents for decision a choice between two interpretations of Verizon's aerial-to-underground service conversion tariff. At issue is whether the term "underground service connection facility" in Rule 40 requires Verizon or owners to assume the cost of providing on the owner's private property the underground supporting structure, which the Commission has defined to include

trenching, conduit, manholes, handholes and pull boxes—that is, essentially everything except the wires or cables that traverse them. The City argues that Verizon must assume that cost; but Commission policy requires the owner to do so.

Rule 40 is admittedly ambiguous because the term “underground service connection facility” is not defined. The City believes there is no ambiguity because Verizon’s tariff defines *service connection* to include underground supporting structure. According to the City, by the definition of service connection, Verizon agrees to pay underground supporting structure wherever it agrees to pay for the service connection. But this simplistic view ignores both that Rule 40 uses a different term—underground service connection facility—and the Commission’s longstanding policy that property owners must equitably share in costs and thus “provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities.”¹

The City’s interpretation would also eviscerate Commission-established uniformity across telecommunications companies. All regulated telecommunications companies have Commission-approved tariffs that require the property owner to assume the cost of the underground supporting structure. The City’s interpretation would leave Verizon as the only telecommunications company with an obligation to assume those costs, an absurd result the rules of tariff interpretation require the Commission to avoid.

¹ See D.73078, 67 CPUC 490, 520 (1967).

The Commission should reject the City's view and adopt Verizon's interpretation. Doing so will continue decades-old Commission policy and maintain uniformity among telecommunications companies.

ARGUMENT

I. VERIZON'S TARIFF RULE 40 CONTAINS AN UNDEFINED TERM CALLING FOR COMMISSION INTERPRETATION IN LIGHT OF COMMISSION POLICY

The City's complaint puts at issue Verizon's obligation under the following Rule 40 provision:

Upon request of the governing body, [t]he Utility will pay for the installation of no more than 100 feet of each customer's ***underground service connection facility*** occasioned by the undergrounding. The governing body may establish a smaller footage allowance or may limit the amount of money to be expended on consumer services in a particular project. The Utility will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground electric service lateral.²

The City's dispute with Verizon revolves around the term "underground service connection facility," nowhere defined in the tariff. The lack of definition causes an obvious ambiguity requiring Commission interpretation.³

Tariffs filed with the Commission equate to administrative regulations, subject to the same rules that govern the interpretation of statutes.⁴ To interpret a tariff the Commission must look first at its language, giving the words their

² Verizon Schedule Cal. PUC D&R 4th Revised Sheet 72, Rule 40A.1.b. (attached hereto as Exhibit 1).

³ See D.87-05-031 (lack of definition of the word "noncontinuous" in tariff creates ambiguity requiring Commission interpretation); Decision 08-10-016 at 105 (*mimeo*) (finding that "[t]he Public Utilities Code does not define "fraud," as the term is used in § 2892.3. Therefore, we must interpret the legislative intent of § 2892.3."); Decision 02-02-051 at 47 (*mimeo*) ("The Commission has ... relied on § 701 to interpret statutes where specific terms are not defined.").

⁴ Decision 05-10-049, n.4 (*citing Zacky & Sons Poultry Co, v. Southern California Edison Company*, D.03-04-058 at 4).

ordinary meaning and “avoiding interpretations which make any language surplus.”⁵ The Commission must interpret the words of a tariff in context and in a reasonable, common-sense way.⁶ If the language of the tariff is clear, the Commission need not look further to interpret the tariff. If ambiguity exists, the Commission may rely on sources beyond the plain language of the tariff, such as the regulatory history and the principles of statutory construction, to interpret the tariff. “The law recognizes that where tariff ambiguities exist, a fair amount of discretion rests with the decision-maker”⁷ to “determine whether an interpretation of a tariff sought by a party is reasonable.”⁸ Included is discretion to interpret a tariff in the utility’s favor.⁹ In this instance, Verizon has the most reasonable interpretation of Rule 40 and the City’s would make language surplus and lead to an absurd result. The Commission should adopt Verizon’s interpretation.

II. VERIZON’S INTERPRETATION OF RULE 40 RELIES ON LONGSTANDING COMMISSION UNDERGROUNDING POLICY AND UNIFORMITY ACROSS COMMUNICATIONS COMPANIES

A. The Commission requires benefiting property owners to pay for the underground supporting structure.

Concerned the costs of undergrounding would unfairly fall on the general ratepayer—even on those who never participated in a conversion project—the Commission in 1967 recognized the need for equitable sharing of costs among all affected by conversion projects. Property owners benefit from conversion

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 13 (*mimeo*).

⁸ *Id.* (emphasis added).

⁹ See D.05-05-048 (resolving ambiguous tariff language in favor of the utility rather than the customer).

projects because property values increase after removal of poles and aerial cables and therefore they should help pay for conversions. Thus the Commission sought a reasonable balance between the larger benefits of undergrounding and the goal of equitable cost sharing:

The Commission is concerned that a reasonable balance be maintained between gaining the advantages of underground service and controlling expenditures so that unreasonable burdens do not fall upon the general ratepayer. For that reason it is important that rules and practices provide alternatives for the division of cost between the utility and the benefitting property owner.¹⁰

To achieve this balance, the Commission directed telecommunications companies to adopt a tariff requiring property owners to “provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities.”¹¹

D.73078 defined underground supporting structure as follows: “[c]onduit, manholes, handholes, and pull boxes where and as required plus trenching costs”¹² This definition, along with the tariff provision, in effect required property owners *to provide everything except the wire or cables* that would run in the underground supporting structure from the property line to the Network Interface Device (or equivalent) on the served structure. The term “underground facilities” in the mandated tariff provision thus referred to the wires/cables. Similarly,

¹⁰ D.73078, 67 CPUC 490, 510 (1967).

¹¹ See D.73078, 67 CPUC at 520.

¹² *Id.* at 518. The Commission defined “Trenching Costs” to include the “[c]ost of excavating, backfilling and compacting, and where necessary, cost of breaking and repaving pavement and of restoring landscaping.” *Id.*

Verizon's use of the term "underground service connection facility" in Rule 40A.1.b refers to wire/cables.

Indeed, the Commission's goal to divide the cost between the utility and the benefitting property owner has never changed. As the Commission noted in D.82-01-18, from the street to the point of connection with customer wiring, the work is "done solely at consumer expense when there is undergrounding conversion."¹³ In that 1982 case, however, the Commission allowed local governments to use *electric utility Rule 20A allocated ratepayer-provided funds*¹⁴ to pay for the "service lateral":¹⁵ local governments may "determine whether all Rule 20 funds go for undergrounding along streets or whether a portion should go to assist customers with part of the conversion expense."¹⁶ The italicized language would not be necessary if the Commission had determined that the customer should pay nothing.

The 1982 decision did not change the basic equitable cost-sharing policy.¹⁷ Even as to electric utilities, the Commission never intended that

¹³ See D.82-01-18, 1982 Cal. PUC LEXIS 21 at *29.

¹⁴ Based on allocations specified in Commission decisions (see, e.g., D.90-05-032, establishing an allocation based on a formula that takes into account overhead meters in relation to total number meters) and memorialized in electric utility tariffs Rule 20, the Commission authorizes electric utilities to spend a certain amount of money each year on conversion projects, and the electric utility records the cost of each project in its electric plant account for inclusion in its rate base upon completion of the project. Then, the Commission authorizes recovery from ratepayers until project costs fully depreciate (D.01-12-009, 2001 Cal. PUC LEXIS 1067, *5 n.5).

¹⁵ D. 82-01-18, Ordering Paragraph 1 ("Each respondent electric utility . . . shall add an unnumbered paragraph to follow A.3 reading, 'Upon request of the governing body, the utility will pay for no more than 100 feet of the customer's underground service lateral.'").

¹⁶ *Id.* at *7.

¹⁷ The Commission's equitable cost-sharing goal permeates not only the conversion rules, but line extension and service connections rules too. While the line extension and service connection rules for new developments have significantly different policy imperatives than do conversion rules, in most cases the customer must share in the costs of the underground supporting structure. Thus, Verizon's Commission-imposed rules for underground service

customers should have a right to demand that they not pay some share of the costs. Instead, it only allowed use of Rule 20A funds upon request and even then, the owner still shared in the communications company's costs. Thus, the City has the absolute discretion not to request use of Rule 20A funds for electric service laterals and in such cases the property owner would equitably share in both the electric and communications company's costs.

B. Telecommunications companies uniformly require property owners to pay for the underground supporting structure.

Consistent with the Commission's longstanding policy that property owners pay an equitable share of conversion costs, all incumbent local exchange companies (ILECs) and small LEC's tariffs include a requirement that the

connections "on the property to be served," state: "(1) Where the Utility determines that buried wire or cable is to be used for the service connection, **the applicant or customer will provide the trench or pay the trenching costs.** Such trench will be to the Utility's plans and specifications between designated points on the building served and the boundary of the "common portion" easement, utility easement or dedicated street, as required. (2) Where the Utility determines that conduit is to be used for the service connection, **the applicant or customer will construct, own and maintain at his expense the underground supporting structure,** unless the underground supporting structure on private property has been deeded to the Utility. Such underground supporting structure will be to the Utility's plans and specifications between designated points on the building served and the boundary of the "common portion" easement, utility easement or dedicated street, as required. Verizon Tariff Rule 34G.2.a (attached hereto as Exhibit 2) (emphasis added).

Rule 34 has similar language with regard to service connections for the *common portion* of properties with two or more buildings on one continuous property. Thus, where burying wires (i.e., not using conduit) Rule 34G.2.b(2) provides for the applicant or customer to pay for trenching, cutting and repaving pavements: (a) **the applicant or customer will provide the trench at the customer's expense,** and to the Utility's plans and specifications between a designated point on the building served and the boundary of the Utility's easement or dedicated street as required, and (b) **the applicant or customer will perform or pay for any pavement cutting and repaving,** and for clearing the route and grading it to within six inches of final grade, all in time to give the Utility a reasonable construction period. The construction period will be determined by the amount and type of work to be performed. Rule 34G.2.b(2) (emphasis added). Where using conduit the rules slightly differ, but the applicant or customer still must construct to Verizon's specifications "the complete undergrounding supporting structure": "(a) the Utility will provide the conduit material, and metallic manhole covers where specified, (or where mutually agreeable, the applicant may provide the conduit material to the Utility's specifications and the Utility will reimburse the applicant or customer at the Utility's current cost for that type of conduit). (b) **the applicant or customer will construct to the Utility's specifications and deed to the Utility the complete underground supporting structure**" Rule 34G.2.b(3) (emphasis added).

benefitting property owner pay for the underground supporting structure. For example, Calaveras's Rule 21,¹⁸ Citizen's Rule 29,¹⁹ Citizens Telecommunications Company of Tuolumne's Rule 22,²⁰ Golden State's Rule 23,²¹ Happy Valley's Rule 22,²² Hornito's Rule 23,²³ Ponderosa's Rule 21,²⁴ Roseville's Rule 22,²⁵ Sierra's Rule 22,²⁶ SureWest's Rule 22²⁷ and Winterhaven's Rule 20²⁸ each provide as follows:

That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.

These tariffs include no language offering to pay for 100 feet of underground service connection facility.²⁹

¹⁸ Calaveras Telephone Company, Cal. P.U.C. Sheet No. 210-T (attached hereto as Exhibit 3).

¹⁹ Citizens Telecommunications Company of California Inc., Schedule Cal. PUC R1, Revised Sheet No. 101 (attached hereto as Exhibit 4).

²⁰ Citizens Telecommunications Company of Tuolumne's Revised Cal. P.U.C. Sheet No. 291-T (attached hereto as Exhibit 5).

²¹ Citizens Telecommunications Company of The Golden State, Revised Cal. P.U.C. Sheet No. 314-T (attached hereto as Exhibit 6).

²² Happy Valley Telephone Company Cal. P.U.C. Sheet No. 209-T (attached hereto as Exhibit 7).

²³ Hornitos Telephone Company Cal. P.U.C. Sheet No. 732-1 (attached hereto as Exhibit 8).

²⁴ The Ponderosa Telephone Co. Cal. P.U.C. Sheet No. 362-T (attached hereto as Exhibit 9).

²⁵ Roseville Telephone Company Schedule CAL. P.U.C. NO. A2, Original Sheet 75 (attached hereto as Exhibit 10).

²⁶ Sierra Telephone Company, Inc. Schedule Cal. P.U.C. No. A2, Sheet 110 (attached hereto as Exhibit 11).

²⁷ SureWest Telephone Schedule CAL. P.U.C. NO. A2, 1st Revised Sheet 75 (attached hereto as Exhibit 12).

²⁸ Winterhaven Telephone Company, Cal. P.U.C. Sheet No.: 255-T (attached hereto as Exhibit 13).

²⁹ Verizon requests the Commission take official notice of Advice Letters and tariffs discussed herein, copies of which are attached as exhibits. Pursuant to the Commission's Rules

Pacific Bell d/b/a AT&T California's tariff includes the language quoted above and, in addition, provides the same language that is the subject of the Complaint:

Upon request of the governing body, The Utility will pay for the installation of no more than 100 feet of each customer's **underground service connection facility** occasioned by the undergrounding. The governing body may establish a smaller footage allowance or may limit the amount of money to be expended on consumer services in a particular project. The Utility will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground electric service lateral.³⁰

But unlike Verizon, AT&T's tariff defines "service connection facility." AT&T specifically limits the definition of "service connection facility" to the "wire/cable, either aerial or underground, used as the entrance facility . . . up to and including the Utility's local loop demarcation point."³¹ AT&T's tariff is thus consistent with the Commission policy that the benefiting property owner pays for the underground supporting structure, which AT&T defines exactly as D.73078 requires.³²

of Practice and Procedure, Rule 13.9, the Commission may take official notice of tariff and advice letters filed with it. Rule 13.9 "allows the Commission to take official notice of such matters as may be judicially noticed by the courts of the State of California. Courts routinely take judicial notice of records within their own files." D.00-08-029 (*citing* Evidence Code section 452(d)). Since Advice Letters and tariffs are within the Commission's own files, the Commission has routinely taken official notice of them and should do so here.

³⁰ AT&T California Schedule Cal P.U.C. No. A2, 1st Revised Sheet 132, Rule 32 (attached hereto as Exhibit 14).

³¹ AT&T California Schedule Cal. PUC No. A2, 4th revised Sheet 24, Rule 1 (attached hereto as Exhibit 15).

³² See AT&T California Schedule Ca. PUC No. A2, 5th Revised Sheet 30 (attached hereto as Exhibit 16) (defining underground supporting structure as "Conduit, manholes, handholes, and pull boxes where and as required plus trenching costs as defined in Trenching Costs preceding"). AT&T's tariff defines *Trenching Costs* as "[c]ost of excavating, backfilling and compacting, and where necessary, cost of breaking and repaving pavement and of restoring landscaping." *Id.*

Interpreting Rule 40 to require Verizon to pay for the underground supporting structure would be an unreasonable and absurd result. That interpretation would make Verizon the only regulated telecommunications company with such an obligation, even though Verizon's tariff seeks to implement a Commission policy uniform across communication companies. The rules of interpretation require the Commission to avoid absurd results³³ and it must therefore reject the City's interpretation.

III. SANTA BARBARA'S INTERPRETATION IS UNREASONABLE BECAUSE IT IGNORES COMMISSION POLICY, INCLUDING UNIFORMITY ACROSS COMMUNICATIONS COMPANIES

In documents attached to the Complaint, Santa Barbara argues that Verizon is obligated to pay for the underground supporting structure because its tariff definition of "Service Connection" includes the term *underground supporting structure*. According to the City, service connection "is identical to and means the same thing as the phrase 'service connection facility' as that term is used in Rule 40A."³⁴ Santa Barbara is wrong. Rule 40A.1.b uses a different term than *underground service connection*—it uses "underground service connection facility." The City cannot simply ignore the word *facility*. Where a defined term is within an undefined term, the courts look to the policy behind a statute.³⁵ Because tariffs are like regulations, that is exactly what the Commission must do here—look to the policy behind conversions. Thus, by addressing a term that is not at issue, the City's interpretation is off-mark and unreasonable. Moreover,

³³ Decision 03-03-045 at 3-4 (*mimeo*).

the City's interpretation ignores the word "facility," violating the tariff interpretation rule of "avoiding interpretations which make any language surplus."³⁶

Under Santa Barbara's interpretation, Verizon would have an obligation under Rule 40A to pay for underground facilities (wire/cables) and the entire underground supporting structure—including trenching and conduit. But Verizon's tariff implements Commission policy and the City's interpretation contradicts that policy. As discussed fully above, the Commission's policy has consistently required those who benefit from conversion projects to share costs, and under the City's interpretation benefitting owners would pay nothing.

Santa Barbara's interpretation is wrong for another reason: the Commission has historically required a definition of the term "service connection" for purposes of new service connections and new construction (including line extensions), never for conversions. D.73078 required communications companies to adopt Appendix C (attached thereto) for new service connections³⁷ and D.76394 ordered adoption of Appendix B thereto related to line extensions to new residential developments.³⁸ The Commission extended the rules related to line extensions to new commercial or industrial developments in D.78294.³⁹ To

³⁴ See Complaint, Exhibit D thereto at 3.

³⁵ See *Kibbe v. Sumski (In re Kibbe)*, 361 B.R. 302 (B.A.P. 1st Cir. 2007) (after analysis of Congressional intent, holding that the undefined term "projected disposable income" is different from the defined term "disposable income").

³⁶ Decision 05-10-049, n.4 (*citing Zacky & Sons Poultry Co, v. Southern California Edison Company*, D.03-04-058 at 4).

³⁷ The Commission required electric utilities to adopt the service connection tariff in Appendix B.

³⁸ D.76394, *affirmed in* D.77187.

³⁹ See also D.78500, Order Extending Time and Clarifying the Intent of Decision 78294 (March 30, 1971) at Ordering Paragraph 3.

further the Commission policies related to these activities, D.78294 ordered telecommunications companies to “file a revised service connection rule” consistent with Appendix C to that decision. Appendix C covers line extensions, but not conversions.

In complying with D.78294 in 1972,⁴⁰ Verizon added “underground supporting structure” to the definition of “service connection,” advancing the line extensions-to-new-developments policy. No plausible argument exists that Verizon revised this definition with regard to conversions—Rule 40 did not include “service connection” or “*underground service connection facility*” in 1972. The latter term was added in 1984.⁴¹ Nor has the Commission ever required Verizon or any other communications company to change its definition of service connection to implement changes to the conversion program.

The City also believes that the term “service lateral” in Rule 40A.1b is ambiguous⁴² and argues that it must be assigned a “working definition.”⁴³ D.82-01-18 required electric utilities upon the request of local authorities to “expend funds allocated to such local authority for up to 100 feet of underground electric lateral for each customer in an undergrounding district.”⁴⁴ D.82-01-18 did

⁴⁰ See Advice Letter 2583 (filed May 27, 1971) (cancelling 3rd Revised Sheet 11 and issuing 4th Revised Sheet 11 of Verizon Schedule Cal. PUC D&R) (attached hereto as Exhibit 17).

⁴¹ See Rule 40 (footer).

⁴² Rule 40A.1.b. provides that “[Verizon] will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground *electric service lateral*.”

⁴³ Complaint, Exhibit D at 4 (arguing that “Verizon does not provide either an express definition or a working definition for the term [service] ‘lateral’ as this term is used in Rules 20 and 40 . . .”).

⁴⁴ D. 82-01-018, Ordering Paragraph 1 (“Each respondent electric utility . . . shall add an unnumbered paragraph to follow A.3 reading, ‘Upon request of the governing body, the utility will pay for no more than 100 feet of the customer's underground service lateral.’”).

not define *lateral*, but the City argues that lateral includes underground supporting structure.⁴⁵ If correct, that argument helps Verizon's case, not the City's. Under Rule 40A.1.b, Verizon provides an underground service connection facility (the wires/cables) only "to the extent the electric utility provides the service lateral." In other words, Verizon will provide wires/cables only where the electric utility provides the underground supporting structure.

CONCLUSION

Both Verizon and the City note ambiguities in Rule 40, thus calling on the Commission to decide which of the parties' interpretations should prevail. The City's interpretation ignores decades of Commission policy on conversions, makes language surplus and leads to the absurd result of Verizon as the only telecommunications company with an obligation to pay for the underground supporting structure in conversions. The Commission has the discretion to choose the most reasonable interpretation of a tariff and Verizon provides an interpretation far superior to the City's, as Verizon's interpretation tracks

⁴⁵ *Id.* (stating that lateral "for purposes of the UUD # 10 Project, includes the costs of trenching, and installing all conduit and wires and cables necessary for each private property customer to receive underground electricity.").

Commission policy and would promote uniformity across telecommunications companies. The Commission should therefore enter summary judgment in Verizon's favor.

Respectfully submitted,

/s/

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Dated: August 6, 2010

EXHIBIT 1

RULE NO. 40

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

1. In Areas Affected by general Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory, to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

a. The governing body of the city or county in which such facilities are located has

(1) Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:

- (a) Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
- (b) Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- (c) Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

(2) Adopted an ordinance creating an underground district in the area requiring, among other things,

- (a) That all existing and future electric and communication distribution facilities will be placed underground, and
- (b) That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available, except as provided in Paragraph A.1.b. below.

(T)

Continued

Advice Letter No. 4887

Issued By
Spencer C. Herzberger
Vice President

Date Filed JUL 23, 1984
Effective AUG 23, 1984

Decision No.

Revenue Requirements

Resolution No.

RULE NO. 40

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - Continued

A. 1. - Continued

- b. Upon request of the governing body, The Utility will pay for the installation of no more than 100 feet of each customer's underground service connection facility occasioned by the undergrounding. The governing body may establish a smaller footage allowance or may limit the amount of money to be expended on consumer services in a particular project. The Utility will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground electric service lateral. (N)
- c. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced. (T)

2. At the Request of Governmental Agencies or Groups of Applicants

In circumstances other than those covered by 1. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

- a. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area, and

Material omitted now shown on 4th Revised Sheet 4.

Continued

Advice Letter No. 4887

Issued By
Spencer C. Herzberger
Vice President

Date Filed JUL 23, 1984
Effective AUG 23, 1984

Decision No.

Revenue Requirements

Resolution No.

RULE NO. 40

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - Continued

A. 2. - Continued

- b. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
- c. The area to be undergrounded includes both sides of a street for at least one block, and
- d. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

3. At the Request of Individual Applicants

In circumstances other than those covered by 1. or 2. above , where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.#

(T)

4. At Utility Initiative

The utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

Includes Income Tax Component as listed in Rule No. 2 Schedule Cal. P.U.C. No. D&R (Definitions & Rules). (N)

Continued

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Keith M. Kramer
Vice President

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Revenue Requirements

Resolution No.

EXHIBIT 2

RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION (T)
ON PREMISES OF CUSTOMER (D)

This Rule is applicable for underground construction of new subdivisions, new real estate developments and for customers in serving areas as defined by maps filed as part of this tariff in Schedule Cal. P.U.C. No. AB. (N)

Also see Schedule Cal. P.U.C. No. A-31 for terms and conditions applicable for aerial and/or underground line extensions and service connections. |

Definitions of terms may be found beginning on Sheet 1 in this schedule. (N)

A. Plant Extensions and Service Connections ¹ (T)

1. Except as otherwise provided in these Rules, the Utility will, at its expense, construct, own and maintain all facilities, up to and including the Utility's local loop demarcation point, necessary to serve applicants in accordance with its rates, rules and current construction standards, provided dedicated streets are available or acceptable easements can be obtained without charge or condemnation. (T)
 (N)

2. Where an applicant requests a route or type of construction which is feasible but differs from that determined by the Utility, the applicant will be required to pay the estimated additional cost involved, as set forth in Part H. of this Rule (T)
 (T)

3. In lieu of all or part of the payment in A.2. preceding, the applicant may furnish such materials or perform such work as may be mutually agreed between the Utility and the applicant. Upon acceptance by the Utility, ownership of any materials so furnished shall vest in the Utility except that portion of underground supporting structures located on private property, unless the underground supporting structure on private property has been deeded to the Utility. (T)
 (T)
 (N)
 (N)

4. In suburban areas, charges for line extensions and service connections apply as set forth in Schedule Cal. P.U.C. No. A-31. (T)

5. Plant extensions and service connections to serve temporary or speculative projects are subject to the provisions of Rule No. 35 in this Schedule. (T)
 (T)

6. Where its own operating conditions warrant, the Utility will construct and maintain its facilities underground at its expense. (T)*

(L)
 |
 (L)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule. (T)

(L) Material formerly on this sheet moved to 5th Revised Sheet 64.1.

* Title text change and change in outline numbering scheme are consistent throughout.

Continued

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION (T)
ON PREMISES OF CUSTOMER - Continued

- A. Plant Extensions and Service Connections - Continued (T)
 - 7. Only underground plant extensions and service connections will be constructed to and within the following types of new subdivisions (see Definitions in this Schedule) or new real estate developments: i.e., projects which do not satisfy the density requirement for a subdivision: (See A.8. and A.9. following for exemptions to this requirement.) (L) (T)
 - a. Five or more lots for single-family and/or multifamily dwellings; unless: (T)
 - (1) The lots within the residential subdivision or real estate development existed as legally described parcels prior to May 5, 1970, and an agreement has been entered into prior to May 5, 1972, with the electric utility for aerial service; or (T)
 - (2) The minimum parcel size within the new residential subdivision or real estate development, identifiable by a map filed with the local governmental authority, is three (3) acres and the applicant for the extension shows that all of the following conditions exist: (T)
 - (a) Local ordinances do not require underground construction. (T)
 - (b) Local ordinances or land use policies do not permit further division of the parcels involved so that parcel sizes less than three (3) acres can be formed. (T)
 - (c) Local ordinances or deed restrictions do not allow more than one single-family dwelling or accommodation on each parcel, or any portion of a parcel, of less than three (3) acres. (T)

(L) Material moved from 13th Revised Sheet 64.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION (T)
ON PREMISES OF CUSTOMER - Continued

A. Plant Extensions and Service Connections - Continued (T)

7. a. (2) - Continued (T)

(d) New aerial plant extensions and service connections constructed to or within a residential subdivision or real estate development would not be in proximity to ¹, and visible from ², a designated scenic highway, state or national park, or other area determined by a governmental agency to be of unusual scenic interest to the general public. (T)

(e) Exceptional circumstances do not exist which in the Utility's opinion warrant the installation of underground plant extension or service connection facilities. Whenever the Utility invokes this provision, the circumstances shall be described promptly in a letter to the Public Utilities Commission, with a copy to the applicant for the extension. (T)

(f) The Utility does not elect to install the extension underground for its own operating convenience. Whenever the Utility elects to install the extension underground for its operating convenience, the extra cost compared with overhead shall be borne by the Utility. (T)

b. Five or more dwelling units in two or more buildings located on a single parcel of land; (T)

c. Two or more enterprises on a single parcel or on two or more contiguous parcels of land; where each enterprise is to be engaged in: trade, the furnishing of services, or a process which creates a product or changes materials into another form or product (e.g., shopping centers; sales, commercial or industrial enterprises; business offices; professional offices; educational or government complexes; shops; and factories). (T)

¹ "In proximity to" shall mean within 1,000 feet from each edge of the right-of-way of designated state scenic highways and from the boundaries of designated parks and scenic areas. (T)

² "Visible from" shall mean that overhead distribution facilities could be seen by motorists or pedestrians traveling along scenic highways or visiting parks or scenic areas. (T)

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

(T)

A. Plant Extension and Service Connections - Continued

(T)

8. If an applicant elects to be served by aerial electrical facilities which are not in violation of a legal prohibition imposed by a municipality, the California Public Utilities Commission or other governmental agency having jurisdiction, the Utility is not obligated to construct underground.

9. In exceptional circumstances, when the application of these rules appears impractical or unjust, the Utility or the applicant may refer the matter to the Public Utilities Commission for special ruling or for approval of mutually agreed upon special conditions, prior to commencing construction.

(T)

(D)

|

(D)

B. Serving Arrangements for Property Under Development

(L) (N)

1. The Utility will determine serving arrangements for properties under development according to the intended use of the property immediately following completion of construction. Under this condition, parcelized continuous property may be served as if the parcels were individually owned properties.

2. Where the immediate intended use of parcelized continuous property is not clear, the Utility may provision each parcel under special construction arrangements as provided in Schedule Cal. P.U.C. A-9.

(N)

(L)

(L) Material formerly on this sheet moved to 4th Revised Sheet 65.4.

Continued

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

(T)

C. Location of Demarcation Points on Continuous Property

(L) (N)

1. Specific Power and/or Space Requirements - where a Local Loop Demarcation Point (LLDP) lacks sufficient power and/or space to support provisioning of new service, the service will be provisioned as close as practicable to the existing demarcation point.
2. For new continuous property, regardless of type of use, the location of the LLDP will be at the appropriate main distribution terminal as determined by negotiations between the Utility and the property owner. Where no agreement can be reached, the Utility will designate the location of the LLDP. The customer must provide adequate termination facilities in accordance with the Schedule A-9 tariff. In the event the property owner does not provide such adequate termination facilities, the Utility will not provide network service to subscribers located on the property of the owner at that location.
3. For existing continuous property, the Utility will designate the main distribution terminal which is the LLDP, for each Local Loop serving the property, for purposes of unbundling of Intrabuilding Cable (INC) in each building. Where there is no main distribution terminal on existing Continuous Property, the current serving arrangement will not change unless and until such time as a rearrangement or reinforcement of serving arrangement and/or additional plant is required after August 8, 1993. At that time, the Utility will treat such property as new continuous property.

(L)

4. Requests for Additional Local Loop Demarcation Points ¹

(D)

If a continuous property owner desires additional LLDP's, the Owner will be required to pay for the additional network cable and network facilities required to install the additional LLDP through special construction agreements as set forth in this Rule in Part H., Special Construction of Exchange Facilities. Additional LLDP cannot be used to extend any cable pairs serving from any LLDP from one location to another location. Only one LLDP per property will be provided by the Utility at no charge.

(D)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

(L) Material formerly on this sheet moved to 4th Revised Sheet 65.4.

(N)

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

(T)

C. Location of Demarcation Points on Continuous Property - Continued

(L) (N)

4. Requests for Additional Local Loop Demarcation Points ¹ - Continued

a. The Utility shall add additional LLDP's or Secondary Demarcation Points as requested by the property owner, or his or her agent only, provided that the following conditions are met:

(1) The property owner agrees, and has the ability to pay for all expenses reasonably incurred.

(2) It is technically feasible. The Utility bears the burden of proving technical infeasibility.

(L)

(3) It is not prohibited by applicable local, state or federal laws, rules or regulations.

(L')

b. The charges for the additional LLDP's or Secondary Demarcation Points depend on each individual project. The cost of the project will include the engineering study costs, loaded labor costs, materials, necessary permits, and applicable taxes to complete the project.

(L')

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

(L) Material formerly on this sheet moved to 5th Revised Sheet 65.5.

(L') Material formerly on this sheet moved to 7th Revised Sheet 65.6.

(N)

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

(T)

C. Location of Demarcation Points on Continuous Property - Continued

(N)

4. Requests for additional Local Loop Demarcation Points ¹ - Continued

(D)

c. The property owner, or his or her agent, will be required to pay the Utility's estimated total cost of the construction in advance. Any difference between the amount advanced and the actual cost shall be remitted by the customer or refunded by the Utility, as the case may be, within sixty (60) days after the customer is mailed notification of the actual cost or completion of the Utility's construction, respectively. ²

(D)

d. The estimated costs of the construction is valid for a period of sixty (60) days from the date of presentation to the property owner, or his or her agent.

(L)

e. The Utility, where feasible, will install an aerial drop from an existing utility pole that supports existing Utility provided telecommunications services to serve a COPT line where the line is located within twenty-five (25) feet of the pole. The charge for the drop will be included in the premises visit charge found in Cal. P.U.C. No. A-41.

f. To the extent that the additional LLDP's or Secondary Demarcation Points result in Utility property being transferred to the property owner, the Utility shall charge the property owner the net book value (recorded cost less accumulated depreciation) of the property. Additional LLDP cannot be used to extend any cable pairs serving from any LLDP from one location to another location. Only one LLDP per property will be provided by the Utility at no charge.

(L)

¹ Includes Income Tax Component as listed in Rule No. 2 in this Schedule.

² Governmental entities as defined in G.O. 96-A, Section X, are excluded from the advance payment requirement of this paragraph.

(N)

(L) Material formerly on this sheet moved to 4th Revised Sheet 65.7.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

C. Location of Demarcation Points on Continuous Property - Continued

5. Relocation of the Local Loop Demarcation Point/Minimum Point of Entry (MPOE) on Continuous Multi-Tenant Property ¹
- a. The Utility shall relocate the LLDP/MPOE as requested by the property owner or his or her agent only, provided that the following conditions are met:
 - (1) The property owner agrees, and has the ability to pay for all relocation expenses reasonably incurred.
 - (2) Relocation is technically feasible. The Utility bears the burden of proving technical infeasibility.
 - (3) Relocation is not prohibited by applicable local, state or federal laws, rules or regulations.
 - b. Any rearrangements or changes involving relocation, removal or replacement of existing cable or wire facilities depend on each individual project and are charged to the customer at cost. The cost of the project will include the engineering study costs, loaded labor costs, materials, necessary permits and applicable taxes to complete the project. The property owner, or his or her agent, will be required to make a nonrefundable deposit to cover the cost of the engineering study, before the Utility provides the estimated total costs of construction. ²
 - c. The property owner, or his or her agent, will be required to pay the Utility's estimated total cost of the construction in advance. Any difference between the amount advanced and the actual cost shall be remitted by the customer or refunded by the Utility, as the case may be, within sixty (60) days after the customer is mailed notification of the actual cost or completion of the Utility's construction, respectively. ²
 - d. The estimated costs of the construction are valid for a period of sixty (60) days from the date of presentation to the property owner, or his or her agent.
 - e. To the extent that the relocation of the LLDP/MPOE results in Utility property being transferred to the property owner, the Utility shall charge the property owner the net book value (recorded cost less accumulated depreciation) of the property.

(N)
 (L)
 (L)
 (L¹)
 (L¹)
 (N)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

² Governmental entities as defined in G.O. 96-A, Section X, are excluded from the advance payment requirement of this paragraph.

(L) Material formerly on this sheet moved to 4th Revised Sheet 65.7.

(L¹) Material formerly on this sheet moved to 4th Revised Sheet 65.8.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

D. Aerial Plant Extensions

Aerial plant extensions will be constructed at the Utility's expense except when A-31 charges apply.

(L) (L²)(T)
 | (T)

E. Underground Plant Extensions

1. New Subdivision Underground Plant Extensions

a. Within subdivisions in their entirety where all or a portion of the requirement will be for residential service, business service, or a combination of both, the Utility will determine the requirements for the underground supporting structure.

(L)
 | (L¹)
 | (C)
 | (C)

(1) The Utility will construct underground plant extensions at its expense. Where all requirements are for residential service, trenches will be occupied jointly, where economy dictates, upon payment by the Utility of its pro rata cost thereof to provide residential service.

(T)
 (T)

(2) The applicant will perform or pay for any pavement cutting and repaving, and for clearing the route and grading it to within six inches of final subgrade, all in time to give the Utility a reasonable construction period. The construction period will be determined by the amount and type of work to be performed.

(L²)

(3) The Utility will provide the conduit material, and metallic manhole covers where specified, (or where mutually agreeable, the applicant may provide the conduit material to the Utility's specifications and the Utility will reimburse the applicant at the Utility's current cost for that type of conduit).

(L³)
 (L¹)

(4) If the specifications (in (6) below) include transiting conduit to serve parcels outside the subdivision, the Utility will provide all conduit material and reimburse the applicant his incremental cost attributable to transiting conduits over and above a total of four local and transiting conduits in any section of the underground supporting structure. The applicant and the Utility shall agree upon the amount of such reimbursement before construction begins.

(T)

(5) The applicant shall be responsible for loss, unreasonable breakage and any liability in connection with the conduit material or manhole covers provided to the applicant by the Utility.

(6) The applicant will construct to the Utility's specifications and deed to the Utility the complete underground supporting structure. ¹

(L³)(T)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

(N)

(L) Material formerly on this sheet moved to 4th Revised Sheet 65.8.
 (L¹) Material formerly on this sheet moved to 6th Revised Sheet 65.9.
 (L²) Material moved from 4th Revised Sheet 64.3.
 (L³) Material moved from 7th Revised Sheet 65.

Continued

RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

E. Underground Plant Extensions - Continued

1. New Subdivision Underground Plant Extensions - Continued

b. From new subdivisions to the Utility's existing distribution facilities;

- (1) The first 200 feet or less of an extension which is adjacent to the boundary of a new subdivision will be constructed subject to the conditions stated in E.1.a preceding.
- (2) For the remainder of an extension outside the boundary of a new subdivision, the applicant will pay in advance a nonrefundable amount equal to three-fourths of the estimated difference in cost between underground and aerial facilities. ¹

(L¹) (T)
(L) (N)
(L) (T)
(L¹) (T)
(L²)
(L¹)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

(N)

(L) Material formerly on this sheet moved to 6th Revised Sheet 65.9.
(L¹) Material formerly on this sheet moved to 2nd Revised Sheet 65.10.
(L²) Material moved from 6th Revised Sheet 65.1.

Continued

RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

- | | | | |
|----|--|-------------------|-------------------|
| E. | Underground Plant Extensions - Continued | (L ¹) | (T) |
| | 2. New Real Estate Developments Where Density Requirements Are Not Satisfied | (L) | (N) |
| | a. Plant extensions to and within new real estate developments in their entirety which do not satisfy the density requirement for a subdivision, will be constructed in the manner determined in E.1 preceding provided that: | (L) | (T) |
| | (1) The applicant will pay in advance the estimated total cost of the Utility's construction. ¹ Any difference between the amount advanced and the actual cost shall be advanced or refunded, as the case may be, within 60 days after completion of the Utility's construction. This adjusted advance, excluding any payments required by E.1.b.(2) above, is refundable as provided in the following: | | (T) |
| | (2) When, within the first three-year period after completion of the Utility construction, the subdivision density requirement of one line per acre has been met, upon written request from the developer/customer, the Utility will return the refundable advance in E.2.a.(1) preceding. | | (T) |
| | If, at the end of the three-year period the subdivision density requirement has not been met, upon written request from the developer/customer, the Utility will return that portion of the refundable advance proportional to the ratio of the then permanent telephone line termination density to the subdivision density requirement. No interest will be paid on such advances. | | (L ¹) |

¹ Governmental entities as defined in G.O. 96-A, Section X, are excluded from the advance payment requirements of this paragraph. (N)
 (N)

(L) Material formerly on this sheet moved to 2nd Revised Sheet 65.10.

(L¹) Material moved from 6th Revised Sheet 65.1.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

(T)

F. Aerial Service Connection Facilities

(L) (T)

1. Aerial service connection from aerial distribution facilities are furnished at the Utility's expense except when A-31 charges apply.

(T)
(T)

2. Aerial service connection from underground distribution facilities are not provided unless an applicant specifically requests such an arrangement. Such an arrangement must be feasible and permissible, in which case applicant will pay in advance a nonrefundable amount equal to the estimated total cost of arranging the distribution facilities to accommodate an aerial service connection. ¹ Any difference between the amount advanced and the actual cost will be remitted or refunded as the case may be, within sixty (60) days after the actual cost is determined by the Utility.

(N)
|
(N)

3. Applicant will provide and maintain a suitable point of attachment on the building housing the premises served to give clearance between the service connection wire or cable and ground and other objects as required by applicable laws, ordinances, rules or regulations of public authorities.

G. Underground Service Connections

(T)

When applicant requests, or is required to have, underground facilities, the Utility will furnish them under the following conditions:

1. To the Property to be Served

a. Where a service connection facility will be connected to underground distribution facilities, that portion of the service connection facility not on the property to be served will be constructed by the Utility without charge, provided that:

(L)

(1) If an underground line extension is being constructed for a new real estate development as provided in E.2.a. preceding, the Utility's costs of those portions of service connection facilities to the properties to be served are also subject to the advance and refund provisions of E.2.a.

(L') (T)
|
(T)

(2) Trenches will be occupied jointly, where economy dictates, upon payment by the Utility of its pro rata cost thereof. However, if soil conditions or topography will cause trenching costs to materially exceed the Utility's average trenching costs, the applicant may be required to pay a nonrefundable amount equal to such excess costs.

(L')

¹ Governmental entities as defined in G.O. 96-A, Section X, are excluded from the advance payment requirements of this paragraph.

(N)
(N)

(L) Material moved from 5th Revised Sheet 65.2.

(L') Material moved from 4th Revised Sheet 65.3.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

G. Underground Service Connections - Continued (L)

1. To the Property to be Served - Continued

b. Where the service connections will be connected to aerial distribution facilities, the applicant will be required to pay in advance a nonrefundable amount equal to three-fourths of the estimated difference in the cost of constructing underground and equivalent aerial facilities for that portion of the underground service connections not on the property to be served. ¹ (L)

c. Where the customer requests additional service connection facilities to be connected to underground distribution facilities, that portion of the additional service connection facilities not on the property to be served will be constructed as set forth in this Rule in Part H, Special Construction of Exchange Facilities. (N)

2. On the Property to be Served ² (L)

For the purpose of this rule: A service connection (or a branch thereof) intended to serve all or a portion of one building is denoted as being separate. Where a single service connection is intended to serve two or more buildings on one continuous property, the section extending from the property line and excluding the "separate" branches to individual buildings is denoted as the common portion.

a. The trench or underground supporting structure for a "separate" service connection, and for any "common portion" for which an easement acceptable to the Utility is not obtainable without charge or condemnation, will be provided as follows:

(1) Where the Utility determines that buried wire or cable is to be used for the service connection, the applicant or customer will provide the trench or pay the trenching costs. Such trench will be to the Utility's plans and specifications between designated points on the building served and the boundary of the "common portion" easement, utility easement or dedicated street, as required. (L)

(2) Where the Utility determines that conduit is to be used for the service connection, the applicant or customer will construct, own and maintain at his expense the underground supporting structure, unless the underground supporting structure on private property has been deeded to the Utility. Such underground supporting structure will be to the Utility's plans and specifications between designated points on the building served and the boundary of the "common portion" easement, utility easement or dedicated street, as required. (L¹)

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule. (N)

² The applicant will provide or arrange for the rights necessary for the Utility to place service facilities on the parcel of property occupied by the applicant and/or to cross the intervening parcel or parcels of property except where the applicant is located on U.S. Government land or on private property surrounded by U. S. Government land as required by federal law. These access rights are considered as part of the applicants' continuous property. (N)

(L) Material moved from 4th Revised Sheet 65.3.

(L¹) Material moved from 4th Revised Sheet 65.4.

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RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

- G. Underground Service Connections - Continued (T)
- 2. On the Property to be Served - Continued (T)
 - b. Where feasible, a single service connection will be constructed to serve two or more buildings on one continuous property. If an easement acceptable to the Utility for the "common portion" of such an arrangement has been obtained without charge or condemnation, the trench or underground supporting structure for the "common portion" and those segments of separate portions lying within the boundary of the easement will be constructed as set forth in this paragraph. Unless otherwise agreed between the applicant/customer and the Utility, the width of such easement shall not exceed five feet. However, where the easement of the "common portion" is adjacent to or within the paved area of a private street giving access to two or more buildings, such easement shall be broadened where required so as to include those portions of "separate" service connections that will be constructed beneath the street pavement. (L)
 - (1) Where all requirements will be for residential service:
 - (a) the Utility will provide the trench or underground supporting structure at its expense, provided that (T)
 - (b) the applicant or customer performs or pays for any pavement cutting and repaving, and for clearing the route and grading it to within six inches of final grade, all in time to give the Utility a reasonable construction period. The construction period will be determined by the amount and type of work to be performed. (T)
 - (2) Where all or a portion of the requirement will be for business service and the Utility determines that buried wire or cable is to be used: (L')
 - (a) the applicant or customer will provide the trench at the customer's expense, and to the Utility's plans and specifications between a designated point on the building served and the boundary of the Utility's easement or dedicated street as required, and (C)
 - (b) the applicant or customer will perform or pay for any pavement cutting and repaving, and for clearing the route and grading it to within six inches of final grade, all in time to give the Utility a reasonable construction period. The construction period will be determined by the amount and type of work to be performed. (L')

(L) Material moved from 4th Revised Sheet 65.4.

(L') Material moved from 5th Revised Sheet 65.5.

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PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

G. Underground Service Connections - Continued

2. On the Property to be served - Continued

b. - Continued

(3) Where all or a portion of the requirement will be for business service and the Utility determines that conduit is to be used for underground supporting structure:

- (a) the Utility will provide the conduit material, and metallic manhole covers where specified, (or where mutually agreeable, the applicant may provide the conduit material to the Utility's specifications and the Utility will reimburse the applicant or customer at the Utility's current cost for that type of conduit).
- (b) the applicant or customer will construct to the Utility's specifications and deed to the Utility the complete underground supporting structure, and
- (c) the applicant or customer shall be responsible for loss, unreasonable breakage and any liability in connection with the conduit material or manhole covers provided to the applicant by the Utility.

c. In either G.2.a. or G.2.b. above, the Utility will, at its expense, furnish, install and maintain the service connection wire or cable to the primary local loop demarcation point.

3. Existing service connection facilities will be reinforced as required to accommodate added service requests under the conditions set forth above.

(L)
 (T)
 (L) (T)
 (L')
 (L')

(L) Material moved from 5th Revised Sheet 65.5.
 (L¹) Material moved from 7th Revised Sheet 65.6.

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 Effective JAN 26, 2006

Decision No.

Executive Director
 Regulatory Affairs

Resolution No.

RULE NO. 34

PLANT EXTENSIONS, SERVICE CONNECTIONS, AND SPECIAL CONSTRUCTION
ON PREMISES OF CUSTOMER - Continued

H. Special Construction of Exchange Facilities

(N)

1. Special Provision of Facilities and Service

- a. Plant Extensions and Service Connections on Customer's Premises or new facilities to provide exchange telephone service to applicants/customers will be furnished up to and including the Utility's local loop demarcation point as set forth in this schedule. Where the new facilities are in suburban areas, charges for line extensions and service connection facilities are set forth in Schedule Cal. P.U.C. No. A-31.
- b. For the provision of miscellaneous service when the item is a component of other service or a system and no other nonrecurring charge is applicable, then the actual cost of work performed is applicable as set forth in Schedule Cal. P.U.C. No. A-41.
- c. Applicants/customers may request service arrangements or facilities in the provision of their service which are beyond those normally provided by the Utility. When such an applicant/customer requirement exists, the Utility may furnish, where operating conditions permit, up to and including its local loop demarcation point, such other arrangements as the applicant/customer requests. For charges, based on the costs of providing such additional service or facility arrangements, see below.

2. Charges for Special Provision of Facilities and Service ¹

- a. Charges based on costs are applicable to special provision of facilities and service. An advance payment of 100% of estimated cost will be required by the Utility to protect its investment. The amount of the advance payment will be credited to the customer's account upon completion of the construction and the billing for the service arrangement. ²
- b. Charges may be quoted based on the material used and labor required that the Utility may provide in connection with the outside plant and central office facilities to provide the arrangement requested.

¹ Include Income Tax Component as listed in Rule No. 2 in this Schedule.

² Governmental entities as defined in G.O. 96-A, Section X, are excluded from the advance payment requirements of this paragraph.

(N)

Continued

Advice Letter No. 11,355

Issued By

Date Filed NOV 15, 2005
Effective JAN 26, 2006

Decision No.

Executive Director
Regulatory Affairs

Resolution No

EXHIBIT 3

RULE NO. 21

(N)

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(N)

(Continued)

(To be inserted by the utility)
Advice Letter No. 19

Issued by
Name
Howard J. Tower
NAME
President
TITLE

(To be asserted by Cal. P.U.C.)
Date Filed 11-17-67
Effective 11-22-67
Resolution No.

Decision No. 73078

U-28
65040-10-000

Rule No. 21

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area,* and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

* Includes Income Tax gross-up in Rule No. 3, paragraph H.

(T)

(To be inserted by utility)	Issued by	(To be inserted by Cal. P.U.C.)	
Advice Letter No. 159	Howard J. Tower	Date Filed	MAY 05 1993
	NAME	Effective	AUG 08 1993
Decision No 92-01-023	President		
	TITLE	Resolution No.	T15352

RULE NO. 21

(N)

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative.

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(N)

360301-107000

(To be inserted by utility)
Advice Letter No. 19

Decision No. 73078

68272.765 3-66 5M OSP

Issued by
Howard J. Tower
(Name)
Manager
(Title)

(To be inserted by Cal. P.U.C.)
Date Filed 11-17-67

Effective 11-23-67
Resolution No.

EXHIBIT 4

R1 GENERAL REGULATIONS (Continued)

1.1 RULES (Continued)

1.1.29 RULE NO. 29 - FACILITIES TO PROVIDE REPLACEMENT OF
AERIAL WITH UNDERGROUND FACILITIES

- A. In Areas Affected By General Public Interest - The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost of condemnation, by the Utility, provided that:
1. The governing body of the city or county in which such facilities are located has determined, after consultation and mutual concurrence with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 - a. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 - b. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 - c. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public;
 2. An ordinance is adopted creating an underground district in the area requiring, among other things:
 - a. That all existing and future electric and communication distribution facilities will be placed underground;

(To be inserted by utility)

(Continued)

(To be inserted by Cal. P.U.C.)

ADVICE LETTER No. 559

DECISION No. 95-03-017

Robert S. Crum
Vice President Western Region
Telephone Operations

DATE FILED _____

EFFECTIVE DATE _____

RESOLUTION No. _____

R1 GENERAL REGULATIONS (Continued)

1.1 RULES (Continued)

1.1.29 RULE NO. 29 - FACILITIES TO PROVIDE REPLACEMENT OF
AERIAL WITH UNDERGROUND FACILITIES (Continued)

- A. (Continued)
- 2. (Continued)

b. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.

- 3. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

B. At the Request of Governmental Agencies or Groups of Applicants - In circumstances other than those covered above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

- 1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area. *
- 2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property.

* Includes Federal Income Tax component as Listed in Rule No. 3, Paragraph C.

(To be inserted by utility)

(Continued)

(To be inserted by Cal. P.U.C.)

ADVICE LETTER No. 559

Robert S. Crum

DATE FILED _____

Vice President Western Region

EFFECTIVE DATE _____

DECISION No. 95-03-017

Telephone Operations

RESOLUTION No. _____

R1 GENERAL REGULATIONS (Continued)

1.1 RULES (Continued)

1.1.29 RULE NO. 29 - FACILITIES TO PROVIDE REPLACEMENT OF
AERIAL WITH UNDERGROUND FACILITIES (Continued)

B. (Continued)

3. The area to be undergrounded includes both sides
of a street for a least one block.

4. Arrangements are made for the concurrent removal
of all electric and communication aerial
distribution facilities in the area.

C. At the Request of Individual Applicants - In
circumstances other than those covered above,
where mutually agreed upon by the Utility and an
applicant, aerial facilities may be replaced with
underground facilities, provided the applicant
requesting the change pays, in advance, a
nonrefundable sum equal to the estimated cost of
construction less the estimated net salvage value
of the replaced aerial facilities.

D. At Utility Initiative - The Utility may, from time
to time, replace sections of its aerial facilities
with underground facilities at Utility expense for
structural design considerations or its operating
convenience.

(Continued)

(To be inserted by utility)

ISSUED BY

(To be inserted by Cal. P.U.C.)

ADVICE LETTER No. 559

Robert S. Crum

DATE FILED _____

Vice President Western Region

EFFECTIVE DATE _____

DECISION No. 95-03-017

Telephone Operations

RESOLUTION No. _____

EXHIBIT 5

Rule No. 23

**FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES**

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or country in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(Continued)

Rule No. 23

**FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES**
(Continued)

I. Replacement of Aerial with Underground Facilities (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area, and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

(Continued)

Advice Letter No.	<u>7</u>	Issued By: F. WayneLafferty	Date Filed	<u>5/20/96</u>
Decision No.	_____	Assistant Vice President	Effective	<u>6/1/97</u>
	_____	Telecom - Regulatory Affairs	Resolution No.	<u>T-15998</u>

Rule No. 23

**FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES**
(Continued)

I. Replacement of Aerial with Underground Facilities (Continued)

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at utility expense for structural design considerations or its operating convenience.

E. Any advances or customer contributions collected as a result of this tariff may be subject to the Income Tax Component. (See Rule and Regulation No. 15)

Advice Letter No.	<u>7</u>	Issued By: F. WayneLafferty	Date Filed	<u>5/20/96</u>
Decision No.	_____	Assistant Vice President	Effective	<u>6/1/97</u>
		Telecom - Regulatory Affairs	Resolution No.	<u>T-15998</u>

EXHIBIT 6

Rule No. 23

**FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES**

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

- 1. The governing body of the city or country in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 - 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 - 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 - 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 - 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 - 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
- 2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

Advice Letter No. 7
Decision No. _____

Issued By: F. Wayne Lafferty
Assistant Vice President
Telecom - Regulatory Affairs

Date Filed May 20, 1996
Effective June 1, 1997
Resolution No. T-15997

Rule No. 23

**FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES**

(Continued)

I. Replacement of Aerial with Underground Facilities (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area, and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a non-refundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

E. Any advances or customer contributions collected as a result of this tariff may be subject to the Income Tax Component. (See Rule and Regulation No. 15).

(L)
(L)

Advice Letter No. 7
Decision No. _____

Issued By: F. Wayne Lafferty
Assistant Vice President
Telecom - Regulatory Affairs

Date Filed May 20, 1996
Effective June 1, 1997
Resolution No. T-15997

EXHIBIT 7

Original

Cal. P.U.C. Sheet No. 209-T
Cal. P.U.C. Sheet No.

Canceling

ROLE NO.22

(N)

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(N)

(Continued)

(To be inserted by utility)

Advice Letter No. **73078** 22
Decision Bo.

Issued by
K. J. Waters
President
TITLE

(To be inserted by Cal. P.U.C.)

Date Filed **NOV 30 1967**
Effective **DEC 5 1967**
Resolution No.

000001-102000

Rule No. 22

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area,* and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

(T)

*: Includes Income Tax gross-up in Rule No. 3, paragraph H.

(T)

(Continued)

(To be inserted by utility)
Advice Letter No 138
Decision No 92-01-023

Issued by
Harald L. Kluis
NAME
President
TITLE

(To be inserted by Cal. P.U.C.)
Date Filed **MAY 07 1993**
Effective. **AUG 08 1993**
Resolution No **T 1 53 5 2**

Original Cal. P.U.C. Sheet No. 211-T
Canceling Cal. P.U.C. Sheet No.

RULE NO. 22 (N)

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative.

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(N)

(To be inserted by utility)

Advice Letter No. 22
Decision No. 73078

Issued by
K. J. Waters
(Name)
President
(Title)

(To be inserted by Cal. P.U.C.)

Date Filed NOV 30 1967
Effective: DEC 1 1967
Reeolution No.

EXHIBIT 8

Original

Cal. P.U.C. Sheet No. 144-1

Caseling

Cal. P.U.C. Sheet No. _____

RULE 10.

(N)

FACILITIES TO BE REPLACED BY UNDERGROUND FACILITIES

I. Replacement of Aerial with Underground Facilities

A. In areas affected by General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property, across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(continued)

Advice Letter No. 73078
Decision No.

Issued by

By _____
Title _____

Received by _____

Date Filed

Effective

Resolution No.

Rule No. 23

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area,* and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

(T)

*: Includes Income Tax gross-up in Rule No. 3, paragraph H.

(T)

(Continued)

(To be inserted by utility)
Advice Letter No. 128
Decision No. 92-01-023

Issued by
Harald L. Kluis
NAME
President
TITLE

(To be inserted by Cal. P.U.C.)
Date Filed: **MAY 06 1993**
Effective: **AUG 03 1993**
Resolution No. **115852**

ALL RIGHTS RESERVED (N)

REPLACEMENT OF AERIAL FACILITIES WITH UNDERGROUND FACILITIES
(Continued)

I. Replacement of Aerial with Underground Facilities - Allowed

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant, requesting the change pays, in advance, a non-refundable sum equal to the estimated cost of construction less the estimated net salvage value of the existing aerial facilities.

D. At Utility Initiative.

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(N)

EXHIBIT 9

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 47

J. E. Bigelow
NAME

Date Filed DEC 5 1957
DEC 10 1957

Decision No. 73078

Executive Vice President
TITLE

Effective
Resolution No.

Rule No. 21

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(Continued)

I. Replacement of Aerial with Underground Facilities - (Continued)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

- 1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area 1 and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

Note 1: Includes Federal Income Tax and California Corporate Franchise Tax gross-up amount, as listed in Rule No. 3, Paragraph G.1.

(C)

(Continued)

(To be inserted by utility)

Issued by

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Advice Letter No. 181

E. L. Silkwood
NAME

Date Filed OCT 23 1991
Effective

Decision No.

President
TITLE

Resolution No. E-3243

RULE NO. 21

(N)

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(Continued)

I. Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants.

In circumstances other than those covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative.

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(N)

(Continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice Letter No. 47

J. E. Bigelow
NAME

Date Filed DEC 5 1957
DEC 10 1957

Decision No. 73078

President
TITLE

Effective

Resolution No.

660301-10.000

EXHIBIT 10

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(1) In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

(a) The governing body of the city or county in which such facilities are located has

(1) Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:

- (a) Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
- (b) Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- (c) Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

(2) Adopted an ordinance creating an underground district in the area requiring, among other things,

- (a) That all existing and future electric and communication distribution facilities will be placed underground, and

(Continued)

	<u>Issued By</u>	<u>Date Filed</u>
<u>Advice Letter No. 326</u>	<u>Brian H. Strom</u>	<u>Effective JUN 15 1993</u>
<u>Decision No.</u>	<u>President - CEO</u>	<u>Resolution No.</u>

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(1) In Areas Affected By General Public Interest. - (Cont'd)

(a) (Cont'd)

(2) (Cont'd)

(b) That each property owner will provide and maintain the underground supporting structure needed on the owners property to furnish service to the owner from the underground facilities of the Utility when such are available.

The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(2) At the Request of Governmental Agencies or Groups of Applicants

In circumstances other than those covered by 1. above, the Utility will replace its aerial facilities located in a specific area with underground facilities along public streets and roads, and on public lands and private property across which right-of-ways satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

(a) All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility right-of-ways in the area, and

(b) All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and

(Continued)

	<u>Issued By</u>	Date Filed _____
Advice Letter No. <u>326</u>	<u>Brian H. Strom</u>	Effective <u>JUN 15 1993</u>
Decision No. _____	<u>President - CEO</u>	Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(2) At the Request of Governmental Agencies or Groups of Applicants - (Cont'd)

(c) The area to be undergrounded includes both sides of a street for at least one block, and

(d) Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

(e) A Federal and State Income Tax component as shown in Schedule Cal. P.U.C. A2, 2.1.3, "Application for Service," (E), will apply.

(T)
(T)

(3) At the Request of Individual Applicants

(a) In circumstances other than those covered by 1. or 2. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

(b) A Federal and State Income Tax component, as shown in Schedule Cal. P.U.C. A2, 2.1.29, "Special Construction of Exchange Facilities," (E), will apply.

(T)
(T)

(4) At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(Continued)

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Decision No. _____	<u>President - CEO</u>	Resolution No. _____

EXHIBIT 11

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has:
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road, or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said street, road, or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things:
 1. That all existing and future electric and communication distribution facilities will be placed underground; and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES - Continued

Replacement of Aerial with Underground Facilities - Continued

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by 2.1.22.A. preceding, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area;* and
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property; and
3. The area to be undergrounded includes both sides of a street for at least one block; and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - Continued

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES - Continued

Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants

In circumstances other than those covered by 2.1.22.A. or B. preceding, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a non-refundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.*

D. At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

*Includes Federal Income Tax and California Corporate Franchise Tax gross-up. See 2.1.3, Rule 3, Application for Service, Paragraph I.

(Continued)

(To be inserted by utility)

Advice Letter No. 365a

Decision No. 07-01-024

Issued by

Harry H. Baker

NAME

President

TITLE

(To be inserted by Cal. P.U.C.)

Date Filed May 29, 2008

Effective August 4, 2008

Resolution No. _____

EXHIBIT 12

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

(1) In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

(a) The governing body of the city or county in which such facilities are located has

(1) Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:

(a) Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;

(b) Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;

(c) Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

(2) Adopted an ordinance creating an underground district in the area requiring, among other things,

(a) That all existing and future electric and communication distribution facilities will be placed underground, and

(Continued)

	Issued By	Date Filed <u>SEP 10 2003</u>
Advice Letter No. <u>839</u>	<u>Brian H. Strom</u>	Effective <u>OCT 24 2003</u>
Decision No. _____	<u>President - CEO</u>	Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(1) In Areas Affected By General Public Interest. - (Cont'd)

(a) (Cont'd)

(2) (Cont'd)

- (b) That each property owner will provide and maintain the underground supporting structure needed on the owners property to furnish service to the owner from the underground facilities of the Utility when such are available.

The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(2) At the Request of Governmental Agencies or Groups of Applicants

In circumstances other than those covered by 1. above, the Utility will replace its aerial facilities located in a specific area with underground facilities along public streets and roads, and on public lands and private property across which right-of-ways satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

- (a) All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility right-of-ways in the area, and
- (b) All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and

(Continued)

	Issued By	Date Filed <u>SEP 10 2003</u>
Advice Letter No. <u>839</u>	<u>Brian H. Strom</u>	Effective <u>OCT 24 2003</u>
Decision No. _____	<u>President - CEO</u>	Resolution No. _____

A2. GENERAL REGULATIONS

2.1 RULES - (Cont'd)

2.1.22 RULE 22 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(A) REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES - (Cont'd)

(2) At the Request of Governmental Agencies or Groups of Applicants - (Cont'd)

(c) The area to be undergrounded includes both sides of a street for at least one block, and

(d) Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

(e) A Federal and State Income Tax component as shown in Schedule Cal. P.U.C. A2, 2.1.3, "Application for Service," (E), will apply.

(3) At the Request of Individual Applicants

(a) In circumstances other than those covered by 1. or 2. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

(b) A Federal and State Income Tax component, as shown in Schedule Cal. P.U.C. A2, 2.1.29, "Special Construction of Exchange Facilities," (E), will apply.

(4) At Utility Initiative

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(Continued)

	Issued By	Date Filed <u>SEP 10 2003</u>
Advice Letter No. <u>839</u>	<u>Brian H. Strom</u>	Effective <u>OCT 24 2003</u>
Decision No. _____	<u>President - CEO</u>	Resolution No. _____

EXHIBIT 13

RULE NO. 20

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

(N)

I. Replacement of Aerial with Underground Facilities

A. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility, provided that:

1. The governing body of the city or county in which such facilities are located has
 - a. Determined, after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:
 1. Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
 2. Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
 3. Said Street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.
 - b. Adopted an ordinance creating an underground district in the area requiring, among other things,
 1. That all existing and future electric and communication distribution facilities will be placed underground, and
 2. That each property owner will provide and maintain the underground supporting structure needed on his property to furnish service to him from the underground facilities of the Utility when such are available.
2. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

(N)

(Continued)

(To be inserted by utility)
Advice Letter No.:

Decision No.:

Issued by
K. J. Waters
NAME
President
TITLE

(To be inserted by Cal.P.U.C.)
Date Filed:
Effective:
Resolution No.:

Rule No. 20

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

(Continued)

I. Replacement of Aerial with Underground Facilities - (Continued) (T)

B. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by A. above, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads, and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

1. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing, or are required by suitable legislation, to pay the cost or to provide and to transfer ownership to the Utility, of the underground supporting structure along the public way and other utility rights-of-way in the area, 1 and (C)
2. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and
3. The area to be undergrounded includes both sides of a street for at least one block, and
4. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

Note 1: Includes Income Tax gross-up in Rule No. 3 under the Special Construction of Facilities section. (N)
(N)

(Continued)

(To be inserted by utility)
Advice Letter No.: 32

Issued by
Harald L. Waters
NAME
President
TITLE

(To be inserted by Cal.P.U.C.)
Date Filed: June 1, 1992
Effective: June 6, 1992

Decision No.: 88-06-023

Resolution No.: E-3243

RULE NO. 20

FACILITIES TO PROVIDE REPLACEMENT OF AERIAL
WITH UNDERGROUND FACILITIES

(Continued)

(N)

I. Replacement of Aerial with Underground Facilities - Continued

C. At the Request of Individual Applicants.

In circumstances other than those-covered by A. or B. above, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.

D. At Utility Initiative.

The Utility may, from time to time, replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

(N)

(To be inserted by utility)
Advice Letter No.:

Issued by
K. J. Waters
NAME
President
TITLE

(To be inserted by Cal.P.U.C.)
Date Filed:
Effective:
Resolution No.:

Decision No.:

EXHIBIT 14

NETWORK AND EXCHANGE SERVICES
A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH
UNDERGROUND FACILITIES

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES

1. In Areas Affected By General Public Interest.

The Utility will, at its expense, replace its existing aerial facilities with underground facilities along public streets and roads and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained or may be obtained without cost or condemnation, by the Utility, provided that the governing body of the city or county in which such facilities are located has:

a. Determined after consultation with the Utility and after holding public hearings on the subject, that undergrounding is in the general public interest in a specified area for one or more of the following reasons:

- (1) Such undergrounding will avoid or eliminate an unusually heavy concentration of aerial facilities;
- (2) Said street, or road or right-of-way is in an area extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- (3) Said street, road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public.

b. Adopted an ordinance creating an underground district in the area requiring, among other things:

- (1) That all existing and future electric and communication distribution facilities will be placed underground, and
- (2) That each property owner will provide and maintain the underground supporting structure needed on their property to furnish service to them from the underground facilities of the Utility when such are available, except as provided in A.1.c following.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

1. In Areas Affected By General Public Interest (Cont'd)

- c. Upon request of the governing body the Utility will pay for the installation of no more than 100 feet of each customer's underground service connection facility occasioned by the undergrounding. The governing body may establish a smaller footage allowance or may limit the amount of money to be expended on a single customer's service, or the total amount to be expended on consumer services in a particular project. The Utility will pay for the installation of each customer's underground service connection facility at the time and only to the extent that the electric utility pays for the customer's underground electric service lateral.
- d. The Utility will replace its aerial facilities at the time and only to the extent that the overhead electric distribution facilities are replaced.

2. At the Request of Governmental Agencies or Groups of Applicants.

In circumstances other than those covered by 1. preceding, the Utility will replace its aerial facilities located in a specified area with underground facilities along public streets and roads and on public lands and private property across which rights-of-way satisfactory to the Utility have been obtained, or may be obtained without cost or condemnation, by the Utility upon request by a responsible party representing a governmental agency or group of applicants where all of the following conditions are met:

- a. All property owners served by the aerial facilities to be replaced within a specific area designated by the governmental agency or group of applicants first agree in writing or are required by suitable legislation to pay the cost or to provide and to transfer ownership to the Utility of the underground supporting structure along the public way and other Utility rights-of-way in the areal, and
- b. All property owners in the area are required by ordinance or other legislation, or all agree in writing, to provide and maintain the underground supporting structure on their property, and

NOTE 1: Includes Income Tax gross-up amount, as listed in Schedule (T)
Cal.P.U.C. No. A2.1.3,D.

Continued

NETWORK AND EXCHANGE SERVICES
A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.32 RULE NO. 32 - FACILITIES TO PROVIDE REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

A. REPLACEMENT OF AERIAL WITH UNDERGROUND FACILITIES (Cont'd)

2. At the Request of Governmental Agencies or Groups of Applicants. (Cont'd)

c. The area to be undergrounded includes both sides of a street for at least one block, and

d. Arrangements are made for the concurrent removal of all electric and communication aerial distribution facilities in the area.

3. At the Request of Individual Applicants.

In circumstances other than those covered by 1. or 2. preceding, where mutually agreed upon by the Utility and an applicant, aerial facilities may be replaced with underground facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of construction less the estimated net salvage value of the replaced aerial facilities.¹

4. At Utility Initiative.

The Utility may from time to time replace sections of its aerial facilities with underground facilities at Utility expense for structural design considerations or its operating convenience.

NOTE 1: Includes Income Tax gross-up amount, as listed in Schedule (T)
Cal.P.U.C. No. A2.1.3,D.

Continued

EXHIBIT 15

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.1 RULE NO. 1 - DEFINITION OF TERMS (Cont'd)

(D)

(D)

(D)

SERVICE AREA

See Local Access and Transport Area (LATA)

SERVICE CHARGE

A one time charge that applies to an access line and services provided by the Company. (T)

SERVICE CONNECTION FACILITY

Denotes wire/cable, either aerial or buried, used as the entrance facility and the building entrance terminal located up to and including the Utility's local loop demarcation point.

SERVICE DATE

The date the Company will complete all INC cable installation and test activities. (T)

(D)

(D)

(D)

SERVICE OBSERVING EQUIPMENT

Any equipment or arrangement specifically designed and furnished a customer to overhear or observe a telephone conversation to which they are not a party. Such equipment or arrangement is furnished with an automatic tone warning device which produces a distinct audible signal that is repeated at regular intervals on the telephone line and heard by all parties to the conversation being observed.

Continued

EXHIBIT 16

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.1 RULE NO. 1 - DEFINITION OF TERMS (Cont'd)

TRENCHING COSTS

Cost of excavating, backfilling and compacting, and, where necessary, cost of breaking and repaving pavement and of restoring landscaping.

(D)

(D)

(D)

(D)

|
(D)

UNDERGROUND SUPPORTING STRUCTURE

Conduit, manholes, handholes and pull boxes where and as required plus trenching costs as defined in Trenching Costs preceding.

(D)

(D)

|
(D)

UNPAID LIVE BALANCE

The total amount of the previous month's bill less payments and adjustments.

UTILITY

Pacific Bell.

VIRTUAL

The term "virtual" is controlled and/or defined software as opposed to having an identifiable physical, hard-wired connection.

VISIBLE FROM

Shall mean that overhead distribution facilities could be seen by motorists or pedestrians traveling along scenic highways or visiting parks or scenic areas.

Continued

EXHIBIT 17

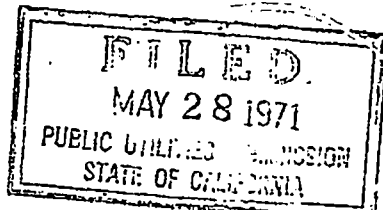
GENERAL TELEPHONE COMPANY
OF CALIFORNIA

EXECUTIVE OFFICES

2020 Santa Monica Boulevard - P.O. Box 889
Santa Monica, California 90406

AREA CODE 213
TELEPHONE 393-9311

May 27, 1971



Advice No. 2583

Public Utilities Commission of the State of California

IN REPLY REFER TO
3400
R2.1B1
XR2.1B1
(1827)

In compliance with Commission Decisions Nos. 78294 and 78500, General Telephone Company of California hereby transmits for filing the following changes in its tariff schedules:

Schedules Cal. P.U.C. Nos.

A-31 (Charges for Line Extension and Service Connection Facilities in Suburban Areas)

3rd Revised Check Sheet A
3rd Revised Sheet 1
3rd Revised Sheet 2
2nd Revised Sheet 3
2nd Revised Sheet 4
1st Revised Sheet 5
2nd Revised Sheet 6
3rd Revised Sheet 7
3rd Revised Sheet 8
2nd Revised Sheet 9

D & R (Definitions and Rules)

1st Revised Check Sheet A
2nd Revised Sheet B
3rd Revised Sheet 1
1st Revised Sheet 3.2
5th Revised Sheet 6
4th Revised Sheet 11
1st Revised Sheet 11.1
5th Revised Sheet 64
1st Revised Sheet 64.1
4th Revised Sheet 65
3rd Revised Sheet 65.1
1st Revised Sheet 65.2
Original Sheet 65.3
Original Sheet 65.4
Original Sheet 65.5

In accordance with Commission Decisions Nos. 78294 and 78500, we have adopted the rules substantially as set forth in Appendix C of the Decisions. In addition, we have revised our service connection rule to be consistent with the provisos prescribed in Appendix C of both Decisions.

As a result, we have revised the attached tariff sheets in Schedule Cal. P.U.C. No. A-31 and Schedule Cal. P.U.C. No. D & R, Definitions and Rule No. 34.

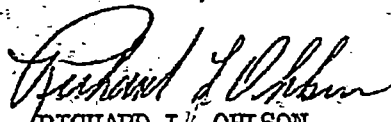
This filing will not increase any rate or charge, cause the withdrawal of service, nor conflict with other schedules or rules.

In compliance with Decisions Nos. 78294 and 78500, it is respectfully requested that this filing become effective on June 2, 1971, which is less than statutory notice.

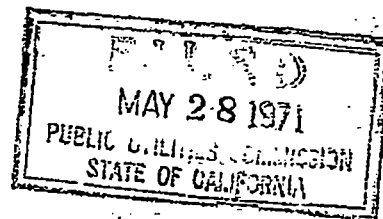
Copies of this Advice have been mailed to those interested utilities and/or parties indicated in our letter to the Public Utilities Commission dated February 25, 1969.

Very truly yours

GENERAL TELEPHONE COMPANY OF CALIFORNIA


RICHARD L. OHLSON
Vice President

Attachments



DEFINITIONS - Continued

Service Connection

Wire or cable, and associated underground supporting structure where used, from the point of connection with the Utility's distribution facilities to the point of connection with the interior wiring at the building served. A service connection serves only the continuous property on which it is located. An incidental segment may be located in the adjacent dedicated street or utility easement. (See Distribution Facilities, Line Extensions and Interior Wiring).

(T)
(T)
(N)
|
(N)



Service Connection Charge

A charge intended to cover in part certain operating expenses incident to the establishment of telephone service and the connection of the service with the telephone system.

Signal Source

A location at which signals are supplied to a local distribution system or an interexchange system.

Single Service

Single service provides for transmission alternately in either direction or for transmission in one direction only.

Special Rate Area

A portion of an exchange area shown on maps filed elsewhere in the tariff schedules in which special base rates apply.

Special Rate Point

A designated point within an exchange area for which special base rates apply and from which suburban mileage charges are computed for all classes and grades of services other than suburban services.

CANCELLED
DATE 11-13-1971
SUPERSEDED BY
CAL. P.U.C. SHEET
NO. 577 Rev 11

Continued

(To be inserted by utility)

(To be inserted by Cal. P.U.C.)

Advice Letter No. 2583

Issued by

Date Filed MAY 28 1971

Decision No. 78294, 78500

RICHARD L. OHLSON
Vice President - Revenue Requirements

Effective JUN 2 1971

Resolution No.

CERTIFICATE OF SERVICE

I hereby certify that: I am over the age of eighteen years and not a party to the within entitled action; my business address is 112 Lakeview Canyon Road, CA501LB, Thousand Oaks, California 91362; I have this day served a copy of the foregoing, **MOTION FOR SUMMARY JUDGMENT OF VERIZON CALIFORNIA INC. (U 1002 C)** by electronic mail to those who have provided an e-mail address and by U.S. Mail to those who have not, on the service list.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 6th day of August, 2010 at Thousand Oaks, California.

/s/ Jacque Lopez
JACQUE LOPEZ

Service List: C.10-01-005



California Public
Utilities Commission

CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION

Service Lists

PROCEEDING: C1001005 - CITY OF SANTA BARBAR
FILER: CITY OF SANTA BARBARA
LIST NAME: LIST
LAST CHANGED: MAY 26, 2010

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