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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to Address
Intrastate Rural Call Completion Issues.

Investigation 14-05-012
(Filed May 15, 2014)

PHASE II SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER

1. Background

The Commission opened this proceeding in May 2014 to investigate consumer and rural carrier complaints regarding call completion failures and related service issues. The massive failure of the 911 system in April 2014 left Americans in seven states, including customers of two major wireless carriers in several northern California counties unable to call 9-1-1 due to a software issue that originated in Colorado. Due to the number and breadth of complaints the Commission received about call failures, dial tone outages, and inability to reach 911 in a range of California regions, urban and rural, the scope of the proceeding was expanded in May 2015 to include the issues of 911- and dial-tone access.

Following the closing of the Verizon-Frontier transaction in April 2016, the Commission received numerous complaints about lack of dial-tone access and service problems associated with the Frontier-Verizon migration. This proceeding analyzed a range of issues highlighted in customer and carrier complaints, comments at Public Participation Hearings (PPHs) from state, local, and county officials, Workshop comments, party, and public comments about call completion, dial tone, and 911 access issues failures. The result of this

investigation led to the Commission's Decision (D.)16-12-066, which imposed a number of follow-up tasks that included investigations, data assemblage, reporting obligations, and consumer and interagency outreach, in order to address the issues that had been brought to the Commission's attention via Commission staff investigations, party comments, and comments made at the various PPHs. On February 3, 2017 and February 10, 2017, respectively, CCTA, Charter Fiberlink, Time Warner, Comcast, Consolidated Communications, Cox, CTIA, and MCImetro filed an application for hearing and a request for a stay of D.16-12-066.

This Scoping Memo and Ruling opens Phase II of this proceeding and identifies the scope of the issues for the Commission's determination.

2. The Carryover Requirements from D.16-12-066

D.16-12-066 imposed a number of obligations on the telephone carriers subject to the decision:

- By March 31, 2017, Ordering Paragraph (OP) 1 requires carriers to respond to data requests regarding gaps between attempted calls and completed calls to or from California.
- Beginning April 1, 2017, OP 2 requires carriers with call completion problems to submit itemized reports on a quarterly basis.
- Within 30 days from D.16-12-066's January 4, 2017 issuance, OP 5 requires carriers to commence educating their Multi-Line Telephone System (MLTS) customers about steps to enable short code access.
- OP 6 requires carriers who program MLTS to commence such programming on behalf of their customer or provide MLTS systems to enable short codes with an opt-out for customers for short codes except for 911, 811, and 711.

- By the end of the first quarter of 2017, OP 7 requires carriers to hold meet and confer sessions with the 212- and 811 coalitions to discuss short code access and education.
- By March 1, 2017, OP 11 requires carriers to evaluate and report back to the Commission regarding the practice of attaching facilities to trees.
- Within 30 days from D.16-12-066's issuance, OP 16 requires respondents to provide an emergency contact name and number to city, county, and federally recognized tribal Office of Emergency Services officials.

The Commission, through its Executive Director, granted extensions of time until June 1, 2017 to Cox California Telcom, LLC, dba Cox Communications, Comcast Phone of California, LLC, MCImetro Access Transmission Services Corporation, AT&T California, Charter Fiberlink and Time Warner Cable information Services, and Citizens Telecommunications Company of California, Inc., and Frontier Communications of the Southwest Inc. in which to comply with OPs 1, 2, 5, 6, 7, 11, and 16.

3. The Scope of the Proceeding for Phase II

OP 27 ordered that this proceeding remain open for Phase II, for which OPs 21 and 22 identified the scope:

- Determine whether the Commission should require Carriers of Last Resort (COLRs) or other respondents to report outages to Cal Office of Emergency Services (OES), City, and County OES, and California federally recognized tribal OES official contacts. (OP 21.)
- By June 30, 2017, the Commission shall convene a Working Group including Communications Division, Safety and Enforcement Division, the parties, and, by invitation, Cal OES, City officials, County officers, and federally

recognized tribal OES officials to discuss and recommend outage reporting thresholds, requirements, and protocols that reflect California's public safety needs and this Commission's responsibilities. (OP 22.)

Phase II will also: (a) evaluate the completeness of the telephone carriers' responses to OPs 1, 2, 5, 6, 7, 11, and 16, and determine if any clarifying or follow up information should be required; (b) determine if any new requirements should be imposed on the telephone carriers, consistent with the Commission's regulatory authority and the scope of this proceeding; and (c) monitor the development of guidelines to ensure that transfers or mergers do not compromise safe and reliable service.

As set forth in the next section, we invite the parties to submit comments regarding certain aspects of the Phase II scope to help the Commission determine if issues have been suitably framed and refined so that resources are properly utilized in order to provide the most useful information to the Commission for an eventual Phase II decision.

4. Comments and Scheduling

This Scoping Memo and Ruling invites the parties to submit comments on the directives set forth in:

1. OP 21 (should COLRs or other respondents report outages to Cal Office of Emergency Services (OES), City and County OES, and California federally recognized tribal OES official contacts); and
2. OP 22 (workshop to discuss and recommend outage

reporting thresholds, requirements, and protocols).

The schedule is set forth below:

Date	Event
March 21, 2017	Notices of Intent to Claim Intervenor Compensation shall be filed and served
March 31, 2017	Opening comments shall be filed and served
April 12, 2017	Reply comments shall be filed and served
June 1, 2017	Deadline for Cox, Comcast, MCImetro, AT&T, Charter Fiberlink, Time Warner, and Citizens Telecommunications to comply with OPs 1, 2, 5, 6, 7, 11, and 16 per the extension of time granted by the Executive Director
June 30, 2017	Deadline for Commission to convene a Working Group to discuss and recommend outage reporting thresholds, requirements, and protocols that reflect California’s public safety needs and Commission responsibilities
July 14, 2017	Deadline to file and serve opening comments following Working Group meeting
July 31, 2017	Deadline to file and serve reply comments following Working Group meeting
4 th Quarter 2017	Issue proposed decision

5. Categorization

In the Order Instituting Investigation, issued on May 15, 2014, the Commission preliminarily determined that the category of the proceeding was Quasi-legislative. The Scoping Memo and Ruling from Phase I of this proceeding, issued on May 6, 2015, confirmed that categorization.

6. Need for Hearing

The Scoping Memo and Ruling from Phase I of this proceeding, issued on May 6, 2015, determined that no hearings were necessary.

7. Ex Parte Communications

In a quasi-legislative proceeding such as this one, *ex parte* communications with the assigned Commissioner, other Commissioners, their advisors, and the Administrative Law Judge are permitted without restriction or reporting as described at Pub. Util. Code § 1701.4(b) and Article 8 of the Commission's Rules of Practice and Procedure.

8. Intervenor Compensation

Pursuant to Rule 17.1(b), notices of intent to claim intervenor (NOIs) compensation must be filed no later than March 21, 2017. If a prehearing conference is later held, notices may be filed pursuant to Rule 17.1(a)(1).

9. Assigned Commissioner

Clifford Rechtschaffen is the assigned Commissioner and Robert M. Mason III is the assigned Administrative Law Judge (ALJ).

10. Outreach Effort

Cal. Pub. Util. Code § 1711(a) states:

Where feasible and appropriate, except for adjudication cases, before determining the scope of the proceeding, the commission shall seek the participation of those who are likely to be affected, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The commission shall demonstrate its efforts to comply with this section in the text of the initial scoping memo of the proceeding.

I.14-05-012 was served on all certificated telephone corporations holding a certificate of public convenience and necessity (CPCN) or a Wireless

Identification Registration (WIR) and parties on the service lists of Rulemaking (R.) R.01-08-002, R.11-11-007, and R.11-12-001. The service and notice of I.14-05-012 occurred prior to the enactment of Cal. Pub. Util. Code § 1711(a) and was therefore not subject to the requirements of Cal. Pub. Util. Code § 1711(a) with respect to the Preliminary Scoping Memo for this rulemaking proceeding.

11. Service of this Phase II Scoping Memo

Given the importance of Phase II of I.14-05-012, we direct the Executive Director to serve this Scoping Memo and Ruling on the following:

- All competitive local exchange carriers that have a certificate of public convenience and necessity (CPCN) issued by the Commission to provide full facilities-based or limited facilities-based local exchange service.
- All CMRS carriers that have a CPCN or WIR to provide facilities-based CMRS.
- All California counties, incorporated cities, and incorporated towns, to the extent practical.
- The California Office of Emergency Services (OES), all city OES, all county OES, and all California federally recognized tribal OES;

Such service does not confer party status in this rulemaking proceeding or result in any person or entity being added to the service list for this proceeding.

12. Filing, Service, and Service List

The official service list has been created and is on the Commission's website. Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process office, the service list, and the ALJ. Persons may become a party pursuant to Rule 1.4.

When serving any document, each party must ensure that it is using the current official service list on the Commission's website.

This proceeding will follow the electronic service protocols set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Parties are reminded, when serving copies of documents, the document format must be consistent with the requirements set forth in Rules 1.5 and 1.6. Additionally, Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents.

Rules 1.9 and 1.10 govern service of documents only and do not change the Rules regarding the tendering of documents for filing. Parties can find information about electronic filing of documents at the Commission's Docket Office at www.cpuc.ca.gov/PUC/efiling. All documents formally filed with the Commission's Docket Office must include the caption approved by the Docket Office and this caption must be accurate.

Persons who are not parties but wish to receive electronic service of documents filed in the proceeding may contact the Process Office at process_office@cpuc.ca.gov to request addition to the "Information Only" category of the official service list pursuant to Rule 1.9(f).

13. Discovery

Discovery may be conducted by the parties consistent with Article 10 of the Commission's Rules. Any party issuing or responding to a discovery request shall serve a copy of the request or response simultaneously on all parties. Electronic service under Rule 1.10 is sufficient, except Rule 1.10(e) does not apply to the service of discovery and discovery shall not be served on the ALJ.

Deadlines for responses may be determined by the parties. Motions to compel or limit discovery shall comply with Rule 11.3.

14. Public Advisor

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

15. Schedule for Completion

It is the Commission's intent to complete this proceeding within 18 months of the date this Scoping Memo and Ruling is issued. This deadline may be extended by order of the Commission pursuant to Pub. Util. Code § 1701.5(a).

IT IS RULED:

1. The category of this proceeding continues to be quasi-legislative.
2. The scope of the issues for Phase II of this proceeding is as stated in Section 3 of this Scoping Memo and Ruling. The assigned Commissioner reserves the right to issue an amended scoping memo and ruling.
3. Hearings are not necessary.
4. The schedule for filing and meeting deadlines is set forth in Section 4 of this Scoping Memo and Ruling.
5. *Ex parte* communications are permitted without restriction or reporting as

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described at Pub. Util. Code § 1701.4(b) and Article 8 of the Commission's Rules of Practice and Procedure.

Dated March 6, 2017, at San Francisco, California.

/s/ CLIFFORD RECHTSCHAFFEN

Clifford Rechtschaffen
Assigned Commissioner