

Mammoth Lakes Town Council

Agenda Action Sheet

Title: Authorize the retention of Best Best & Krieger (BBK) to represent the Town in connection with a possible California Public Utilities Commission (CPUC) rulemaking proceeding to establish minimum speed and quality standards for broadband.

Council Meeting Date: 10/20/2021

Prepared by: Daniel C. Holler, Town manager

Recommended Motion: Authorize the Town Manager to retain the services of Best Best & Krieger (BBK) to represent the Town in connection with a possible California Public Utilities Commission (CPUC) rulemaking proceeding to establish minimum speed and quality standards for broadband.

Summary:

Representatives from the Town, Mono, Inyo, Nevada and Placer Counties and the Town of Truckee have been reviewing means to address shared concerns regarding the service provided by Suddenlink. Recently the CPUC's own Public Advocates Office filed a petition asking the CPUC to open a rulemaking proceeding to establish minimum speed and quality standards for broadband. Succeeding in the rulemaking process will require time and expertise not available at the staff level of counties and towns. The attorneys for the four counties and the Town of Truckee are seeking approval from their respective board of supervisors and town council to engage BBK to jointly represent all of those agencies in the CPUC rulemaking proceeding, with costs being shared among the jurisdictions. The attorney who would be taking the lead has extensive telecommunications experience and experience with the CPUC. It is anticipated that the four counties and Town of Truckee will all agree to participate.

Staff is requesting that the Town Manager be authorized to retain BBK to represent the Town jointly with the four counties and the Town of Truckee in connection with the possible CPUC rulemaking proceeding. The cost will depend on the amount of preparation work, briefings and meetings required, but are anticipated to be covered within the current legal services budget. Sharing the cost with five other jurisdictions will help minimize the cost to the Town of this effort.

A copy of the petition filed by the CPUC to open a rulemaking proceeding to establish minimum speed and quality standards for broadband is attached.