

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Petition to Adopt, Amend, or Repeal a  
Regulation Pursuant to Pub. Util. Code Section  
1708.5.

Petition 21-10-003  
(Filed Sept. 29, 2021)

**REPLY OF THE COUNTIES OF INYO, MONO, NEVADA AND PLACER, AND THE TOWNS OF  
MAMMOTH LAKES AND TRUCKEE (THE "RURAL COMMUNITIES COALITION")  
TO THE RESPONSES TO THE PETITION OF THE PUBLIC ADVOCATES OFFICE FOR  
RULEMAKING TO AMEND GENERAL ORDER 133-D TO ESTABLISH MINIMUM  
SERVICE QUALITY STANDARDS FOR ALL ESSENTIAL COMMUNICATIONS  
SERVICES**

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November 15, 2021

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Pursuant to Rule 6.3(d) of the Commission’s Rules of Practice and Procedure, and the schedule established by the assigned Administrative Law Judge in an email ruling dated November 4, 2021 setting a revised date of November 15, 2021 for filing replies to responses to the Petition of the Public Advocates Office (“PAO”) for Rulemaking to Amend General Order 133-D to Establish Minimum Service Quality Standards for All Essential Communications Services (“Petition”), the Counties of Inyo, Mono, Nevada and Placer, and the Towns of Mammoth Lakes and Truckee (the “Rural Communities Coalition”) hereby submit this reply, and request party status in this proceeding.

**I. THERE IS A FACTUAL PREDICATE AND INDEED AN URGENT NEED FOR COMMISSION ACTION**

The Rural Communities Coalition urges the California Public Utility Commission (“Commission”) to institute a rulemaking proceeding in response to the Petition.

The jurisdictions that comprise the Rural Communities Coalition collectively serve as home to over half a million permanent residents in rural areas covering nearly 10 percent of the territory of the State of California. In addition, popular tourist destinations that are a vital part of California’s tourism

economy lie within these jurisdictions and require support for millions of seasonal visitors.<sup>1</sup> These are also regions that lie in high fire threat areas where the Commission has already recognized that a minimum level of service is critical to save lives.<sup>2</sup> Reliable communications services are critical to the very survival and prosperity of these regions, and indeed communities across the State. As PAO noted, “Californians rely on communications services such as broadband, wireless (voice, texting, and data), Voice-over-Internet Protocol (VoIP) and traditional Plain Old Telephone Service (POTS) (collectively “Essential Services”) for alerts and assistance during emergencies, to obtain information, to attend

<sup>1</sup> For example:

**Inyo County** is a remote and sparsely populated county located in the heart of California’s “back yard” along the Eastern Sierra Nevada. Inyo County reaches across 10,192 square miles, and its dispersed small towns and communities are physically connected by a sparse system of roads and highways. Although home to only 19,000 full-time residents, Inyo County serves as a popular destination for millions of visitors annually. Death Valley National Park, access to Sequoia and Kings Canyon National Parks, Mt. Whitney, the Alabama Hills, ten of California’s twelve 14,000 foot peaks, the Ancient Bristlecone Pine Forest, the Owens River, and world class rock climbing areas are just a few of the many attractions that bring people into the region.

**Mono County** is a remote and sparsely populated “frontier” county located on the eastern slope of the Sierra Nevada mountains. With scenic US Hwy 395 as its only main artery, Mono County reaches across 3,200 square miles. While home to only 14,000 full-time residents, Mono County’s population swells to more than 50,000 during annual periods of peak visitation and annual totals similar to visitation in Inyo County. The majority of visitors and part-time residents come from the Southern California area, but Mono County also hosts travelers from across California and around the world. Mammoth Mountain Ski Area, Mono Lake, Bodie State Historic Park, Devils Postpile National Monument and the eastern entrance to Yosemite National Park are just a few of the many attractions that bring people into the region.

**Mammoth Lakes** is a mountain community located on the east slope of the Sierra Nevada mountains. With a population of only about 8,300 residents and lying for the most part above 8,000 feet in elevation, Mammoth Lakes is small and remote. The local economy is almost completely tourism-based, and Mammoth Lakes is one of the primary economic engines for the entire Eastern Sierra region. Most visitors come from Southern California, but other travelers arrive from all over the United States and many parts of the world to visit Mammoth Mountain Ski Area or to make Mammoth Lakes their base to explore the Eastern Sierra.

**Placer County** stretches northeast from the greater Sacramento area through the Sierra Foothills to the Lake Tahoe region. Placer covers approximately 1,500 square miles with a population in 2019 of about 390,000. The geographic diversity of Placer County creates opportunities and challenges for its residents and visitors. While the more urbanized western portions of the County largely have a modern telecommunication infrastructure, the eastern rural and mountain portions of the County rely on much less developed infrastructure, and, in some cases, no infrastructure at all. This less developed infrastructure needs to accommodate local residents and visitors year round.

**Truckee** is a mountain community located in eastern **Nevada County**, just north of Lake Tahoe and not far from Reno, Nevada. With a population of only about 18,000 residents and lying for the most part above 6,000 feet in elevation, Truckee is small and remote. The local economy is mostly tourism-based, and Truckee is the economic hub of the North Lake Tahoe region. Most visitors come from Sacramento and the Bay Area, but other travelers arrive from all over the United States and many parts of the world to visit the numerous nearby ski areas or national forests or to make Truckee their base to explore the Lake Tahoe region. The community’s remoteness and heavy reliance on tourism make reliable and high-quality broadband service a necessity. In addition, the best available data indicates that during the COVID-19 pandemic Truckee's population may have grown by 10%, as second homeowners have moved to Truckee full-time and new residents have arrived from more populated areas. This growth has further strained an already inadequate broadband and communications infrastructure.

<sup>2</sup> D. 20-07-011; D. 21-02-029.

online classes, to work from home, to visit doctors remotely, to schedule vaccine appointments during a pandemic, to participate in the political process, to engage with community and society, and to keep in touch with family, friends, and loved ones.”<sup>3</sup> This is especially true in rural communities.

Contrary to generalized industry claims that all is good and there is no need for Commission action,<sup>4</sup> in the experience of the Rural Communities Coalition member communities, competition in the delivery of communications services, particularly broadband and Voice-over-Internet Protocol (VoIP) telephone services, is not robust in their region, the quality of available services is wholly inadequate, and customer service is completely unreliable. The Rural Communities Coalition communities’ experience with Suddenlink Communications (“Suddenlink”), the largest provider of VoIP telephone and broadband services in their communities, is emblematic of the negative consequences that result from an absence of minimum standards for service quality and customer service. Below are some illustrations.

- **In Mono County**, Suddenlink, has implemented a remote and decentralized approach to management, resulting in the overall quality of its service dramatically dropping over the last several years. Poor network performance, regular outages, lack of local or regional customer service, long lead times and no shows on scheduled service calls have led to hundreds of customer complaints, mostly fielded by Mono County elected officials and staff. The communities served by Suddenlink have called upon Mono County to “solve the Suddenlink problem”. That problem truly prevents portions of the county, including the more densely populated Mammoth Lakes area, from achieving reliable service,

<sup>3</sup> Petition at 1.

<sup>4</sup> Response of US Telecom – The Broadband Association at 2; Response of the California Cable and Telecommunications Association at 9-11; Response of CTIA – The Wireless Association (“CTIA”) at 1-3.

affecting not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response.

- **The Town of Mammoth Lakes** shares many of Mono County's concerns over the state of broadband within its territory. The community's remoteness and heavy reliance on tourism make reliable and high-quality broadband and other communications services a necessity. The completion of the Digital 395 Middle-Mile project in 2013 dramatically improved broadband opportunities in the Eastern Sierra, but a number of challenges are still present. Suddenlink is the largest provider of broadband service in Mammoth Lakes and its remote and decentralized approach to management has resulted in the same deterioration in overall quality of its service , poor network performance, regular outages, lack of local or regional customer service, long lead times for service calls, and uncertainty over whether Suddenlink personnel appearing for scheduled service calls. Numerous customer complaints have been received by Town staff, and residents, businesses, and visitors have demanded that the Town do something to improve the situation. The status quo of unreliable service, overburdened networks during peak visitation periods, and inadequate customer service affects not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response, as well as the tourist economy upon which the entire community is dependent.
- **Nevada County** has long struggled with consumer complaints about the lack of cable service which requires the county to routinely field consumer complaints and attempt to facilitate resolutions for the consumers. Nevada County's problems with Suddenlink's services go as far back as to 2004 when Cequel III Communications purchased the USA

Media cable system in the county, and then Cequel III was later purchased by Suddenlink. To provide digital TV and Internet services, the outdated plant was updated but with technology that still utilized the legacy coaxial cable plant. This strategy has resulted in numerous service delivery issues over the years including service outages, difficult to resolve intermediate service quality issues, and outages that can last up to multiple days/weeks due to long times for repairs. Frustration for consumers was compounded with the closure of in-county local customer service offices where consumers previously could swap out defective equipment or talk to a local customer service representative. Over the many years, the County routinely fields consumer complaints and tries to facilitate resolutions for the consumers. Three years ago Suddenlink was invited to the Lake of the Pines, a local home owners association, monthly “general manager’s” community meeting. Over 130 community residents attended and were very vocal in their numerous complaints with Suddenlink services. Such a large gathering for only a portion of their service area in our county was remarkable. Many people moved to Nevada County during the pandemic to take advantage of the ability to work from home in a more affordable location, further increasing the importance of having quality communications services available.

- In **Inyo County**, the completion of the Digital 395 Middle-Mile project (\$120m ARRA/CASF funded) in 2013 dramatically improved the *potential* for broadband opportunities along the Eastern Sierra, however, a number of challenges remain. Suddenlink has implemented the same changes to its service delivery and management as in other rural areas it serves, resulting in hundreds of customer complaints, mostly fielded by Inyo County elected officials and staff. Inyo County communities (primarily those

served by Suddenlink) have inundated the County with complaints about the lack of reliable broadband services. This problem truly prevents the majority of the county, including the more densely populated Bishop area, from achieving reliable service, affecting not only day-to-day activities, but critical functions such as schooling during the COVID pandemic, government operations and emergency response.

- **In Placer County**, broadband services remain uneven particularly in the unincorporated rural and mountains portions. The County continues to seek funding to support improvement of broadband service and has developed a grant program to identify specific rural and mountain communities with the highest need for the upcoming infrastructure. Many residents and visitors have few Internet service options and in some cases no option at all. A number of available service options are typically unreliable, slow and often expensive for what customers receive in comparison to the more urbanized parts of Placer County. A 2020 Placer County Internet survey found that 62% of respondents had less than 25 Mbps service and 22% of respondents had less than 5 Mbps download speeds. These service levels are below, and in many cases far below, federal standards. One of the County's largest providers of rural and mountain area broadband service, Suddenlink/Altice, has seen a significant drop in the quality of its service over the last several years. Multiple ongoing issues, including poor network performance, repeated outages, lack of local or regional customer service, and service call issues all have led to hundreds of customer complaints to the County. Placer County elected officials and staff have fielded these complaints with little substantive improvement to date from Suddenlink/Altice. There is an impact on Public Safety as well as Public Safety providers utilize the public communications infrastructure for their communications, including

during Public Safety Power Shutoff events. In the cases of service outages or deficiencies, Public Safety updates that would come over VoIP phone or cell phone may not occur.

- The **Town of Truckee** shares the experience and concerns of Mammoth Lakes, and Inyo, Mono, Nevada, and Placer Counties over the state of broadband and communications services within its territory. The largest provider of broadband service in Truckee is Suddenlink, and its remote and decentralized approach to management has dramatically and negatively affected the overall quality of its service in the last several years. Town staff receive numerous customer complaints about poor network performance, regular outages, lack of local or regional customer service, long lead times for service calls, and uncertainty over Suddenlink personnel appearing for scheduled service calls. Residents, businesses, and visitors have demanded that the Town of Truckee do something to improve the broadband situation. The status quo of unreliable service, overburdened networks during peak visitation periods, and inadequate customer service affects not only day-to-day activities, but such critical functions as schooling during the COVID pandemic, government operations and emergency response, as well as the tourist economy upon which the community is dependent

These communities have a direct and immediate need for Commission action to support reliable communications services and establish effective customer service standards.

## **II. THE RULEMAKING SHOULD INCLUDE SEPARATE HEARINGS FOR EACH TYPE OF ESSENTIAL SERVICE AND AMPLE OPPORTUNITIES FOR DIRECT PUBLIC INPUT**

The Rural Communities Coalition generally agrees with the PAO's proposal for phasing the rulemaking, with the following two suggestions:

First, given the varying network and technological considerations, service quality metrics, and customer service standards to consider in regards to the different types of communications services, the Rural Communities Coalition suggests that the Commission hold separate hearings for each service type. These different "tracks" within Phase One would not be dissimilar to how the Commission separately considered resiliency requirements for wireless and wireline providers in Rulemaking 18-03-011. Just as wireline and wireless infrastructure presented different considerations as to resiliency requirements, so too do broadband, VoIP, and wireless as to service quality metrics and customer service standards. Separate tracks will also allow for more service-specific consideration of criticisms of the Petition raised by some responses that the proposed metrics are not appropriate for their service offerings<sup>5</sup> and that there should be exceptions for small providers.<sup>6</sup> Finally, separate tracks will help facilitate public participation in the rulemaking, as discussed below.

Second, the Rural Communities Coalition strongly believes that it is critical for the Commission to hear directly from consumers –whom service quality and customer service standards would be intended to benefit and protect – about their real world experiences with service quality and customer service in order to understand the dire need for minimum standards and meaningful enforcement mechanisms and formulate appropriate standards. Thus, the Rural Communities Coalition urges the Commission to hold public participation hearings in communities throughout the State, and in particular in the rural areas represented by the Rural Communities Coalition. Alternatively, if in-person meetings

<sup>5</sup> Response of the Small LECs at 8; Response of Race Telecommunications, LLC at 4; Response of Consolidated at 3.

<sup>6</sup> Response of the Small LECs at 9; Response of Race Telecommunications, LLC at 5.

are not permitted due to COVID-related restrictions, the Commission should provide options for remote participation by the public in these areas through virtual public events. These voices will not be adequately heard or represented through hearings held only at Commission headquarters in San Francisco. There is a wealth of precedent for holding such hearings as part of important communications sector proceedings, including, for example, the Public Participation Hearings and workshops held around the State related to the sale of Verizon's wireline assets to Frontier Communications back in 2015,<sup>7</sup> and the Remote Public Forum announced earlier this month on AT&T's request to discontinue residential services in Frontier territory.<sup>8</sup>

### **III. THE COMMISSION HAS AUTHORITY TO INITIATE A RULEMAKING IN RESPONSE TO THE PETITION**

In addition to questioning the need for rules, the industry responses questioned the scope of authority of the Commission to set rules for certain services.<sup>9</sup> The Rural Communities Coalition believes that the Commission has jurisdiction to institute a rulemaking to address the matters raised in the Petition and is not precluded by law from doing so for the reasons laid out in the Petition itself and the Response of The Utility Reform Network (TURN), the Communications Workers of America (CWA), District 9, and the Center for Accessible Technology. Among other sources of authority, the Commission's "state police powers and jurisdiction over the network provide the foundation to update the service quality metrics to include current technologies such as wireless, interconnected VoIP, and broadband."<sup>10</sup> To the extent that parties may wish to argue that the scope and sources of authority differ for different types of services or service standards, the suggestion made in Section II above to hold separate hearings on separate tracks

<sup>7</sup> A.15-03-005.

<sup>8</sup> A.21-05-007.

<sup>9</sup> Response of Frontier at 2-6; Response of CTIA at 16-18; Response of California Cable and Telecommunications Association at 18-21.

<sup>10</sup> Response of TURN at 1.

for each service type would facilitate the process of fully considering arguments related to these differing legal foundations for Commission action.

WHEREAS, the Rural Communities Coalition respectfully requests that the Commission initiate a rulemaking in response to PAO's Petition.

Respectfully submitted,

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