



Susan Wengraf
Vice Mayor and Councilmember District 6

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: March 12, 2024

Item Number: #15

Item Description: **Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation**

Submitted by: **Vice Mayor Susan Wengraf**

Added the following:

- Councilmember Mark Humbert as co-sponsor
- Copper-based to describe the type of landline throughout the item
- “Internet is still not completely reliable” in the item, resolution and letter
- Adjusted the date of the Letter to the CPUC



Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
March 12, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author), Councilmember Hahn (Co-Sponsor),
[Councilmember Humbert \(Co-Sponsor\)](#)

Subject: Opposition to AT&T Applications: Relief of “Carrier of Last Resort” and Eligible Telecommunications Carrier Designation

RECOMMENDATION

Adopt a Resolution and send a letter to the CPUC expressing strong opposition to AT&T’s proposal to discontinue being the default landline phone provider, and its proposal to relinquish its eligible telecommunications carrier (ETC) designation. Urge the CPUC to reject AT&T’s application to end traditional landline service in all areas until reliable broadband cellular coverage is available.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

California residents deserve reliable telecommunication service. The California Public Utility Commission (CPUC) must ensure that traditional landline phone service remains in place until broadband can replace it as a reliable means of communication. Many geographic areas of Berkeley do not have dependable cellular service. Removal of traditional copper-based landlines before reliable alternatives are in place, contradicts Berkeley’s strategic goals of creating a resilient, safe, connected and prepared city. Copper-based landline telephone service is a lifeline for those in Berkeley who do not have reliable cell service.

AT&T submitted two applications to the California Public Utility Commission (CPUC) on March 3, 2023. One for targeted relief from its carrier of last resort obligation and certain associated tariff obligations ([A23-03-003](#)). The other, to relinquish its eligible telecommunications carrier designation ([A23-03-002](#)).

If the CPUC grants AT&T relief from being the “Carrier of Last Resort” (COLR), i.e. the only carrier legally mandated to provide service to anyone in their service territory who wants it, and therefore stops providing copper-based landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable, and internet is also not completely reliable, -will be deprived of a dependable means of

communication. Reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters. Copper-based landlines are overwhelmingly the most reliable method of communication.

In the Berkeley Hills and other high fire risk areas throughout the state, where PG&E regularly conducts Public Safety Power Shutoffs (PSPS), traditional copper-based landlines, or Plain Old Telephone Service (POTS), are the only form of reliable communication – unless cell tower back-up generators last throughout the PSPS or disaster, and households with reliable cell service have invested in batteries or generators to keep their phones and modems operating.

Berkeley Fire Chief Dave Sprague stated that, “*The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California’s residents following a seismic event, wildfire, or other natural disaster.*”

Further, if AT&T is allowed to relinquish its Eligible Telecommunications Carrier (ETC) designation, it would no longer be mandated to provide Lifeline service which ensures residents with low incomes, frequently elders and those with disabilities, can have access to telephone service.

BACKGROUND

California’s telecommunications policy is founded on an ongoing commitment to universal service by assuring the continued affordability and widespread availability of high-quality telecommunications services.

The California Public Utilities Commission (CPUC) has deemed Carrier of Last Resort (COLR) obligations an important component of universal access to communications services because these obligations ensure that customers who want service, receive it.

As a COLR, AT&T has an obligation to serve all customers in its service area who request service. If the CPUC approves AT&T’s application for relief of its COLR obligations, California would have no Carrier of Last Resort and residents would lose their Plain Old Telephone Service (POTS).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Elimination of Plain Old Telephone Service (POTS) could prevent safe evacuation in a natural disaster and interfere with Emergency Response. As extreme weather events increase due to climate change, access to reliable communication is critical to life and safety.

CONTACT PERSON

Vice Mayor & Councilmember Susan Wengraf, Council District 6 510-981-7160

Attachments:
1: Resolution

2: Letter to CPUC

RESOLUTION NO. ##,###-N.S.

OPPOSITION TO AT&T COLR AND ETC APPLICATIONS

WHEREAS, California's telecommunications policy is founded on an ongoing commitment to universal service by assuring the continued affordability and widespread availability of high-quality telecommunications services; and

WHEREAS, The California Public Utilities Commission (CPUC) has deemed Carrier of Last Resort (COLR) obligations an important component of universal access to communications services because these obligations ensure that customers who want service, receive it; and

WHEREAS, AT&T submitted two applications to the CPUC on March 3, 2023. One for targeted relief from its carrier of last resort obligation and certain associated tariff obligations ([A23-03-003](#)); the other, to relinquish its eligible telecommunications carrier designation ([A23-03-002](#)); and

WHEREAS, If the CPUC grants AT&T relief from being the "Carrier of Last Resort" (COLR) and therefore AT&T stops providing copper-based landline service, large numbers of residents living in Berkeley where cellular service is non-existent or unreliable and internet is also not completely reliable, will be deprived of a dependable means of communication; and

WHEREAS, If the CPUC allows AT&T to relinquish its Eligible Telecommunications Carrier (ETC) designation, AT&T would no longer be mandated to provide Lifeline service which ensures residents with low incomes, frequently elders and those with disabilities, can have access to telephone service; and

WHEREAS, Reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters; and

WHEREAS, Berkeley Fire Chief Dave Sprague stated that *"The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California's residents following a seismic event, wildfire, or other natural disaster."*

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it strongly opposes AT&T's applications A23-03-003 and A23-03-002.

BE IT FURTHER RESOLVED that the Berkeley City Council strongly urges the CPUC to reject AT&T's A23-03-003 and A23-03-002 applications.

Exhibits

A: Letter to the CPUC



~~February~~ March 12,
2024

California Public Utilities Commission
505 Van Ness Ave
San Francisco, California 94102

RE: Opposition to AT&T's Applications A23-03-003 and A23-03-002

Dear CPUC President and Commissioners,

The City of Berkeley respectfully requests that you reject AT&T's applications for targeted relief from its Carrier of Last Resort (COLR) obligation, and to relinquish its eligible telecommunications carrier (ETC) designation.

All residents deserve reliable telecommunication service. The CPUC must ensure that Plain Old Telephone Service (POTS) remains in place until broadband has achieved that standard.

If AT&T is allowed to stop being the COLR and transfer its copper-based landline service to broadband or VOIP, large numbers of Berkeley residents where cellular service is non-existent or intermittent at best and internet is also not completely reliable, will be deprived of a reliable means of communication.

Berkeley cannot maintain a resilient, safe, connected and prepared city without reliable landline service.

Berkeley Fire Chief Dave Sprague stated that, "*The loss of POTS in the region before reliable alternatives are in place creates an unacceptable degradation of public safety for California's residents following a seismic event, wildfire, or other natural disaster.*"

Further, if AT&T is allowed to relinquish its Eligible Telecommunications Carrier (ETC) designation, Berkeley's residents with low incomes could lose Lifeline Program access to telephone service, including elders and those with disabilities. As you know, reliable telephone service is essential for day-to-day life and critical for medical emergencies, public safety and natural disasters.

For some of Berkeley's residents, who are underserved by cellular phone service and internet, there is no substitute for copper-based landline telephone service. We strongly urge you to take into consideration the needs of those with unreliable ~~no~~ cellular service, those who could lose low cost telephone services, and those living in areas of high risk to wildfire and other natural disasters, as you make your decision.

Respectfully,

[Title of Report]

CONSENT CALENDAR
March 12, 2024

Berkeley City Council
Cc: Kate Turner, Cal Advocates; Regina Costa, TURN



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Vice Mayor and Councilmember District 6

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None

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