

September 12, 2024

VIA ELECTRONIC MAIL

CPUC Energy Division
ED Tariff Unit
E-mail: EDTariffUnit@cpuc.ca.gov

Re: Protest of CTIA – The Wireless Association® to PG&E Advice Letter No. 7364-E, Regarding Service Extensions to Cellular Communications Towers Under Electric Rule 16

Pursuant to the California Public Utilities Commission’s (“Commission”) General Order 96-B,¹ CTIA – The Wireless Association® (“CTIA”) submits this Protest of Pacific Gas and Electric Company’s (“PG&E’s”) August 23, 2024 Tier 2 Advice Letter 7463-E regarding service extensions to cellular communications towers under Electric Rule 16.

The Advice Letter’s proposed reinterpretation of unchanged tariff language would be unjust, unreasonable, and discriminatory. PG&E’s revised construction and application of language contained in Rule 16 of its tariff—to require consolidation of service connections to wireless providers with equipment on communications towers—would place an unfair and unique cost burden on the first wireless provider placing equipment on a new tower, and on new entrants placing equipment on existing towers.² It would create a barrier to entry for new wireless providers, frustrate the deployment of future generations of wireless service, and raise significant competitive policy and antitrust concerns regarding the necessary sharing of competitively sensitive future deployment and business plans between wireless providers. PG&E offers no legitimate reasons for its proposed changed construction and application of its service connections tariff language to require consolidation of service connections to wireless providers, and there are many good reasons to reject this approach, as set forth herein.

¹ References to “General Rules” are to the general rules identified in General Order 96-B, and are cited as GO 96-B, General Rule.

² The Advice Letter appears to focus on towers, but does at one point describe design considerations for “telecommunications tower[s] (or other similar structures).” Advice Letter at 2. CTIA herein refers to towers, as does the Advice Letter, but the concerns raised by CTIA would apply equally to other facilities that accommodate multiple telecommunications providers.

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Pursuant to GO 96-B, General Rule 7.4.2(5), the Commission³ should reject the Advice Letter, which presents issues inappropriate for resolution through an advice letter under GO 96-B, General Rule 5.1, because it implicates issues that are both controversial and raise important policy questions. Such issues should be considered in a formal proceeding pursuant to GO 96-B, General Rule 5.2, where evidence can be taken and considered by the Commission. The Advice Letter should therefore be rejected, without prejudice, pursuant to GO 96-B, General Rule 5.3.

I. BACKGROUND

A. CTIA

CTIA (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life.⁴ The association's members include wireless providers, device manufacturers, and suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. CTIA is a familiar participant in a variety of Commission proceedings. CTIA also coordinates the industry's voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry's leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

In PG&E's service territory, CTIA members have deployed and maintain the thousands of wireless facilities necessary to provide robust and reliable wireless service, including high speed internet access, to their respective customers throughout PG&E's service territory. PG&E's proposed changes to the manner in which it will provision and serve wireless attachments will impact all wireless service providers in PG&E's territory. CTIA participated as a party in the DISH Wireless, L.L.C. complaint proceeding described in the Advice Letter, C.22-08-002 ("DISH Complaint"), pertaining to the same issues raised by the Advice Letter and addressed by CTIA's Protest here.

B. History of Dispute

The Advice Letter, which is just the latest chapter in an ongoing dispute spanning more than two years, included a procedural background that omitted material facts.

For instance, the Advice Letter states that: "In response to June 17 and July 28, 2022, guidance emails from PG&E's Service Planning and Design Department, DISH Wireless, LLC (DISH) filed a complaint on August 1, 2022" Advice Letter at 2. It fails to mention that

³ References to the "Commission," generally, include the Commission Energy Division tasked with reviewing the Advice Letter and CTIA's Protest.

⁴ A listing of CTIA's more than 100 provider and industry members is available at: <https://www.ctia.org/about-ctia/our-members>.

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these “guidance emails” purported to unilaterally revise PG&E’s construction and application of Rule 16 of its electric tariff regarding the manner in which PG&E would provision electric service to wireless equipment deployed on communications towers. Prior to these “guidance emails,” in November 2020, PG&E revised Rule 16 language governing construction design terms and conditions for service extensions and construed and applied the service extension provisions in Rule 16 to allow for individual service delivery points for each wireless provider with equipment on communications towers. Even before the 2020 tariff revisions, this had been PG&E’s practice.

The guidance emails claimed that a different construction and application of the service extension language of Rule 16 was now required, because the text of Rule 16 had created “confusion” over how Rule 16 applied to service connections for wireless providers. There had been no confusion on the part of wireless providers regarding these issues. For that matter, there seemed to have been no confusion on the part of PG&E either. PG&E had previously provisioned discrete service extensions to individual requesting wireless providers. Any “confusion” amounted to PG&E reevaluating its existing practices and deciding to unilaterally revise them.

The guidance emails explained that, going forward, PG&E would provide a single service lateral to a tower that would serve all wireless providers, and if a wireless provider sought a second service lateral to a tower, it would be considered a "special facility" subject to Rule 2 of PG&E’s Electric Tariff, which PG&E would consider and grant, or not, in its sole discretion. A request for new service by a wireless provider would no longer result in a new service connection for that wireless provider pursuant to Rule 16, as had been PG&E’s prior practice and construction and application of its tariff. Further, if new service requests were not provisioned as Rule 2 special facilities, but instead provisioned pursuant to Rule 16, the wireless provider requesting new service would be required to coordinate the consolidation of all existing wireless provider power service arrangements to a new single consolidated service point.

These details, all omitted in the Advice Letter, are what precipitated the DISH Complaint. Aside from these substantive concerns, the DISH Complaint also asserted that PG&E had unilaterally and impermissibly revised its construction and application of Rule 16 without any appropriate process or opportunity for interested parties to be heard on these issues. PG&E did not, for instance, make any filing at that time to revise the service extension language in Rule 16 or to express its revised construction and application of that language. The DISH Complaint parties (DISH, CTIA and the Wireless Industry Association (“WIA”)) also asserted that GO 96-B, General Rule 5.1 requires that utilities only use the advice letter process to pursue non-controversial requests that do not raise important policy questions.

Here, the Advice Letter seeks to implement effectively the same changes regarding the construction and application of the service extension language of Rule 16 that PG&E previously

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sought to implement through its guidance emails in 2022.⁵ PG&E's fundamental change to its construction and application of Rule 16's service extension provisions raises contested, controversial, and important policy questions, as detailed in CTIA's Protest below. These issues should be resolved in a formal proceeding, not through the advice letter process.⁶

The DISH Complaint resulted in a stay order, preserving the status quo ante until such time as PG&E sought and received appropriate authorization from the Commission to proceed with its revised construction and application of the service extension provisions of Rule 16. Decision 23-05-036 ("Stay Decision").

While the Stay Decision observed that PG&E might in the future file an advice letter regarding the matters addressed in the Stay Decision, it did not conclude that the advice letter process was the appropriate process to consider these issues. The Stay Decision determined that the DISH complainants' argument that a formal proceeding was necessary to consider these policy issues was premature, but it preserved that argument, stating: "The question of whether an advice letter is the appropriate process is premature and need not be resolved at this time. PG&E has not filed a request to implement the proposed changes with the Commission." Stay Decision

⁵ As with the guidance emails, the Advice Letter appears to require a single point of consolidated service delivery for new communications towers, or similar facilities that can support multiple providers such as rooftops, sized to accommodate not just the service requirements of the initial requesting wireless provider, but all future wireless load on that tower, whenever it may come, and even if it never does. The Advice Letter is not entirely clear for new towers as to whether the tower owner or initial requesting wireless provider must bear the cost of this "future-proofing" for this consolidated service connection, but even if that initial cost is assessed to the tower owner, it may be passed in full to the initial requesting wireless provider. There is no discussion of how or if any of this initial payment to cover all potential future wireless deployments on the new tower may be refunded over time to the initial requesting wireless provider. For towers where there is existing PG&E service to wireless providers, while PG&E will apparently now provision one new service request for the next 12 months on those towers, that is a short-lived commitment and applies to "one (and only one)" new wireless provider, as PG&E emphatically states. Advice Letter at 5.

⁶ GO96-B, General Rule 5.2, provides in pertinent part that: "Except as provided in General Rule 5.1, a utility must file an application to seek approval of a rate increase; a change to its tariffs; or an alteration of any classification, contract, practice, or rule as to result in a new rate." PG&E is proposing a fundamental change in its provisioning practices under Rule 16's service extension provisions. The reasonableness and impact of PG&E's proposal cannot be fully understood outside a formal proceeding. By contrast, GO-96, General Rule 5.1 provides in pertinent part that: "The advice letter process provides a quick and simplified review of the types of utility requests **that are expected neither to be controversial nor to raise important policy questions.** The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding." (emphasis added). Consistent with GO 96-B, General Rule 7.4.1, CTIA explains herein why an evidentiary hearing is necessary and appropriate to address these issues. Pending PG&E's reply to this Protest, CTIA anticipates that disputed facts could include PG&E's past course of conduct in provisioning service connections to wireless providers, and customer fairness and safety considerations regarding those provisioning practices.

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at 5-6. It further provided: “Energy Division staff has authority to reject an advice letter without prejudice if they determine that the request requires review in a formal proceeding. (Gen. Order 96-B at section 5.3.) If PG&E proceeds with an advice letter, the filing may be evaluated pursuant to GO 96-B to determine the matter is the appropriate subject of an advice letter.” Stay Decision at 6.

PG&E’s Advice Letter omitted these details entirely. As noted in its Protest that follows, CTIA requests, as a threshold matter, that the Energy Division determine whether PG&E’s submission is appropriately considered as the subject of an advice letter under GO 96-B, General Rule 5.1. CTIA asserts that these issues must instead be considered in a formal proceeding consistent with GO 96-B, General Rule 5.2, and the Advice Letter should therefore be rejected, without prejudice, pursuant to GO 96-B, General Rule 5.3.

II. PROTEST

A. The Advice Letter is Inappropriate Under GO 96-B, General Rule 5.1, Because the Relief Requested in the Advice Letter Requires Consideration in a Formal Proceeding, Ss specified in GO 96-B, General Rule 5.2.

As a threshold matter that must be resolved before the substance of the Advice Letter may be considered, the Commission must first consider whether PG&E’s attempt to fundamentally alter the construction and application of the service provisioning language in Rule 16 of its tariff is appropriately submitted as an advice letter under GO 96-B, General Rule 5.1. PG&E’s attempt to revise its Rule 16 service provisioning practices for wireless equipment on communications towers raises contentious and significant policy issues that should be decided in a formal proceeding pursuant to GO 96-B, General Rule 5.2.

This is particularly true as it is difficult to determine with certainty what, exactly, PG&E is proposing. Tellingly, the Advice Letter states that “No tariff revisions are required as PG&E’s existing tariff permits the service extension policies described above.” Advice Letter at 5. In other words, PG&E is not changing the words in Rule 16 that govern service extensions. Rather, it is purporting to change its construction and application of those words through the Advice Letter (Advice Letter at 4-5, communicating “PG&E’s Policies for Service Extensions to Telecommunications Towers.”) PG&E’s justification for this fundamental change in its provisioning policies for service extension to communication towers should be examined and tested in a General Rule 5.2 formal proceeding, not in the ministerial General Rule 5.1 advice letter context.

Important policy issues presented by the Advice Letter and CTIA’s Protest, and evidence required on same, include the following:

- If the construction and application of its Rule 16 service extension language that PG&E now offers in the Advice Letter is the “correct” reading of its tariff, as PG&E contends, how does PG&E explain that it applied this same language in a different manner for roughly 20 months before coming to its different understanding of what this unchanged tariff language requires?
- PG&E’s proposed changed construction and application of this unchanged tariff language will adversely affect deployment of wireless equipment and networks in PG&E’s service territory. The Commission has an interest in removing barriers to open and competitive markets and in ensuring that there is recourse for actions that may violate state and federal laws regarding nondiscriminatory access to cellular providers constructing facilities in California. *See* Decision No. 98-12-058, 1998 Cal. PUC LEXIS 879, *60, 82 CPUC2d 510 (Cal. P.U.C. October 22, 1998).
- PG&E’s proposed changed construction and application of this unchanged tariff language will have long, ongoing negative impacts on the deployment/penetration of new and upgraded wireless technologies, as wireless networks are dynamically deployed over time (switching from 4G to 5G, or eventually from 5G to 6G, etc.,).
- PG&E’s proposed changed application of this unchanged tariff language will create a barrier to entry for new entrants by requiring a new entrant on an existing tower to bear the burden and expense of arranging for a consolidated service point for all wireless providers. It will also require a new entrant (or any first mover on a new tower) to pay upfront all costs to future proof a new tower with a service connection sized to serve all potential wireless load on that tower.
- PG&E’s proposal raises competitive/antitrust concerns by requiring competitors to share deployment plans, as would be necessary to accomplish the joint planning/future-proofing of a single shared service connection to new towers as contemplated by the Advice Letter, or to consolidate to a single service point on existing towers. In the “guidance emails” this burden to arrange service consolidation on existing towers appeared to fall to the wireless provider requesting the new service. In the Advice Letter, while not entirely clear, PG&E may be suggesting that the tower owner would take the lead on these efforts to consolidate service to wireless providers to a single point of service. Even if that is the case, competitive concerns are only marginally diminished, as wireless providers would still be required to share sensitive competitive information and deployment plans with a third party. It is also not clear if the tower owner would

be willing to fulfill this facilitator role. Similarly, even if PG&E were willing to take on this task these competitive concerns would remain.

For these reasons, the Advice Letter should not be considered in the context of GO 96-B, General Rule 5.1, but in a formal proceeding pursuant to GO 96-B, General Rule 5.2. The Advice Letter should therefore be rejected, without prejudice, pursuant to GO 96-B, General Rule 5.3. However, if the Advice Letter is evaluated under GO 96-B, General Rule 5.1, it should still be rejected as unjust, unreasonable and discriminatory, as detailed below.

B. The Advice Letter is an Unjust and Unreasonable Revised Construction and Application of Unchanged Rule 16 Tariff Language and Should be Rejected Pursuant to GO 96-B, General Rule 7.4.2(6).

California Public Utilities Code Section 451(a) requires that "[a]ll charges demanded or received by any public utility, or by any two or more public utilities, for any product or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge demanded or received for such product or commodity or service is unlawful." GO 96-B, General Rule 7.4.2(6) provides that an advice letter may be protested if the relief requested in the advice letter is unjust or unreasonable. PG&E's proposed new understanding of unchanged language in Rule 16 of its tariff is unjust and unreasonable for numerous reasons.

The Advice Letter would appear to require the first service requester on a new communications tower to solely bear the costs, directly or indirectly, to future-proof the tower by installing a single service connection sized to accommodate all future demand. In other words, on new towers, the first wireless provider attaching equipment would pay for a service connection with much greater capacity than would be required to satisfy that single provider's service request. Given the state of wireless competition, this could represent four times the initial capacity or more necessary to serve that single provider. Even if this charge for a "future-proof" single service connection is assessed to the tower owner in the first instance, it is likely to be passed on to that first wireless provider requesting power.

The Advice Letter makes no provision for if, how, or when this initial requesting wireless provider on a new tower would be made whole for bearing the burden of provisioning a single, consolidated service connection to a new tower large enough to accommodate all future wireless provider deployments on that tower.

Even if the wireless provider first attaching equipment to a new tower is eventually compensated as other wireless providers subsequently place equipment on the tower, the upfront cost to provision this single, consolidated "future-proof" service connection would deter and impede initial deployment due to the uncertainty surrounding the timing and mechanism for any subsequent cost-sharing.

These unpredictable, up-front charges would create a potential impediment to the deployment of next generation cellular equipment and networks, given the unique cost burden imposed on wireless providers first attaching equipment to new towers. Wireless networks are not static. Rather, wireless networks are constantly modified and upgraded, including ongoing deployment of new wireless equipment, to keep pace with technological evolution and customer demand. Wireless providers must keep up with ever increasing demands for service and therefore must have the ability to regularly modify their existing equipment and deploy additional equipment to keep up with demand. The recent and ongoing migration of wireless networks to 5G service amply illustrates this point. The Federal Communications Commission has recognized the need for network growth to promote broadband deployment and has promulgated regulations to accelerate and encourage the expansion of 5G.⁷

The Advice Letter would also impose burdens on new market entrants and existing providers seeking to deploy wireless equipment on existing communications towers, requiring them to arrange for consolidation of existing service connections to a new, single service connection. While PG&E would allow for one new wireless provider to receive a dedicated service connection, it would make this allowance only for a 12-month “legacy period,” and only for one new wireless provider. Advice Letter at 5. This would serve as a barrier to entry for new entrants, contrary to settled Commission policy, and would be discriminatory against new entrants, as discussed in the following section.

It would also raise significant competitive and antitrust issues, considering the level of collaboration and sharing of competitively sensitive future deployment plans that would be required between competing wireless providers to achieve this single service connection consolidation. These issues would be compounded by the likelihood that PG&E’s proposed process would delay broadband deployments. This contravenes California and federal policy and is detrimental to wireless providers and customers alike.

C. The Advice Letter is a Discriminatory Revised Construction and Application of Unchanged Rule 16 Tariff Language and Should be Rejected Pursuant to GO 96-B, General Rule 7.4.2(6).

California Public Utilities Code Section 453(a) requires that: “[n]o public utility shall, as to rates, charges, service, facilities, or in any other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage.” GO 96-B, General Rule 7.4.2(6), provides that an advice letter may be protested if the relief requested in the advice letter is discriminatory. PG&E’s proposed new understanding of unchanged language in Rule 16 of its tariff is discriminatory on its face.

⁷ See, e.g., *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33 FCC Rcd. 9088, ¶24 (2018) (observing that “the need to site so many more 5G-capable nodes leaves providers’ deployment plans and the underlying economics of those plans vulnerable to increased per site delays and costs.”); *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020).

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PG&E's new construction and application of the service extension provisions in Rule 16 would deny new entrants the same discrete service connection arrangement that other wireless providers currently have on existing towers.

Requiring wireless providers with discrete service connections on existing towers to abandon those discrete service connections for a new, consolidated point of service does not solve this discrimination problem. A new entrant will not be able to deploy service with a dedicated service solution on existing towers as existing wireless providers were able to do when they first introduced service. Rather, the new entrant will be required, uniquely, to initially deploy service under the consolidated service connection approach urged by the Advice Letter. Worse yet, the new entrant will uniquely bear the administrative burden and cost of facilitating a new, single service connection for all wireless providers. And the discussions that will be necessary between all providers to accomplish this raise significant competitive and antitrust difficulties, as noted.

PG&E's revised construction and application of its Rule 16 tariff for wireless attachments to new towers would also be discriminatory because it would require the first attaching wireless provider, uniquely, to bear the cost to provision a "future-proof" service connection sized to serve the load of all wireless providers that might eventually place equipment on the new tower. This is particularly problematic given that PG&E typically but unnecessarily requires new service connections to communications towers to be made at primary voltage as opposed to secondary voltage, increasing the costs for these new connections. And as noted, no provision is made for if, how, or when the first wireless provider requesting service on a new tower might recoup the amount it must pay to future-proof this service connection at a capacity capable of serving all other wireless providers. That cost will certainly be significantly greater than the cost to provision a new service connection sized just to meet that first attaching provider's requirements.

D. PG&E Makes no Demonstration That its Original Construction and Application of the Service Extension Provisions of Rule 16 was Incorrect or Unreasonable and there is No Need or Valid Justification for its Revised Construction and Application of These Provisions.

PG&E offers a strained reading of its Rule 16 tariff language to justify its new construction and application of that language, without first explaining how the manner in which it previously understood and applied that unchanged language was incorrect or unreasonable. PG&E contends that wireless providers are not individual "enterprises" that qualify for individual service connections under Rule 16, simply ignoring the fact that it treated wireless providers as separate "enterprises" for years. Manifestly, wireless providers are not a single enterprise; as previously noted, they are in direct competition with each other.

PG&E is not writing on a blank slate here, construing the "enterprise" language in its tariff for the first time. PG&E offers no explanation as to how individual wireless providers were previously considered as individual enterprises under Rule 16, but now are not. The

language of the tariff itself has not changed, as PG&E acknowledges: “No tariff revisions are required as PG&E’s existing tariff permits the service extension policies described above.” Advice Letter at 5. It is inappropriate for PG&E to simply change its construction and application of unchanged tariff language for its convenience.

In any event, the reasoning PG&E offers to support its revised construction and application of its unchanged tariff language is not credible. PG&E claims this new and improved application of its tariff will be safer, and more equitable to its customers. Although it is not surprising that a utility would invoke familiar customer fairness and safety refrains, here, PG&E’s arguments are difficult to understand, and unpersuasive.

i. Provisioning discrete service connections to individual wireless providers, as PG&E has done for years, is not unfair to PG&E’s customers.

It is not clear from PG&E’s cursory discussion of these issues how its current construction and application of its Rule 16 service extension provisions is unfair to customers, but as a preliminary observation, it is odd that PG&E is now apparently arguing that it has been incorrectly applying its tariff for years in a manner unfair to its customers.

Be that as it may, wireless providers are also PG&E customers. There is no discussion or analysis by PG&E of how its new construction and application of Rule 16 service extension provisions would be fair to a wireless provider requesting service on a tower with existing wireless providers, or fair to a wireless provider that is the initial service requester on a new tower. In fact, it would not be, for the reasons previously discussed. For example, under PG&E’s new understanding of its tariff language, for new towers, the first wireless provider would be required to initially bear the cost of provisioning a single, consolidated service connection that will be used to provide service to all wireless providers eventually placing equipment on that tower.

Additionally, because wireless providers offer service to all of PG&E’s customers, the question is not whether those customers will bear any associated costs that may arise, but whether those costs will show up in their regulated PG&E rates subject to the Commission’s oversight and approval, or in unregulated wireless rates.

ii. PG&E offers no factual support for its claim that discrete service connections to individual wireless providers with equipment on communications towers raises safety concerns. In fact, discrete service connections for individual wireless providers is the industry standard, and actually enhances safety in emergency situations.

PG&E asserts that its new understanding of its Rule 16 tariff language will promote safety for first responders seeking to de-energize telecommunications towers: “Multiple electric services to a communication tower can potentially amplify risk, resulting in worker injury or impede the ability of utility and emergency response personnel to neutralize a public safety issue.” Advice Letter at 4. This statement is unpersuasive for several reasons.

First, the safety concern PG&E raises is purely hypothetical, as PG&E suggests only that multiple service points “can potentially amplify risk.” Advice Letter at 4. PG&E cites no actual examples where multiple service points, as opposed to a single, consolidated service point on communications towers, have caused worker injury or impeded emergency response personnel. This lack of any evidence strongly suggests PG&E is gratuitously invoking vague “safety concerns” without any substantiation merely to support PG&E’s desired reinterpretation of its tariff language.

PG&E also provides no hint as to what “public safety issues” first responders might be called upon to “neutralize” at communications towers. PG&E offers no logic as to why it would ever be necessary to de-energize all wireless equipment on a tower. In a first responder situation, it is not clear why that would ever be a prudent approach, as it would take down wireless communications capabilities that are essential in emergency situations. Indeed, as PG&E here proposes to make it easier for third parties to cause wireless outages, the Commission in R.22-03-016 is considering a proposal to fine wireless providers for outages.

In addition, wireless equipment located at towers is typically connected to batteries, generators, or both to provide backup power in the event of a commercial electric service interruption. Accordingly, PG&E’s stated safety reason for a consolidated service connection to a communications tower—to allow PG&E personnel and/or first responders to more safely de-energize wireless equipment at a single point of service delivery—will be wholly ineffective. Interrupting PG&E’s primary electric service to a tower would simply trigger operation of backup power for anywhere from hours to days. (As noted above, however, it is not clear why taking all wireless communications out of service in an emergency situation would ever be necessary or prudent, or why first responders would rely on PG&E instead of wireless providers to accomplish that.)

If discrete service connections to individual wireless providers truly implicated safety concerns, then it would be logical to expect that a single, consolidated service connection to communications towers would be the industry standard. Quite to the contrary, deployment of discrete laterals is in fact the standard practice, and to the best of CTIA’s knowledge no other IOU in California - or anywhere in the nation, for that matter - imposes requirements similar to what PG&E proposes in its Advice Letter. Neither has PG&E provided to wireless providers, or in its Advice Letter, examples of other electric utilities that impose this kind of service consolidation requirement on wireless providers.

In essence, PG&E is maintaining that its existing provisioning practices under Rule 16, to provider discrete service connections to individual wireless providers, have been and are unsafe.

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PG&E offers no factual support for this claim, which the Commission should reject as not credible.

III. CONCLUSION

PG&E's current and long-standing practice of provisioning discrete service connections to individual wireless providers placing equipment on communications towers has appropriately allowed each wireless provider to manage its own power requirements and is consistent with the industry standard. Requiring a single service connection to provide power to all wireless providers would be unjust, unreasonable, and discriminatory, as described herein. The policy concerns CTIA raises here, similar to those raised in the DISH Complaint Case, should not be resolved in the advice letter context, but rather, in a formal proceeding where evidence can be taken and considered.

CTIA thanks the Energy Division for its review of this protest, and urges rejection of the Advice Letter, without prejudice, pursuant to GO 96-B, General Rule 5.3. Failing that, CTIA asks that the Energy Division reject the Advice Letter for the reasons stated herein.

Respectfully,

 /s Jordan Pinjuv _____
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Counsel to CTIA

General Order 96-B, General Rule 3.11 Statement:

Pursuant to General Order 96-B, General Rule 3.11, this protest specifies the advice letter protested (PG&E AL 7364-E), the grounds for the protest, supporting factual information and legal argument, and the name and e-mail address of the protestant. Protestant confirms that the protest was sent to the utility (PG&E) no later than the day on which the protest was submitted to the reviewing Industry Division.

cc (via email):

PGETariffs@pge.com (Sidney Bob Dietz II Director, Regulatory Relations, c/o Megan Lawson,
E-mail: PGETariffs@pge.com)

Service List C.22-08-002