

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

Order Instituting Rulemaking to Consider
Modifications to the California Advanced
Services Fund.

Rulemaking 12-10-012

**REPLY COMMENTS OF PACIFIC BELL TELEPHONE COMPANY D/B/A AT&T
CALIFORNIA (U 1001 C); AT&T CORP. (U 5002 C); TELEPORT
COMMUNICATIONS AMERICA (U 5454 C); AND AT&T MOBILITY LLC
(NEW CINGULAR WIRELESS PCS, LLC (U 3060 C); AT&T MOBILITY
WIRELESS OPERATIONS HOLDINGS, INC. (U 3021 C); AND SANTA BARBARA
CELLULAR SYSTEMS LTD. (U 3015 C)) ON PROPOSED DECISION IN PHASE I**

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Pursuant to Rule 14.3(d) of the Commission’s Rules of Practice and Procedure, AT&T¹ hereby provides reply comments concerning the Proposed Decision in Phase I of this proceeding (“PD”).²

As it did in its Comments on Phase I Issues, filed on March 16, 2018, the California Emerging Technology Fund (“CETF”) reiterates that the Commission should require incumbent ISPs to regularly and publicly report their progress in signing up low-income households in California for their available broadband affordable offers.³ The PD correctly declined to adopt CETF’s proposal and cited AT&T’s Reply Comments on Phase I Staff Proposal, filed on April 2, 2018, concerning the competitively sensitive and proprietary nature of that information.⁴

In its comments on the PD, CETF identifies no error in the Commission’s resolution of this issue, apart from saying that AT&T’s earlier arguments were “misplaced and inappropriate.”⁵ However, in its earlier reply comments, AT&T explained why subscribership information for affordable broadband offers is competitively sensitive and cited Commission decisions acknowledging the competitively sensitive and proprietary nature of subscribership

¹ Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C); AT&T Corp. (U 5002 C); Teleport Communications America, LLC (U 5454 C); and AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U 3060 C), AT&T Mobility Wireless Operations Holdings, Inc. (U 3021 C), and Santa Barbara Cellular Systems, Ltd. (U 3015 C)).

² Proposed Decision Implementing the California Advanced Services Fund Broadband Adoption, Public Housing and Loan Accounts Provisions (filed May 18, 2018).

³ Comments of CETF on Phase I Proposed Decision, pp. 5, 12, 18 (June 7, 2018).

⁴ PD, p. 27.

⁵ Comments of CETF on Phase I Proposed Decision, p. 12.

information.⁶ CETF’s comments on the PD fail to meaningfully address, much less rebut, the competitive nature of subscribership information or Commission precedent on that subject. Thus, CETF’s comments on this issue fail to identify any error in the PD and should be disregarded.

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Respectfully submitted

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⁶ AT&T Reply Comments on Phase I Staff Proposal, p. 2 (Apr. 2, 2018), citing *Re Pacific Bell Wireless LLC*, Decision No. 02-10-061, *Interim Opinion Granting Petition for Modification and Denying Motion to Dismiss but Modifying OII for Greater Clarity*, 2002 WL 31470000 (Cal.P.U.C. Oct. 24, 2002), *mimeo*, pp. 3, 7 (granting request that information consisting of “identification of Cingular’s total California subscriber base” should remain under seal; “the Commission has confirmed the need to preserve the confidentiality of proprietary and competitively sensitive information, such as...customer base information”); *Re Competition for Local Exchange Service*, Decision No. 99-07-048, *Order Denying in Part and Granting in Part Rehearing and Modifying Decision 98-11-066*, 1999 WL 704042 (Cal.P.U.C. July 22, 1999), *mimeo*, p. 16 (“The Commission...has consistently protected” “customer base information”).