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

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

R. 12-10-012
(Filed October 25, 2012)

**COMMENTS OF PACIFIC LIGHTWAVE (U-7154-C)
ON ASSIGNED COMMISSIONER'S RULING REQUESTING
COMMENTS ON BROADBAND INFRASTRUCTURE
RULES AND APPLICATION WINDOWS, QUESTIONS (1) AND (3)**

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April 9, 2020

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A California Corporation

1 Pursuant to the comment deadlines in Assigned Commissioner Guzman Aceves’s March 26,
2 2020 Ruling Requesting Comments on Broadband Infrastructure Rules and Application Windows
3 (“Ruling”) as modified by Administrative Law Judge (“ALJ”) Stevens’ March 26, 2020 email ruling
4 revising the deadline for comments on Question (1) to April 9, 2020, Pacific Lightwave, a California
5 Corporation (“Pacific Lightwave”) hereby offers these comments on Questions (1) and (3) in the
6 Ruling. Pacific Lightwave notes that it is seeking party status contemporaneous with these
7 comments, but the comments are tendered in anticipation of the motion for party status being
8 granted. Pacific Lightwave is a small Competitive Local Exchange Carrier (“CLEC”) and
9 broadband provider serving primarily the Coachella Valley and nearby areas. Pacific Lightwave is
10 evaluating a possible California Advanced Services Fund (“CASF”) infrastructure grant, so it is
11 interested in procedural and substantive issues surrounding the program.

12 The Ruling contains twenty-five separate questions, with a deadline for opening comments
13 on all other questions except for Question (1) of April 15, 2020. *Ruling*, at 16. Pacific Lightwave
14 hereby provides comment on an issue that is common to both Question (1) and Question (3) – the
15 timing and deadlines for infrastructure grant proposals under the California Advanced Services Fund
16 (“CASF”) program.¹ Pacific Lightwave reserves the right to offer additional comments on the issues
17 in the Ruling on April 15th.

18 Pacific Lightwave urges the Commission to adopt a rolling application window for CASF
19 grant projects rather than relying on a rigid May 4, 2020 deadline. Additional flexibility in the
20 deadlines is appropriate give as many viable projects as possible a chance to bring benefits to
21 Californians who do not have access to adequate broadband. The ongoing COVID-19 crisis and the
22 associated “shelter in place” directives have underscored the importance of broadband
23 infrastructure, and the CASF plays an important role in reaching some of the areas that remain
24 unserved. Creating a rolling application window will assist carriers like Pacific Lightwave who

26 ¹ Question (1) of the Ruling asks: “In the context of the CASF, what can and should the Commission do in
27 response to COVID-19?” *Ruling*, at 4. Question (3) asks: “Should those applying for CASF infrastructure
28 grants in areas in which carriers accepted CAF II federal funds¹ but did not deploy service have their CASF
application deadline extended to July 15, 2020?” *Id.* at 5.

1 may be in a position to submit grant proposals, but who cannot reasonably do so by May 4th. A
2 more flexible approach will also allow carriers to react to the ongoing crisis and propose solutions
3 that may be more tailored to the community needs that become apparent from this dynamic situation.

4 As referenced in Question (3) of the Ruling, Pacific Lightwave also notes that the deadline
5 for Connect America Fund (“CAF”) II recipients to report their deployment is July 1st, and a rolling
6 application window would be a better way to address projects that may depend on information about
7 the extent of CAF II build-out and project fulfillment.² Question (3) in the Ruling anticipates this
8 concern and proposes a separate date for projects with CAF II implications. However, a rolling
9 deadline would be a preferable solution, as projects may naturally involve some CAF II areas and
10 other areas that are not related to CAF II commitments. Further, carriers will need time to
11 thoughtfully evaluate the levels of deployment following the July 1st reporting deadline, so they may
12 not have fully planned project applications ready by July 15th.

13 Pacific Lightwave appreciates the Commission’s consideration of the issues raised in the
14 Ruling. Pacific Lightwave will continue considering potential CASF projects and monitoring this
15 proceeding as the deadlines and submission protocols are established.

16 Respectfully submitted this April 9th, 2020 at San Francisco, California.

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² See *In the Matter of Connect America Fund*, WC Docket No. 10-90, *Order*, DA 18-710 (rel. July 6, 2018), at ¶ 67 (requiring CAF II recipients of model-based support to submit the first set of testing data and accompanying certifications by July 1, 2020.)