

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company (U 39 E) for a certificate of public convenience and necessity to provide: (i) full facilities-based and resold competitive local exchange service throughout the service territories of AT&T California, Frontier California Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California; and (ii) full facilities-based and resold Non-dominant interexchange services on a Statewide basis.

A.17-04-010

CROWN CASTLE RESPONSE TO THE APPLICATION OF PACIFIC GAS AND ELECTRIC FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Suzanne Toller
Zeb Zankel
DAVIS WRIGHT TREMAINE LLP
505 Montgomery St, Ste 800
San Francisco, CA 94111
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
E-mail: suzannetoller@dwt.com
E-mail: zebzankel@dwt.com

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Attorneys for Crown Castle

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Crown Castle NG West LLC (“Crown Castle”) (U6745C) hereby files its response to the application of Pacific Gas and Electric Company (“PG&E”) for a certificate of public convenience and necessity (“CPCN”) to provide full facilities-based, resold competitive local exchange service, and resold non-dominant interexchange services on a statewide basis (“Application”), pursuant to Rule 2.6 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure. Crown Castle does not contest PG&E’s application to provide competitive telecommunications services in California. However, PG&E’s application raises issues related to nondiscriminatory access that must be addressed in any decision issuing a CPCN.

PG&E asserts: “[g]ranting the Application will enhance competition by allowing a new facilities- based company to enter the market and thereby advance the pro-competitive goals of both the Commission and the 1996 Telecommunications Act.” Application at 11. While Crown Castle supports the Commission’s efforts to ensure competition in the telecommunications

market, we note that PG&E is not just any facilities- based company, but rather one of (if not the) the largest pole owners in the state of California. As a result, how PG&E manages those poles has a significant impact on carriers’ deployment of competitive communications services throughout the state.

Indeed, Crown Castle has already encountered issues with attaching to PG&E-owned poles on reasonable, non-discriminatory terms and conditions. In particular, PG&E has conditioned access to poles on Crown’s agreement to ownership terms that exceed those which are “necessary to ensure safety and engineering reliability of its facilities” as provided for in the Commission’s right of way rules. *See* D.98-10-058 at 114-115. Crown Castle is concerned that by granting the Application as is, it would compound any current discriminatory practices by PG&E.

According to its application, PG&E will “continue to adhere to Commission decisions, including D. 98-10-058, as modified by D. 16-01-046 (‘the ROW rules’), to ensure that all similarly situated carriers are treated uniformly and provided access to [its] support structures on a nondiscriminatory, first-come, first-served basis.” Application at 12. PG&E claims that its “internal procedures will ensure that [its] telecommunications business does not receive preferential access.” *Id.*

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