



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

FILED
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In The Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY (U338E) for Authority to Lease
Certain Fiber Optic Cables to CELLCO
PARTNERSHIP D/B/A VERIZON
WIRELESS under the Master Dark Fiber
Lease Agreement Pursuant to Public Utilities
Code Section 851.

A.17-02-001
(Filed February 03, 2017)

**MOTION OF THE UTILITY REFORM NETWORK
FOR PARTY STATUS**



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September 18, 2017

**MOTION OF THE UTILITY REFORM NETWORK
FOR PARTY STATUS**

I. INTRODUCTION

Pursuant to Rule 1.4 of the California Public Utilities Commission's ("Commission's") Rules of Practice and Procedure, The Utility Reform Network ("TURN") respectfully submits this motion for party status in the instant proceeding for Southern California Edison Company's ("SCE's") application for authority to lease certain fiber optic cables to Cellco Partnership d/b/a Verizon Wireless ("Verizon") under the Master Dark Fiber Lease Agreement ("MLA"). TURN also respectfully requests the opportunity to file a timely notice of intent to claim intervenor compensation no later than 14 days after the ruling on TURN's motion for party status is issued.

II. REQUIREMENTS OF RULE 1.4(b)

Rule 1.4(b) provides that a person seeking party status by filing a motion to become a party shall:

- (1) fully disclose the persons or entities in whose behalf the filing, appearance or motion is made, and the interest of such persons or entities in the proceeding; and
- (2) state the factual and legal contentions that the person intends to make and show that the contentions will be reasonably pertinent to the issues already presented.

TURN seeks party status in this proceeding in order to advance and protect the interests of the residential customers that it has represented in Commission proceedings for over thirty years. These customers have a strong interest in ensuring that ratepayers are appropriately compensated for capital investments that were funded with ratepayer

dollars. Revenue sharing between SCE shareholders and ratepayers, a key issue in this proceeding, has a direct impact on the residential customers. In addition, these customers have an interest in ensuring that ratepayers are not subsidizing SCE's competitive local exchange carrier business. Residential customers also benefit from a strong and competitive telecommunications marketplace that provides choices for affordable and reliable communications services.

On September 11, 2017, the Commission issued an Amended Scoping Memo and Ruling which identified additional issues implicated by related proceedings and directed SCE to file comments addressing the expanded scope of issues. If granted party status, TURN intends to make contentions pertinent to the expanded issues identified in the Amended Scoping Memo, including whether the MLA qualifies as a non-tariffed product and service, revenue sharing mechanism with ratepayers, potential subsidy across SCE's different lines of business, and others. TURN will also address issues added to the scope of this docket that focus on the impacts of the proposed lease agreement on the telecommunications market in California, nondiscriminatory access to SCE facilities, and safety and reliability of pole and conduit access to SCE facilities. Moreover, TURN may address issues related to those being addressed by the Commission in the Pole Attachment and Right-of-Way proceeding (I.17-06-027/R.17-06-028/R.17-03-009), where TURN is an active party.

Given that the amended Scoping Memo has just been issued, TURN's intervention at this date is timely and would not prejudice any party.

III. REQUEST TO FILE REPLY COMMENTS

The Amended Scoping memo directs SCE to file comments addressing the expanded scope of issues by October 11, 2017, but does not address the possibility of reply comments.¹ If granted party status, TURN respectfully requests the opportunity to file reply comments no later than November 10, 2017, 30 days after SCE's comments are due. Other intervenors should of course have the same opportunity granted to TURN, if any.

IV. REQUEST TO FILE NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION

Rule 17.1(a)(1) provides that for a proceeding in which a prehearing conference is held, a notice of intent to claim compensation may be filed any time after the start of the proceeding until 30 days after the prehearing conference. A telephonic prehearing conference was held on April 17, 2017. However, California Public Utility Code Section 1804(a)(1) states,

In cases where the schedule would not reasonably allow parties to identify issues within the timeframe set forth above, or where new issues emerge subsequent to the time set for filing, the commission may determine an appropriate procedure for accepting new or revised notices of intent.

Thus, the Commission has discretion to authorize submission of new notices of intent if new issues emerge subsequent to the time set for filing. Given that the Amended Scoping Memo was issued on September 11, 2017 and it acknowledged that additional parties may intervene as a result of the amended scope, TURN respectfully requests the opportunity to file a timely notice of intent to claim intervenor compensation no later than 14 days after the ruling on TURN's motion for party status is issued.

¹ Assigned Commissioner Amended Scoping Memo and Ruling, issued Sept. 11, 2017, p. 1.

V. SERVICE LIST REQUEST

TURN requests that its formal appearance be entered in this proceeding as follows:

David Cheng
THE UTILITY REFORM NETWORK
1620 Fifth Ave, Ste 810
San Diego, CA 92101
Telephone: (619) 398-3680
E-Mail: dcheng@turn.org

Additionally, TURN requests that a second TURN representative, Christine Mailloux, be added to the service list with Information Only status. Ms. Mailloux's contact information is as follows:

Christine Mailloux
THE UTILITY REFORM NETWORK
1620 Fifth Ave, Ste 810
San Diego, CA 92101
Telephone: (619) 398-3680
E-Mail: cmailloux@turn.org

VI. CONCLUSION

For the foregoing reasons, TURN respectfully requests to be granted party status in this proceeding. TURN also respectfully requests the opportunity to file reply comments as well as a notice of intent to claim compensation.

Date: September 18, 2017

Respectfully submitted,

By: _____
/s/
David Cheng
Staff Attorney

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