

**PUBLIC UTILITIES COMMISSION**505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298**FILED**04/02/20
10:33 AM

April 2, 2020

TO PARTIES OF RECORD IN RULEMAKING 18-03-011:

This proceeding was filed on March 22, 2018, and is assigned to Commissioner Batjer and Administrative Law Judge (ALJ) Bemesderfer. This is the decision of the Presiding Officer, ALJ Bemesderfer.

Any party to this adjudicatory proceeding may file and serve an Appeal of the Presiding Officer's Decision within 30 days of the date of issuance (i.e., the date of mailing) of this decision. In addition, any Commissioner may request review of the Presiding Officer's Decision by filing and serving a Request for Review within 30 days of the date of issuance.

Appeals and Requests for Review must set forth specifically the grounds on which the appellant or requestor believes the Presiding Officer's Decision to be unlawful or erroneous. The purpose of an Appeal or Request for Review is to alert the Commission to a potential error, so that the error may be corrected expeditiously by the Commission. Vague assertions as to the record or the law, without citation, may be accorded little weight.

Appeals and Requests for Review must be served on all parties and accompanied by a certificate of service. Any party may file and serve a Response to an Appeal or Request for Review no later than 15 days after the date the Appeal or Request for Review was filed. In cases of multiple Appeals or Requests for Review, the Response may be to all such filings and may be filed 15 days after the last such Appeal or Request for Review was filed. Replies to Responses are not permitted. (*See, generally, Rule 14.4 of the Commission's Rules of Practice and Procedure at www.cpuc.ca.gov.*)

If no Appeal or Request for Review is filed within 30 days of the date of issuance of the Presiding Officer's Decision, the decision shall become the decision of the Commission. In this event, the Commission will designate a decision number and advise the parties by letter that the Presiding Officer's Decision has become the Commission's decision.

KIMBERLY H. KIM for
Anne E. Simon
Chief Administrative Law Judge

AES:mph

Attachment

ALJ/POD-KJB/mpb

Decision **PRESIDING OFFICER'S DECISION (Mailed 4/2/2020)**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Regarding Emergency Disaster Relief
Program.

Rulemaking 18-03-011

**PRESIDING OFFICER'S DECISION SANCTIONING
AT&T CALIFORNIA (U1001C) AND AT&T CORPORATION (U5002C)
FOR VIOLATIONS OF COMMISSION RULE 1, GENERAL ORDER 96-B,
AND DECISION 19-08-025**

Summary

In this Decision, we dispatch with AT&T's willful disregard for the State of California's obligation to ensure the public's safety through oversight of the 911 system. In the course of dealing with the California Public Utilities Commission (CPUC or Commission), Respondents AT&T California and AT&T Corporation have violated Commission Rule 1, General Order 96-B, Decision (D.) 19-08-025, and applicable law for which they are fined \$3,750,000 and required to file tariffs for Next Generation 911 service no later than twenty (20) days after the date of issuance of this decision. Should either of them fail to file the tariff as directed, the fine will be increased to \$7,500,000 and will continue to accumulate interest and late payment penalties until paid in full.

1. Background

Under CPUC rules, companies may be provided the privilege of a license to provide service in the State of California. Along with the many benefits of these licenses come responsibilities. Pertinent to this Decision, is the responsibility to assure the proper provisioning of 911 service through the submission of tariffs. Respondents AT&T California and AT&T Corporation are both licensed carriers subject to this requirement.¹

AT&T California is an Incumbent Local Exchange Carrier (ILEC), which means they hold a historic monopoly franchise license. With the privilege of this license, comes this obligation to serve as the Carrier of Last Resort (COLR) in their service territory, and provide “Basic Service,” which is the minimum level of service that must be provide their customers.² Explicitly included as a component of Basic Service is the obligation to provide tariffed 911 service.

AT&T Corporation is a Competitive Local Exchange Carrier (CLEC), which means they hold a certificate of public convenience and necessity (CPCN) to provide competitive local exchange services. With this privilege, comes the obligation to provide 911 service was enumerated in the decision permitting competition in “local exchange” telephone services.³ Further, the Commission, in determining the regulatory obligations of competitive carriers explicitly found that the “911 system provides the public an important public service that must be

¹ AT&T California is the successor entity to Pacific Telephone & Telegraph, which obtained a franchise many decades ago from the CPUC to provide service; that franchise was “grandfathered” when the California Legislature enacted Public Utilities Code § 1001, which requires service providers to obtain a license from the CPUC. AT&T Corporation, an affiliate of AT&T California, obtained a CPCN after the CPUC authorized competition in the local telephone market in 1995.

² See Decision 96-10-066 as revised by Decision 12-12-038.

³ Decision 95-07-054

available to all phone customers and must not be detariffed,” and that detariffing of 911 or other emergency services is not in the public interest.⁴

The California Governor’s Office of Emergency Services (Cal OES) is responsible for the 911 network under state law. Cal OES has developed an updated service delivery design and procured new services called Next Generation 911 (NG 911). Because CalOES is updating the existing 911 services to NG 911 services, Respondents are required to update their tariffs to comply with GO 96-B, Industry Rules §§ 8.3 (New Service) and 8.4 (Changes to Tariffed Rate, Change, Term or Condition). The submission of updated tariffs is of paramount importance, as it is the central mechanism by which compliance with regulatory and statutory mandates is assured.

On April 15, 2019, the Director of the Commission’s Communications Division, Cynthia Walker,⁵ sent a letter to Mr. Mark Berry, Regulatory Director at AT&T California, informing AT&T California of the need to update the company’s existing 911 tariff to comport with the requirements of the new NG 911 infrastructure. The letter included a response date of June 7, 2019. AT&T California did not respond to the letter within the specified timeframe.

On May 16, 2019, AT&T Corporation filed a lawsuit against Cal OES in Sacramento County Superior Court claiming that the requirement to file a tariff as part of the NG 911 request for proposals (RFP) is illegal.⁶ AT&T challenged the RFP, in pertinent part, on the grounds that the RFP’s inclusion of a requirement that bidders must have a 911 tariff on file with the CPUC is illegal

⁴ Decision 07-09-018, Finding of Fact 34, Conclusion of Law 22, and Ordering Paragraph 3.

⁵ Cynthia Walker retired earlier this year. The new Communications Division Director is Robert Osborn.

⁶ *AT&T Corp. v. California Governor’s Office of Emergency Services*

because PUC 710 prevents the Commission from regulating VoIP and IP services. The California Department of Justice, Cal OES, the California Department of Technology, and the California Public Utilities Commission each contributed to the defense of the tariffing requirement. Tariffs are essential to ensuring a sound 911 system because Cal OES cannot rely solely on contract remedies to ensure 911 services are available 24 hours a day, seven days a week, and 365 days a year. In most cases, the harshest contract remedy for nonperformance is to terminate the contract. For 911 services, terminating the contract is not a viable option because 911 services cannot fail. Californians' health, welfare, and safety and in many cases, their lives, are dependent on a fully functional 911 service. Administering a procurement process to transition from one 911 service provider to another can be a 12-18 month process and 911 must remain available throughout. Under CPUC regulation, 911 providers ensure that they are delivering 911 service based on CPUC regulations governing their performance.

On June 12, 2019, Mr. Berry spoke with Consumer Division (CD) staff and relayed the following in response to the question of why AT&T California had not filed updated tariffs as directed by Director Walker:

- a. AT&T California does not offer the services referred to in the letter and even if it did offer these services, AT&T California does not agree that the CPUC can require a tariff because under Pub. Util. Code § 710, the CPUC does not have authority to regulate IP-enabled services.
- b. If AT&T California offers NG 911 services in the future, it will not file tariffs because the CPUC does not have authority over these services.
- c. AT&T California filed a lawsuit, as referenced above, claiming that the tariff is illegal.

On June 17, 2019, Director Walker sent a second letter to AT&T California addressed to Mr. Peter Hayes, Assistant Vice President of Regulatory Affairs,

directing AT&T California to file an updated tariff. In the letter, Director Walker stated she expected a response within five days. AT&T California did not respond to this letter within the specified timeframe.

On September 18, 2019, Director Walker sent a third letter to AT&T California addressed to Mr. Hayes, instructing the company to file tariffs for the existing Pasadena Regional Integrated Next Generation (RING) project and associated projects. These are pilot projects undertaken by Cal OES to test the functionality of the new services provided by the NG 911 system prior to statewide rollout. On October 1, 2019, Director Walker participated in a phone call with AT&T California in which AT&T California representatives stated that they would provide a response by the end of the week.

On October 4, 2019, AT&T Corporation filed Advice Letter 4336 with the CPUC. AT&T Corporation's advice letter filing does not address the questions posed by the previous three letters from Director Walker and contains the following errors, omissions and general non-compliance issues:

- a. The advice letter was filed on behalf of AT&T Corporation (U5002C) the competitive local exchange carrier (CLEC), but the letter enclosed in the filing lists "U1001C" in the heading which is AT&T California, the ILEC and Carrier of Last Resort (COLR).
- b. The advice letter responds to Director Walker's September 18, 2019, letter regarding Pasadena RING and does not address nor comply with Director Walker's original two letters which directed AT&T California to update its COLR tariffs.
- c. AT&T Corporation's advice letter did not comply with GO 96-B. AT&T Corporation's advice letter consists of a Title Page, a Table of Contents, an Explanation of Symbols, General Regulations, and a List of Contracts, but it does not provide an actual tariff as required by GO 96-B § 9. There is no pricing or

listing of services as requested in the multiple letters sent to AT&T California.

d. AT&T California currently provides tariffed 911 service over existing technology. The letter from Director Walker informed AT&T California that since the existing platform is being replaced with an NG 911 platform, AT&T California must file new NG 911 tariffs to update its existing, and soon to be outdated, tariffs. AT&T California has refused to file new tariffs.

e. AT&T Corporation is carrying NG 911 traffic over the AT&T turnkey NG 911 Emergency Services Network (ESInet) to at least eight public service access points (PSAPs) in the Pasadena RING Project. ESInet uses IP-enabled service to carry and deliver those calls.

For these reasons, CPUC staff rejected AT&T Corporation's advice letter on October 23, 2019.

On November 5, 2019, AT&T California finally provided a written response to Director Walker's three letters from April, June, and September 2019. In the letter AT&T California claims that it "does not offer a [sic] NG 911 Trunk⁷ Services in California, and therefore does not have a NG 911 Trunk Service to tariff at this time." AT&T California further claims that the 911 service AT&T Corporation, a CLEC, provides to "Pasadena RING" "is not a generally-available service appropriate for placement in a tariff."

On December 20, 2019 the Presiding Officer issued an order to show cause (OSC) to Respondents directing them to appear and explain why they should not be fined or otherwise sanctioned for their refusal to file NG 911 tariffs as directed by Director Walker and other conduct in violation of Commission rules and

⁷ A trunk is a cable that carries voice traffic

regulations, Commission decisions, and applicable law. On January 23, 2020 an evidentiary hearing was held in response to the OSC.

2. Discussion and Analysis

At issue in this proceeding are two general questions. First, are Respondents required to file tariffs for NG 911 service? Second, have Respondents behaved in a manner that calls for a fine and, if so, how large should that fine be?

2.2. Are Respondents required to file NG911 tariffs?

Yes. The CPUC requires AT&T Corporation, as a CLEC, to offer their customers access to 911 services, and the CPUC has explicitly never detariffed 911 or emergency services.⁸ Further, AT&T California is licensed by the Commission, and as a condition of that license must explicitly provide Basic Service – also known as “basic exchange service” – to their customers. Section 495.7(b) of the Public Utilities Code reads, in relevant part, as follows:

The commission may, by rule or order, partially or completely exempt certain telecommunications services, *except basic exchange service offered by telephone or telegraph corporations*, from the tariffing requirements of Sections 454, 489, 491, and 495.35.⁹

Thus, pursuant to § 495.7(b), the CPUC is statutorily prohibited from detariffing anything it defines as “basic service” and thus AT&T California is required to maintain and update 911 tariffs on file with the Commission.

Decision 19-08-025, issued earlier in this proceeding, created a permanent disaster relief program to ensure continuity of service, predictability and

⁸ Decision 95-07-054 and Decision 07-09-018, Finding of Fact 34, Conclusion of Law 22, and Ordering Paragraph 3.

⁹ Pub. Util. Code § 495.7(b).

consistency in times of crisis for customers of communication service providers.¹⁰ In addition, it directed carriers to establish systems and procedures necessary to provide swift and substantive assistance to affected customers of disasters.¹¹ As part of ensuring continuity of service in times of crisis, the carriers are required by D.19-08-025, which affirmed D.12-12-038, to comply with maintaining 911 tariffs on file with the Commission.¹² The Commission stated in D.19-08-25, issued only a few months ago, that:

911 service is a component of basic service as the CPUC has defined it for over 25 years, and as such, providers are required to maintain 911 tariffs on file with the CPUC per Decision 12-12-038 [decision adopting revisions to “basic service” definition] and Section 495.7(b) [“The commission may, by rule or order, partially or completely exempt certain telecommunications services, *except basic exchange service offered by telephone or telegraph corporations*, from the tariffing requirements of Sections 454, 489, 491, and 495.”].¹³

Despite this recent directive from the Commission in a proceeding that they are parties to, Respondents refuse to update their 911 tariffs. Prior to this dispute with Respondents, no provider had argued that it was excused from its obligation to deliver tariffed 911 service if the underlying technology of the telephone system changed from analog to digital or, as in its latest incarnation, was made up in whole or in part of routers and other equipment configured to handle Internet Protocol (IP-enabled) traffic. On the contrary, in response to a

¹⁰ Decision 19-08-025 at 7.

¹¹ *Id.*

¹² *Id.* at 14, 56-57, Conclusion of Law 24

¹³ *Id.* (emphasis added.)

question from the Presiding Officer during the evidentiary hearing on January 23, 2020, Respondents' witness Neinast conceded that the obligation to offer tariffed 911 service is technology indifferent.¹⁴

Notwithstanding their recognition that the obligation to offer tariffed 911 service is technology indifferent, Respondents argued in response to the letters from Director Walker and in the evidentiary hearing, that because NG 911 is built from the ground up using IP-enabled technology, they are relieved of their obligation to tariff the 911 service they provide. In support of this position, Respondents cited Public Utilities Code Section 710 (§ 710) which explicitly exempted IP-enabled traffic from Commission regulation. But reliance on § 710 is mistaken in at least two major respects. First, while § 710 prohibited the Commission from exercising regulatory authority over IP-enabled services, sub-section (e) preserved the Commission's jurisdiction over basic service:

(e) This section does not affect any existing regulation or proceeding governing, or existing commission authority over non-VoIP and other non-IP-enabled wireline or wireless service, **including regulations governing universal service and the offering of basic service and lifeline service, and obligations to offer basic service.**¹⁵

Respondents interpret this provision as making the obligation to offer 911 service dependent on the technology used to provide it. Further, relying on the language in § 710 that limited the CPUC's ability to exercise regulatory jurisdiction over any IP enabled service, and reading it as they would have us

¹⁴ Q (by ALJ Bemederfer): Is there any reason from your perspective as an engineer that 911 calls should be limited to any particular technology? Why shouldn't the obligation to deliver 911 be technologically indifferent?

A (by Mr. Neinast): I think it is technologically indifferent. I really do. (Transcript at 62-63.)

¹⁵ Emphasis added.

read it, § 710 would exempt from CPUC oversight 911 service delivered by all carriers if they modernize the delivery of 911 service from traditional time-division multiplex (TDM) technology to any IP-based technology.¹⁶ But this reading is perverse. It not only does away with the obligation to offer 911 service, but taken literally, it **would excuse carriers who upgrade their equipment from providing 911 service at all.** Whatever the legislature may have intended in adopting § 710, surely it was not that.

In other words, Respondents must be presumed to have understood that, so long as they were providing basic service, they remained obligated to provide 911 service, regardless of the technology employed to deliver that service. They also must have understood that 911 service has always been a tariffed service and that so long as they are required to provide it, they are also required to tariff it.

In addition, while § 710 prohibited state agencies broadly from exercising regulatory authority over IP-enabled services, sub-section (c)(8) specifically preserved Cal OES's oversight of the 911 system:

(c) This section does not affect or supersede any of the following: [...]

(8) The Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1.5 of Part 1 of Division 2 of Title 5 of the Government Code).

Since 911 has always been tariffed, and Cal OES determined in their RFP that NG 911 services must also be tariffed, Respondents arguments contradict the statute. The refusal by Respondents to file tariffs and efforts to obstruct and

¹⁶ Former PU Code Section 710 read in relevant part as follows: “(a) The commission shall not exercise regulatory jurisdiction or control over ... Internet Protocol enabled services...”, with certain exceptions.

delay the NG 911 RFP by definition affected Cal OES's obligation to manage and develop the 911 system, as required by the Warren-911-Emergency Assistance Act.

Respondents' refusal to file NG 911 tariffs contrasts with the behavior of other carriers such as Frontier, which filed a tariff as directed. Respondents' witness Neinast denigrated the NG 911 tariffs filed by Frontier as an effort to get the Commission "off [Frontier's] back."¹⁷

Beyond relying on § 710, Respondents offered another novel argument. Noting that CalOES selected four core service providers to carry 911 calls from the point at which the call is handed off from the originating carrier to one of the four core service providers for delivery to a PSAP, and neither of the AT&T companies was selected as a core service provider, Respondents claimed that their obligations to provide 911 service cease at the point of handoff. But while this argument may describe the technical manner in which Respondents handle some 911 calls, it does not justify the refusal to file NG911 tariffs for the 911 traffic Respondents transport.

Furthermore, although Respondents contend that the technological changes in the provision of 911 service exempt them from regulatory requirements, D.12-12-038 considered the changing telecommunications landscape. That decision required providers of services using technologies other than traditional wireline service to notify the Commission with a Tier 3 Advice Letter "that demonstrates its capability to provide 911/E911 that at a minimum provides

¹⁷ "So in my opinion what Frontier and Consolidated did---I don't want to disparage any company -- they did this to get somebody off their back or whatever. You know that's my humble opinion, but they just put some words in there..." (Transcript, at. 43)

location accuracy and reliability that is at least reasonably comparable but not necessarily identical to that offered by the existing COLR."¹⁸

2.3. Have Respondents made knowing misrepresentations or engaged in other conduct meriting a fine?

During the evidentiary hearing, Respondents first claimed that they did not deliver IP-enabled traffic to any PSAP¹⁹, but later conceded that they are able to do so at multiple locations.²⁰ Respondents also conceded that they supply trunks to the core service providers such that a call handed off to a core service provider may, in turn, be handed off to one of Respondents for delivery to the PSAP.²¹

¹⁸ D.12-12-038 at 23.

¹⁹ Q (by Mr. Discher) Does AT&T California offer any kind of NG 911 service to PSAPs?

A (by Mr. Neinast): No.

Q Now, focusing on AT&T Corp, does AT&T Corp provide NG 911 service to PSAPs?

A Yes, it does.

Q In California

A In California, no, it does not any longer. (Transcript pp. 36-37)

²⁰ See generally Transcript pp. 56-60 establishing that AT&T Corp. though its AVPN service, is able to deliver IP-enabled calls to multiple PSAPs in California.

²¹ Q (by ALJ Bemserfer) And who is providing that transit [from the point of aggregation] to the PSAP?

A (by Mr. Neinast) Either they [the core service providers] are or they are getting it from a third party.

Q And the third party could be...

A Could be anybody. Could be Comcast. It could be AT&T

Q Could it be AT*T California or AT&T Corporation?

A AT&T California has TDM equipment like T1s and they can do that. You can actually encapsulate an IP signal over the TDM network. (Transcript pp.26-27)

In addition to making these misrepresentations regarding delivery of IP-enabled traffic to PSAPs, Respondents repeatedly ignored Director Walker's letters and refused, without explanation, to comply with the instruction to file a NG 911 tariff. At the evidentiary hearing, counsel for the Respondents claimed that a phone call from a junior staff member at AT&T California to a junior staff member at the Commission constituted an adequate response to Director Walker's multiple written directives to senior officers of AT&T California, a claim that the Presiding Officer found without merit.²²

We conclude that by their deliberate repeated refusals to respond appropriately to the letters from Director Walker, their knowing misrepresentations regarding their handling of 911 traffic, and their deliberate ignoring of D.19-08-025, GO 96-B, and applicable law, Respondents have engaged in conduct that merits a fine. Public Utilities Code § 2107 authorizes the Commission to impose fines ranging from \$500 to \$100,000 for such conduct.²³ Public Utilities Code § 2108 makes each day that such conduct continues a separate offense under § 2107.²⁴

²² At the Evidentiary Hearing, ALJ Bemserderfer stated: "Director Walker asked for an answer and Director Walker got no answer, then or later. I think it is important to be clear about this point. If a Vice President of AT&T were to send a request to a Commissioner and someone down in the bowels of the Commission were to have a conversation with someone down in the bowels of AT&T, I don't think that would qualify as a response...." (Transcript pp.62-63.)

²³ Pub. Util. Code § 2107 states: "Any public utility that violates or fails to comply with any provision of the Constitution of this state or of this part or that fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand or requirement of the commission in a case in which a penalty has not otherwise been provided, is subject to a penalty of not less than five hundred dollars (\$500)/ nor more than one hundred thousand dollars (\$100,00), for each offense."

²⁴ Pub. Util. Code § 2108 states: Every violation of the provision of this part or of any part of any order, decision, decree, rule, direction, demand, or requirement of the commission by any corporation or person is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense.

In seeking to fix the amount of the fine, we have considered both the severity of Respondents' misconduct and its duration. Ignoring a written directive from a Commission Division Director is a serious matter if engaged in once. In this case, the seriousness was compounded by AT&T California's repeated refusal to respond to multiple letters from Director Walker. Ignoring a decision of the Commission entered in this proceeding is also a serious matter. As for duration, approximately 250 days elapsed between Director Walker's first letter and the filing of the Order to Show Cause.

We conclude that Respondents' conduct is not so egregious as to merit a maximum fine nor so excusable as to merit a minimum fine. For their repeated refusal to respond to the letters from Director Walker we find that a fine of \$10,000 per day or \$2.5 million is appropriate; for their misrepresentations regarding the handling of 911 traffic and their deliberate disregard of D.19-08-025, we find that a fine of \$5000 a day or \$1.25 million is appropriate, for a total fine of \$3.75 million.

In addition to imposing this fine for past misconduct, we direct Respondents to file NG 911 tariffs within 20 days of the effective date of this decision. If they fail to do so, the fine imposed herein will be doubled to \$7.5 million.

3. Assignment of Proceeding

Marybel Batjer is the Assigned Commissioner in this case and Karl J. Bemesderfer is the assigned Administrative Law Judge.

Findings of Fact

1. 911 service is a tariffed element of basic service.
2. 911 services or other emergency services may not be detariffed.

3. AT&T Corporation and AT&T California both offer basic exchange service; AT&T California does so pursuant to its obligations as a COLR, while AT&T Corporation does so pursuant to its obligations under its CPCN.

4. 911 services are inherently local services.

5. On three separate occasions in 2019 former Communications Division Director Cynthia Walker wrote letters to AT&T California directing the company to file a Next Generation 911 tariff.

6. On May 16, 2019, AT&T Corporation filed a lawsuit against Cal OES to delay the NG 911 RFP claiming that the tariffing requirement is illegal.

7. AT&T California did not reply to former Director Walker's letters within the requested timeframe.

8. On October 4, 2019, AT&T Corporation filed a non-compliant tariff regarding its provision of 911 service. Staff rejected the non-compliant filing.

9. AT&T California and AT&T Corporation have not filed updated 911 tariffs as required.

10. The obligation to offer tariffed 911 service is independent of the technology used to deliver that service.

11. Respondents falsely claimed that they did not deliver 911 calls to Public Service Access Points over IP-enabled circuits.

12. Section 710 was deleted from the Public Utilities Code in January 2020 pursuant to a sunset provision in the original legislation.

13. Respondent AT&T California willfully and repeatedly failed to comply with CPUC requirements of COLRs to provide tariffed 911 service within its service territory.

14. Respondent AT&T Corporation willfully and repeatedly failed to comply with CPUC requirements of CPCN holders to provide tariffed 911 service.

15. Respondents knew or should have known that NG 911 is a tariffed service.

Conclusions of Law

1. Respondents are required to file NG 911 tariffs.
2. By their conduct Respondents have violated Commission Rule 1, General Order 96-B, Decision D.19-08-025, and applicable law.
3. Respondents should be fined for their violations of Commission Rule 1, General Order 96-B, Decision D.19-08-025, and applicable law.

O R D E R

1. Respondents AT&T California and AT&T Corporation must pay a fine of \$3,750,000 by check or money order payable to the California Public Utilities Commission and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, Room 3000, San Francisco, CA 94102, within twenty (20) days of the effective date of this order. Write on the face of the check or money order "For deposit to the General Fund per Decision _____."
2. Within twenty (20) days of the effective date of this order, AT&T California and AT&T Corporation shall each file a NG 911 tariff.
3. If either AT&T California or AT&T Corporation fails to file the NG 911 tariff as directed herein within the twenty-day period specified in Ordering Paragraphs 1 and 2, the fine shall be doubled to \$7,500,000 which amount shall be immediately due and payable.
4. This proceeding remains open.

This order is effective today.

Dated _____, at San Francisco, California.