



COUNTY OF MENDOCINO

Board of Supervisors

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June 17, 2024

The Honorable Tina McKinnor
California State Assembly District 61
1021 O Street, Suite 5520
Sacramento, CA 95814

Re: AB 2797 (McKinnor) Telephone corporations: carriers of last resort: tariffs - Oppose

Dear Assemblymember McKinnor,

I am writing on behalf of the Mendocino Board of Supervisors to express our opposition to AB 2797. This bill would allow any Carrier of Last Resort (COLR) in specific areas to discontinue providing service in those locations if the provider meets certain requirements and submits a notice to the CPUC. The discontinuation of COLR service, which is essential for providing vital services, is a concern. According to the bill, in areas with 'no customers', the provider can notify the CPUC no earlier than 2026 that it is no longer required to provide COLR service in those locations. In 'urban' areas, as defined by the most recent federal census, the provider is no longer required to provide service if it notifies the CPUC that there are at least two alternative voice providers and the price paid by customers for at least one of the alternative voice services is 'reasonably comparable' in price.

Specifically, some critical issues with the bill include:

1. There is no oversight of any kind, as the provider determines whether it complies with the bill's very loose structure. If the provider states the area no longer needs service, there is no way to check their work.
2. The COLR service ensures essential consumer protections, mainly that there must be service available to residents. For example, the provider must rebuild infrastructure if there is a fire. If other services are available in these areas, they are not considered COLR providers, and those requirements no longer apply. Just because a service is available today doesn't mean it will be available tomorrow because it is no longer an obligation. It is at the provider's discretion to make access available.
 - o This is of critical concern for Mendocino County, as over 75% of the county is at high-to-very-high risk for wildland and wildland-urban interface fires, according to Cal Fire's current fire hazard severity map. Over the past 25 years, 11 major fires have occurred, including the Redwood Complex Fire in 2017, the massive Mendocino Complex Fire in 2018, and the even larger August Complex in 2020. Since 2010, seven wind and/or fire events have damaged power infrastructure at communications infrastructure sites.
 - o During the October 2017 Redwood Complex Fire, a tragic event that claimed nine lives and scorched over 36,000 acres in central Mendocino County, the damage to a microwave tower and adjacent cell towers severely hampered emergency response efforts. In such dire situations, reliable access to 9-1-1 and 2-1-1 services, including the

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ability to receive alerts and notifications, is crucial for customers and first responders. With its proven reliability, plain old telephone service (POTS) continues to be one of the most essential tools in our safety net arsenal.

- The bill's definition of 'urban' brings in many rural areas. Due to the rugged topography of Mendocino County, there are a multitude of 'dead zones' where cell service is unavailable. Wireless or VoIP is either an unreliable or unavailable option in many locations. POTS remains the only reliable and affordable service option for many in Mendocino County.
3. The pricing provisions of the bill, once again, leave the determination of what is 'reasonable' to the providers. Voice alternatives such as VoIP are not sold as stand-alone services – they are part of a bundle. This means that if VoIP is deemed the 'reasonable' alternative in an area, a customer could see their monthly bill double from \$35 for basic telephone service to \$70 for a suite of services they do not need and cannot afford, simply because it is the 'alternative voice service' available. This potential financial burden on consumers is a significant concern.
 4. Lastly, this applies throughout the state – not just to ATT territories. All small ILECs, Frontier, etc., will be allowed to use this process to discontinue service.

For these reasons, the Board of Supervisors of Mendocino County must respectfully oppose AB 2797.

Sincerely,



Maureen Mulheren, Chair
Mendocino County Board of Supervisors

CC: The Honorable Jim Wood, California State Assembly, 2nd District
The Honorable Mike McGuire, California State Senate, 2nd District