

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

Draft Resolution ALJ-381. Approves modifications to the Rules of Practice and Procedure (Title 20, Division 1, of the California Code of Regulations).

Notice Date: June 1, 2020

**COMMENTS OF AT&T
ON DRAFT RESOLUTION ALJ-381**

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Pursuant to the notice of proposed amendments to the Commission's Rules of Practice and Procedure transmitted June 1, 2020, AT&T¹ hereby provides its comments.

I. DISCUSSION

Draft Resolution ALJ-381 proposes adding Rule 1.18 addressing Public Participation in Proceedings.² While AT&T understands the desire to encourage and consider comments from the public in Commission proceedings, there are several problems with the proposed rule. First, Rules 1.18(a) and (b) require the Presiding Officer to review, consider, and summarize written public comment in the final decision.³ However, there is no time limit for submission of those written comments. As proposed, if the written public comments were submitted after the close of the record and presented new facts or were submitted after comments and replies to a Proposed Decision, those written comments would be considered and could affect the determinations of the final decision. This would violate parties' rights to due process. AT&T suggests that 1.18 be modified to apply up until the submission of the record in a proceeding.

Second, Rules 1.18(c) and (d) provide that parties may respond to written public comments in their submissions and the assigned Commissioner and/or Administrative Law Judge may invite parties to comment on written public comments.⁴ However, there may not be any additional scheduled submissions in the proceeding and the permissive nature of Rule 1.18(d) results in the potential of parties having no opportunity to respond to public written comments,

¹ Pacific Bell Telephone Company d/b/a AT&T California (U 1001 C) and its affiliates AT&T Corp. (U 5002 C); Teleport Communications America, LLC (U 5454 C); and AT&T Mobility LLC (New Cingular Wireless PCS, LLC (U 3060 C); AT&T Mobility Wireless Operations Holdings, Inc. (U 3021 C); and Santa Barbara Cellular Systems, Ltd. (U 3015 C)) are collectively referred to as "AT&T."

² Draft Resolution ALJ-381 at 5, A-10.

³ *Id.*

⁴ *Id.*

comments that by virtue of Rules 1.18(a) and (b) will be considered in the final decision. This deprives parties' rights to due process. Moreover, there is a practical problem: because public written comments are not served on parties, parties will only be aware of such comments by constantly monitoring the docket card. AT&T suggests that Rule 1.18(d) be modified to provide that before written public comments are considered in a final decision, parties will be invited to comment on submitted written public comments.

II. CONCLUSION

AT&T appreciates the Commission's consideration of these comments.

Date: July 13, 2020

Respectfully submitted,

/s/

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