

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Approval of Funding for the Grant Application of
Race Telecommunications, Inc. (U7060-C), from The
California Advanced Services Fund (CASF) in the
amount of \$27,629,599 for the Gigafy Phelan
Project

DRAFT RESOLUTION T-17525

**COMMENTS OF RACE TELECOMMUNICATIONS, INC. RESPONDING TO COMMENTS OF THE OFFICE OF
RATEPAYER ADVOCATES RELATING TO RESOLUTION T-17525, APPROVING RACE
TELECOMMUNICATIONS, INC. CASF PROJECT GRANT TO CONSTRUCT THE GIGAFY PHELAN PROJECT
(FILED AUGUST 10, 2015)**

/s/ Raul Alcaraz

Raul Alcaraz

CEO
Race Telecommunications, Inc.
1325 Howard Ave, #604
Burlingame, CA 94010
Telephone: (415) 376-3311
Email: raul@race.com

DATED: June 26, 2017

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

Race Telecommunications, Inc. (“Race”) hereby submits its reply comments to the Office of Ratepayer Advocates (“ORA”) comments, filed June 19, 2017, concerning Resolution T-17525 in which the Communications Division recommends approval of \$27,629,599 from the California Advanced Services Fund (“CASF”) of Race’s Gigafy Phelan project. Race challenges ORA’s filing as without merit under the CASF’s rules.

Race has thoroughly reviewed the comments by ORA which extensively quotes Commission Decision No. (D.) 15-12-005.¹ After a close review of the Frontier-Verizon merger decision, D.15-12-005, and with an in-depth understanding of the criteria and requirements placed upon Frontier by this Commission, Race does not believe anything in that decision prevents the approval of grant Resolution T-17525.

The conditions of the Commission in that decision is for Frontier to upgrade poor broadband services using Connect America Funds and its own funds; it in no way allows Frontier to block other competitors from upgrading broadband using the CASF program, especially when an application was submitted prior to the date of issuance of D.15-12-005 or the official closing of the Verizon-Frontier merger.

Race asks that Ordering Paragraph 16 of D.15-12-005 be recognized:

“Nothing in this decision shall prevent the Commission from ordering Frontier Communications Corporation (Frontier) to take actions inconsistent with its commitments in the Settlements or the Memoranda of Understanding (MOU). Any inconsistency between a Commission order and any term of any Settlement or MOU shall be resolved in favor of the Commission order. *Frontier may not use any term of any Settlement or MOU as a defense against any future Commission order.*”² (emphasis added)

Based on this directive, this Commission should disregard the comments presented by Frontier and echoed by the Office of Ratepayer Advocates as a blatant attempt to block a new competitor from serving an underserved community by using “double dipping” as a specious argument. In addition, MOUs such as D.15.12-005 are non-legally binding which makes it easier for Frontier to skirt their responsibilities. The only ones who will suffer if the resolution in question is not approved, are the ratepayers themselves in the proposed project area.

ORA comments that the resolution does not account for CAF II funding that Frontier accepted in the proposed project area. Race believes the resolution should not be required to account for the funding as CAF II funding does not guarantee the successful completion of a project. See Frontier resolution re: Shingletown. In addition, a review of the CA broadband map shows there are overlaps between CAF and CASF funding – not to mention the fact that Frontier has used both funds for the same project area in the past.³

¹ A. 15-03-005, In the Matter of the Joint Application of Frontier Communications Corp, Frontier Communications of America Inc. (U5429C), Verizon California, Inc. (U1002C), Verizon Long Distance LLC (U5732), and Newco West Holdings LLC for Approval of Transfer of Control Over Verizon California, Inc. and related Approvals of Transfer of Assets and Certifications), voted Dec. 3, 2015, issued December 9, 2015 (Frontier-Verizon Merger Decision).

² D. 15-12-005, Ordering Paragraph 16, at page 81.

³ <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M153/K450/153450700.PDF>, Resolution T-17484, dated July 23, 2015

Race believes ORA has been misinformed by Frontier about their plans to deploy broadband in the proposed project area and the rules and regulations surrounding CAF II and how the funds may be used. Race does not wish for misinformation to color the perspective of the organization, and our company feels ORA and Race both have the ratepayers in mind. Therefore, we feel it important to reiterate that under current CPUC CASF rules, this application is more than worthy of approval.

The language involving the FCC Connect America Fund II federal grants and how they will be used by Frontier in California is vague in D.15-12-005. See, for example, Exhibit 1⁴, Settlement Agreement between Frontier and consumer advocates ORA, TURN and CforAT, at pages 5-10 where the broadband improvements are promised for the entire state and only in paragraph 6(b) at page 8 for Los Angeles County, San Bernardino County, and Riverside County. Only Frontier itself knows where it would deploy broadband to specific households in the large geographic area of “San Bernardino County”. It is up to Frontier to notify the FCC through the Form 477 process (and the CPUC by providing it with a copy of the Form 477) so the newly served areas can be mapped on the California Broadband map. This point is very important. The Commission’s current CASF rules state that applicants may apply for eligible unserved or underserved areas as set forth by the California Broadband map and any updates provided to the Commission.

The households contained in this project areas showed as eligible on the maps on August 10, 2015, when the application was filed and remain eligible today. It took until April 19, 2017 – a full year and 8 months after Race filed its original Gigafy Phelan CASF application with the CPUC – for Frontier to file a late challenge with CASF Staff.

The approval of Resolution T-17525 should not depend on whether or not Frontier has been awarded subsidies through CAF II or any planned infrastructure Frontier may or may not have in the area. Race’s application should continue to be evaluated in accordance with *current* CPUC policy which allows CASF awards to be made in and around CAF-subsidized areas,⁵ and which score projects with higher speeds as better for consumers.

Due to the lower median deployment cost (per household) in this project and due to the lower cost of maintenance for fiber based projects, Race’s ability to sustain service in the Phelan region would not be severely impacted. The project does not rely on continued subsidies and is a better long-term solution for ratepayers.⁶

The technology behind Race’s projects increases reliability, creates redundancy, maximizes efficiency and brings down future maintenance costs. New fiber networks like the ones deployed by Race are crucial in the advancements in telehealth, digital literacy, and remote learning as well as in the development of new technologies for decades to come. This cannot be done with copper networks that provide speeds of 10/1 or below.

⁴ <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M156/K249/156249641.pdf>, d.15-12-005, PDF page 157

⁵ <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M156/K883/156883679.PDF>, Resolution T-17503, dated December 21, 2015

⁶ <http://files.shareholder.com/downloads/AMDA-OJWDG/4641937339x0xS20520-17-3/20520/filing.pdf>, 3/01/2017 SEC 10K filing, PDF Page 21 / Document Page 19

In conclusion, through research and discovery, neither PUC staff nor Race found served speeds in the areas that remain in the application. The claims that Frontier provides served speeds in this area are simply false, and Race has found that ratepayers are continuously deceived by Frontier when it comes to what truly is available in the region, for example, Frontier claims to provide speeds of up to 50Mbps in Boron, CA.⁷

Boron is the site of a successful and fully constructed Race CASF project that is 100% Fiber to the Home. According to Frontier, they have been investing funds in Boron since 2012⁸. They also claim “to be Boron’s only Internet provider that uses a completely fiber optic network.”⁹ Frontier’s statements in regards to service in Boron are incorrect. Race would recommend that ORA should look into claims from Frontier about their alleged service in rural communities. In doing so, they will find that the need for better broadband is great and that ORA should be supporting grant Resolution T-17525 instead of commenting against it.

Race respectfully asks that ORA’s comments be disregarded on the basis of the fact that the project has strong political, business, public safety, education and resident support. We urge the Commission to vote yes on resolution T-17525 “Gigafy Phelan”.

Attachments:

Attachment A – Screenshots of Frontier advertising, pulled from Frontier website June 20 and June 23, 2017

Respectfully submitted,

/s/ Raul Alcaraz

Raul Alcaraz

CEO
Race Telecommunications, Inc.
1325 Howard Ave, #604
Burlingame, CA 94010
Telephone: (415) 376-3311
Email: raul@race.com

⁷ http://cdn.downloads.race.com/frontier_web_boron1.pdf, Frontier website, <https://west.frontier.com/ca/boron>, June 20, 2017

⁸ http://cdn.downloads.race.com/frontier_web_boron2.pdf Frontier website, <https://west.frontier.com/ca/boron>, June 20, 2017

⁹ http://cdn.downloads.race.com/frontier_web_boron3.pdf, Frontier website, <https://west.frontier.com/ca/boron>, June 23, 2017

ATTACHMENT A:

**Screenshots of Frontier Advertising
Pulled from Frontier website, June 20th and 23rd, 2017**



Showing Pricing for Boron, CA
Change Location | Check Availability

Call Now 1-877-532-7852

Get FIOS Internet in Boron, CA

Simply FIOS 50/50

40.00

/mo

- As fast as 50/50 Mbps download and upload
- Top-rated broadband technology with dedicated 100% fiber optics to the home

for 6 months. \$50 per month for months 7-24. Equip. and other fees apply. Services are subject to all applicable Frontier terms & conditions. [Click here for important details](#)

Call Now. 1-877-532-7852
Agents available for the next 03 : 51 : 59



Choose What You Want:

Get fast, reliable Internet, FIOS TV, and Phone service with FIOS® from Frontier. Get just Internet, or sign up for a Double or Triple fits of FIOS for TV and phone. Simply click below to view what you want.

Call 1-877-532-7852 to Order Now



Frontier strives to make Boron a better place.

Frontier Communications works tirelessly to be locally engaged in the communities it serves, such as Boron, CA. This dedication ranges from investing millions in 2012 in order to expand Internet availability across the state, to employing thousands of Californians.

FiOS Internet in Boron is also playing an important role in education. With 5458 students per librarian and a pupil-to-teacher ratio of 19.90:1 in Boron public schools, children need more resources than are available to them through individual educators.

Frontier Internet in Boron helps connect schools and homes across The Golden State so that children have more resources for learning wherever they are. Through safe, wireless devices and access to Frontier FiOS Internet speeds, children in Boron have more educational opportunities than ever before.



Find the best TV and Internet deals in your area:
Please choose your city from the list

Select a City

SERVICES

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- Bundles
- Internet
- TV

COMMUNITY

- Media Center
- Local Retailers
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- Internet
- FiOS TV
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TERMS & PRIVACY

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- Terms of Service

Call 1-877-532-7852 to Order Now

- Teléfono
- Paquetes

Save on Boron Utilities

Get a FiOS bundle from Frontier

Modern consumers use the Internet for nearly every aspect of their daily life, including activities like shopping, entertainment, communication, and learning. Having a faster, more reliable Internet connection can make all of that easier. Luckily, FiOS Internet from Frontier offers unequalled speed and service. Frontier happens to be Boron's only Internet provider that uses a completely fiber-optic network. This advanced network is capable of providing the 700 homes in Boron with connection speeds as high as 150 Mbps. Frontier Communications can help you get faster, more reliable Internet, but that's just the beginning. Customers can also sign up for FiOS Internet, TV, and home phone service, and the more services you get, the bigger your discount. This also simplifies your monthly bills and allows you to save money on a regular basis while enjoying tons of great services. To find out more about Frontier FiOS availability in your neighborhood, call today. A FiOS bundle can give you the connections and entertainment you've been looking for in addition to all these benefits:



Internet speeds ranging from 30Mbps to 150Mbps



FiOS TV with crystal-clear HD, hundreds of channels, and thousands of free On Demand titles



Unlimited long distance and local phone options, ideal for everyday or emergency calls

Certificate of Service

I, Raul Alcaraz, hereby certify that copies of a true and correct Adobe Acrobat PDF/A copy was E-mailed to those parties on the official electronic service list for DRAFT RESOLUTION T-17525, foregoing "RACE TELECOMMUNICATIONS, INC. reply comments to comments submitted by THE OFFICE OF RATEPAYER ADVOCATES ." this 26th day of June, 2017 at Burlingame, California.

/s/ Raul Alcaraz

Raul Alcaraz

CEO

Race Telecommunications, Inc.
1325 Howard Ave, #604
Burlingame, CA 94010
Telephone: (415) 376-3311
Email: raul@race.com

DRAFT RESOLUTION T-17525 – Service List

a.lauritzen@iwvisp.com
aaron@fullspectrumia.com
aaron@thouse.com
aayala@wwmsolutions.com
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ac4@cpuc.ca.gov
acardin@digitalpath.net
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alice.glasner@cpuc.ca.gov
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amb@care-ems.com
Amy.Warshauer@ftr.com
an82778@yahoo.com
andre@broadvox.net
Andrew.RuizdeGamboa@Spacenet.com
andrieu@TELNA.com
angel@firelinebroadband.com
angela.hoke@birch.com
angela.pierce@trillion.net
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Angelica.Morales@sce.com
anita@icommlaw.com
anitataffrice@earthlink.net
anthony.delarosa@thomsonreuters.com
anthony@vistabroadband.com
ap@allvoi.com
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brianb@abgcapital.com
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Charlie.Born@ftr.com

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don.eachus@verizon.com
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donna@cookscom.com
douglas.garrett@cox.com
douglasd@cvin.com
dougsimmons101@sbcglobal.net
dramsey@mcn.org
drodriguez@ypiusa.org
dsc@cpuc.ca.gov
dscott@globalvad.com

dsl@frazmtn.com
dslingerland@ypiusa.org
dsmat@inetworkgroup.com
dsmat@inetworksgroup.com
dsong@nexgit.com
dspitler@ethericnetworks.com
dt@wci.com
dward@tsicorp.net
dweirich@8x8.com
DWTCPUCDOCKETS@dwt.com
earlb@volcanotel.com
ebender@wilcon.com
ebustamante@us.telefonica.com
ecanicos@aptele.com
ece.okar@cnxntech.com
ecortez@wavebroadband.com
ecutright@karuk.us
eddie.mishan@emsonusa.com
edorm@cot.net
edwardoneill@dwt.com
edwin@janaslani.com
efi@flatplanetphone.com
egwolfe@ducortelco.com
ehiggins@corp.digitalpath.net
Eileen.Odell@cpuc.ca.gov
Einfo@entelegent.com
eitan@dollarphone.com
Elisa.Lamberty@Spacenet.com
elise.brentnall@lcbcom.com
emarzullo@sbrda.org
emre.kosmaz@kosmaz.com
enriqueg@greenlining.org
equimper@uniontelecomusa.com
eric@suttercreek.com
erin@solstice-gis.com
ERNEST@ONESOURCENETWORKS.COM
eschweizer@cogentco.com
esears@globaltouchtelecom.com
esears@xcastlabs.com
esther.northrup@cox.com
ethomas@freedomvoice.com
evotaw@ducortelco.com
evw@cpuc.ca.gov

expresstel@sbcglobal.net
ezequiel.vega@cityofwatsonville.org
fabboud@spacenetllc.com
fabiola@allo.com
fcc@pcwi.net
FILABELLE@SANPHONECISCO.COM
finance@telmate.com
finance@thinkingphones.com
fmeng@vertextelecom.com
foisy@bellsouth.net
ForestJames@EnerTribe.com
frank@x2telecom.com
fred.ramer@peakcomm.com
fred@nexasvortex.com
fredmrd@pacbell.net
FUJISHIMA@DOCOMOUSA.COM
g5admin@c-zone.net
gail.long@tdstelecom.com
gal@vUnity.com
gary.barlow@tonservices.com
gary@medalliontelecom.com
gary@wcvad.com
garyj@nationalbrands.com
gblack@cwclaw.com
gcosta@betterworldtelecom.com
geln.semow@cpuc.ca.gov
genedry@razorline.com
George.Connott@DPIEnergy.com
George.lucero@megapath.com
george.thomson@ftr.com
george@aw-co.com
george@myifp.com
george@totel.com
georges@axint.net
gerard.ainsztein@americantower.com
geri@olscomm.com
g-gunsalus@mindspring.com
ghogan@symtelco.com
gil@ncerc.org
GKarish@millervaneaton.com
gknight@sdfutures.org
Gladys.Palpallatoc@cetfund.org
glenn.richards@pillsburylaw.com

glim@enpointe.com
gmcglynn@nti.us
gmeyer@ygnition.com
goose@beamspeed.com
gpelzer@pelzercom.com
gphone@gphone.com
grant.spellmeyer@uscellular.com
Greg.Diamond@Level3.com
greg.m@socaltelephone.com
greg.m@wholesaleairtime.com
greg.rogers@level3.com
greg@digizip.com
greg@fogeatersinc.com
greg@wholesaleairtime.com
gregl@goait.com
gregory.castle@att.com
groberts@800response.com
grodham@diversifiedconsulting.net
grs@cpuc.ca.gov
gsatserv@sbcglobal.net
gspriggs@cityofplacerville.org
gvc@cpuc.ca.gov
gwilson@impulse.net
haff.enterprises@gmail.com
hando@canditech.net
hans@starfone.net
harlynf@npgco.com
hd@lucasvalley.net
heather.gibbs@deltacom.com
heidi@xyncom.com
henry@com-impact.com
hmoales@skyriver.net
hmoss@freespark.com
hong.ji@airnex.com
hpaulin@tconetwork.com
hstringer@tminc.com
hyepin@gmail.com
iho@opentel.com
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info@clearchoicepcs.com
info@cogentco.com

info@currentgroup.com
info@dollarphone.com
info@integratedserv.com
info@intermetro.net
info@myatel.com
INFO@NHCGRP.COM
info@norstartelecom.com
info@novatelnetworks.com
info@pointtopointinc.com
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info@speedband.com
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info@tsunami-wireless.com
info@vinatouch.com
info@windjammercable.com
info@wsteleport.com
info@ztelephony.com
ingrid.galyan@fnf.com
irena@vocalipx.com
isaacs@isg-telecom.com
israel@globecomintl.com
israel@livetel.com
issa@qlinkwireless.com
it_director@bearrivertribe.com
itmanager@towerstream.com
jack.liu@chtglobal.com
Jacob.Barlow@CenturyLink.com
jacque.lopez@verizon.com
jahall@corp.earthlink.com
James.Lehrer@sce.com
james.mackenzie@quortechequities.com
james.mertz@hypercube-llc.com
james.t.meister@windstream.com
james@ipcomms.net
james@northcoastnet.com
Janae.WalkerBronson@americantower.com
janewhang@dwt.com
jarrett@smartchoiceus.com
jason.brown@accesspointinc.com
Jason.Sophinos@viasat.com
jason@convergence.com
jason@convergencesys.com
jason@remotelylocated.com
jay@allcompass.com
jbarghouthi@intelepeer.com
jbeausoleil@o1.com
jbeausoleil@vayatelecom.com
jbj@cpuc.ca.gov
jborchelt@gmail.com
jbrown@vcomsolutions.com
jbubar@aol.com
jcarroll@equinoxcorp.com
jclark@gmssr.com
jcrowe@uscable.com
jcu@corp.earthlink.com
jcv@vosburgtechcenter.com
jdaniels@tsigrp.net
JDaniels@ustelestis.us
jdogonas@cenic.org
jdollenmayer@pngmail.com
jean.lee@hellodial.com
Jeff.Carlisle@lightsquared.com
jeff.jang@openpop.com
jeff.wirtzfeld@qwest.com
JELSISI@SBCGLOBAL.NET
Jeni.Santana@T-Mobile.com
jennh@velociter.net
jenni.partridge@stiprepaid.com
jennifer.hinojosa@infonxx.com
jennifer.kashatus@dlapiper.com
jennifer.lautenschleger@tdstelecom.com
jennifer@ovctelecom.com
jeremy.bals@usacomcommunications.tv
jesus.g.roman@verizon.com
jgilliland@cvctermination.com
jh@mymti.com
jh@qtelephone.com
jh@sandiegobusiness.org
jharper@broadviewnet.com
jhawley@fh2.com
jhawley@technet.org
JIANHUA.MA@VERIZONWIRELESS.COM
jim.brownfield@radical.com
jim.comeaux@vintalk.com
jim@coremarkinc.com

jimwilliby@yahoo.com
jj@bigrivertelephone.com
jjcraddock@conterra.com
jklapper@dialink.com
jkorn@storesonline.com
jkrutchik@ststelecom.com
jlane@cal.net
jlawson@adtech-it.com
jlm@mcn.org
jmaadi@intouchamerica.com
jmancuso@clearworld.net
jmauldin@adamsbroadwell.com
jmccarthy@nextwave.com
jmills@utilitytelephone.com
jmulvehill@5linx.com
jn@consumertelcom.com
joan.m.engler@verizon.com
Jodi.Mulligan@valleyvision.org
Joe.Chicoine@ftr.com
joe.dunbar@verizonbusiness.com
joe.topel@orange-ftgroup.com
joe@ccitelcom.com
joelstaker@cityofwatsonville.org
johara@anpi.org
johara@anpolutions.com
john.e.owens@gm.com
john.pandolfi@interfacesys.com
JOHN@RELIANTBROADBAND.US
john@Spiralinternet.com
john@tcomconsultants.net
john_gutierrez@cable.comcast.com
johnbarnicle@yahoo.com
johng@unitelgroup.com
Johnj@Rapidlink.com
johnj@telenational.net
johnm@consumercellular.com
johns@pcs1.net
jokoneski@pst.coop
jon@LDAccess.com
jon@morenotrenching.com
jorgeaoki@mcblue.com
jose.camacho@windstream.com
jparker@credomobile.com

jparker@wafs.com
jpena@rgts.com
jpenney@wavebroadband.com
jpetrakis@acc2go.com
jreed@edenhousing.org
jrenneker@nos.com
jrhoden@infostructure.net
jriley@telecompliance.net
jrotman@ciphernetworks.ca
jrtkyu@gmail.com
jstaker@ci.watsonville.ca.us
jtlowers@sisqtel.net
judy@ivedc.com
judypau@dwt.com
julie.laine@twcable.com
jvillanueva@cleartel.com
jwakefield@covad.com
jwaters@csufresno.edu
jwest@linesystems.com
jwilcox@jwecorp.com
kaljar@qnet.com
kar@cpuc.ca.gov
karen.pearl@lightyear.net
karp@humboldt.edu
kathy.campbell@cinbell.com
kathy@isphone.net
kcwilsonii@gmail.com
kdaniel@horizoncable.com
KDu@abs-cbni.com
keeshugo@calbroadband.com
keith@preferredlongdistance.com
kellingson@wavebroadband.com
kelly@northlandco.com
kelly_c@co.lake.ca.us
kelvin.hong@newworldtel.com
Ken.Clements@DodsonGroup.net
ken@fastblue.com
kenneth.knapp@mhonetworks.com
kenny@calmtel.com
kerry@closecall.com
kevin@socaltelephone.com
kevin@softcom.net
KevinM@tcoe.org

KevinM@visalia.net
kevins@anzaelectric.org
kfennell@broadvox.com
kflock@cabrilloedc.org
kfranks@lifeline.net
kgarnett@cal.net
kgeuder@tminc.com
kgorey@bcntele.com
khavins@broadbanddynamics.com
khbae@sunycell.com
KHoff@fire2wire.com
Kim.Do@megapath.com
kimm.partridge@ucn.net
kipc@broadweave.com
Kirby@caltel.com
kjl@cpuc.ca.gov
kjohnston@bctconsulting.com
kkchoi@roadwaycom.com
kl@sandiegobusiness.org
klepper@nadoctors.net
klewis@hrdowden.com
KMcdine@cpvcom.com
KMCDONALD@T2TECHNOLOGIES.COM
kmcha@enjoyandtv.com
kperkins@rtcli.net
kperkins@rtcllc.com
kperkins@rtcllc.net
kpoythress@tspan.net
kris@lokt.net
kristi.jaska@viasat.com
Kristin.L.Jacobson@sprint.com
krustrum@co.tuolumne.ca.us
ksanders@ccomati.com
kscovill@telecomsys.com
kwoods@fh2.com
kyork@sierrabusiness.org
l.lupton@surewest.com
lakishat@budgetprepay.com
lalvarez@alvareztg.com
larry@northcoast.com
larry@speedypin.com
larryl@isgcom.com
larrylevine@pacifictelephonecompany.net

latwood@its-omni.com
latwood@itstelecom.com
laura@mayhooklaw.com
Lauren@gotwifi.com
laurie.miller@tnzi.com
lbranson@lonepinetv.com
lchai@cnsny.net
LCires@inphonex.com
ldbbaseinc@aol.com
ldc@ldctele.com
ldeesing@riverside.ca.gov
ldellaero@matrixbt.com
ldellaero@trinsic.com
lderme@bbcominc.com
lderne@bbcominc.com
lee@ibsinc.com
legal@amphone.com
legal@mygtc.com
legal@ringcentral.com
legal@vbonita.com
leog@getatc.com
leon@positivetele.com
Lesla@calcable.org
lesley.cooper@spacenet.com
Lezlie.P.Young@windstream.com
linda.c.stinar@centurylink.com
Linda.cicco@bt.com
linda.hunt@lightyear.net
linda.k.joseph@embarq.com
linda.parks@americanmessaging.net
Linda.Peng@comnet-telephone.com
lindab@stcg.net
linda-best@comcast.net
Lisa.Ludovici@charter.com
lisa.prigozen@cpuc.ca.gov
lisa@cicom.net
Lisa_moglia@cable.comcast.com
ljfreeman@bandwidth.com
lmandolini@edenhousing.org
lmb@cpuc.ca.gov
lmb@wblaw.net
lorrie.bernstein@mossadams.com
lortega@communityunion.org

louie.decarlo@mci.com
lrice@psrec.coop
LRLEYVAMO@BESTEL.COM.MX
lrogers@Premysis.com
lroller@ponderosatel.com
ltillery@sbrda.org
lvalmana@yakamerica.com
lvinas@twncorp.com
lwhite@championbroadband.com
lynnf@stcg.net
m.h.pokorny@ildmail.com
m.haley2@verizon.net
m.pokorny@ildmail.com
mad@dcnwireless.com
maflynn@ibasis.net
magli@comtech21.com
mairac@pcs1.net
malciati@inteltrace.com
malvarado@eblctelecom.com
manager@mcn.org
manzalone@touchtone.net
Marc.Blumer@qwest.com
marc@ttcmail.com
marcel@turn.org
marcelok@telecomusa.com
Marcie.Evans@cox.com
marg@tobiaslo.com
Margaret.O'Connel-Pike@viasat.com
margo.ormiston@verizon.com
maria@vezatelecom.com
mariana.gatewood@telcentris.com
marianne@worldnet1.net
Marilyn.Shandolow@intelliverse.com
mark.goldsmith@troutmansanders.com
Mark.Koval@sprint.com
mark.layton@crossroads.us
mark@access-intl.com
mark@csilongwood.com
mark@kwireless.com
mark@surfnetc.com
mark@surfnetusa.com
markc@morenotrenching.com
markn@tpactel.com

markn@transpacgroup.net
markvanness@gmail.com
marsha.pokorny@ildmail.com
martha@IEBroadband.com
martha@mvrconsulting.com
martin@belairinternet.com
marva.johnson@mybighthouse.com
mary.buley@onvoy.com
maryannmitchell@valornet.com
mason@monkeybrains.net
matt@calpop.com
matt@rnkcom.com
mattdavis@freecomusa.com
matthew.ford@usamobility.com
max.kipfer@discoverybeyond.com
mbarnett@telecare.net
mbatdorf@evolveip.net
mberg@vodanetworks.net
mbernal@quasarinc.net
mbp@cpuc.ca.gov
mca@cpuc.ca.gov
mccallister@thecinemanet.com
mcegelski@firstcomm.com
mchawk@ecr.net
mcnicholls@me.com
mcollinsking@csufresno.edu
MCONNOLLY@YOURTEL.COM
md@sandiegobusiness.org
mdozier@csufresno.edu
mdurkin@rawbw.com
melissaslawson@dwt.com
mgallagher@pccwglobal.com
mgrillos@sagetelecom.net
mgross@xchangetele.com
mhaverkate@championbroadband.com
mhayes@alec.net
mhayes@singlepipe.net
mhornor@relianceglobalcom.com
mhiring@cavtel.com
mhughes@antelecom.net
michael.foreman@att.com
michael.geoffroy@telrite.com
michael.minkus@cpuc.ca.gov

michael.zarrilli@Suddenlink.com
michael@broadbandassoc.com
michael@cticorrections.com
michael@x2telecom.com
Michele.King@cpuc.ca.gov
michele@american-telexis.net
michele_smith@intella2.com
mike.smith@qwest.com
mike@ducortelco.com
mike@navtel.com
mike@ruralbroadbandnow.com
mike@willitsonline.com
Mike-cpuc@tiedyenetworks.com
mikehansen@alarmlink.com
mikek@newpathnetworks.net
miket@itltd.net
mindy@cot.net
mki@cpuc.ca.gov
mkrybus@dynaminktel.com
mlevine@transbeam.com
mlitten@4dct.com
mlp7595@aol.com
mlsmulders@ipnetworksinc.com
mmattes@nossaman.com
mmeier@guacamolepress.com
mmo@cpuc.ca.gov
monikab@stcg.net
monique.crawford@twcable.com
morozco@riverside.ca.gov
mort@praxisfiber.com
motte@bigrivertelephone.com
mpiasecki@catalinabb.com
mpimentel@ci.watsonville.ca.us
mpowers@egreenfield.com
mrichardson@us-south.net
mschreiber@cwclaw.com
mshames@ucan.org
mslawson@bluejaywireless.com
mtanner@nts.net
mtr@commlawgroup.com
mtr@compliancegroup.com
mwidbin@reunioncommunications.com
myra@ats-firstcall.com

myron305@TRITelcom.com
mzayas@callone.com
nand@barevox.com
natalieverette@telequality.com
nathan.glazier@alltel.com
nb2@cpuc.ca.gov
nbell1000@aol.com
nbledsoe@x5solutions.com
NEAL@TELUNITED.COM
neteng@boingo.com
ngreenberg@mono.ca.gov
nicholas.aldi@telispire.com
nicolas@catelecard.com
nicolas@ecvoice.com
nicolasandreasson@euroconnectonline.com
nirupampal@gmail.com
nlubamersky@telepacific.com
noc@grasshopper.com
noc@kern.com
nowona@hns.com
npatrick@corp.sonic.net
nyoung@helio.com
oclip@live.com
ofer@valleyinternet.net
office@goskywest.com
office@telcotel.com
opeggy@cruzio.com
operalta@telemexintl.com
osbill@centrisinfo.com
oscar@alturaintl.com
owen.rochte@cpuc.ca.gov
pamela.trickel@tdstelecom.com
patriciarobbins@dwt.com
patrick@nationwideregulatorycompliance.com
Paul.Cain@cox.com
paul.mcaleese@iwirelesshome.com
paul.sieracki@surewest.net
paul@dacinfo.com
Paul@race.com
paulv@rma-hoa.org
paulw@sdwireless.com
paylesscellular@earthlink.net
pbradshaw@sunesys.com

pchevalier@zayo.com
pclark@paxio.com
pcusack@voxbeam.com
pete@hispanicd.com
peter.hayes@att.com
Peter.Rasmusson@FARRtechnologies.com
peter.russo@ymaxcorp.com
peter.wilkins@verizonwireless.com
peter@commnexus.com
peter@freeway.com
peter@snowcrest.net
phil@sat2u.com
PHILLLINI@aol.com
phyllis@kgslawyers.com
pioneertelecom@msn.com
pkirby@scitel.net
pkranz@unwiredltd.com
pl@cableview.tv
Planning@Winters-Broadband.com
pls@unwiredbb.coM
plumasco@psln.com
pmasters@ernestgroup.com
pod@cpuc.ca.gov
ppieters@newedgenetworks.com
preferred@aol.com
preston@monkeybrains.net
prosvall@cwclaw.com
prregulatory@comcast.net
psheth@aptela.com
psp@cpuc.ca.gov
pstazzone@aldtelecom.com
puc@cimco.net
puc@ValleyInternet.net
r.engehausen@gmail.com
r.fasi@darcommunications.com
r.fowler@digitalputty.com
rachellechong@gmail.com
ralphc@nbsvoice.com
Ramiz.Rafeedie@att.com
ramona.totten@cnxntech.com
rand@tequality.com
randolph@lonepinetv.com
randy@sedcorp.biz

randy@wildirismedical.com
randylowe@dwt.com
raquel.cinat@cetfund.org
raudino@csufresno.edu
raul@corp.race.com
raul@logical.com.mx
Ravneet.Kaur@cpuc.ca.gov
raymond@gctcorp.com
rbrent@garlic.com
rcampbell@razzolink.com
rchoinski@lighttower.com
rcocklin@rockgrp.com
rcosta@turn.org
rdepalma@nexustel.net
RDICHY@METTEL.NET
rdj@att.com
rebecca.turner@cpuc.ca.gov
reg.compliance@nobelusa.com
regan.rishel@stratosglobal.com
RegMgr@stcg.net
regtss@att.com
regulations@allcompass.com
regulatory.compliants@cbeyond.net
regulatory.reporting@cbeyond.net
regulatory@andiamotelecom.com
regulatory@granitenet.com
regulatory@h3net.com
regulatory@hickorytech.com
regulatory@intrado.com
regulatory@legentcom.com
REGULATORY@NETWORKIP.NET
regulatory@opexld.com
regulatory@paclw.com
regulatory@ponderosatel.com
regulatory@publicwireless.com
regulatory@qtelephone.com
regulatory@wcs.com
regulatory@widevoice.com
regulatoryaffairs@accesspointinc.com
regulatoryaffairs@anpolutions.com
regulatoryaffairs@cavtel.com
regulatoryaffairs@zonetelecom.com
regulatorytax@8x8.com

revlyn.williams@gmail.com
rex.knowles@xo.com
rfasnacht@wecare.net
rfranz@telelight.com
rgrason@nitelusa.com
rhh@cpuc.ca.gov
rich@rnkcom.com
richard@tremcom.com
rick@cre-powerpage.com
rick@downetworks.com
rickm@volcanotel.com
rj2397@att.com
RKooistra@corp.earthlink.com
rkunze@colusanet.com
rl@acinetcom.com
rluces@admatel-usa.com
rmahfouz@msmcpa.com
Rmitchell@unwiredltd.com
rmocas@eastontelecom.com
rmonto@neutraltandem.com
rnichols@mmgholdings.net
rnorton@tminc.com
robert.swayze@laedc.org
robert@corp.succeed.net
robert@rhinobee.com
rodney@ctlcorp.net
ron@ewcommunications.net
ronw@teledynamic.com
roz.stauthamer@viasat.com
rperea@nos.com
rquinto@golegacy.com
rriberal@owtel.com
RRichardson@MomentumTelecom.com
rife@diversifiedconsulting.net
rsalzman@tracfone.com
rsanchez@bluecasa.com
rsheehan@nhcgrp.com
rt@kddia.com
rtbenne@earthlink.net
rudy.reyes@verizon.com
ruellm@luckycomm.net
russ@sedcorp.biz
russm@semperon.com

rvolker@inyonetworks.com
rvolker@praxisfiber.com
rw1@cpuc.ca.gov
rwh@cpuc.ca.gov
ryan@excitetelecom.com
ryan@fireserve.net
ryanw@oacys.com
rynae.benson@verizonwireless.com
s.zolfonoon@planettelesis.com
sagonzales@csufresno.edu
sales@aerosurf.net
sales@rockyridge.us
sales@skyq.com
samuel.sheagren@viasat.com
sandi.romena@gmail.com
sandrawilliams@netoneint.com
sandy@sedcorp.biz
sarapw@ftcpa.net
sbogdan@broadviewnet.com
scannon@quick-tel.com
schat@schat.net
schwenkl@gic.csuchico.edu
scott.ringo@cinbell.com
scott@myrep.net
SDabbs@CSUFresno.edu
sdavis@voys.com
sdize@ovctelecom.com
sean@accesshumboldt.net
SEDDWARDS@cde.ca.gov
selbytelecom@gmail.com
seth@101netlink.com
sfenker@earthlink.net
sfenker1@earthlink.net
sfetzer@cctonline.net
sflessner@wjcable.net
sfrisch@sierrabusiness.org
shala@goldline.net
shance@atcaa.org
shannon.wagner@deltacom.com
sharon.e.adams@xo.com
sharon.watkins@mclmlc.com
ShawnBarker@ShawnBarkerConstruction.com
sheaton@rccnet.org

sherri.wheatley@speakerbus.com
sherri@broadcore.com
shobbs@megapath.com
showsare@firstchoicetele.com
shurlbert@shafter.com
silvcomm@yahoo.com
SIM@cpuc.ca.gov
SimonKim@KTAmerica.com
simsph@dpiteleconnect.com
sirusz@planetonline.com
sjoachim@redwoodtelephone.com
skellogg@neutraltandem.com
skraut@metropcs.com
slarson@linchousing.org
smalllecs@cwclaw.com
smartriverside@riversideca.gov
smartvoicenetwork@gmail.com
smdaniel@horizoncable.com
smdaniel@horizoncable.net
smendez@mcgrawcom.net
sntaylor@cot.net
spappalardo@renegadetech.com
SPark@ITSCommunications.com
sperrotte@800response.com
srbryanjr@pintelco.com
srt@cpuc.ca.gov
SSanta@covad.com
sschifando@digitalpath.net
ssearle@ekit-inc.com
ssinclair@airdis.com
sstricker@tspan.net
sstudebaker@dtslfca.com
stacie.castro@cpuc.ca.gov
stacie.nothem@humboldt.edu
stephan.shin@cosmobridge.co.jp
Stephanie.Cassioppi@uscellular.com
stephanie.jackson@ncic.com
stephen.h.kukta@sprint.com
Steve.sharpe@sonoma-county.org
steve.south@vocalocity.com
steve@avispmail.com
steve@cds1.net
steve@frontiergeotek.com

steve@thinkingphones.com
steve@wilson-creek.net
steveblum@tellusventure.com
steven.au@newworldtel.com
Steven.karp@humboldt.edu
STEVIN@COMITYCOMMUNICATIONS.COM
stthomas@tminc.com
sue@warp2biz.com
supers@touch-tel.com
support@airenetworks.com
support@ap.net
support@bjt.net
support@calweb.com
support@colfaxnet.com
support@ewnet.net
support@goldstate.net
support@got.net
support@keyway.net
support@snowcrest.net
support@tcsn.net
support@willitsonline.com
susan.lipper@t-mobile.com
suzannetoller@dwt.com
swilson@voyss.com
swindsor@tsra.org
swong@globalcomcorp.com
tajit.mehta@clearwire.com
takis@nettalk.com
tara.jackson@birch.com
tara.thronson@valleyvision.org
taxelton@c1-slo.com
tbiddix@telecomgroup.com
tch@cpuc.ca.gov
tdelgado@lccomminc.com
teana@gtfredeen.com
tech@mlode.com
telewest@vail.net
tf@velotech.net
tgc@cpuc.ca.gov
tgcvc@sbcglobal.net
tgentry@zayo.com
tgoren@g2sol.net
thecardroominc@aol.com

theradioshop@jimradioshop.com
thomas.haluskey@ecntel.com
thomas.k.braun@sce.com
thomas.selhorst@att.com
tim@digitalwest.net
tim@ivedc.com
tim@telequality.com
tim@vidafon.com
timj@ponderosatel.com
tina.colvin@quest.com
tina.manning@centurytel.com
tina@x2comm.com
tjg@cpuc.ca.gov
tkeane@lebbsi.com
tkimura@nobelglobe.com
tkirby@tminc.com
tlynch@telecomlawyers.com
tmelgaard@wavebroadband.com
todd@nationalcomtel.com
todd@nccom.com
todd_west@inter-tel.com
todds3@cox.net
tom.bardo@nelsonmullins.com
tom@uatnow.com
tom@viscominternational.com
tom@westfamily.org
tom@zeustele.com
tomie_Nelson@adp.com
tommcveigh@yahoo.com
tomspeed@nationalda.com
tony.tully@cpuc.ca.gov
tony@razzolink.com
tonya@siskiyoucounty.org
traci.romedy@cw.com
tracy@mixnetworks.com
travis@tctelephone.net
tray@extenetsystems.com
trevor@RoycroftConsulting.org
trisa.struckman@satventuresmanagement.com
tsanders@icoe.org
tsungi.ludy@lightyear.net
tswift@ustelestar.com
ttf@cpuc.ca.gov
tvaitkus@infohighway.com
twalsh@oneabinetwork.com
twc.regulatory.complaints@twcable.com
tweiksnar@bullseyetelecom.com
Tym.Rutkowski@mossadams.com
unitedtelecomca@yahoo.com
vanessa.leon@spectrotel.com
veronica@nordisksystems.com
vgarcia@cabrilloedc.org
vic@interconnections-services.com
vicent.petrescu@necc.us
victor@bktgroup.com
vspehar@fidelityvoice.com
vtownsend@paytel.com
wac@cpuc.ca.gov
waihun@cot.net
wayne@2talk.com
wayne_foster@mitel.com
wes@uia.net
wg1@cpuc.ca.gov
wgandy@ecllc.com
whaas@mcleodusa.com
william.adler@globalstar.com
william.c.prentice@gmail.com
william.kuchler@verizonwireless.com
william.sanders@sfgov.org
wirawan.krisman@team.telstra.com
woolfson@telswitch.com
wsatterb@csufresno.edu
wscheppy@above.net
XiaoSelena.Huang@cpuc.ca.gov
XLeonard@gmail.com
xsh@cpuc.ca.gov
You-Young.Sellden@cpuc.ca.gov
ysmythe@caltel.com
zebzankel@dwt.com
cynthia.mcreynolds@cpuc.ca.gov
john.baker@cpuc.ca.gov
raul@race.com
robert.wullenjohn@cpuc.ca.gov
michael.minkus@cpuc.ca.gov
mga@cpuc.ca.gov
ttf@cpuc.ca.gov

cr6@cpuc.ca.gov
lester.wong@cpuc.ca.gov
liane.randolph@cpuc.ca.gov
john.reynolds@cpuc.ca.gov

carla.peterman@cpuc.ca.gov
pod@cpuc.ca.gov
michael.picker@cpuc.ca.gov