



February 10, 2025

VIA ELECTRONIC FILING AND FEDEX COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9050 Junction Drive
Annapolis Junction, MD 20701

Re: Cloud Communications Alliance and Cloud Voice Alliance Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003

Dear Ms. Dortch:

On behalf of the Cloud Communications Alliance (CCA) and Cloud Voice Alliance (CVA), we hereby refile an original and four (4) copies of the Petition for Declaratory Ruling originally filed on January 27, 2025. This refile is inclusive of a Certificate of Service confirming that a copy of the Petition has been served on the California Public Utilities Commission (CPUC) in accordance with 47 C.F.R. § 1.1206(a), Note 1 (2024).

As required under the Commission's ex parte rules, the enclosed certificate affirms that the Petition, which seeks preemption of a state regulatory requirement, has been duly served upon the state regulatory authority whose action is at issue.

Should the Commission require any further information or clarification regarding this filing, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Marashlian'.

Jonathan S. Marashlian
Counsel for Petitioners

January 27, 2025

VIA ELECTRONIC FILING AND FEDEX COURIER

Marlene H. Dortch, Secretary
Federal Communications Commission
9050 Junction Drive
Annapolis Junction, MD 20701

Re: Cloud Communications Alliance and Cloud Voice Alliance Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003

Dear Ms. Dortch:

On behalf of the Cloud Communications Alliance and Cloud Voice Alliance (collectively, "Petitioners"), enclosed please find an original and four (4) copies of their *Petition for Declaratory Ruling Regarding State Regulatory Framework for Interconnected VoIP Services Established by the California Public Utilities Commission in Decision 24-11-003*.

Please date-stamp the enclosed extra copy of this filing and return it in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter. If you have any questions or require additional information, kindly contact the undersigned.

Respectfully submitted,



Jonathan S. Marashlian
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
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)

Petition for Declaratory Ruling)
Regarding State Regulatory)
Framework for Interconnected)
VoIP Services Established by the)
California Public Utilities Commission)
in Decision 24-11-003)

WC Docket No. _____

**CLOUD COMMUNICATIONS ALLIANCE
AND CLOUD VOICE ALLIANCE
PETITION FOR DECLARATORY RULING**

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**CLOUD COMMUNICATIONS ALLIANCE
AND CLOUD VOICE ALLIANCE
PETITION FOR DECLARATORY RULING**

I. INTRODUCTION

The Cloud Communications Alliance¹ ("CCA") and the Cloud Voice Alliance² ("CVA") (collectively, "Petitioners") respectfully submit this Petition for Declaratory Ruling pursuant to Section 1.2 of the Federal Communications Commission's ("FCC" or "Commission") rules, 47 C.F.R. § 1.2. Petitioners request a declaratory ruling that the California Public Utilities Commission's ("CPUC") regulatory framework for interconnected Voice over Internet Protocol ("VoIP") services, adopted in Decision 24-11-003, is preempted by federal law, including the FCC's *Vonage Preemption Order*, and

¹ The [Cloud Communications Alliance](#) (CCA) is the premier global affiliation group for the cloud communications industry, representing unified communications service providers and their vendors. As the "voice of the cloud communications industry," the CCA drives innovation, shapes regulatory policies, and provides financial and industry thought leadership. With a rapidly growing membership serving over 20 million seats worldwide, the CCA fosters collaboration among industry leaders, empowering its members to deliver cutting-edge solutions to enterprise customers across the globe.

² The [Cloud Voice Alliance](#) (CVA) is a member-driven organization dedicated to supporting locally owned and operated cloud communications providers. CVA's mission is to enhance the competitiveness of its members by offering resources and advocacy that enable them to deliver high-quality, customized voice and communication services to their communities. By uniting independent providers, the CVA promotes innovation, collaboration, and shared success in the evolving cloud communications market.

conflicts with federal policies designed to promote competition, innovation, and affordable communications services. Petitioners further request the FCC to reaffirm its end-to-end jurisdictional analysis as the definitive standard for determining the regulatory treatment of VoIP services.

The CPUC's framework in Decision 24-11-003 imposes state-specific market entry barriers and regulatory obligations that exceed the narrow authority expressly reserved to states under the *Vonage Preemption Order*. These requirements undermine the federal regulatory framework that recognizes the inherently interstate nature of VoIP services and has sought to avoid a fragmented regulatory landscape. By erecting these barriers, the CPUC's decision not only conflicts with federal law but also threatens to stifle innovation, increase costs, and limit the availability of VoIP services to consumers and businesses.

Petitioners stress that the FCC's reaffirmation of its end-to-end jurisdictional analysis is critical to preserving a unified federal framework that prevents states from encroaching on areas preempted by federal law. Such action will safeguard the affordability, accessibility, and competitive growth of VoIP services, ensuring they continue to deliver widespread benefits to consumers and businesses across the nation.

II. BACKGROUND

A. FCC's Federal VoIP Policy Framework

Since the landmark *Vonage Preemption Order* in 2004,³ the Commission has consistently recognized that interconnected VoIP services transcend traditional jurisdictional boundaries. In the *Vonage Preemption Order*, the FCC preempted state regulation of nomadic VoIP services, highlighting the inherent difficulty, if not impossibility, of distinguishing between the intrastate and interstate components of VoIP calls. The FCC held that subjecting such services to a patchwork of state regulations would undermine federal objectives, including fostering innovation, competition,

³ *Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket No. 03-211, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004) ("*Vonage Preemption Order*").

and affordability.⁴ The Commission first enunciated this deregulatory approach in the *Pulver Order*, which acknowledged that IP-enabled services are inherently designed to overcome geographic limitations.⁵ The FCC's consistent approach ensures that VoIP services are shielded from unnecessary and inconsistent state regulations, a framework repeatedly upheld and reinforced by federal courts.⁶

The FCC's regulatory framework is firmly grounded in an end-to-end analysis of voice calls, which determines their jurisdictional nature based on their ultimate geographic endpoints—both the origination and termination points.⁷ To classify a call as intrastate or interstate, the service provider

⁴ See *Id.* at para. 20; see also *id.* at para. 37 (internal citations omitted) ("Allowing Minnesota's order to stand would invite similar imposition of 50 or more additional sets of different economic regulations on DigitalVoice, which could severely inhibit the development of this and similar VoIP services. We cannot, and will not, risk eliminating or hampering this innovative advanced service that facilitates additional consumer choice, spurs technological development and growth of broadband infrastructure, and promotes continued development and use of the Internet").

⁵ See *Petition for Declaratory Ruling that Pulver.com's Free World Dialup Is Neither Telecommunications Nor a Telecommunications Service*, WC Docket No. 03-45, Memorandum Opinion and Order, 19 FCC Rcd 3307, para. 21 (2004) ("*Pulver Order*").

⁶ See, e.g., *Vonage Holdings Corp. v. Neb. Pub. Serv. Comm'n*, 564 F.3d 900, 905-06 (8th Cir. 2009) (striking down Nebraska's attempt to impose state universal service obligations on VoIP providers, noting that the FCC, "not state commissions, has the responsibility to decide if such regulations will be applied"); *Minn. Pub. Utils. Comm'n*, 483 F.3d, 570, 578 (8th Cir. 2007) (holding that "[t]he impossibility exception, if applicable, is dispositive of the issue whether the FCC has authority to preempt state regulation of VoIP services").

⁷ See *Vonage Preemption Order* at paras. 23-25; see also, *Bell Atl. Tel. Cos. v. FCC*, 79 F.3d 1195, 1202 (D.C. Cir. 1996) ("The Commission traditionally has determined the jurisdictional nature of communications by looking at the end points of the communication, rather than examining intermediate points or the method of transmission. **This 'end-to-end' analysis has long been employed by the Commission to determine whether a communication is interstate and thus subject to federal jurisdiction**") (emphasis added); *In re AT&T Corp., Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services*, 19 FCC Rcd 7457 (2004) ("For purposes of determining the jurisdiction of calling card calls, the Commission has applied an 'end-to-end' analysis, **classifying long distance calls as jurisdictionally interstate or intrastate based on the endpoints**, not the actual path, of each complete communication") (emphasis added); *Louisiana Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 370 (1986); *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 381 n.8 (1999) ("It is worth noting that **the [FCC's] traditional jurisdictional analysis of long-distance communications has focused on the end points of the communication** and not on the location of any intermediate switch or routing center") (emphasis added); *In re GTE Serv. Corp.*, CC Docket No. 98-79, Memorandum Opinion and Order, 13 FCC Rcd 22466, 22479-80, paras. 24-26 (1998).

must identify the precise geographic locations of both parties involved in the communication: its own customer and the recipient on the other end of the call. This approach underscores the inherently interstate nature of VoIP services, recognizing that their dynamic, location-agnostic design defies traditional geographic boundaries. For decades, this end-to-end analysis has been a cornerstone of the FCC's regulatory framework, ensuring a consistent and practical method for jurisdictional determinations.⁸

B. California-Specific VoIP Regulations Adopted in Decision D.24-11-003

On November 7, 2024, the CPUC adopted Decision D.24-11-003, implementing sweeping changes to the regulation of interconnected VoIP services in California that contravene the FCC's long-standing deregulatory approach to VoIP services.⁹ The CPUC's rules:

- Misapply federal law by creating an artificial "fixed" versus "nomadic" VoIP distinction, relying on an unworkable "ability to track" standard.
- Impose state-specific registration, performance bond, and transfer of control requirements that constitute de facto market entry barriers.
- Conflict with the FCC's well-established end-to-end analysis, undermining the uniform regulatory framework essential for innovation and competition in the VoIP industry.

The CPUC's establishment of new utility classifications—Digital Voice Fixed ("DVF") and Digital Voice Nomadic ("DVN")—along with the imposition of duties on an ambiguously defined category of "limited facilities-based" Fixed VoIP providers, constitutes a significant and unwarranted regulatory overreach into the domain of VoIP services. By extending a host of regulatory obligations traditionally reserved for legacy telecommunications corporations operating within the state, the

⁸ *Id.*

⁹ See generally, *Decision Establishing Regulatory Framework for Telephone Corporations Providing Interconnected Voice over Internet Protocol and Launching Second Phase of Proceeding*, R. 22-08-008 (Cal. Pub. Utils. Comm'n Nov. 7, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M546/K367/546367929.PDF> ("Decision").

CPUC has effectively opened the door to an unrelenting cascade of additional regulatory burdens (to which the CPUC has already tipped its hand).¹⁰

At the core of the CPUC's new regulatory framework lies a series of complex, confusing, and burdensome application requirements tailored to various classifications of VoIP services, as follows:

CPUC Market Entry Requirement:	Applicable to:	See Attachment
Communications Division Registration Form	Digital Voice Nomadic	1
1013 Registration Form pursuant to Public Utilities Code Section 1013	Digital Voice Fixed	2
CPCN Application Form pursuant to Public Utilities Code Section 1001	Facilities and Limited Facilities-Based VoIP	3

While the CPUC is transparent about the traditional Certificate of Public Convenience & Necessity ("CPCN") licensing requirements for facilities and limited facilities-based providers, it obscures the burdens and market entry barriers associated with its so-called "registrations" for VoIP providers by branding them as streamlined and straightforward. In fact, these "registrations" are anything but simple, as they impose significant obligations and administrative challenges that effectively operate as a *de facto* licensing system under a different name.

Far from the streamlined process the CPUC claims, the "registration" requirements closely mirror traditional telecommunications licensing frameworks and are tantamount to market entry barriers. For example:

- **Extensive Disclosures and Attestations** - Applicants are required to submit affidavits under penalty of perjury, enforced by the CPUC's Consumer Protection and Enforcement Division ("CPED"), disclosing sensitive and exhaustive information. These affidavits demand disclosure of past bankruptcies, regulatory violations, license denials or revocations, criminal convictions, and settlements. Such requirements are unprecedented and unnecessary state government intrusions and stand in direct conflict with the FCC's deregulatory policies, which aim to minimize unnecessary oversight and encourage innovation.

¹⁰ *Ruling Setting Prehearing Conference and Inviting Prehearing Conference Statements on Second Phase of Proceeding*, R.22-08-008 (Cal. Pub. Utils. Comm'n Jan. 22, 2025), <https://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=555183951>.

- **Technical and Managerial Expertise Requirements** - Providers must submit detailed information about their corporate structure and personnel, including the names, titles, and addresses of all officers, directors, partners, and owners with more than a 10% stake. Comprehensive resumes and employment histories for key personnel are also required to demonstrate technical and managerial expertise. These requirements more closely resemble traditional public utility licensing processes than the flexible and innovative nature of modern VoIP services, placing an undue burden on providers, ultimately dissuading new and innovative providers from entering the market.
- **California Environmental Quality Act (CEQA) Exemption Reviews** - Although applications presume CEQA exemptions, the process adds layers of administrative review, cost, and delay, particularly for providers that find themselves classified as "limited facilities-based" Fixed VoIP. Instead of simplifying compliance, these requirements subject providers to additional oversight and create further hurdles for market entry.

Under the CPUC's regulatory framework, the challenges for VoIP providers do not conclude once they are "registered" or effectively "licensed" by the CPUC. Instead, the regulatory burdens intensify, creating ongoing obstacles that stifle growth, hinder innovation, and, in some cases, inhibit free commerce. Among these challenges is the risk of state regulatory intervention and enforcement.

The affidavit and attestation requirements embedded in the CPUC's licensing process make it abundantly clear that the risk of regulatory intervention and enforcement is both genuine and significant. The explicit requirement for providers to disclose past bankruptcies, criminal convictions, and regulatory violations signals the CPUC's intent to use this information as a basis for potential investigations and enforcement actions. For VoIP providers, particularly smaller ones, the mere threat of state regulatory scrutiny creates a chilling effect that cannot be understated.

Providers must operate under constant fear of triggering state-level investigations, audits, or penalties, which undermines their ability to compete effectively or innovate freely. These risks are precisely the kind of state-level regulatory burdens the FCC sought to prevent by asserting its authority over VoIP services.

In addition to imposing de facto licensing requirements, the CPUC mandates that VoIP providers post performance bonds,¹¹ pay the CPUC User Fee¹²—which funds the Commission’s operations—and submit annual affiliate transaction reports.¹³ These financial and administrative obligations erect barriers to market entry, disproportionately burdening small and medium-sized providers, which make up the core membership of organizations like the CCA and CVA.

Last but certainly not least, the CPUC Decision extends transfer-of-control regulations to VoIP providers,¹⁴ a measure historically reserved for legacy telecommunications carriers. These regulations require interconnected VoIP providers not affiliated with incumbent local exchange carriers to seek CPUC approval for sales, encumbrances of assets, transfers of control, and other significant corporate transactions under Sections 851 through 854 of the California Public Utilities Code, using the advice letter process.

Although the Decision nominally exempts nomadic-only VoIP providers from full approval requirements, limiting them to “information-only” submissions, it grants the CPUC broad discretion to escalate such transactions to an application or formal proceeding “if circumstances warrant further review.”¹⁵ Critically, the Decision provides no guidance on what might trigger this heightened scrutiny, creating significant regulatory uncertainty. This ambiguity introduces risks that could result in the unwarranted application of burdensome approval requirements even to transactions involving nomadic-only providers.

¹¹ Decision § 8.2.1.

¹² *Id.* § 8.2.2; *see also*, Cal. Pub. Utils. Code § 431-435 (2024) (The CPUC User Fee is a charge levied on telecommunications providers operating in California to fund the regulatory activities of the CPUC. The fee is calculated as a percentage of gross intrastate revenues generated by the provider and is passed through to consumers as part of their telecommunications bills. Revenue from the User Fee supports the CPUC’s oversight of public utilities, including enforcement of regulations, market monitoring, and consumer protection initiatives).

¹³ *Id.* § 8.2.3.

¹⁴ *See e.g.*, Decision at Exhibit G.

¹⁵ *Id.* (“If the Commission believes that the matter warrants more comprehensive review, the Commission may suspend the advice letter and direct the parties to file an application”).

The CPUC's discretionary transfer-of-control review process introduces significant regulatory hurdles for providers, particularly those navigating mergers, acquisitions, and financing arrangements. With vague standards and unpredictable enforcement, the process creates delays, inflates legal and administrative costs, and generates uncertainty for potential investors. For small and medium-sized providers, which often depend on external funding or strategic transactions to grow and compete, this regulatory unpredictability poses an acute challenge, discouraging participation in the market and hampering expansion efforts.

Beyond the specific barriers imposed by the transfer-of-control review process, the CPUC's broader regulatory framework creates a landscape rife with obstacles. Collectively, these regulations establish a heavy-handed, resource-intensive structure that disproportionately burdens smaller providers. The result is an environment where competition and innovation are stifled, as smaller players—critical drivers of market dynamism—struggle to comply with the excessive demands placed upon them. Paradoxically, instead of protecting consumers as it claims to do, the CPUC's framework harms them by stifling the growth and innovation that have driven lower costs, expanded service options, and improved access to advanced communication technologies.¹⁶

Moreover, the challenge providers face extends far beyond the initial compliance and registration phases. The ongoing risks and uncertainties introduced by this regulatory regime exacerbate the difficulties of maintaining operations, let alone pursuing innovation or expansion. These continuing burdens force providers to divert resources away from service improvement and innovation toward navigating a convoluted and restrictive compliance process.

¹⁶ In the underlying state rulemaking proceeding, participants overwhelmingly highlighted the total absence of evidence—whether from the CPUC or public-interest commenters—demonstrating any harm to California consumers attributable to VoIP providers. This glaring lack of evidence strongly indicates that the CPUC's motivation was not to address market failures or protect consumers but to regulate for regulation's sake. Allowing the CPUC's framework to remain in place would likely lead to higher costs for consumers, eroding the substantial cost savings that VoIP services have provided over the past two decades.

Taken together, the CPUC's regulations not only conflict with federal law but also threaten to erode the competitive and consumer benefits that have defined the VoIP market under the FCC's light-touch regulatory approach. By imposing excessive barriers to market entry and fostering uncertainty, the CPUC's framework risks undermining the very foundation of the VoIP industry. A cohesive, federally preempted framework is essential to preserving innovation, fostering investment, and ensuring consumers continue to benefit from affordable and advanced communications services. Without federal intervention, the CPUC's overreach threatens to undo decades of progress, leaving providers and consumers alike to bear the consequences of a fractured and inefficient regulatory landscape.

III. THE CPUC'S RULES CONFLICT WITH FEDERAL LAW

The regulatory framework established in CPUC Decision D.24-11-003 fundamentally conflicts with federal law and FCC precedent, particularly the *Vonage Preemption Order*. The CPUC's rules diverge from the FCC's deregulatory approach to interconnected VoIP services, undermining federal objectives that promote innovation, competition, and consumer benefits. These rules are not only legally flawed but also technologically impractical and inconsistent with binding federal policy.

A. Conflict with the *Vonage Preemption Order*

The FCC's *Vonage Preemption Order* unequivocally establishes that state regulation of nomadic VoIP services is preempted due to their inherently interstate nature and the technical infeasibility of separating interstate and intrastate components. Despite this clear precedent, the CPUC created a distinction between "fixed" and "nomadic" VoIP services, asserting that providers can track call endpoints to justify state regulation. This assumption misinterprets the *Vonage Preemption Order* and creates an artificial and unsupported regulatory distinction.

The CPUC's rules fail to account for the technological realities of VoIP services. As AT&T emphasized in the CPUC rulemaking proceeding, most VoIP services are jurisdictionally agnostic,

designed as all-distance offerings that do not require tracking the location of calls.¹⁷ The FCC's end-to-end analysis—which evaluates the entire communication path—remains the definitive standard for determining jurisdiction. The CPUC's reliance on origination data disregards the fact that termination points often lie beyond the control or visibility of providers, especially when third-party networks and number portability are involved. The *Kansas/Nebraska Declaratory Ruling*¹⁸ and the Eighth Circuit's affirmation of this principle further demonstrate that fragmented jurisdictional frameworks are unworkable and incompatible with federal law.

Furthermore, the CPUC's attempt to differentiate "fixed" and "nomadic" VoIP services undermines the shared technological characteristics of these services. Both rely on dynamic, cloud-based routing, which defies static geographic classifications. As noted in the Voice on the Net Coalition's comments during the CPUC proceeding, this distinction is illusory, and federal policy has never supported such a bifurcation for regulatory purposes.¹⁹ Federal precedent affirms that both types of VoIP services share the same essential characteristics that render them inseverably interstate.

B. Conflict With Federal Precedent Requiring End-to-End Analysis

The FCC's jurisdictional framework is firmly rooted in an end-to-end analysis of voice calls, which determines jurisdiction based on the call's ultimate geographic endpoints—encompassing both the origination and termination points—rather than fragmenting the call into isolated components. Under this framework, classifying a call as intrastate or interstate requires the service provider to identify the ultimate geographic "endpoints" of the communication. This means a VoIP provider

¹⁷ See *Comments of AT&T*, R.22-08-008 at 7 (filed Oct. 10, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K974/542974434.PDF>.

¹⁸ See generally, *Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic Intrastate Revenues*, WC Docket No. 06-122, Declaratory Ruling, 25 FCC Rcd 15651 (2010) (" *Kansas/Nebraska Declaratory Ruling*").

¹⁹ See *Comments of the Voice on the Net Coalition*, R.22-08-008 at 4 (filed Oct. 10, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K964/542964498.PDF>.

must be able to verify both the location of its own customer and that of the other party on the call. This approach underscores the inherently interstate nature of VoIP services and has long served as a cornerstone of the FCC's regulatory framework.

Initially, the CPUC's Administrative Law Judge (ALJ) explicitly recognized the critical role of the end-to-end analysis in its Proposed Decision.²⁰ The ALJ described the defining characteristics of interconnected VoIP services, emphasizing that providers "cannot track exact location of calls."²¹ This concession aligns directly with federal law, which established the impracticality of separating interstate and intrastate components of VoIP services due to the inability to reliably identify call endpoints.

Reacting to comments filed by the CCA²² and USTelecom²³ which highlighted the abundance of precedent affirming the FCC's end-to-end jurisdictional analysis and its applicability to federal preemption, the CPUC's final Decision, D.24-11-003, conveniently revised the ALJ's proposed language. Supplanting the "cannot track exact location of calls" language with a description that, while lacking in any foundation in federal law, conveniently supported the CPUC's manufactured basis for asserting jurisdiction based on a provider's ability to identify the geographic location of **call originations only**.²⁴

²⁰ See *Proposed Decision of Administrative Law Judge, Order Instituting Rulemaking to Consider Regulatory Frameworks for Interconnected VoIP Providers*, R.22-08-008 at 21 (Sept. 13, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M539/K999/539999556.PDF> ("Proposed Decision") ("The FCC made it clear that preemption under the Vonage Order does not apply where an interconnected VoIP service provider is **capable of tracking intrastate and interstate calls...**") (emphasis added).

²¹ *Id.* at 86, para. 13.

²² See *Comments of CCA in R.22-08-008 at 10-12* (Oct. 10, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M543/K421/543421832.PDF>.

²³ See *Comments of USTelecom in R.22-08-008 at 15-16* (Oct. 10, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M542/K998/542998991.PDF>.

²⁴ See *Decision Establishing Regulatory Framework for Interconnected VoIP Providers*, R.22-08-008 at 103, para. 12 (Nov. 13, 2024), <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M546/K367/546367929.PDF>.

IV. THE CPUC'S VOIP REGULATORY FRAMEWORK PRESENTS FAR-REACHING, ADVERSE POLICY IMPLICATIONS

The CPUC Decision imposes substantial economic burdens, harms consumers, and undermines federal policy objectives. By departing from the FCC's long-standing deregulatory approach, these state-level regulations threaten the integrity of the uniform national framework that has fostered innovation, competition, and affordability in the VoIP market. A declaration affirming federal preemption is essential to protect the market from these harmful effects.

A. Economic Impact on VoIP Providers

The CPUC's rules impose significant barriers to market entry and place undue burdens on VoIP providers, particularly impacting the members of CCA and CVA. These providers, essential drivers of competition and innovation, are forced to navigate increased operational challenges and heightened uncertainty under the CPUC's regulatory framework. The demands of compliance divert critical resources away from growth and technological advancement, hindering their ability to compete effectively or expand services. This restrictive environment discourages new entrants, stifles innovation, and ultimately constrains the broader development of the VoIP industry.

B. Harm to Consumers

The CPUC's framework also adversely affects consumers by increasing costs and reducing access to innovative services. Despite claiming to act in the public interest, the CPUC has presented no evidence of consumer harm that these rules address. Instead, the added burdens on providers are likely to result in higher prices, reduced service availability, and diminished competition, particularly in underserved and price-sensitive markets. As providers are constrained in their ability to innovate and improve service offerings, consumers face fewer choices and less access to cutting-edge communication technologies.

C. Policy Implications of Federal Preemption

The FCC's exclusive jurisdiction over VoIP services is vital to maintaining a unified national regulatory framework that fosters competition, innovation, and economic growth. The *Vonage*

Preemption Order unequivocally established that VoIP services are inherently interstate in nature, rendering fragmented state regulations both impractical and inconsistent with federal law. The CPUC's attempt to impose state-specific requirements directly undermines these principles, creating a fragmented regulatory environment that disrupts the predictability and efficiency essential for the success of the VoIP market.

Federal deregulatory policies, including Executive Orders 13771²⁵ and 13777,²⁶ issued under the Trump Administration (first term), have prioritized reducing unnecessary regulatory burdens to drive economic growth, create jobs, and lower costs for consumers. The FCC's national "light-touch" regulatory framework for VoIP services, as embodied in the *Vonage Preemption Order*, has been instrumental in enabling providers—particularly small and medium-sized enterprises—to innovate and compete effectively in a dynamic and rapidly evolving marketplace. However, the CPUC's actions threaten to undermine this progress. By imposing significant costs and erecting barriers to market entry, the CPUC's framework disrupts the competitive and innovative environment that has flourished under uniform federal oversight.

Permitting the CPUC's framework to stand would not only conflict with federal objectives but also set a dangerous precedent. If other states follow California's lead, the benefits of over two decades of federal preemption under the *Vonage Preemption Order* will be effectively nullified. This patchwork of conflicting state regulations would drive up compliance costs, stifle innovation, deter investment, and ultimately harm both businesses and consumers, reversing the progress achieved under the FCC's cohesive national policy.

²⁵ *Exec. Order No. 13,771*, 3 C.F.R. 284 (2018) (establishing a "two-for-one" rule requiring agencies to eliminate two existing regulations for every new regulation issued to reduce regulatory costs and burdens on businesses).

²⁶ *Exec. Order No. 13,777*, 3 C.F.R. 306 (2018) (directing agencies to establish Regulatory Reform Task Forces to identify and eliminate unnecessary, burdensome, or outdated regulations as part of the administration's broader deregulatory agenda).

V. CONCLUSION

The CPUC's VoIP regulatory framework imposes unnecessary economic and operational burdens on providers, increases costs for consumers, and fragments the regulatory landscape. By creating state-specific regulations that conflict with the FCC's deregulatory policies, the CPUC risks stifling competition and innovation while undermining the affordability and accessibility of VoIP services.

To safeguard the integrity of the national communications framework and protect the competitive dynamics of the VoIP marketplace, the FCC must act decisively to preempt the CPUC's rules. Reaffirming the FCC's exclusive jurisdiction over VoIP services is critical to ensuring that the benefits of innovation, competition, and affordability—fostered by a unified federal policy—are not undone by fragmented state regulations. This action will preserve the progress achieved over decades of federal preemption and ensure that businesses and consumers alike continue to benefit from the dynamic and innovative VoIP market.

VI. RELIEF REQUESTED

Petitioners respectfully request that the FCC:

1. **Issue a Declaratory Ruling** reaffirming that the CPUC's regulatory framework for interconnected VoIP services conflicts with the FCC's deregulatory policies and is preempted under the *Vonage Preemption Order*.
2. **Reaffirm the End-to-End Analysis** as the definitive standard for determining the jurisdictional nature of VoIP communications.
3. **Clarify Federal Jurisdiction** over interconnected VoIP services to prevent states from imposing conflicting and burdensome regulatory requirements.

The FCC should act decisively to reaffirm its federal jurisdiction and prevent the emergence of a fragmented regulatory environment that threatens to disrupt the national VoIP market.

Respectfully submitted,



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Attachment 1

Communications Division Registration Form

(Applicable to Providers of Digital Voice Nomadic Services)

CALIFORNIA PUBLIC UTILITIES COMMISSION
Communications Division Registration Form

1. REGISTRATION TYPE (check one only)

- ☐ Wireless ID Registration pursuant to D.94-10-031
☐ Nomadic Registration pursuant to D.24-11-003

2. APPLICANT INFORMATION

Applicant Name:

Business Address:

Telephone No.:

Email Address:

2.a. Principal Place of Business: (if different from address above)

2.b. List all fictitious business names under which Applicant has done business in the last five years:

2.c. Applicant is (check one only)

- | | |
|---|---|
| ☐ Corporation (Inc) | ☐ General Partnership |
| ☐ Limited Partnership (LP) | ☐ Sole Proprietor |
| ☐ Limited Liability Company (LLC) | ☐ Trust |
| ☐ Other, specify: | |

Attach **Appendix A** with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California (CSOS).

2.d. FCC Registration No.:

2.e CSOS Entity No.:

2.f. Applicant has a foreign ownership interest

- ☐ NO ☐ YES, Foreign entity interest:

3. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS

Agent Name:

Address:

Telephone No.:

4. APPLICANT LEGAL DOMICILE (check one only)

- ☐ California ☐ Other, specify:

5. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach **Appendix B**)

6. FOR WIRELESS ID REGISTRATION ONLY (check all that apply)**6.a. Facilities Type:** ☐ Reseller/ Non-facilities-based ☐ Facilities-based**6.b. Customer Type:** ☐ Residential ☐ Business ☐ Other(s), specify in space below**6.c. Types of Services:** ☐ Prepaid ☐ Postpaid ☐ Other(s), specify in space below**6.d. For Facilities-Based WIR: Universal Licensing System (ULS) wireless license call sign:**

6.e. Underlying Facilities-Based wireless carrier(s) and/or underlying Reseller/Non-facilities-based wireless carrier(s) providing resold services to applicant. Attach Appendix C with a copy of the Wireless Resale Agreement(s) for any underlying carrier(s) and include all information requested below if there are multiple carriers.

Carrier Name:

Utility ID No.:

First and Last Name:

Title:

Email Address:

Telephone No:

7. FOR NOMADIC REGISTRATION ONLY.☐ YES. Nomadic Interconnected VoIP Service Attestation included in **Attachment A**.**8. SWORN AFFIDAVIT**☐ TRUE ☐ NOT TRUE (**Appendix D**)

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach **Appendix D** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

8.a. List of all affiliated entities (Attach Appendix E)

9. APPLICANT TECHNICAL AND MANAGERIAL EXPERTISE

9.a. Attach **Appendix F** with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

9.b. Attach **Appendix G** with Resumes for each personnel identified in Section 9.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

9.c. Applicant Attestation to the Statement Below

☐ TRUE ☐ NOT TRUE (**Appendix H**)

To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

Attach **Appendix H** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.

10. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR

☐ NONE

☐ CURRENT AND/OR PRIOR, specify:

11. ADDITIONAL ATTACHMENT(S) TO THE FORM

11.a. Copy of CD Registration Fee check payment.

11.b. Utility Contact Information Form (Leave Blank the Utility ID field)

California Public Utilities Commission

Page 4 of 4 CD Registration Form

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

SAMPLE ATTACHMENT TO CD REGISTRATION FORM

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____ [Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Applicant agrees to comply with all federal and state statutes, rules, and regulations, if granted the registration as requested in this application;
- [FOR NOMADIC REGISTRATION ONLY] Applicant provides service that meets the Commission's definition of nomadic-only interconnected VoIP, which includes all of the following characteristics: (1) service can be accessed from any broadband connection without a requirement to subscribe to internet access at any one location or from any particular internet access provider, (2) service is provided to nomadic (portable) IP compatible communication devices; and (3) telephone number is not tied to user's physical location for assignment or use, and calls may be received by customer unrestricted by location; and
- In the event Applicant's request for [Nomadic or Wireless ID] Registration is granted, Applicant agrees to post a continuous performance bond (i.e., there is no termination date on the bond) in the amount of \$25,000 issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond. I will provide a copy of the executed performance bond via a Tier I Advice Letter filed within 30 days of registration approval. Further, I will also provide to the Director of the Communications Division, written notification of applicant's acceptance of its registration, within 30 days of registration approval.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all the statements and representations made in this Registration are true and correct.

Signature

Name and Title

Attachment 2

1013 Registration Form pursuant to Public Utilities Code Section 1013

Applicable to Providers of Digital Voice Fixed Services

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

1013 Registration Form Pursuant to Public Utilities Code Section 1013

1. APPLICANT INFORMATION

Applicant Name:

Business Address:

Telephone No.:

E-mail Address:

1.a. Principal Place of Business: (if different from address above)

1.b. List all fictitious business names under which Applicant has done business in the last five years:

1.c. Applicant is (check one only)

☐ Corporation (Inc)

☐ General Partnership

☐ Limited Partnership (LP)

☐ Sole Proprietor

☐ Limited Liability Company (LLC)

☐ Trust

☐ Other, specify:

Attach **Appendix A** with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California.

1.d. Applicant has a foreign ownership interest

☐ NO ☐ YES, Foreign entity interest:

2. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS

Agent Name:

Address:

Telephone No.:

3. APPLICANT LEGAL DOMICILE (check one only)

☐ California

☐ Other, specify:

4. APPLICANT WILL OPERATE AS (check all that apply)		
☐ Competitive Local Exchange Service Provider	☐ Interexchange (Intra/Inter-LATA) Service Provider	☐ Fixed Interconnected Voice over Internet Protocol (VoIP) Service Provider
4. a. Proposed Facilities ☐ Switchless Reseller / Non-facilities-based	4. b. Proposed Facilities ☐ Switchless Reseller / Non-facilities-based	4. c. Proposed Facilities ☐ Non-facilities-based
4.d. Service Territories ☐ Within ALL the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers ☐ Within ALL the Service Territories of the Small Incumbent Local Exchange Carriers ☐ In specific portions of the State only (Appendix B)	4.e. Service Territories ☐ Throughout the State of California. ☐ In specific portions of the State only (Appendix B)	4.f. Service Territories ☐ Within the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers ☐ Within the Service Territories of Small Incumbent Local Exchange Carriers ☐ In specific portions of the State only (Appendix B)
Attach Appendix B to include a list of the specific portion(s) or geographical location(s) of the State, and /or ILEC territory(ies); and a copy of the map(s). Applicant seeking to operate in any Small Incumbent Local Exchange Carriers territories must meet the requirements contained in Appendix A of D.20-08-011.		
5. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach Appendix C)		

6. APPLICANT WILL PROVIDE THE FOLLOWING SERVICES IN CALIFORNIA

(check all that apply)

- ☐ Provide voice services (traditional wireline and/or Fixed Interconnected VoIP) directly to customers
- ☐ Other (Describe below other services applicant offers, whether or not they are within Commission's jurisdiction.)

7. SWORN AFFIDAVIT

☐ TRUE ☐ NOT TRUE (Appendix D)

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach Appendix D if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

7.a. List of all affiliated entities (Attach Appendix E)

8. APPLICANT HAS THE REQUIRED EXPERTISE TO OPERATE AS A SERVICE PROVIDER OF THE TYPE INDICATED IN SECTION 4 OF THIS FORM.

☐ TRUE ☐ NOT TRUE

8.a. Attach **Appendix F** with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

8.b. Attach **Appendix G** with Resumes for each personnel identified in Section 8.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.

8.c. Applicant Attestation to the Statement Below ☐ TRUE ☐ NOT TRUE (**Appendix H**)

To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

Attach **Appendix H** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.

9. FINANCIAL REQUIREMENT

☐ TRUE ☐ NOT TRUE

Applicant has a minimum of (a) \$25,000 in the case of a switchless reseller/ non-facilities-based, reasonably liquid and available to meet the firm's first year expenses OR (b) has profitable interstate operations to generate the required cash flow.

Attach **Appendix I** with financial instrument that demonstrates the Applicant meets financial requirements.

10. APPLICANT IS ELIGIBLE AND SEEKS AN EXEMPTION FROM TARIFFING REQUIREMENTS

☐ TRUE ☐ NOT TRUE (**Attach Appendix J**)

11. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR

☐ NONE

☐ CURRENT AND/OR PRIOR, specify:

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

[SAMPLE ATTACHMENT TO SECTION 1013 REGISTRATION FORM]

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____ [Title] of
_____ (Applicant). My personal knowledge of the facts stated
herein has been derived from my employment with _____
(Applicant)

I affirm that _____ [Name of Applicant]:

- Agrees to comply with all federal and state statutes, rules, and regulations, Commission requirements as a Telephone Corporation, and state contractual rules and regulations, if granted the request as stated in this application;
- Certifies that all responses to the attached 1013 Registration for CPCN are true and correct; and

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Signature

Name and Title

Attachment 3

CPCN Application Form pursuant to Public Utilities Code Section 1001

Applicable to Providers of Facilities and Limited Facilities-Based VoIP

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

CPCN Application Form Pursuant to Public Utilities Code Section 1001

1. APPLICANT INFORMATION									
Applicant Name: Business Address: Telephone No.: E-mail Address:									
1.a. Principal Place of Business: (if different from address above)									
1.b. List all fictitious business names under which Applicant has done business in the last five years:									
1.c. Applicant is (check one only) <table style="width:100%; border:none;"><tr><td style="width:50%; vertical-align:top;">☐ Corporation (Inc)</td><td style="width:50%; vertical-align:top;">☐ General Partnership</td></tr><tr><td style="vertical-align:top;">☐ Limited Partnership (LP)</td><td style="vertical-align:top;">☐ Sole Proprietor</td></tr><tr><td style="vertical-align:top;">☐ Limited Liability Company (LLC)</td><td style="vertical-align:top;">☐ Trust</td></tr><tr><td colspan="2" style="vertical-align:top;">☐ Other, specify:</td></tr></table> Attach Appendix A with the following: 1) a copy of the entity's organizing documents; (2) evidence of the Applicant's qualification to transact business in California; and (3) a copy of its Certificate of Good Standing Status certified by the Secretary of State of California.		☐ Corporation (Inc)	☐ General Partnership	☐ Limited Partnership (LP)	☐ Sole Proprietor	☐ Limited Liability Company (LLC)	☐ Trust	☐ Other, specify:	
☐ Corporation (Inc)	☐ General Partnership								
☐ Limited Partnership (LP)	☐ Sole Proprietor								
☐ Limited Liability Company (LLC)	☐ Trust								
☐ Other, specify:									
1.d. Applicant has a foreign ownership interest ☐ NO ☐ YES, Foreign entity interest:									
2. APPLICANT REGISTERED AGENT FOR SERVICE OF PROCESS									
Agent Name: Address: Telephone No.:									
3. APPLICANT LEGAL DOMICILE (check one only)									
☐ California	☐ Other, specify:								

4. APPLICANT PROPOSED SCHEDULE OF PROCEEDING (check all that apply)

Ratesetting	DATE(s)	Other Proposed Schedule	DATE(s)
☐ Prehearing Conference		☐	
☐ Scoping Memo		☐	
☐ Testimony (Optional)		☐	
☐ Briefing (Optional)		☐	
☐ Evidentiary Hearing (Optional) (Appendix B)		☐	
☐ Proposed Decision		☐	

If Evidentiary Hearing is selected, attach **Appendix B** describing the issues which require hearing and length of hearing needed.

5. WHAT ISSUES ARE THERE TO BE RESOLVED IN THIS APPLICATION?

(check all that apply)

- ☐ Whether this application meets all state and California Public Utilities Commission (Commission) requirements for a certificate of public convenience and necessity (CPCN), including but not limited to financial, technical, and California Environmental Quality Act (CEQA) requirements.
- ☐ Whether the proposed construction is eligible for the Commission's 21 day expedited process for CEQA review.
- ☐ Consideration of a safety issue. (Provide a description of the issue below.)
- ☐ Consideration of an Environmental and Social Justice (ESJ) issue. (Provide a description explaining the ESJ issue for resolution. Otherwise, Applicant attests that there is no ESJ issue for consideration in this Application.)
- ☐ Other (Provide a description of the issue(s) below.)

6. APPLICANT WILL OPERATE AS (check all that apply)		
☐ Competitive Local Exchange Service Provider	☐ Interexchange (Intra/Inter-LATA) Service Provider	☐ Fixed Interconnected Voice over Internet Protocol (VoIP) Service Provider
6.a. Proposed Facilities ☐ Full Facilities-Based ☐ Limited Facilities-Based ☐ Switchless Reseller/Non-facilities-based	6.b. Proposed Facilities ☐ Full Facilities-Based ☐ Limited Facilities-Based ☐ Switchless Reseller/Non-facilities-based	6.c. Proposed Facilities ☐ Full Facilities-Based ☐ Limited Facilities-Based ☐ Non-facilities-based
6.d. Service Territories ☐ Within ALL the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers ☐ Within ALL the Service Territories of the Small Incumbent Local Exchange Carriers ☐ In specific portions of the State only (Appendix C)	6.e. Service Territories ☐ Throughout the State of California. ☐ In specific portions of the State only (Appendix C)	6.f. Service Territories ☐ Within the Service Territories of Uniform Regulatory Framework Incumbent Local Exchange Carriers ☐ Within the Service Territories of Small Incumbent Local Exchange Carriers ☐ In specific portions of the State only (Appendix C)
Applicant that <i>only</i> selected non-facilities-based for Proposed Facilities (Section 6.a, 6.b. and 6.c.) is not required to respond to Section 11 and 12 of the CPCN Application form. If no facilities are proposed, Applicant may be eligible to use the 1013 registration process pursuant to Pub. Util. Code Section 1013. Attach Appendix C to include a list of the specific portion(s) or geographical location(s) of the State, and/or ILEC territory(ies); and a copy of the map(s). Applicant seeking to operate in any Small Incumbent Local Exchange Carriers territories must meet the requirements contained in Appendix A of D.20-08-011.		

7. DATE APPLICANT EXPECTS TO BEGIN OR HAS BEGUN OFFERING SERVICE(S) IN CALIFORNIA (If already operating in California, attach **Appendix D**)

8. APPLICANT WILL PROVIDE THE FOLLOWING SERVICES IN CALIFORNIA
(check all that apply)

- ☐ Provide voice services (traditional wireline and/or Fixed Interconnected VoIP) directly to customers
- ☐ Build facilities which will transmit or facilitate voice services (traditional wireline and/or Interconnected VoIP) through third parties.
- ☐ Other (Describe below other services applicant offers, whether or not they are within Commission's jurisdiction.)

9. SWORN AFFIDAVIT

☐ TRUE ☐ NOT TRUE (**Appendix E**)

Neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been (to his/her knowledge) the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of Sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; and/or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Attach **Appendix E** if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing any such bankruptcies, findings, judgments, convictions, referrals, denials, suspensions, revocations, limitations, settlements, voluntary payments or any other type of monetary forfeitures.

9.a. List of all affiliated entities (Attach **Appendix F**)

10. APPLICANT HAS THE REQUIRED EXPERTISE TO OPERATE AS A SERVICE PROVIDER OF THE TYPE INDICATED IN SECTION 6 OF THIS FORM.
☐ TRUE ☐ NOT TRUE
10.a. Attach Appendix G with List of the names, titles, and street addresses of all officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
10.b. Attach Appendix H with Resumes for each personnel identified in Section 10.a. List all employment for each officer, director, partner, agent, or owner (directly or indirectly) of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed.
10.c. Applicant Attestation to the Statement Below ☐ TRUE ☐ NOT TRUE (Appendix I)
To the best of Applicant's knowledge, neither Applicant, any affiliate, officer, director, partner, nor owner of more than 10% of Applicant, or any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.
Attach Appendix I if Applicant's response to this section is anything other than an unqualified "True." Applicant must declare exceptions by attaching documentation and describing all such investigations, whether pending, settled voluntarily or resolved in another manner.
11. CONSTRUCTION OR EXTENSION OF FACILITIES FOR LIMITED AND FULL FACILITIES-BASED APPLICANTS ONLY.
☐ YES. Attach Appendix J that includes all responses to 11.a. thru 11.j.
11.a. Description of proposed construction activities, documentation attached.
11.b. List of competing entities
11.c. Map showing proposed construction
11.d. Statement of franchises and health and safety permits
11.e. Facts showing public convenience and necessity requiring the proposed construction.
11.f. Statement showing cost of construction.
11.g. Statement showing financial ability to render service.
11.h. Statement showing proposed rates.
11.i. Annual Report Statement.
11.j. Estimated number of customers in the first and fifth years in the future

12. APPLICANT'S PROPOSED FULL FACILITIES ARE LIKELY ELIGIBLE FOR A CATEGORICAL EXEMPTION FROM CEQA AND APPLICANT REQUESTS TO UTILIZE THE ENERGY DIVISION'S 21-DAY EXPEDITED CEQA REVIEW PROCESS.

☐ YES. Attach **Appendix K** with list of categorical exemptions and briefly explain the applicability of each exemption to the proposed construction.

☐ NO. Attach **Appendix K** with Preliminary Environmental Assessment.

13. FINANCIAL REQUIREMENT

☐ TRUE ☐ NOT TRUE

Applicant has a minimum of (a) \$25,000 in the case of a switchless reseller/ non-facilities-based OR (b) \$100,000 in the case of a Facilities-Based (Full and/or Limited), in each case reasonably liquid and available to meet the firm's first year expenses, including an additional \$25,000 for deposits which may be required by local exchange carriers or interexchange carriers; OR (c) has profitable interstate operations to generate the required cash flow.

Attach **Appendix L** with financial instrument that demonstrates the Applicant meets financial requirements.

14. APPLICANT IS ELIGIBLE AND SEEKS AN EXEMPTION FROM TARIFFING REQUIREMENTS

☐ TRUE ☐ NOT TRUE (Attach **Appendix M**)

15. OTHER LICENSE(S) HELD WITH THE COMMISSION, EITHER CURRENT AND/OR PRIOR

☐ NONE

☐ CURRENT AND/OR PRIOR, specify:

California Public Utilities Commission

Page 7 of 7 CPCN Application Form – Telephone Corporation

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the Applicant named above.

Signed

Name

Title

Dated

Address

Telephone

Email Address

SAMPLE CPCN APPLICATION FORM ATTACHMENT A

ATTACHMENT A

SWORN AFFIDAVIT

Name of Applicant/Company _____

My name is _____. I am _____ [Title] of _____ (Applicant). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Applicant)

I affirm that _____ [Name of Applicant]:

- Agrees to comply with all federal and state statutes, rules, and regulations, Commission requirements as a Telephone Corporation, and state contractual rules and regulations, if granted the request as stated in this application;
- Certifies that all responses to the attached Application for CPCN are true and correct; and

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Signature

Name and Title

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Petition for Declaratory Ruling
Regarding State Regulatory
Framework for Interconnected
VoIP Services Established by the
California Public Utilities Commission
in Decision 24-11-003

WC Docket No. _____

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2025, I served a copy of the Cloud Communications Alliance and Cloud Voice Alliance Petition For Declaratory Ruling in the above-captioned proceeding on the following via FedEx.

President Alice Reynolds

Commissioner Darcie L. Houck

Commissioner John Reynolds

Commissioner Karen Douglas

Commissioner Matthew Baker

California Public Utilities Commission
California State Building
505 Van Ness Ave
San Francisco, CA 94102-3298

February 6, 2025



Jonathan S. Marashlian
MARASHLIAN & DONAHUE, PLLC
The CommLaw Group
1430 Spring Hill Road, Suite 310
Tysons, Virginia 22102
Tel: 703-714-1313
E-Mail: jsm@commlawgroup.com

Counsel for Petitioners