

Google Fiber Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043



Tel: 650.623.4000
Fax: 650.618.1806
www.google.com/fiber

February 5, 2016

Timothy J. Sullivan
Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**Re: *Google Fiber California, LLC's Status as a Cable Television Corporation
Entitled to Nondiscriminatory Infrastructure Access***

Dear Dr. Sullivan:

The California Legislature created a state video franchising process to provide consumers more choice and lower prices, speed the deployment of new communications and broadband technologies, create jobs, and benefit the California economy. Consistent with those objectives, the Commission clarified in Decision 15-05-002 that a franchised video service provider (VSP) that is also a "cable television corporation" may access public utility infrastructure pursuant to Section 767.5 of the Public Utilities Code, the right-of-way order (D.98-10-058), and the CPUC's safety rules. Having established that framework, the CPUC specifically found in its Conclusions of Law that Google Fiber California, LLC (Google Fiber) would be a cable television corporation if it transmits television programs by a wired network to subscribers for a fee. See Code § 216.4 ("Cable television corporation" shall mean any corporation or firm which transmits television programs by cable to subscribers for a fee.').

Google Fiber currently offers broadband Internet access service and transmits television programming over its fiber-optic network on Stanford University's campus, and hopes to provide service elsewhere in California. Accordingly, consistent with Decision 15-05-002, the attached verification confirms for the Commission—as well as for public utilities controlling poles and other critical infrastructure—that Google Fiber, in addition to being a franchised VSP, is a cable television corporation entitled to infrastructure access throughout the State. Google Fiber will comply with applicable safety requirements associated with that access, including General Orders 95 and 128.

Google Fiber currently is in the process of exercising the rights afforded by Decision 15-05-002 to support its planned network construction in California. Some infrastructure owners, however, are resisting their duty of providing nondiscriminatory access. Specifically,

PG&E: PG&E has told Google Fiber that it will not provide access under regulated rates and terms absent production of a Certificate of Public Convenience and Necessity (CPCN) or other CPUC document showing that Google Fiber is

Google Fiber California, LLC
February 5, 2016

qualified to gain access. We have explained that as a VSP and cable television corporation, Google Fiber does not hold a CPCN, but Decision 15-05-002 nevertheless entitles Google Fiber to access. We have provided PG&E a copy of our California video franchise and information describing our operations as a cable television corporation. Still, PG&E so far has refused to recognize our eligibility for a regulated pole attachment agreement, and will not tell us what further information they believe Google Fiber should put forward to exercise our rights. We trust that the Commission's recognition of the attached verification identifying Google Fiber as a cable television corporation will resolve this issue.

Northern California Joint Pole Association (NCJPA): Even though a CPCN is not required for a cable television corporation to obtain nondiscriminatory pole attachment, Google Fiber so far has been unable to join the NCJPA because it does not hold such a certificate. Specifically, the NCJPA asked Google Fiber to provide a CPCN as part of its application for membership. In response, Google Fiber explained in November 2015 that as a state-franchised VSP and cable television corporation, it does not need a CPCN to access utility infrastructure in the public right-of-way. The NCJPA still has not provided its promised response to Google Fiber's request for membership.

Southern California Joint Pole Committee (SCJPC): Google Fiber's assessment of a potential build-out in Southern California is at a very early stage. But, because the SCJPC's rules currently require a CPCN for membership, Google Fiber anticipates the same issue with the SCJPC as it has encountered with the NCJPA.

While Google Fiber is working with cities in California on a wide range of issues like permitting, zoning, and securing land rights, it simultaneously works with utility companies to secure infrastructure rights. Gaining access in a timely manner bears on Google Fiber's decisions whether to build new networks, as well as enables it to serve customers more quickly.

Google Fiber hopes that the attached verification of our regulatory status will resolve this matter. Please let me know should you have any questions.

Sincerely,



Austin Schlick
Director, Communications Law
Google Inc.

Google Fiber California, LLC
February 5, 2016

cc: *Via electronic mail*
President Michael J. Picker
Commissioner Mike Florio
Commissioner Catherine J.K. Sandoval
Commissioner Carla J. Peterman
Commissioner Liane M. Randolph
Liz Podolinsky
Lester Wong
Bill Johnston
John Reynolds
Jessica Hecht
Michael Morris
Glenn Semow
Candace Morey