



COMMUNICATIONS DIVISION – DECISION (D.) 26-06-009 (AS MODIFIED BY D.26-07-039)

**PHASE 2 DECISION UPDATING REGULATORY FRAMEWORK FOR
INTERCONNECTED VOICE OVER INTERNET PROTOCOL (VoIP) CARRIERS**

Frequently Asked Questions

A. Wireline Carriers Providing Fixed Interconnected VoIP Services

1. What is the new requirement for existing wireline carriers already providing Fixed Interconnected VoIP services?

Decision (D).26-06-009 Ordering Paragraphs (OPs) 1 and 2 require all existing wireline carriers: Incumbent Local Exchange Carriers (ILECs or LECs), Competitive LECs (CLECs), and Interexchange Carriers (IXCs) to report their provision of fixed interconnected VoIP service or add the Digital Voice Fixed (DVF) utility type to their existing operating authority if they have been providing fixed interconnected VoIP services in California and do not have a DVF utility designation.

2. What is the process to comply with this new requirement?

All existing wireline carriers (i.e., ILECs, CLECs and IXCs) in California that are providing fixed interconnected VoIP and do not already have a DVF utility designation are required to submit to the Communications Division (CD) a Tier 1 Advice Letter (AL) within 12 months of issuance of D.26-06-009.

3. What must be included in the Tier 1 Advice Letter to comply with the new requirement?

The filing must comply with the CD Advice Letter process pursuant to General Order (GO) 96-B and include the following information:

- Confirmation they are already providing fixed interconnected VoIP services in California.
- Service territory/territories granted authority to operate in and whether they are providing fixed interconnected VoIP services in all or only part of the area the carrier is authorized to provide service in the state. If services are only offered in part of the area the carrier is authorized to provide service, the carrier must indicate where;
- Wireline facilities status (e.g. full/limited facilities-based, switchless reseller/non-facilities-based) and whether they offer full/limited facilities-based or non-facilities-based fixed interconnected VoIP services. If carrier is providing facilities-based interconnected VoIP it must either have a facilities-based status or apply for an expansion of operating authority to include facilities-based status.
- Start date the carrier began providing fixed interconnected VoIP services in California;
- The current number of fixed interconnected VoIP customers and Access Lines in California; and
- Attestation that carrier will comply with the heightened requirements of D.20-08-011, if carrier provides facilities-based fixed interconnected VoIP in the service territories of the Small Local Exchange Carriers.

Additional information regarding the general Advice Letter Process can be found here: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/advice-letter-information>



4. What is the process to submit confidential information as part of the Tier 1 Advice Letter?

All information that the wireline carrier deems confidential in its advice letter filing must comply with [D.16-08-024](#), [D.20-08-031](#) (corrected by [D.21-09-020](#)), and [GO 66-D](#).

5. What is the deadline to submit the Advice Letter to add the DVF utility type?

All existing wireline carriers providing fixed interconnected VoIP that do not already have a DVF utility designation must submit the Advice Letter within 12 months of the issuance date of D.26-06-009.

6. How do carriers who have not submitted the Advice Letter within 12 months of the issuance date of D.26-06-009 report or add the DVF utility type?

Pursuant to OP 1 of D.26-06-009, ILECs that provide fixed interconnected VoIP service after 12 months of the issuance date of this decision shall file a Tier 1 advice letter within 30 days of providing such services to report their provision of fixed interconnected VoIP service.

Pursuant to OP 3 of D.26-06-009 all other telephone corporations must instead file a CPCN application for an expansion of operating authority to add the DVF utility type.

7. Are there changes to my Public Purpose Program Surcharge obligations after complying with the new requirements?

Yes, pursuant to OP 7 of D.26-06-009 all telephone corporations must separately report the number of fixed interconnected VoIP access lines as part of their Telecommunications and User Fees Filing System (TUFFS) reporting, beginning 90 days after the issuance of D.26-06-009.

B. Definition of Facility Types Applicable to Interconnected VoIP Service Providers

1. What is the definition of a full facilities-based Interconnected VoIP Service Provider?

"Full facilities-based providers are those telecommunications providers, including interconnected VoIP service providers providing fixed VoIP service, which directly own, control, operate, or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances, in connection with or to facilitate communications within the local exchange portion of the public switched network and intends to build or install telecommunications infrastructure and equipment in public rights-of-ways or engage in other trenching activity." (D.26-06-009 at Conclusion of Law (CoL) 12(a))

2. What is the definition of a limited facilities-based Interconnected VoIP Service Provider?

"Limited facilities-based providers are those telecommunications providers, including interconnected VoIP service providers providing fixed VoIP service, which directly own, control, operate, or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances, in connection with or to facilitate communications within the local exchange portion of the public switched network and intends to build or install telecommunications infrastructure and equipment within existing structures or facilities of other licensed providers, public utilities, or municipalities." (D.26-06-009 at CoL 12(b))

3. What is the definition of a non-facilities-based Interconnected VoIP Service Provider?

"Non-facilities-based providers are those telecommunications providers, including interconnected VoIP service providers which do not directly own, control, operate, or manage



conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances, in connection with or to facilitate communications within the local exchange portion of the public switched network." (D.26-06-009 at CoL 12(c))

4. Does the facilities-based designation apply to nomadic interconnected VoIP Service Providers?

No, the facilities-based designation does not apply to nomadic interconnected VoIP Service providers.

C. Interconnected VoIP Service Providers Operating in Small ILEC Service Territories

1. Which Interconnected VoIP service providers are subject to the heightened requirements of D.20-08-011?

Utility Type	Facility Status	Service Territories Operating In	Subject to D.20-08-011
DVF	Facilities-Based (full and/or Limited)	Small ILECs only	✓
DVF	Facilities-Based (full and/or Limited)	URF ILECs only	✗
DVF	Facilities-Based (full and/or Limited)	URF and Small ILECs	✓
DVF	Non-Facilities Based	URF and/or Small ILECs	✗
DVN	Not Applicable	URF and/or Small ILECs	✗

2. Where can I find more information about the heightened requirements of D.20-08-011?

The Decision is available at the CPUC Website:

<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M345/K023/345023118.PDF>

D. Relief and Clarifications Related to Nomadic-Only Interconnected VoIP Service Providers

1. What relief is granted to providers of nomadic-only interconnected VoIP services?

D.26-06-009 established a second opt-out period to grant an additional 12 months post issuance of Decision for interconnected VoIP carriers providing nomadic-only service, who missed the 45-day opt-out period established in D.24-11-003 and were migrated to a DVF utility designation, to update their utility type to Digital Voice Nomadic (DVN) using a streamlined process.

2. What do nomadic-only interconnected VoIP service providers that are still categorized with a DVF utility type need to do during this second opt-out period?

During this second opt-out period, nomadic-only interconnected VoIP service providers must submit the nomadic attestation via email to CDCompliance@cpuc.ca.gov within 12 months from issuance of the Decision, confirming that they provide voice services that meet the Commission's definition of nomadic-only interconnected VoIP. The nomadic attestation must



include the provider's legal name as registered with the Commission and its assigned Utility ID Number. The attestation must be signed under penalty of perjury by a company officer.

Additional information is available in Appendix A of [D.24-11-003](#) and a sample Nomadic attestation is available at the CPUC website at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/licensing-compliance/licensing-and-registration/cdregformattasamplejune2025.docx>.

3. What if a nomadic-only Interconnected VoIP service provider with a DVF utility designation fails to submit their opt-out request during this second opt-out period?

Starting June 18, 2027, after the conclusion of the second opt-out period, carriers will be required to simultaneously surrender their DVF operating authority by submitting a Tier 2 advice letter pursuant to [Resolution T-17723](#) and submit a completed Nomadic Registration and pay the nomadic registration fee.

Additional information on Resolution T-17723 is available at the CPUC website: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/advice-letter-information/voluntary-withdrawal-or-cancellation-of-operating-authority>

4. What refund is authorized for nomadic-only Interconnected VoIP service providers listed in Appendix B of D.26-06-009?

Carriers listed in Appendix B of D.26-06-009 will be issued a refund to avoid penalizing certain DVN providers that complied with the rules set forth in D.24-11-003. After the issuance of D.26-06-009, the CPUC will process the refunds. Processing times may vary. A request for a refund is not required. The CPUC will also process a refund for carriers that are not listed in Appendix B but qualify for a refund based on the requirements of D.26-06-009.

For questions regarding the status of your refund, please email cdcompliance@cpuc.ca.gov.

5. What penalty is applicable to nomadic-only interconnected VoIP service providers already operating in California without a registration?

Pursuant to D.24-11-003 OP 54, [Resolution T-17601](#) is applicable to all interconnected VoIP service providers, including assessment of a \$1,000 penalty amount per month for nomadic-only interconnected VoIP service providers operating in California without the requisite registration with the CPUC. D.26-06-009 further clarified that nomadic-only interconnected VoIP providers that submit their nomadic registration after August 17, 2026 will be subject to a \$1,000 per month penalty for the period starting 60 days after the issuance date of the Decision up to the month of approval of their nomadic registration.

Pursuant to D.26-06-009, Nomadic-only interconnected VoIP providers that started operating prior to registering that submit or already submitted their nomadic registration during the period beginning May 13, 2025, up through the end date of August 17, 2026, will not be subject to the \$1,000 per month penalty for operating prior to registering. Note: All Interconnected VoIP providers, including Nomadic-only service providers, that submitted their application or registration prior to May 13, 2025, were not subject to the \$1,000 per month penalty for failure to register prior to operating in California, as D.24-11-003 established an initial 180-day grace period for all interconnected VoIP providers to file an application or registration by May 12, 2025, to



avoid a penalty for operating prior to obtaining an operating authority or registration from the Commission.

E. Other Changes to Licensing and Registration Requirements

1. Does the D.26-06-009 make any other changes to licensing and registration requirements and obligations for telephone corporations including interconnected VoIP service providers?

D.26-06-009 makes minor corrections and clarifications to the following:

- a) Financial Requirements:
 - i. Makes Corrections to Appendix F of D.24-11-003, as shown in Appendix A of D.26-06-009
 - ii. Removes the requirement that applicants provide another bank statement to the Communications Division at the 6 and 12-month marks after application approval, for those who provided an unaudited bank statement as their financial instrument.
- b) Performance Bond requirements:
 - i. Clarifies that carriers must state in their initial performance bond advice letter filing cover letter whether the surety company issued an original hard copy of bond or an electronic only version.
 - ii. If there is an original hard copy of bond, the carrier must mail the original to the Commission's Communications Division.
 - iii. If the bond only exists in an electronic version, the carrier must state in the advice letter filing that no original hard copy of bond was provided by the surety company and that the electronic bond is the same legal instrument as an original hard copy performance bond.

For additional questions, please email cdcompliance@cpuc.ca.gov.