

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

In The Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for Authority to Lease Certain Fiber Optic Cables to CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS under the Master Dark Fiber Lease Agreement Pursuant to Public Utilities Code Section 851.

Application No. 17-02-001
(Filed February 3, 2017)

**MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E)
FOR LEAVE TO FILE AMENDMENT TO APPLICATION**

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Dated: **November 9, 2017**

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FOR LEAVE TO FILE AMENDMENT TO APPLICATION**

Pursuant to Rules 1.12 and 11.1 of the Commission’s Rules of Practice and Procedure, Southern California Edison Company (“SCE”) requests permission to amend its Application in the above-referenced proceeding to correct three inadvertent errors. Because SCE is seeking these amendments after the Scoping Memo has been issued,¹ SCE respectfully requests leave to file its Amendment to Application No. 17-02-001, which is attached as Attachment A. SCE became aware of these errors during the time it was preparing its October 11, 2017 responses to Commissioner Rechtschaffen’s Amended Scoping Memo, and respectfully requests that the Commission permit these corrections.

¹ Rule 1.12 provides that an amendment to an application, protest, complaint, or answer must be filed prior to the issuance of the scoping memo. In this case, the Commission issued its first scoping memo on April 27, 2017, and an amended scoping memo on September 11, 2017. Because SCE is requesting the amendments after the scoping memos have been issued, SCE is requesting leave of the Commission to accept the amendments. SCE is following the process it observed from its 2018 General Rate Case proceeding (A. 16-09-001) where the Scoping Memo was issued on December 2, 2016. TURN informed the Administrative Law Judges via September 15, 2017 email that it discovered errors in its Opening Brief and made a request to the ALJs for permission to file its amendments and inquired whether it needed a formal motion to allow the filing of the amendments. By email dated September 21, 2017, the ALJs instructed TURN to file a formal motion. Following this example, SCE is filing this formal motion requesting leave to file the attached Amendment to SCE’s Application.

The three inadvertent errors are as follows:

- Application, page 1: The reference to D. 98-10-058 should be changed to D. 98-12-083.
- Application, page 5, footnote 11: The words “of the Application” are missing from footnote 11.
- Application, page 6: The words “and its electronics” should be deleted.²

The above errors were inadvertent and relatively minor, but substantive in nature.

The correction on page 1 is needed due to SCE’s incorrect reference of the decision granting SCE’s certificate of public convenience and necessity to provide telecommunication services as a competitive local exchange carrier. The correction on page 5 to footnote 6 is needed because the footnote is simply missing words. The addition of “of the Application” to footnote 6 reflects SCE’s position that the Application eliminates the need for SCE to file, and the Commission to approve, numerous advice letters if SCE were to classify each Lease Route Order as a single transaction.³ Regarding the third error, SCE was alerted to the error on page 6 by the Office of Ratepayer Advocates (ORA), and SCE agrees that the reference to “and its electronics” should be deleted because it suggests that the subject of the Application involves lit fiber, when it does not.

Accordingly, SCE requests that it be permitted to file the attached Amendment to SCE’s Application, which includes the corrections.⁴

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² In its October 11, 2017 response, SCE indicated that it would be filing an amendment to its Application. See “Comments of Southern California Edison Company (U 338-E) on Commissioner Rechtschaffen’s September 11, 2017 Amended Scoping Memo and Ruling Regarding Additional Issues to be Determined,” page 4.

³ Application, p. 3.

⁴ On February 3, 2017, SCE filed a public and confidential versions of its Application. Because of the confidential marking that appears on page 1 of the Application, SCE is including the correction to both the public and confidential version of page 1 of the Application, both of which are attached.

SCE also requests that the corrections be made effective as of February 3, 2017, to coincide with the filing date of its Application. Attachment B is a proposed ruling granting this Motion.

Respectfully submitted,

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/s/ Gloria M. Ing

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November 9, 2017

Attachment A

Amendment to Southern California Edison Company's (U 338-E)

Application No. 17-02-001

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Application No. 17-02-001
(Filed February 3, 2017)

**AMENDMENT TO SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
APPLICATION NO. 17-02-001**

Pursuant to Rules 1.12 of the Commission's Rules of Practice and Procedure, Southern California Edison Company ("SCE") submits this Amendment to Application No. 17-02-001. This Amendment corrects three inadvertent errors in the Application.

The three inadvertent errors are as follows:

- Application, page 1: The reference to D. 98-10-058 should be changed to D. 98-12-083.
- Application, page 5, footnote 11: The words "of the Application" are missing from footnote 11.
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The correction on page 1 is needed due to SCE's incorrect reference of the decision granting SCE's certificate of public convenience and necessity to provide telecommunication services as a competitive local exchange carrier. The correction on page 5 to footnote 6 is needed because the footnote is simply missing words. The addition of "of the Application" to footnote 6 reflects SCE's position that the Application eliminates the need for SCE to file, and the Commission to approve, numerous advice letters if SCE were to classify each Lease Route

Order as a single transaction.⁵ Regarding the third error, SCE was alerted to the error on page 6 by the Office of Ratepayer Advocates (ORA), and SCE agrees that the reference to “and its electronics” should be deleted because it suggests that the subject of the Application involves lit fiber, when it does not. The pages in SCE’s confidential and public versions of the Application that are affected by this Amendment are attached as Appendix A.

The above errors were inadvertent and relatively minor, but because they are substantive in nature, SCE submits this Amendment pursuant to Rule 1.12. In SCE’s Motion for leave to file this Amendment, SCE is requesting that the corrections be made effective as of February 3, 2017, to coincide with the filing date of its Application.

Respectfully submitted,

FRANK A. MCNULTY
GLORIA M. ING

/s/ Gloria M. Ing

By: Gloria M. Ing

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⁵ Application, p. 3.

Appendix A

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Application No. 17-02-001

**APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR
AUTHORITY TO LEASE CERTAIN FIBER OPTIC CABLES TO CELLCO
PARTNERSHIP D/B/A VERIZON WIRELESS UNDER THE MASTER DARK FIBER
LEASE AGREEMENT PURSUANT TO PUBLIC UTILITIES CODE SECTION 851**

(PUBLIC VERSION)

I.

INTRODUCTION

Southern California Edison Company (“SCE”) respectfully requests an Order from the California Public Utilities Commission (“Commission” or “CPUC”) pursuant to Section 851 of the Public Utilities Code authorizing SCE to lease to the Cellco Partnership D/B/A Verizon Wireless (“Verizon Wireless”) certain optical fibers along existing routes and additional routes that are being constructed in Southern California pursuant to the terms and conditions of the “Master Dark Fiber Lease Agreement between Southern California Edison Company and Cellco Partnership D/B/A Verizon Wireless” dated November 17, 2016 (“Agreement”). Pursuant to Decision No. 98-10-058, ¹²⁻⁰⁸³ the Commission granted SCE a Certificate of Public Convenience and Necessity (CPCN) to provide telecommunication services as a competitive local exchange carrier

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Application No. 17-02-001

**APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR
AUTHORITY TO LEASE CERTAIN FIBER OPTIC CABLES TO CELLCO
PARTNERSHIP D/B/A VERIZON WIRELESS UNDER THE MASTER DARK FIBER
LEASE AGREEMENT PURSUANT TO PUBLIC UTILITIES CODE SECTION 851**

(CONFIDENTIAL VERSION)

**THIS DOCUMENT CONTAINS CONFIDENTIAL MATERIALS THAT ARE
PROTECTED PURSUANT TO CALIFORNIA PUBLIC UTILITIES COMMISSION
DECISIONS AND APPLICABLE LAW. PUBLIC DISCLOSURE IS RESTRICTED.**

I.

INTRODUCTION

Southern California Edison Company (“SCE”) respectfully requests an Order from the California Public Utilities Commission (“Commission” or “CPUC”) pursuant to Section 851 of the Public Utilities Code authorizing SCE to lease to the Cellco Partnership D/B/A Verizon Wireless (“Verizon Wireless”) certain optical fibers along existing routes and additional routes that are being constructed in Southern California pursuant to the terms and conditions of the “Master Dark Fiber Lease Agreement between Southern California Edison Company and Cellco Partnership D/B/A Verizon Wireless” dated November 17, 2016 (“Agreement”). Pursuant to Decision No. 98-10-058, ¹²⁻⁰⁸³ the Commission granted SCE a Certificate of Public Convenience and Necessity (CPCN) to provide telecommunication services as a competitive local exchange carrier

D. Commission approval required

It is particularly important to note the following about this Application:

1. Verizon Wireless will not be entitled to use the fibers covered by the Agreement and submit any Lease Route Orders until the Commission approves this Application.⁸
2. Any construction of additional fiber optic cable contemplated under the Agreement will be performed only after the Commission approves this Application.⁹

E. Summary of Request

For the reasons set forth in this Application, SCE requests that the Commission issue an order authorizing SCE to lease certain fiber optic cables to Verizon Wireless under the Master Dark Fiber Lease Agreement pursuant to Public Utilities Code Section 851.

II.

BACKGROUND

A. Summary of the Master Dark Fiber Lease Agreement

As indicated above, Verizon Wireless contracted with SCE for the provision of certain optical fibers along various cable routes¹⁰ within Southern California under the terms of the Master Dark Fiber Lease Agreement. During the term of the Agreement, Verizon may submit Lease Route Orders to SCE for SCE's review and approval. At this time, SCE does not know the specific routes that Verizon Wireless will request.

SCE will use existing fiber optic cables when excess capacity is available. For those portions of the routes that do not have existing capacity, SCE will install new fiber optic cable, perfect land use rights, and construct any necessary facilities at shareholders' expense.¹¹ SCE

⁸ Agreement, Section 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Construction of the new fiber optic cables will take place in the various municipalities only after CPUC approval or the applicable Lease Route Order and securing all necessary local permits.


of the Application

will own, operate, and maintain the entire fiber optic cable. Upon completion of the installation, SCE will assign certain fibers along each route to Verizon Wireless and will grant an exclusive lease for Verizon Wireless' use.¹²

Section 4.2 of the Agreement pertains to the acquisition of the real property rights and authorizations necessary to complete the fiber optic network route. A significant portion of the rights of way on which the fiber optics will be located may not include grants of a right to construct or lease facilities for use by a third party. SCE and Verizon Wireless will assess the rights and SCE will acquire additional rights as necessary. To the extent additional rights are secured by SCE, they will be shareholder funded.

The Agreement does not include the right to enter the property upon which the SCE fibers are located, except at Verizon Wireless facilities.¹³ SCE is responsible for the construction and maintenance of the cable ~~and its electronics~~, while Verizon Wireless shall pay for and arrange all connections of its facilities with the fibers Verizon Wireless leases under the Agreement.¹⁴

Verizon Wireless and SCE have negotiated an arrangement in which, under the Lease Route Orders, Verizon Wireless will make initial, non-refundable payments and monthly payments, beginning after the Commission approves this Application, subject to the following conditions: (i) SCE agrees to the applicable Lease Route Order, and (ii) Verizon Wireless has accepted the fiber.¹⁵ Verizon Wireless is responsible for all taxes resulting from its installation activities and will keep SCE's facilities free from all liens and encumbrances.¹⁶

¹² The exclusivity pertains only to the fibers leased to Verizon Wireless. SCE may at its discretion and subject to Commission approval lease any portion of the remaining fibers to other entities.

¹³ Agreement, Article 5.

¹⁴ *Id.*

¹⁵ *Id.*, Article 3.

¹⁶ *Id.*, Article 7.4.

Attachment B
Proposed Order

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**PROPOSED ORDER ON MOTION OF SOUTHERN CALIFORNIA EDISON
COMPANY (U 338-E) FOR LEAVE TO FILE AMENDMENT TO APPLICATION**

On November 9, 2017, Southern California Edison Company filed a Motion for leave to file amendment to its Application No. 17-02-001. SCE seeks to amend its Application to correct three inadvertent errors. Although SCE's motion was filed after the scoping memo in this proceeding was issued, SCE explained that it became aware of the errors during the time it was preparing its responses to the Commission's amended scoping memo. SCE attached a copy of its Amendment to its Motion.

SCE's Motion is granted.

1. SCE's Amendment to Application is accepted.
2. The inadvertent errors are corrected and amended as of February 3, 2017 to coincide with the filing date of the Application.

Dated: _____

Administrative Law Judge