



Lori Ortenstone
General Attorney

AT&T Services, Inc.
1215 K Street, Suite 1800
Sacramento, CA 95814

T: 916.341.3414
F: 916.443.6836
lori.ortenstone@att.com

December 9, 2013

California Department of Water Resources
Encroachment Unit
1416 Ninth Street, Room 649

Re: Encroachment Permit Regulations

To Whom It May Concern:

Pacific Bell Telephone Company dba AT&T California ("AT&T") and Verizon California, Inc. ("Verizon") have reviewed the California Department of Water Resources' proposed regulations establishing rules and procedures for obtaining an Encroachment Permit and removal of unauthorized encroachments along the State Water Resources Development System, otherwise known as the State Water Project ("SWP"). The new rules raise a number of concerns for both companies. As such, I am submitting the following comments and questions on behalf of AT&T and Verizon:

- Telephone corporations such as AT&T and Verizon have a statewide franchise right to place their facilities in the public rights of way throughout California under Public Utilities Code § 7901 subject only to limited time, place and manner conditions. Such franchise rights were recognized in Water Code § 12899.3. Are the proposed regulations consistent with these statutes?
- Do the proposed rules impact how CEQA affects our deployment activities; i.e. do they contemplate a change in the Department's existing CEQA practices?
- How will the new regulations impact existing facilities in SWP right of way, i.e. will they be "grandfathered" under the existing rules and practices?
- Likewise, how do these regulatory requirements conflict with, supersede or support existing permit requirements and how would they impact relocation or construction projects that are currently permitted and ongoing?
- We are also concerned that the proposed rules will add significant costs to the permitting process.

Thank you for the opportunity to express our concerns and raise these questions. Once we have a better understanding as to how the proposed regulations differ from the existing rules and practices and how our existing facilities will be treated, we will be able to provide a more in depth analysis.



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It should be noted that the addresses that the Department apparently has on file for AT&T and Verizon may no longer be valid and this contributed to the delay in our response. We will provide a correct regulatory contact for each company under separate cover.

Sincerely,

A handwritten signature in blue ink that reads "Lori Ortenstone".

Lori L. Ortenstone
General Attorney
Legal-Regulatory

Jesus G. Roman, Esq.
Verizon California, Inc.
Assistant General Counsel – West Region
2335 W. Hillcrest Drive, CAM21LB
Newbury Park, CA 92130
Direct Dial: 805-499-6832
Fax: 805-498-5617