

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to
Consider Modifications to the
California Advanced Service Fund.

Rulemaking 12-10-012

**OPENING COMMENTS OF THE PUBLIC ADVOCATES OFFICE ON THE
ASSIGNED COMMISSIONER'S RULING REQUESTING COMMENTS ON
BROADBAND INFRASTRUCTURE RULES AND APPLICATION WINDOWS
PART 1 – COMMENTS IN RESPONSE TO QUESTIONS REGARDING
COVID-19 PUBLIC HEALTH EMERGENCY**

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April 9, 2020

I. INTRODUCTION

Pursuant to Assigned Commissioner Martha Guzman Aceves's March 26, 2020 Ruling, *Assigned Commissioner's Ruling Requesting Comments on Broadband Infrastructure Rules and Application Windows* (ACR) in Rulemaking (R.) 12-10-012, the Public Advocates Office at the California Public Utilities Commission (Public Advocates Office) submits the following opening comments.

The ACR extends the April 1, 2020 deadline for the California Advanced Services Fund (CASF) Infrastructure Grant applications to May 4, 2020 and seeks comments in response to nine separate questions. Furthermore, in response to Governor Newsom's March 4, 2020 declared State of Emergency due to the COVID-19 outbreak, the ACR requests that parties first address the question concerning CASF program actions to consider in response to this public health emergency. With respect to the Commission's COVID 19 response, the ACR asks if the Commission should:

- begin awarding Adoption grants on a rolling basis.
- increase the amount of up-front funding for Adoption grantees to improve the ability of grantees to increase broadband adoption.
- expeditiously make hotspots available through the Adoption Account.
- make changes to the tasks assigned to staff. And if so, how would any modifications be implemented.

Opening Comments on the COVID-19 response were to be filed March 26, 2020 and Reply Comments April 1, 2020. On March 26, 2020, Administrative Law Judge (ALJ) Stevens extended the schedule for filing Opening Comments on the COVID-19 response to April 9, 2020. Therefore, these comments are timely.

Reply Comments are to be filed April 15, 2020. The ACR also requested comments on all other questions in the ACR, including modifying the CASF program, but those comments are to be filed later and not included in these Opening Comments.

The Commission should begin immediately awarding Adoption Account grants on a rolling basis, make hotspots available, provide increased funding for take-home devices, and require CASF grantees to temporarily increase broadband speeds.

II. DISCUSSION

The Commission should make additional modifications to the CASF Broadband Adoption Account (Adoption Account) and Broadband Infrastructure Grant Account (Infrastructure Account) to respond to customer needs during the COVID-19 pandemic.

A. The Commission Should Award Adoption Grants on a Rolling Basis.

The Commission recommends awarding Adoption Account grants on a rolling basis. The Adoption Account grants can provide funding for training and access to broadband that are critical during the shelter-in-place order for essential services such as telecommuting for health, work or education.¹ Therefore, the Commission should immediately begin awarding Adoption Account grants on a rolling basis to accelerate broadband adoption, particularly during the COVID-19 pandemic.

B. The Commission Should Expeditiously Make Hotspots Available through the Adoption Account.

The ACR recommends expeditiously making available grants for funding hotspots through the Adoption Account. With the Governor's shelter-in-place orders, there is an immediate need to ensure access to broadband service. A broadband connection is essential for Californians to telework, participate in distance learning, access telemedicine, and receive critical services. Providing funding to CASF applicants to provide hotspots that deliver free Wi-Fi would bridge the gap for those who need broadband service and who would have to otherwise wait months or years for service to be physically connected to their residence. Even after the COVID-19 pandemic is over, these communities will continue to need broadband service. Therefore, the Commission should require Applicants to continue to provide free Wi-Fi hotspots until customers'

¹ Decision Revising the CASF Broadband Adoption Provisions (D.19-02-008) at Appendix 1, p. 4, <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M270/K438/270438889.PDF>.

residences can be physically connected to broadband service. Smaller Internet service providers may be eligible for federal funds that become available to ensure that they continue to provide broadband or upgrade broadband speeds.²

Community based organizations (CBOs) which normally would provide their constituents with Internet access are closed. Therefore, Wi-Fi hotspots should cover a large enough area to enable residents to connect at home and comply with the shelter-in-place orders.

A Wi-Fi hotspot should provide speeds of, at least, 25 Mbps download and 3 Mbps upload with no data caps. These minimum speeds are required to access essential services such as telehealth³ for medical needs.

C. The Commission Should Increase the Amount that the Adoption Account Reimburses Applicants for Take-Home Computing Devices.

The Adoption Account currently funds broadband access projects and allows applicants to provide participants in broadband training programs with take-home computing devices. Californians cannot access broadband without computing devices such as routers and laptops.

Currently, CBOs may submit applications for digital literacy projects that include take-home computing devices, with reimbursement limited to \$150 per device, one device per eligible household, and \$10,000 per application.⁴ With multiple family members accessing the Internet to participate in school and work under the shelter-in-place orders, the Commission should provide more funding for take-home devices. The Commission should double the maximum number of devices available to each household

² The Keeping Critical Connections Act (S.3569) introduced in the U.S. Senate would compensate small broadband providers with fewer than 250,000 customers for broadband services—if they provided free or discounted broadband services or upgrades—during the pandemic for low-income families who could not afford to pay their bills or to provide distance learning capability for students. <https://www.telecompetitor.com/keeping-critical-connections-act-would-provide-2-billion-for-rural-broadband/>.

³ An explanation of the telehealth program can be found on the Health Resources and Administrative Services (HRSA) website at: <https://www.hrsa.gov/rural-health/telehealth>.

⁴ D.19-02-008 at Appendix 1 at p. 5.

from one to two and allow applicants to apply for up to \$20,000 per application/project location.

However, the Commission should modify the existing Adoption Account rules to ensure devices are distributed quickly and efficiently. As currently structured, the Adoption Account requires CBOs to submit applications, which then must be reviewed and approved by the Commission before the CBO may receive funding to purchase devices for distribution to households. The Commission must find ways to shorten the review and approval process. One option is to coordinate with CBOs that have already received funding under the Adoption Account, to determine which, if any, would be able to quickly distribute additional devices if provided with increased funding. This may be the easiest and fastest way to efficiently get computing devices into households that are struggling to access the Internet as a result of this crisis. The Commission may also require applicants that propose to provide hotspots to provide laptops through a digital literacy project to households that will be served by that hotspot.

D. The Commission Should Require CASF Grantees to Temporarily Increase Broadband Speeds While Citizens Shelter-In-Place.

The Commission should require CASF Infrastructure Account grantees to temporarily increase broadband speeds at no cost to customers while citizens are required to shelter-in-place. While under shelter-in-place orders, Californians are relying on essential broadband services to telework, access telehealth, and continue their education through distance learning. This requires multiple family members to access the Internet simultaneously. While many Californians may currently have Internet service, an increase in Internet speeds and removal of data caps is essential to support multiple family members in a household. The Commission should require CASF Infrastructure Account grantees to increase Internet speeds by 50 Mbps over a customer's current broadband service plan while they shelter-in-place; at no cost to the customer.⁵

⁵ The Keeping Critical Connections Act mentioned above may also provide funds for Internet service providers that provide free broadband service upgrades.

Additionally, the Commission should require CASF Infrastructure Account grantees to lift data caps to accommodate the increase in usage.

III. CONCLUSION

The COVID-19 pandemic and public health emergency are unprecedented and highlight the critical importance of broadband service to all Californians who must now shelter-in-place for the foreseeable future. For the safety and well-being of all Californians, the Commission must ensure access to essential broadband services during this State of Emergency.

Respectfully submitted,

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