

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to

Consider Modifications to the California

Advanced Services Fund.

RULEMAKING 12-10-012

**COMMENTS OF THE CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN
VALLEY ON RULEMAKING 12-10-012 FOR OIR TO
CONSIDER MODIFICATIONS TO THE CASE**

Mike Dozier
Lead Executive
California Partnership for the San Joaquin Valley
5010 N. Woodrow Avenue M/S WC142
Fresno, CA 93740
(559) 294-6021
(559) 294-6024
raudino@csufresno.edu

December 3, 2012

The California Partnership for the San Joaquin Valley hereby submits its Comments in response to the **Order Instituting Rulemaking 12-10-012 to Consider Modifications to the California Advanced Services Fund.**

These comments are to express support for the elimination of the Certificate of Public Convenience and Necessity (CPCN) and Wireless Identification Registration (WIR) requirements of the California Advanced Services Fund (CASF), in order to encourage a variety of applicants that can best lead consolidated and coordinated broadband projects within a region. The requirements should be changed so that funding can be provided to non-CPCN/ WIR applicants who may be the most logical applicant to achieve cost-effective deployment of broadband infrastructure in a region.

Without this flexibility, there will be significant impacts on the goal of reaching 98% broadband deployment and 80% adoption for California by 2015 – goals acknowledged by the California Broadband Council (CBC), California Public Utilities Commission (CPUC), and California Emerging Technology Fund (CETF). It should be noted that the terrain and population distribution of the remaining unserved and underserved households in California may best be served by wireless providers (mobile or fixed).

The Partnership, created in June 2005 through Executive Order S-5-05, convened stakeholders from around the eight county San Joaquin Valley and developed a ten year Strategic Action Proposal with goals and objectives to guide activities to improve the quality of life in the region. The removal of CPCN/WIR requirements for CASF funding is consistent with these goals and

objectives, more specifically, the mission of the Advanced Communications Services Work Group to “increase the deployment of advanced communication services by current and prospective service providers.” Moreover, as the grant manager of the San Joaquin Valley Regional Broadband Consortium, the Partnership is committed to promoting policies that will facilitate increased access to broadband throughout our communities.

There is precedence for removal of the CPCN and WIR requirement. The CPUC permitted non-CPCN and non-WIR CASF applicants as a matching component to ARRA broadband infrastructure awards approximately two years ago. At that time, CETF, non-telephone company Internet service providers (ISPs), former CETF grantees, and current CASF Regional Consortia leaders and members submitted comments to the CPUC regarding the need to expand the CASF program to any organization that is willing to deploy broadband into unserved and underserved communities.

Wireless Internet service providers (WISPs), utilizing a technology that is one of the most flexible and cost effective, are able to provide technical solutions for California’s terrain and population distribution. WISPs are typically owned or operated by very small or small independent organizations lead by entrepreneurs with heavy community focus, and they are more inclined to invest resources into small and less-densely populated underserved, and unserved rural, communities. WISPs do not typically possess a CPCN or a WIR, and must either gain such status, or partner with another organization that holds such a status (who agrees to be the fiscal agent of a proposal), to submit a proposal to the CPUC CASF program. WISPs play a

critical role in some of our rural, mountain communities and their eligibility for funding is vital to the SJVRBC's broadband objectives.

The Partnership is pleased to support the removal of the CPCN and WIR requirement as it will help facilitate critical broadband innovation and investment in the remaining unserved and underserved regions in California. This infrastructure spurs economic development and improves public safety, education, healthcare, and more. Please do not hesitate to contact me at mdozier@csufresno.edu or 559-294-6021 should you need additional information or have any questions about this.

Dated December 3, 2012

Respectfully submitted,

California Partnership for the San Joaquin Valley

/S/ Mike Dozier (*electronic signature is ok*)

A handwritten signature in black ink, appearing to read 'M. Dozier', with a stylized flourish at the end.

Lead Executive
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