California Broadband Council
September 23, 2020
Meeting Minutes

The California Broadband Council (CBC) met on Wednesday, September 23, 2020 at 10:00am via virtual conference (per California Executive Order N-25-20).

Agenda Item 1 – Welcome

Council Chair Amy Tong welcomed Council members.

Roll Call

A quorum was established for the meeting.

Member		Designee	Present	Absent
California Department of Technology Director	Amy Tong		X	
California Public Utilities Commission President	Marybel Batjer	Martha Guzman-Aceves	X	
California Office of Emergency Services Director	Mark Ghilarducci	Patrick Mallon	X	
Superintendent of Public Instruction	Tony Thurmond	Geoff Belleau	X	
Department of General Services Director	Daniel Kim	Brent Jamison	X	
California State Transportation Agency Secretary	David Kim	Lori Pepper	X	
California Emerging Technology Fund President	Sunne Wright McPeak		X	
California Department of Food and Agriculture	Karen Ross	Arturo Barajas	X	
State Librarian	Greg Lucas	Anne Neville-Bonilla	X	
Governor's Office of the Tribal Advisor	Christina Snider*		X	
Member of the Senate	Ben Hueso	Sarah Smith	X	

Member of the Assembly	Mike Gipson	Dr. Angelo Williams	X	

*Ms. Snider joined the meeting at 10:15am.

Agenda Items 2 and 3 – Action Plan Development Process and Working Session

Chair Tong acknowledged the Governor's Executive Order N-73-20 that directs the Council to develop a Broadband Action Plan before the end of the calendar year, that the meeting is dedicated to the development of the broadband plan, and that there will be monthly meetings through the end of the year.

California Department of Technology Deputy Director for Broadband and Digital Literacy Stephanie Tom noted that the Action Plan sets the vision for broadband in California and noted it will be updated annually to remain current.

Ms. Tom presented a staff recommended stakeholder feedback process (attached) and the Council discussed ways to collect information and how sessions will be held, especially for non-connected communities, as well as the inclusion of non-English speaking groups and unserved and underserved communities.

The ways the public can comment during the action plan development process are through making comments during the Public Comment section of Broadband Council meetings, by submitting comments to CABroadbandCouncil@state.ca.gov, or by attending upcoming listening sessions for tribes, providers, local governments, and communities and nongovernment organizations. Listening session logistics will be posted to the Council web site.

Ms. Tom also presented staff recommended writing pairs and high level outline for the action plan development process (attached) and the Council discussed the process. The plan is intended to provide overarching goals and a roadmap to where we want to go. Council members asked about having more than two Council members per writing team.

Since many of the proposed outline topics cross Council member expertise, Chair Tong directed Council staff to obtain clarification from California Department of Technology legal staff to determine whether or not more than two Council members per work group is allowable per the Bagley Keene Act. If not allowable, the Council can schedule additional meetings and obtain additional input. Ms. Tong noted that Council staff is available to support them. Mr. Belleau noted data caps should be included in anything addressing broadband speeds.

The Council voted to approve the adoption of the staff recommended public engagement plan with amendments to incorporate language acquisition and public comment timelines.

The Council voted to approve the adoption of the staff recommended action plan outline.

Agenda Item 4 – Public Comment

Chair Tong opened the meeting for public comments.

Written public comments received from the following were acknowledged:
- An unidentified person who expressed a desire for the plan to implement policies that will result in broadband access in rural areas.
- The California Menta Health Services Authority which noted the importance of community member access to provide increasing mental health needs.
- The California Cable & Telecommunications Association

Verbal public comments were made by:
- Robert Tse, United States Department of Agriculture
- Deborah Simpier, Althea
- Ernesto Falcon, Electronic Frontier Foundation
- Kevin Flash, Sacramento City College and part of Sacramento Council for Digital Inclusion
- Dan Desmond, California Health Medical Reserve Corps
- Melissa Slawson, GeoLinks
- Rochelle Swanson, Crown Castle
- Carolyn McIntyre, The California Cable & Telecommunications Association

The meeting adjourned at 11:59am.

Attachments:
- Staff recommended plans
- Written public comments
- Zoom meeting public comments

September 23, 2020

Subject: Outreach outline to incorporating Public Feedback into the Broadband For All Action Plan

*Amendments are in red

Recommended Action:

The California Broadband Council will incorporate public feedback into the Broadband For All Action Plan via:

- Submitted written comments to the CABroadbandCouncil@state.ca.gov email account.
- Public comment at the September 23, October 23, November 18, and December 9 Council meetings.
- Stakeholder events.
- The California Broadband Council will accept public comment via mail to help ensure feedback is received from the public without access to the Internet leveraging broadband community partners and organizations to help promote this option. The mail address for the Department of Technology is:
    - 1325 J Street, Sacramento, CA 95814-2928
- The deadline for public comments to be reviewed and considered for inclusion into the broadband action plan is Friday, November 20, 2020.

Submitted Written Comments to the CABroadbandCouncil@state.ca.gov Email Account and mailing address:

- The public can submit comments to this email account at any time.
- When written comments are submitted about Council meeting agendas, they are summarized and announced during the Council meeting and attached to that meeting's minutes/recap, which is posted to the Council web site.
- Comments submitted regarding the Broadband For All Action Plan will be:
    - Addressed as noted in the bullet and:
        - Forwarded to relevant Action Plan working groups for their consideration.

Public comment at the September 23, October 23, and November 18 Council Meetings:

- Public comments made about the Broadband For All Action Plan will be:
    - Considered by relevant Action Plan working groups for their consideration.
    - Acknowledged in final Action Plan Appendix.
    - Part of the meeting recordings posted to the Council web site.

Stakeholder Events

- The stakeholder meetings will be held via the Zoom platform so they can be recorded, allowing working group teams to reference the recordings.
- The Council will hold four stakeholder events to consider the needs of specified stakeholder groups.

Group	Rationale	Lead
Tribal	The Executive Order specifically calls for the provisions to maximize the inclusion of tribal lands in broadband access and adoption opportunities developed in consultation with tribal governments	Governor's Tribal Advisor
Local Governments	Local governments play a key role in understanding the broadband needs of their communities and can share expertise regarding deployment (infrastructure planning and permitting), and adoption	CalSTA and Caltrans
Internet Service Providers	State partners who can provide specific subject matter expertise, data, and collaborate with others to overcome barriers	CDT
Community	Economic communities with interest in broadband	California Forward

Action Plan Outline & Key Elements

Action Plan Outline	Description	Key Elements	Workgroup
Letter to the Governor	Executive Summary	• Purpose • Goals and Objectives of the plan	California Department of Technology
Vision for Broadband in California	Aspirational and achievable goals and rationale	• What is the policy vision for broadband in California? • Why does it matter? • What will it look like?	California Emerging Technology Fund State Senate
COVID Impact	How COVID has highlighted the need for broadband	• How did COVID deepened the need for broadband? • How has COVID increased the digital equity gap • What broadband efforts have been accelerated due to COVID? • How are the state's broadband emergency response efforts and driving future opportunities?	California Department of Food and Agriculture Governor's Office of Emergency Services
Current State – Where We Are Today	A current state of the California broadband landscape	• California's current broadband landscape (access, deployment, adoption) • Where are gaps and why do they matter? • What are the barriers? • How will California and residents benefit if we close the gaps and remove barriers?	Assembly California State Library
How California Can Achieve the Vision		• What needs to be done to achieve Broadband For All?	California Department of Technology

		o Considerations of access, deployment, adoption o Specific data regarding data/mapping and funding sources o Critical partnerships with providers, community organizations, tribes and localities	Governor's Tribal Advisor
5a. Modeling, Mapping, and Data	Set context for current and future funding and gaps	• What data do we have today? • What data do we need to effectively achieve broadband for all? • Where are there gaps? • How can we close those gaps? • How does closing those gaps benefit California and its residents?	California Public Utilities Commission Governor's Office of Emergency Services
5b. Tech Sufficiency	Set detailed technology standards and sufficiency of current options	• What broadband technology is currently available? • What is the state's preference and criteria for broadband technology and why? • How does the broadband technology preference and criteria contribute towards the states broadband vision?	Department of General Services California Emerging Technology Fund
5c. Deployment	Need-based breakdown (homes, schools, emergency, businesses) New commitments Bold proposals	• What is the current state of broadband deployment – what does the footprint look like at 25:3; 100:100 speeds • How will broadband deployment be prioritized throughout the state? • What geographic areas are problematic and why?	California Public Utilities Commission California Transportation Agency

		• How will tribal lands be included?	
5d. Adoption	Broad approach to drive adoption and usage Key barriers (costs, skills, devices, disconnections, provider marketing) Opportunities to overcome barriers	• What is the current state of broadband adoption and how is it measured? • Where is adoption lacking? • How can the state support adoption? • What are specific ways the state, localities, schools, communities, businesses, etc., can contribute to statewide adoption?	California Emerging Technology Fund Superintendent of Public Instruction (California Department of Education)
Conclusion	Monitor and implementation moving forward	• Summary of the plan, the approach and how it supports Broadband for All • Next Steps; Annual plan updates	California Department of Technology
Final reviewers	Action Plan cohesiveness	N/A	California Department of Technology California State Library

September 17, 2020

Ms. Amy Tong
Director, California Department of Technology

SUBJECT: GOVERNOR'S EXECUTIVE ORDER N-73-20
**   STATE BROADBAND ACTION PLAN**

Dear Ms. Tong:

The California Cable & Telecommunications Association ("CCTA") is reaching out to extend the support of the cable industry in connection with the Governor's Executive Order N-73-20 on broadband issued August 14, 2020 ("EO"). Specifically, CCTA seeks to engage and offer expertise on issues identified in the EO and to support your role in both monitoring implementation of the EO overall and leading the California Broadband Council ("CBC") in creation of a new State Broadband Action Plan by December 31, 2020.

State Broadband Action Plan
CCTA attended the August 26 meeting where the CBC adopted an initial roadmap for creating a new State Broadband Action Plan and is pleased that the CBC is embracing an open, transparent process with multiple opportunities for stakeholder input. CCTA and its member companies that provide broadband internet access service in California and nationwide stand ready to collaborate, share technical expertise with the CBC, and participate in working groups and drafting. Based on the EO and the initial roadmap for creating a plan adopted at the CBC meeting, the following are some *initial* points on key issues that CCTA would like to address:

- Broadband Infrastructure Deployment – The EO directs that the State Broadband Action Plan include a roadmap to accelerate broadband deployment, including infrastructure deployed with private investment and with public funds. For all infrastructure investments, expedited and streamlined permitting by state and local governments, and expedited processing of electric utility pole attachment applications, are essential to accelerate deployment. In addition, the plan should strictly prohibit any use of public funds/customer surcharges to overbuild existing infrastructure built with private

investment that meets or exceeds the 25 Mbps down/3 Mbps up speed standard established by the FCC for determining if an area is served. The top priority for public funds should be deployment to connect households that have no Internet service or service with speeds that do not meet the FCC 25/3 standard.

- Download and Upload Speeds – The EO directs that the State Broadband Action Plan incorporate the EO's goal that infrastructure investments enable broadband service with a minimum download speed of 100 Mbps. The CBC discussed also incorporating a minimum *upload* speed into the plan even though that is not identified in the EO. On this issue in particular, CCTA strongly urges the CBC to rely on evidence and data related to usage of the broadband network and reject unsupported assertions that symmetrical speeds are necessary. The cable industry has highly qualified and experienced network engineers who can provide expertise on real world network usage patterns and upload speeds that meet functional needs both now and well into the future based on consumer demand models.

- Scope of the Plan – Although the EO directs that the State Broadband Action Plan seek to accelerate both broadband *deployment* and *adoption*, CCTA encourages the CBC to keep a laser focus on infrastructure deployment, especially in completely unserved areas. As discussed at the August 26 meeting, the state's recent distribution of hotspots to facilitate distance learning led to many complaints based on the fact that hotspots and devices do not work if the broadband infrastructure is inadequate. In addition, CCTA appreciates the CBC's discussion to avoid "scope-creep" in its roadmap beyond what the EO identifies. For example, the CBC document should exclude "visualizations of quality of service and cost," which far exceeds the scope of the EO and would also raise federal regulatory preemption issues, undermining the EO's primary focus on accelerating broadband deployment.

EO Direction to State Agencies
The EO includes multiple orders and requests for state agency action on issues for which CCTA is already engaged and/or can provide additional collaboration and expertise. As key principles for implementing the EO generally, CCTA suggests that it is critical to (1) not simply duplicate existing programs or initiatives, (2) avoid any regulatory overreach that fails to recognize that internet service is an interstate service subject to federal regulation, (3) ensure that government subsidies are not used to overbuild existing infrastructure built with private investment, (4) maintain technology neutrality, and (5) ensure flexibility to account for innovation and rapidly changing technologies and customer preferences. The following are CCTA's initial points of discussion regarding each category in the EO:

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- <u>Mapping and Data – Orders 3 and 4</u> – The EO requests the CPUC to lead data aggregation and mapping of existing broadband infrastructure and directs CDT, Go-Biz and DGS to convene private sector companies to "understand and predict" broadband demand. CCTA urges recognition of key principles related to information gathering about private networks. First, do not duplicate existing state and federal data gathering regimes and processes or require data in incompatible formats or levels of granularity. Second, recognize the highly competitive nature of communications service markets and security risks of critical infrastructure and guarantee confidential treatment of company-specific information. Third, gather only the information necessary to ensure that public funds do not overbuild existing infrastructure.

- <u>Funding – Orders 5 and 6</u> – CCTA appreciates that the EO recognizes the need to identify new funding sources and more effectively maximize California's draw on federal broadband funds. It is simply not sustainable – or fair – to continue to rely on funding state broadband initiatives through monthly surcharges on communications services. These customer surcharges operate as a regressive tax and overburden low-income Californians who are already suffering from economic impacts of the pandemic. California should shift to a state general fund appropriations approach to funding broadband deployment in unserved areas. Moreover, achieving funding goals requires a commitment that public funds be used efficiently and not to overbuild existing infrastructure.

- <u>Deployment – Orders 7 through 12</u> – Many of the deployment directives build on efforts already underway, and CCTA will continue to engage in each where applicable. To the extent the directives seek to identify new broadband projects, it is critical that each also identify a corresponding funding source, including funding to sustain ongoing operation and maintenance costs. CCTA also requests that Order 7 include a discussion of how to expedite state and local permitting issues, which is a well-documented barrier that must be addressed to accelerate broadband deployment. It should be a priority to expedite permitting by all applicable state and local agencies and to expedite electric utility processing of pole attachment applications.

- <u>Adoption – Order 13, 14, and 15</u> – CCTA appreciates the focus on promotion of low-cost internet service offers by multiple state agencies to supplement ISP outreach and advertising. Government promotion should not favor any particular technology or provider. CCTA urges the agencies to avoid seeking to convert the EO directives into attempts to unlawfully regulate the rates or terms of internet service. In addition, the ISP low-cost offers should be positioned as additional options, not a replacement for, the CPUC LifeLine service for eligible low-income consumers. It is essential to recognize that consumers must be able to choose a service option that meets their individual needs.

In closing, CCTA looks forward to engaging with the CBC and with all the state agencies responsible for implementing the EO in order to achieve the state's broadband goals. As a first step, we respectfully request that the CBC accept our offer for cable industry technical experts to make a presentation on broadband usage during the pandemic, with a focus on which speeds of service are meeting the functional needs of Californians. Thank you for your consideration.

Sincerely,

Carolyn McIntyre

Carolyn McIntyre
President

Cc: See attached list

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Honorable Gavin Newsom	Governor
Secretary Alex Padilla	Secretary of State
Senator Ben Hueso	CA State Senate
Marybel Batjer	CA PUC President
Mark Ghilarducci	Director, CalOES
Tony Thurmond	Superintendent of Public Instruction
Daniel Kim	Director, Dept. of General Services
David Kim	Secretary of Transportation
Sunne Wright McPeak	President , CETF
Karen Ross	Secretary of the Department of Food and Agriculture
Greg Lucas	State Librarian
Christina Snider	Governor's Tribal Advisor
Hon. Mike A. Gipson	Assemblymember
Chris Dombrowski	Acting Director, GO-Biz
Toks Omishakin	Director, CalTRANS
Mitch Weiss	Director
Liane Randolph	Commissioner, PUC
Martha Guzman Aceves	Commissioner, PUC
Clifford Rechtschaffen	Commissioner, PUC
Genevieve Shiroma	Commissioner, PUC
Tom Steyer	Co-Chair
Ann O'Leary	Chief of Staff
Mark Ghaly MD, MPH	Secretary, Health and Human Services Agency
Pro Tem Toni Atkins	Senate Pro Tem
Speaker Anthony Rendon	Assembly Speaker
Assemblymember Miguel Santiago	Chair

Robert Tse USDA

Technical Assistance for Broadband

Good morning Chairperson Tong and Members of the California Broadband Council:

My name is Robert Tse, Senior Policy Advisor, Rural Utilities Service, Telecommunications Office, Rural Development, USDA.

The Governor's Broadband Executive Order is great news. I am excited about the charge to create a new broadband action plan and drive 21st century California broadband.

I suggest that the Council adopt three action items for the Broadband Action Plan.

1) Create Technical Assistance Grants
2) INVENTORY EXISTING BROADBAND ASSETS and take actions to ease assimilation into Broadband Service Infrastructure. Public Utilities and Water Districts are an example.
3) Create a Broadband Cooperative Model like the Rural electric cooperatives that brought electricity to rural America in the 1930's. Cooperative specialists at the University of California can help create this model.

Covid 19 has accentuated the importance of broadband for telework, telemedicine, tele-education (distance learning), tele-agriculture (digital ag) and radically exposed the existing fault lines of the digital gap, particularly in rural areas and tribal lands.

The broadband infrastructure gap is receiving increased attention and resources from the federal government.

The FCC's recent 2.5 Ghz free tribal spectrum offer; ongoing RDOF auction with tribal incentives; upcoming 5G auction with Phase 1 $680 Million set aside for eligible tribal lands; USDA's ReConnect series (ReConnect 1 and 2 $1.2 Billion); and CARES Act broadband eligible $1.5 Billion Economic Development Administration (EDA) grants are examples of rising federal broadband resources available.

Yet, the most remote rural areas, tribes and small communities, still face high barriers to access these programs.

The simplified core barrier is lack of inhouse expertise, time and monetary resources to navigate the barrier of complex federal application requirements and development of broadband plans. Technical assistance grants would help tribes and local communities surmount that gap. Technical assistance grants can serve as the catalyst launching local broadband efforts. It is the preverbal nail in the horseshoe. The crucial need for technical assistance was raised at this week's National Tribal Broadband Summit.

On the federal side, The Department of Interior, Bureau of Indian Affairs, created tribal technical assistance grants.

I suggest that California create its own technical assistance grant program to help tribes and communities to surmount the broadband resource barrier.

 The purpose of the technical assistance broadband grant program is to improve the quality of life, spur economic development and commercial activity, create opportunities for self-employment, enhance

educational resources and remote learning opportunities, and meet emergency and law enforcement needs by bringing broadband services to tribal and small communities that lack them.

Technical assistance grants will assist Tribes and small communities access broadband resources from all sources.   And to make informed decisions regarding deployment or expansion of broadband in their communities.

Finally, I want to let you know that the USDA Community Connect Grant Program opened for applications today. The deadline is December 23, 2020. This is a grant program with a 15% match requirement. Grants range from $100,000 minimum to a maximum $3 million. It is for rural areas with less than 20,000 persons.

And, I would like to do a segue introduction of Deborah Simpier, CEO of Althea and Dan Desmond, CEO of California Health Medical Response Corp. Deborah Simpier has done incredible work helping Hoopa, Bear River and Round Valley tribes deal with the Covid impact on the Broadband (Tele) Fault Line. These projects are prime candidates for the Governor's Broadband Action Plan helping tribes.

09:59:45   From Sarah Smith : Hello!

10:00:08   From gbelleau : Morning all!

10:18:42   From Ernesto Falcon : Is there a deadline for written comment submissions?

10:21:32   From Sunne Wright McPeak : Thank you, Dr. Williams, for bringing up the very important consideration of how to get direct input from the unconnected and underconnected digitally-disadvantaged residents. We really need to drill down again to understand the exact nature of the challenges of getting residents connected in light of the tremendous work that has been down by the Administration, CDE and School Districts with distributing hotspots and computing devices--there are very important new insights and experiences to inform public policy.

10:22:26   From cmcintyre : Will the feedback be posted to the public or just shared wit CBC members?

10:59:08   From Sunne Wright McPeak : Anne's question suggests that we need to have a process for all CBC Members to provide "cross input" into these Action Plan Component in compliance with Bagley-Keene. If that is possible?

11:09:33   From Sunne Wright McPeak : Thank you, Anne and Geoff, for brining us these issues related to adoption and the relationship to the deployment side of the equation and the relationship to Digital Inclusion and Digital Equity that Chair Tong just referenced.

11:12:00   From Sunne Wright McPeak : Stephanie, Sachin, Jules: I want to reiterate my gratitude for setting for this approach to the Action Plan that is easy to understand. Thanks, Chair Tong for the clarify and response.

11:19:41 COVID   From gbelleau : Education is happy to provide any info relating to distance learning and

11:36:29   From Robert.Tse : request for comment

11:36:32   From anne neville-bonilla : I apologize but I need to leave the meeting early to attend another meeting that is conflicting.

11:36:53   From Deborah Simpier : Request for comment

11:37:22   From Ernesto Falcon : Request for comment

11:37:25   From Kevin Flash : Request for comment

11:37:34   From Melissa Slawson : As Broadband service provider, how can we participate in discussions regarding technology, deployment, etc.? Thank you.

11:37:37   From Dan Desmond : Request for Comment

11:38:20   From Melissa Slawson : Request for comment

11:38:37   From Rochelle Swanson - Crown Castle : request for comment

11:40:22 From Stephanie Tom : Hi Melissa-We are holding virtual listening sessions for providers starting next week and the last of Oct. These dates will be on the CBC website <https://broadbandcouncil.ca.gov/> by the end of the week. We will direct all feedback t the Council members.

11:40:28 From Jules : Response to Melissa Slawson - The public comment listening session information will be posted to the Council web site by the end of the week. Written public comment can be submitted to CABroadbandCouncil@state.ca.gov

11:44:33 From MGA : The CPUC does have some technical assistance funding, please visit. www.cpuc.ca.gov/TribalAssistance/

11:45:02 From MGA : www.cpuc.ca.gov/TribalAssistance/

11:45:27 From cmcintyre : CCTA is requesting to work with the CBC to collaborate and share technical expertise related to the policies set forth on the Governor's EO, including deployment, broadband speeds, funding and the use of subsidies to support overbuilding networks built with private investment. . We also want to ensure that there is an opportunity to have input on information provided by other stake holders.

11:49:07 From Stephanie Tom : Thank you Carolyn for your message regarding CCTA.

11:53:12 From cmcintyre : I would like to speak.

11:54:02 From Sunne Wright McPeak : Sustainability is essential or there is not Adoption. FYI, broadband is defined in state law as the essence of what Dan's addressed as "blendband" at follows: Broadband is defined as high-speed Internet infrastructure, including wireline and wireless networks.

11:59:44 From eli : how will local municipalities be included in the planning