

From: Sean McLaughlin
To: [CA Broadband Council](#)
Cc: Connie Stewart; Osborn, Robert B.; Ernesto Falcon; Angela Siefer
Subject: California Broadband Council - Action Plan - call for BIAS Audit
Date: Wednesday, November 18, 2020 10:52:18 AM

Aloha California Broadband Council -

Pandemic has clarified our vision that universal access to open secure networks is essential to meet local needs for: public health & safety; education; economic/community development; culture & arts; and civic engagement.

Access Humboldt appreciates that you focus State efforts on **digital equity** and the need for public interests, above and beyond consumer interests, to be central to the State's role. We need a new social contract between local communities and the absentee corporations who operate our essential communication networks.

In addition to the urban/rural divide, we are concerned with clearly documented digital redlining that offers less broadband internet access service at higher cost to lower income folks. See the report by NDIA/CWA on AT&T's redlining and EFF's comments on this topic. And we note that nominally, California State law (DIVCA) prohibits socio-economic discrimination in network deployment decisions by BIAS providers operating cable networks. How can the State enforce this nominal legal protection?

For a specific action - we recommend a comprehensive audit of Broadband Internet Access Service (BIAS) providers, including telecommunications carriers (esp. ILECs and franchised Cable operators, as well as wireless data providers). Our understanding is that such an audit has not occurred for over a decade. If so, that is too long!

We believe that leveraging the CPUC authority, supported by other State agencies (AG, etc.), the State can effectively study the market failures that prevent us from closing the digital divide. Further, we suspect that such an audit will illuminate structural issues that keep the current providers from meeting local needs for resilient and reliable networks during fire events and other disasters.

A comprehensive audit could help the State to evaluate affiliate transactions and potential cross-subsidies that may have robbed California communities and local jurisdictions of billions of dollars since passage of DIVCA. Settlement of any adverse findings might provide funding for next steps too.

By understanding cross subsidies and affiliate transactions, the State can pursue informed policies to support the overall Broadband Action Plan.

Thank you for your thoughtful consideration of this request for a comprehensive audit of BIAS providers in California to illuminate affiliate transactions and cross subsidies as well as other structural challenges in the partially regulated broadband media space.

Please feel free to contact me if you have any questions or want more information or

perspective from Humboldt County, home of Eureka!

Aloha,
Sean

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