

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE
Tasha Boerner Horvath, Chair
AB 286 (Wood) – As Introduced January 24, 2023

SUBJECT: Broadband infrastructure: mapping

SUMMARY: This bill specifies additional information and user-features that must be included on the interactive broadband map (“broadband map”) that is published and maintained by the California Public Utilities Commission (CPUC). Specifically, **this bill:**

- 1) Specifies that the broadband map shall identify, for each address in the state, each of provider of broadband services that offers service and corresponding information.
- 2) Specifies that the broadband map shall also include various specified features to receive self-reported data from users.
- 3) Specifies that the features and self-reported data on the map shall be made publicly available, and that the CPUC shall inform individuals that their self-reported data will be made publicly available at the address level.

EXISTING LAW:

- 1) Requires the CPUC, in collaboration with relevant state agencies, to maintain and update a publicly available interactive map showing the accessibility of broadband service in the state, as specified. [Public Utilities Code § 281.6(a)]
- 2) Authorizes the CPUC to collect from providers of broadband service, information necessary to establish and update the state interactive broadband map, including at the address level. [Public Utilities Code § 281.6(b)]
- 3) Authorizes the CPUC to collect information at the address level from providers of broadband service. [Public Utilities Code § 281.6(d)]

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) *Author’s Statement.* “AB 286 incorporates and updates feedback gathered by the California Public Utilities Commission (CPUC) regarding broadband access at the address level. The maps currently produced by the CPUC gather feedback, but do not make that information publicly available. As a result, communities statewide are often overlooked when their actual broadband experience is not represented on public maps. California needs more detailed metrics to understand the challenges to broadband access statewide—broad definitions of served versus unserved are not enough. Data points like speed, price, and reliability at the address level home in on what barriers are holding communities back. Incorporating such feedback will ensure that public and private investment better target those households that

still struggle with the digital divide. Maps that do not incorporate public feedback will continue to miss the mark for our most vulnerable and marginalized communities.”

- 2) *California’s Interactive Broadband Map.* The CPUC maintains a publicly accessible interactive broadband map, known as the California Interactive Broadband Map ("broadband map"). The broadband map includes a variety of information about broadband projects and service availability in California. For example, the broadband map includes information at the census block and address level pertaining to broadband service availability. The CPUC has maintained the broadband map for various years as part of administering the California Advanced Services Fund (CASF) program, by displaying areas that are unserved by broadband service and therefore eligible for program grant funds. Recent legislation, also by Assemblymember Wood, has required the CPUC to make various updates to the map and explicitly authorized the CPUC to collect broadband availability data at the address level.
- 3) *Address level broadband data.* Pursuant to existing state and federal law, the CPUC collects address level data from providers of broadband services, also known as internet service providers (ISPs). The CPUC’s data collection covers a broad range of broadband information, including both deployment and subscriber information such as serviceable locations, offered speeds, and subscriber addresses. Until recently, limited address level information has been publicly available. However, due to shifting approaches to broadband data collection and mapping efforts at the federal and state level, more address-level information has been made available to the public. For example, the Federal Communications Commission (FCC) has recently published an unprecedented federal broadband map displaying granular data. The federal broadband map displays address level broadband information and the option for the public to challenge the displayed information, which is based on data collected from ISPs. Additionally, the CPUC has published more recent state broadband that also display address level data. To the extent that this bill would require the CPUC to display address level broadband availability information to the public, the bill is consistent with existing practice of the state and federal governments.
- 4) *Considerations for user-generated data on state broadband mapping efforts.* This bill would require the CPUC’s broadband map to include specified features to receive self-reported data that is generated by users. User-generated, or self-reported data, are typically referred to as “crowdsourced” data. Crowdsourcing is a form of data collection wherein individual users submit their personal data or self-collected data into a larger databases where other users are also submitting their own data. Crowdsourced datasets create an alternative source of information to ISP-generated data. For example, individuals across an area may run their own internet speed tests or self-report their monthly service charges at their address. Under this bill, the CPUC could compile all the user-generated data to create a crowdsourced dataset that could be used to verify or supplement the datasets that are submitted to the CPUC by the ISPs. In that manner, crowdsourced data may serve to strengthen the accuracy of the state’s broadband data overall. In the past, the CPUC has undertaken to crowdsourcing broadband data, particularly through the CalSPEED program. The CalSPEED Mobile project relied partially on crowdsourced data to measure various mobile broadband metrics (ie; latency, download speed, upload speed, and other indicia of service quality) from the point of view of the consumer experience. That data has been used for various regulatory purposes including most recently to validate federal broadband data and measure network performance of mobile broadband service providers.

Although there are benefits to crowdsourced data, there are also potential drawbacks that concern the integrity of the user-generated data. For example, when measuring the speed of a broadband connection there are various tools that could be used to measure the results that may report varying results. CalSPEED for example, used an open-source testing engine with transparent results. There are other reputable and publicly available testing tools available as well, however the bill does not specify any particular source(s) for submitting crowdsourced data. To the extent that users may upload data that is not able to be independently validated, the accuracy of such crowdsourced data could be called into question. In turn, any regulatory decisions or actions that are undertaken using that data may also be called into question. Nonetheless, given the benefits of crowdsourcing data to validate other types of data, there is clearly a beneficial use of crowdsourced data.

5) *Committee Amendments.* The Chair recommends the following amendments:

- a. Given the potential concerns of data integrity raised in this analysis, the Chair recommends amending the bill to ensure users submit data from a verifiable or reputable source.
- b. To accurately capture the cost of broadband service, the Chair recommends a clarifying amendment as to whether the price paid is for standalone or bundled broadband service.
- c. The Chair recommends a minor drafting amendment to change the word “provide” to “offer” in the interest of using consistent language.

6) *Related/prior legislation.*

- a. AB 41 (Wood, Chapter 659, Statutes of 2021) requires the CPUC to update an existing broadband map to include specified information about local broadband service and it requires the California Department of Transportation (Caltrans) to install conduit for fiber communications as part of its construction of a state-owned middle-mile broadband network.
- b. AB 2752 (Wood, Chapter 801, Statutes of 2022) clarifies the data that the CPUC must collect for mapping broadband access, explicitly specifying that the information may be at the address level.

REGISTERED SUPPORT / OPPOSITION:

Support

#oaklandundivided Coalition
Alliance for A Better Community
California Community Foundation Digital Equity Initiative
California State Association of Counties
Common Sense Media
Communities in Schools of Los Angeles (CISLA)
Destination Crenshaw
Electronic Frontier Foundation

Healing and Justice Center
Innovate Public Schools
Media Alliance
Mediajustice
Michelson Center for Public Policy
Nextgen California
Para Los Ninos
Rural County Representatives of California
The Children's Partnership
United Parents and Students
YMCA of Metropolitan Los Angeles

Opposition

California Broadband & Video Association

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