

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE

Miguel Santiago, Chair

AB 41 (Wood) – As Amended March 16, 2021

SUBJECT: Broadband infrastructure deployment

SUMMARY: Requires actions by the California Public Utilities Commission (CPUC), the California Department of Transportation (Caltrans), and fixed internet service providers (ISPs) to facilitate the deployment of broadband infrastructure. Specifically, **this bill**:

- 1) Requires the CPUC to update, at the request of Caltrans, its “priority area” broadband infrastructure priority areas for the California Advanced Services Fund (CASF) commonly referred to as Appendix 4 of Resolution T-17443;
- 2) Requires ISPs deploying broadband infrastructure to a census block to notify all parties in the census block of the means to connect to or benefit from the broadband infrastructure;
- 3) Requires ISPs to maintain accessible maps on a website showing the location of broadband infrastructure, to maintain a publicly accessible database of quotes provided to all persons and entities for deployment of broadband infrastructure; and
- 4) Requires Caltrans, as part of each project located in a "priority area" to install broadband conduit capable of supporting fiber optic communication cables, and develop guidelines and specifications for the deployment of broadband infrastructure using a microtrench where conduit cable is not feasible.

EXISTING LAW:

- 1) Requires Caltrans, under certain conditions, to notify companies or organizations, as defined, of anticipated construction projects for the purpose of encouraging collaborative broadband installations and for those entities to collaborate for the installation of broadband conduit as part of a project. (Government Code § 14051)
- 2) Requires Caltrans, by January 1, 2018, to develop guidelines to facilitate the installation of broadband conduit on state highway rights of way. (Government Code § 14051)
- 3) Directs the CPUC to create a line extension grant program (LEP) funded at \$5 million to offset the costs of an individual household and/or property owner to connect to existing or proposed facility-based broadband infrastructure. (Public Utilities Code § 281)

FISCAL EFFECT: Unknown. This bill has been keyed fiscal by Legislative Counsel.

COMMENTS:

- 1) Author’s Statement. The author states that as we develop our state infrastructure, in both the private and public sector, we need to consider maximum broadband deployment when we already have open trenches or are laying fiber. There is a recognition that the solutions presented here will not apply to every single improvement of a state right of way, or even to each expensive extension into an unserved area by an ISP. However, this bill intends to

ensure that all possible connections and efficiencies are weighed seriously and in good faith. Californians are no longer asking “if” they will be connected, but “how.” Simply, we need better answers from our providers as to why some communities remain perennially offline. This bill seizes upon planned infrastructure upgrade opportunities to prepare California for a future that is already here.

- 2) Broadband Infrastructure Priority Areas. To target grants provided by the CASF, the CPUC developed a list of priority areas for deployment of broadband infrastructure based on each consortium’s familiarity with the broadband availability in its region. The consortia as well as four unrepresented counties designated 182 communities in 47 different counties as priority areas in their regions which are reflected in Appendix 4 of a CPUC resolution¹ approving guidelines for the administration of the CASF which was released in 2014. The list was later supplemented with geographic coordinates for three designated communities and two of these communities were added to the list. The list has not otherwise been updated.
- 3) ISP Access Disclosures. The author reports that communities need to be empowered to reasonably request broadband service in their local market. He states that as broadband trickles into less dense areas, individual parcels have paid massive sums to ISP’s to bring their home or business online immediately. As a result, census blocks are deceptively designated “served” because of that lone opulent island of connectivity. This bill responds to that issue by requiring ISPs to provide notice deployment of broadband infrastructure in a census block to all premises, and publicize maps showing where established broadband service exists in census blocks, so that communities know of the infrastructure and they can organize to access service. Charges and quotes for the deployed service are also required to be maintained on a publicly available database.

The ISPs respond that they do publicize the availability of service to those communities and that the better option to expand deployment than presented in this bill is for the CPUC to revisit the eligibility guidelines for its woefully underutilized line extension account which can offset the cost of running service to households. Moreover they also opine that public disclosure of infrastructure is proprietary and a safety threat to its infrastructure.

- 4) Dig Once. This bill redoubles the broadband buildout effort by directing Caltrans to implement “Dig Once” policies. The fundamental assumption in the bill is that landline broadband infrastructure deployment can be done more quickly and inexpensively when done in conjunction with Caltrans construction projects. The author states that “Dig once” helps lower the cost of laying down new high-speed Internet cables making it unnecessary to tear up the streets every time a company wants to reach new homes with its underground network.

Dig-once policies recommend laying a single tube, or conduit, in the ground through which all internet wires can run. Once there, any company can add fiber cables through existing conduit — cutting the cost of broadband deployment by up to 90 percent, according to the Federal Highway Administration. Where “dig once” does not make sense for a Caltrans project microtrenching along state highways and associated properties would ensure that broadband deployment remains an outcome.

¹ The list can be located at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M096/K989/96989818.doc>

This concept was supported in the Broadband Action Plan which calls for implementing a “Dig Smart” policy and, as part of its 12-month action plan, calls on Caltrans to:

...install conduit as part of any appropriate and feasible state-funded transportation project in strategic corridors, as an incentive for service build-outs to un-and under-connected communities. Dig Smart policies present an opportunity to lower the capital cost of infrastructure deployment and minimize disruptions caused by ongoing or duplicitous construction, both incentivizing and expediting new investment.²

Note: This bill has been double-referred to the Transportation Committee which will further consider this issue.

- 5) Prior Legislation. AB 980 (Wood, 2017-2018) was held in this committee and would have required Caltrans to install broadband conduits capable of supporting fiber optic communication cables.

AB 1549 (Wood), Chapter 505, Statutes of 2016, requires Caltrans to take specific actions to facilitate further deployment of broadband communications.

- 6) Double-referral: This bill will be referred to the Assembly Committee on Transportation should it pass out of this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

First 5 California
Ochin, INC.
South Bay Cities Council of Governments

Oppose Unless Amended

California Cable & Telecommunications Association
Consolidated Communications Services Co. Dba Surewest

Analysis Prepared by: Kellie Smith / C. & C. / (916) 319-2637

² *Broadband Action Plan*, Appendix A, pages 38-39 at <https://broadbandcouncil.ca.gov/wp-content/uploads/sites/68/2020/12/BB4All-Action-Plan-Final.pdf>