



August 24, 2021

The Honorable Lorena Gonzalez, Chair  
 Assembly Committee on Appropriations  
 State Capitol, Room 2114  
 Sacramento, California 95814

Cc: Committee Chief Consultant Jay Dickenson, Assemblymembers Frank Bigelow, Isaac G. Bryan, Lisa Calderon, Wendy Carillo, Ed Chau, Megan Dahle, Laurie Davies, Vince Fong, Jesse Gabriel, Eduardo Garcia, Marc Levine, Bill Quirk, Robert Rivas, and Akila Weber, MD

Re: SB28 (Caballero) – Rural Broadband and Digital Infrastructure Video Competition Reform Act of 2021 SUPPORT – As Amended July 5, 2021

Dear Chair Gonzalez:

The undersigned community leaders and organizations write to express our strong support for SB28, the Rural Broadband and Digital Infrastructure Video Competition Reform Act of 2021, by Senator Caballero.

SB28 provides a needed accountability mechanism to ensure the CPUC and others can effectively direct the planned \$6B+ in state investment in broadband infrastructure where it's needed most to close the digital divide and advance digital equity, and importantly it gives local governments a seat at the table to solve intractable local gaps in affordable, fast, and reliable service.

SB28 represents a significant step in the direction of modernizing our Broadband infrastructure policy, and further centers equity as a driving force in building the future of broadband in California.

As you know, while most Californians faced difficulties during the COVID crisis, it presented an additional level of challenges and hardships for many in our communities, due to lack of access to

affordable, reliable, and fast internet services when they needed them most. While the past year has shone a harsh light on the inequities in access, it did not create them: the digital divide has been a growing challenge to advancing equity for many years.

The crisis of fast, reliable, and affordable internet crosses all boundaries in our state, from the most rural to the most urban communities, with barriers ranging from mere availability to affordability and reliability.

SB28 has two provisions that would help close the digital divide, and quickly address the challenge of “digital redlining” – communities so far left out of needed broadband infrastructure improvements. The first would have the state identify resources, such as suitable property, easements, and even spare state-owned conduit, that can aid in broadband deployment. Without any new taxes or fees, this simple step makes the state a valuable partner in advancing digital equity.

The second would make important reforms to DIVCA, the Digital Infrastructure and Video Competition Act (2006), which governs how cable companies get state franchises to provide video and, through the same infrastructure, broadband. The five companies that provide cable and broadband services to nearly all Californians do so through DIVCA licenses, granted by the CPUC. SB28 would authorize the CPUC to collect granular data from these companies about the networks they have built under their licenses, helping to ensure that network development decisions have not been discriminatory to the detriment of low-income communities, and returning local agencies to a seat at the table in the case of companies that are unwilling to meet thresholds for expanding services to rural, unserved, and underserved households.

DIVCA was implemented fifteen years ago and has not been meaningfully reexamined or updated since, despite sea changes in technology and the business models cable and broadband companies profit from. Under its terms, cable and telecommunication providers have been able to decide for themselves which services to provide in different areas, even within a single local jurisdiction, instead of negotiating with counties and cities over terms of service that would fit their communities’ needs. And regulators have been hamstrung in decision-making about renewing licenses by lax reporting requirements regarding the networks these companies built and operate under these lucrative licenses.

A recurring theme in every working group, task force, coalition, and consortium meeting on the challenge of digital equity is the need for more and better data about who is getting what level of service. SB28's DIVCA provision would close this gap and require the companies operating under lucrative public licenses that grant them a host of valuable benefits, including public easements, to meet responsible reporting obligations.

For these reasons, we support SB 28 and urge your “aye” vote in committee and subsequently on the floor.

Sincerely,

Sean Taketa McLaughlin, Executive Director  
Access Humboldt

Marvin J Deon II, Vice President  
Common Sense

Connie Stewart, Chief Policy Advisor  
California Center for Rural Policy

Veronica Flores, CEO  
Community Health Councils

Micah Weinberg, CEO  
California Forward

Bryan Harley, Executive Director  
Community Media Access Collaborative

Antonia Hernández, President & CEO  
California Community Foundation

Michael Eisenmenger, Executive Director  
Community Media Center of Marin

Chad Johnson, CEO  
CreaTV San José

Autumn Labbe-Renault, Executive Director  
Davis Media Access

Ernesto Falcon, Senior Legislative Counsel  
Electronic Frontier Foundation

Jeanne Pritzker, Founder  
Foster Care Counts

Ana Ponce, Executive Director  
Great Public Schools Now

Mark R. Edwards, Vice President of  
Government Relations  
JVS SoCal

Rev. Zachary Hoover, Executive Director  
LA Voice

Corian Zacher, Policy Counsel, State & Local  
Initiatives  
Next Century Cities

Gloria Corral, President & CEO  
Parent Institute for Quality Education

Nicole Taylor, CEO  
Silicon Valley Community Foundation

Rory O'Farrell, Manager  
Tahoe Truckee Media

Megan Abell, Director of Advocacy  
TechEquity Collaborative

Humberto Estratalan, Director of Public Policy  
UNITE-LA

Bill Allen, President & CEO  
LAEDC