



May 20, 2020

The Honorable Ben Hueso
Chair
State Capitol, Room 4035
Sacramento, CA 95814
Re: SB 1130 – Fiber for All Legislation

The Honorable John Moorlach
Vice Chair
State Capitol, Room 4035
Sacramento, CA 95814

Dear Chair Hueso and Vice Chair Moorlach:

We wish to express our support for Senator Lena Gonzalez’s legislation to connect Californians to high-capacity broadband services—and we encourage you to vote in support. Across the world, advanced economies have adopted universal fiber policies by their governments to bring their people into the gigabit era of broadband access. California, as the fifth-largest economy in the world, should rise to the challenge and guarantee in policy that all Californians will gain access to broadband that is ready for the 21st century.

The California Advanced Services Fund (CASF) must be converted into a fiber infrastructure fund, focused on unserved low income and rural communities, in order to permanently end the digital divide. Inaction by the state has forced more and more Californians to fall further behind as those without access are joined by those with deteriorating outdated networks that do not qualify as broadband service under federal law. The state law currently prevents the California Public Utilities Commission from funding modern high-speed broadband infrastructure if a community has a broadband provider offering a long-outdated DSL connection at 6 mbps download by 1 mbps upload. This standard—which even a decades-old copper network from the era of the AT&T monopoly can meet—prevents the state from systemically addressing the challenges residents have faced under COVID-19. As a result, more than \$300 million of state dollars sit idle while your constituents face a broadband crisis at home.

The inadequacy of this out-of-date 6/1 standard CASF uses to determine whether an area is “served” has become even clearer during this crisis. The New York Times on March 26 reported that older legacy networks are unable to meet the increased demands of social distancing, remote education, and video conferencing.¹ Simultaneously, communities with access to networks backed by fiber infrastructure have experienced no deterioration in access whatsoever.² Allowing CASF to continue without SB 1130’s amendments would potentially finance incremental upgrades to incumbent legacy networks that do not meet the demands of today’s consumers or worse yet continue to prevent money from being spent on unserved communities. Such a result will perpetuate the inequality in access that persists across the state, stall government efforts, and block local governments and small private providers from leveraging state funds to deliver gigabit services.

¹ Cecilia Kang, Davey Alba, & Adam Satariano, *Surging Traffic Is Slowing Down Our Internet*, NY TIMES (Mar. 26, 2020), available at <https://www.nytimes.com/2020/03/26/business/coronavirus-internet-traffic-speed.html>.

² Doug Dawson, *Will COVID-19 Traffic Kill the Internet?*, POTS AND PANS (Mar. 31, 2020), CCG Consulting, available at <https://potsandpansbyccg.com/2020/03/31/will-covid-19-traffic-kill-the-internet>.

The state must do more and be future-focused. An investment in high-capacity networks will also expand the reach of high-speed wireless services, as SB 1130 ensures that state-financed infrastructure must be open access. This ensures that wireless services can utilize the high-capacity lines, allowing for the expansion of 5G and next-generation WiFi services. In certain instances, multiple offerings over the same wireline will also be possible with these state investments, ensuring competition and affordable choices. Similar models have already shown to benefit consumers in other states. For example, an open-access wireline build happening in Utah offers fiber broadband as cheaply as \$30 a month for services that offer 40 times the download capacity and 250 times the upload capacity of DSL.³

By focusing on the future with high-capacity, open infrastructure, making sure that low income and rural communities can access these funds to build these networks, and freeing up the hundreds of millions of dollars that sit idle in state coffers during a time of emergency, we can ensure that efforts to resolve the digital divide will stand the test of time.

Sincerely,

Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation – *Co-Sponsor*
Elizabeth Gettelman Galicia, Vice President, Common Sense – *Co-Sponsor*
Eric Null, U.S. Policy Manager, Access Now
Allen Gunn, Executive Director, Aspiration Tech
Tina Cahill, Planning Team, Indivisible Sacramento
Tracy Rhine, California’s Rural Counties and California Center for Rural Policy
Sean Taketa McLaughlin, Executive Director, Access Humboldt
Brandon Forester, National Organizer for Internet Rights and Platform Accountability, Media Justice
Chad Johnson, CEO, CreaTV
Paul Goodman, Technology Equity Director, The Greenlining Institute
Christopher Mitchell, Director, Community Broadband Networks, Institute for Local Self Reliance
Evan Engstrom, Executive Director, Engine Advocacy
Harold Feld, Senior Vice President, Public Knowledge
Graeme Bunton, Head of Policy, Tucows
Colin Read, Vice President of Business Development, Common Networks
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Ben Bawtree-Jobson, CEO, SiFi Networks
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James McKee, General Partner, Kubera Venture Capital
Marvin Ammori, General Counsel, Protocol Labs
Mikel Cármenes Cavia, Vice President of Engineering, Onfleet
Kevin Tostado, Film Producer & Director, Tostie Productions, LLC

³ UTOPIA FIBER, Residential Pricing, available at <https://www.utopiafiber.com/residential-pricing>.

Peter Kranz, CEO, Unwired

Jeremy Edberg, CEO, MinOps

Revlyn L. Williams, Executive Director, Manchester Community Technologies

Anuj Saigal, CEO, HiGeorge

Fred Benenson, Creator, Pitch Deck

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