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THE POWER IS IN OUR HANDS

BOB DEAN, BUSINESS MANAGER  
CECELIA DE LA TORRE, PRESIDENT

November 17, 2023

California Public Utilities Commission

Via Email: [BEAD@cpuc.ca.gov](mailto:BEAD@cpuc.ca.gov)

RE: Comments on Initial Proposal Volume II BEAD Program

On behalf of the 95,006 active members of the International Brotherhood of Electrical Workers (IBEW) in the state of California, I write to respectfully submit the IBEW's comments on the state's plan to implement the federal Broadband Equity, Access and Deployment (BEAD) program.

As you know, BEAD represents the critical buildout of the telecommunications network called for in the Bipartisan Infrastructure Law and its \$65 billion investment in expanding high-speed internet access and adoption.

Nationally, the IBEW represents approximately 39,000 permanent employees working for telecommunications companies as well as thousands of construction workers who perform contract work for internet service providers. Historically playing a significant role in the telecommunications industry, the IBEW is one of the largest labor unions representing workers for incumbent local exchange carrier providers, the largest building trade in the telecommunications sector, and as a labor representative for workers manufacturing and assembling telecommunications equipment. IBEW's reach extends to every corner of the United States, representing workers in multiple other industries such as railroad, utility, broadcasting and government.

### **Comments on Labor Standards**

With such a widespread available workforce, the IBEW has the membership depth to complete the state of California buildout, indeed addressing one of the biggest challenges states report in accomplishing the goals of BEAD: the shortage of trained and skilled workers. According to the Initial Proposal, Volume 2, the state is only considering the subgrantee's fair labor practices history as 20% percent of its score. The IBEW believes this should have a much higher priority. Specifically, the IBEW submits that to be eligible, subgrantees must demonstrate consistent past compliance with federal labor and employment laws and written disclosure of any violations.



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The Initial Proposal, Volume 2, stipulates that the state will not mandate any of the following labor protections:

- Using a directly employed workforce, as opposed to a subcontracted workforce
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls
- Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project)
- Use of local hire provisions
- Commitments to union neutrality
- Use of labor peace agreements
- Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded)
- Taking steps to prevent the misclassification of workers.

The IBEW firmly believes that the state should mandate these labor standards for grantees and subgrantees that receive BEAD funds.

The IBEW believes that the state should favor grantees and subgrantees that will employ unionized residents of California and be wary of grantees and subgrantees that plan to subcontract a significant portion of the BEAD work, particularly if they will subcontract it to an out-of-state, nonunion company.

### **Background from other IBEW BEAD priorities**

Requirements of the BEAD Program include documented, certified consultation and coordination with labor unions, labor law compliance and a highly skilled workforce.

The use of prevailing wages is strongly suggested, along with a workforce trained via registered apprenticeship programs. The IBEW and its construction-employer partners are the largest private sector trainer of electrical workers in the United States, jointly operating nearly 300 construction training centers in the United States. This partnership invests \$200 million annually on training, at no cost to participants or taxpayers.

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The BEAD Program also encourages the use of labor peace agreements. As the Bipartisan Infrastructure Law makes clear that it is in the public interest for broadband infrastructure to be built expeditiously and in a way that ensures reliability and resilience, labor peace agreements protect employers against labor disputes to ensure that projects are completed on-time and on-budget.

The IBEW is the largest utility sector labor union in the United States, representing approximately 250,000 workers directly employed by public utility districts, investor owned and municipal utilities or utility cooperatives. IBEW members in this sector have a high level of familiarity and expertise with middle-mile broadband infrastructure, which is often utilized by electrical utilities to provide communications systems to monitor and support the reliable delivery of electricity and other critical utility services.

The IBEW has made great strides in recruiting historically underrepresented populations. The union's success in membership inclusion and diversity is borne out in a comprehensive nationwide 2022 survey that found that the number of Black and Hispanic members has doubled over the past five years. A quarter of all Black IBEW members are female and 1 in 3 active male apprentices identify as minority.

IBEW members look forward to working with California to create good-paying jobs through the once-in-a-generation investment closing the digital divide. Please contact Telecommunications International Representative Kevin Curran via phone at 202-728-6160 or by email at [kevin\\_curran@ibew.org](mailto:kevin_curran@ibew.org). Together, we can ensure that all citizens of California have access to affordable, reliable high-speed broadband and a network worthy of the 21st century.

Dylan Gottfried  
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IBEW Local Union 1245