

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding  
Broadband Infrastructure Deployment and to  
Support Service Providers in the State of  
California.

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Rulemaking 20-09-001  
(Filed September 10, 2020)

**COMMENTS OF THE COMMITTEE FOR GREATER LOS ANGELES**

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## I. INTRODUCTION

In accordance with Rule 6.2 of the California Public Utilities Commission (or the “Commission” or “CPUC”) Rules of Practice and Procedure (“Rules”), the Committee for Greater Los Angeles (or, the “Committee”) submits these comments in response to Phase III of the Order Instituting Rulemaking 20-09-001 (“Rulemaking”) regarding implementation of SB156, recent broadband legislation concerning implementation of a public, open-access middle-mile network. Our response concerns specifically the requirements for CPUC to:

- Identify priority locations and routes for the statewide open-access middle-mile broadband network; including gathering information on what other indicators, if any, should the Commission use to identify priority statewide open-access middle-mile broadband network location.
- Take public comment on the design, technical, business, and operational considerations that would increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers (or “ISPs”).

The Committee for Greater Los Angeles is a group of civic leaders in Los Angeles County, the county with the greatest number of residents unserved and underserved by fast, reliable and affordable broadband in the state of California.<sup>1</sup> The Committee assembled a diverse group of

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<sup>1</sup>According to the most recent census data, Los Angeles County’s population is 10,014,009. The most recent [CETF Statewide Survey on Broadband Adoption 2021](#) estimates the County’s population of “unconnected” or “underconnected” households is 19%, which translates to just over 1.9 million residents (far higher than the second highest ranking county: San Diego County’s roughly 465,000 unconnected or underconnected residents).

civic leaders at the start of the COVID pandemic to prioritize the recovery of LA County's most marginalized communities. Our varied goals have unified around promoting systems change to ensure our County's most vulnerable communities will be better off than they were before the COVID crisis, and to rethink and redesign institutions and policies that have perpetuated systemic inequity and institutional racism.

Over the past 18 months, COVID has made clear that one of the primary contributing factors to the persistence of inequity in Los Angeles was and remains unequal access to fast, reliable and affordable broadband for Black and Latinx communities. As we became physically distanced, the internet grew even more essential to daily life and, in many ways, transformed how we all live. Despite the exceptionally challenging circumstances, there were considerable benefits to increased connectivity. In the educational sphere, for example, the internet enabled many families to increasingly participate in their child's education through online parent/teacher meetings. In the health sphere, there were opportunities to expand tele-health experiences to many households for the first time. Many of these transformations to daily life are here to stay, making it all the more important to ensure that unserved and underserved communities are able to continue to participate in (and benefit from) the positive experiences that connectivity enables.

The stark inequity between broadband "haves" and "have-nots" in Los Angeles has been enabled by a system of internet access that has almost entirely relied upon private investment in building a broadband network that has, as a matter of course, left out many Angelenos.

The passage of SB156 has opened a door for California to address the inequitable aspects of our current system and the Committee commends the Commission for undertaking this Rulemaking. An unfortunate reality, however, remains the poor quality of the data the Commission currently has at hand to inform decision-making. The poor broadband-related data

collection performed thus far by the Federal Communications Commission (FCC), upon which many state and local governments rely for policymaking, is vastly undercounting the number of Americans without access to broadband.<sup>2</sup> The CPUC's data represents a slight improvement over the FCC's data but the CPUC has acknowledged its own challenges with the existing data on service availability throughout California. And for a truly complete analysis of broadband gaps, policymakers need to work more closely with community-based organizations to understand the challenges and opportunities in communities that are experiencing the greatest divide, including how idiosyncratic community factors affect broadband investment and adoption patterns. Supporting and systematizing aggregation of independent, community-based data collection led by non-profits and other research initiatives is a crucial step towards producing meaningful analysis to effectively close the digital divide in California.

This Rulemaking can result in the development of essential new data that may be used now (and in the future) to inform the important work of the Commission and other agencies of government to deploy broadband infrastructure in California. We also commend the Commission for recognizing that one of the issues at stake in this Rulemaking is the choice of data indicators that identify the regions most underserved by middle-mile networks, in order to effectively prioritize locations and routes for new network deployment. The choice of indicators for this prioritization process is a crucial equity issue.

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<sup>2</sup> A study by Microsoft found that there are “significant discrepancies across nearly all counties in all 50 states” in terms of the accuracy of the access data reported by the FCC. [It's time for a new approach for mapping broadband data to better serve Americans](#).

With leadership from the Committee’s Internet Action Team,<sup>3</sup> we are pleased today to file comments with the Commission to share our belief on the absolute criticality of complete, accurate and sufficiently granular data as a foundation for effective and equitable broadband analytical efforts and infrastructure planning. Without complete, accurate data, it will remain impossible to promote accountability—and equity—in the broadband marketplace. Therefore, we urge the Commission to:

- (1) use this Rulemaking process to establish and enforce new requirements for data collection and sharing from both public and private sector entities that are beneficiaries of new State broadband funding. As the Commission takes public comment on the design, technical, business, and operational considerations that would increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial ISPs, it must consider that a more transparent data environment in California’s broadband marketplace is attractive to Network End Users, Anchor Institutions, and ultimately all Californians. Additionally, more granular data should also improve dysfunctional elements of the broadband marketplace by creating a more sustainable and predictable business

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<sup>3</sup> The members of the Committee’s Internet Action Team are: Jarrett Barrios, Senior Vice-President, California Community Foundation (co-chair); Evan Spiegel, Co-founder and CEO, Snap, Inc. (co-chair); Dr. Nana Efua Afoh-Manin, Executive Director, Shared Harvest; Bill Allen, President & CEO, Los Angeles County Economic Development Corporation; Jagjit Dhaliwal, Deputy CIO, County of Los Angeles; Debra Duardo, Los Angeles County Superintendent of Schools; Selwyn Hollins, Director, County of Los Angeles Internal Services Department; Michael Kelly, Executive Director, Los Angeles Coalition for the Economy & Jobs; Colin Miles Maclay, Executive Director, Annenberg Innovation Lab, University of Southern California; Gita Murphy, County of Los Angeles Department of Mental Health; Nithya Raman, Los Angeles City Councilmember for the 4th District and chair of the Council’s Information Technology and General Services Committee; Andy Russell, President and CEO, Public Media Group of Southern California; Ryan Smith, Executive Director of Partnership for LA Schools and Jory Wolf, Magellan Advisors.

environment for commercial ISPs. We therefore argue that if private companies or local governments and institutions receive State funding for broadband-related purposes, or otherwise utilize the proposed statewide open-access middle-mile broadband network, the State should receive access to relevant data that recipients possess in return.<sup>4</sup> Recipient ISPs, for example, should be required to share full maps of their networks. This would help to promote effective digital equity planning, problem-solving and responsible use of public funds, and to ensure that infrastructure is made accessible in an equitable and non-discriminatory manner.

- (2) complement the Commission’s existing indicators for prioritizing middle-mile locations with an indicator that identifies where existing broadband markets are failing to serve a disproportionately high number of low-income households (especially in urban areas). Rates of internet adoption in those communities, from the recent American Community Survey, are readily available and should be a crucial data set for this proceeding. The Commission has previously stated in a public comment to the National Telecommunications and Information Administration regarding broadband data that the FCC should “consider using adoption data as a possible means to evaluate whether deployment is sufficiently thorough within a reported census block area.”<sup>5</sup> Adoption data is not only an important way to validate broadband availability data, but it may also indicate insufficient access to affordable middle-mile networks. It is reasonable to assume that urban census block groups that

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<sup>4</sup> We expand below on what data we consider relevant.

<sup>5</sup> 2018 [Comment of the California Public Utilities Commission](#) in response to the request for comment on improving the quality and accuracy of broadband availability data to the National Telecommunications and Information Administration.



are purportedly “served” by commercial ISPs but that have disproportionately low broadband adoption may be areas with insufficient access to affordable middle-mile networks. One crucial way to reach these households with sufficiently affordable prices is to aggressively invest in middle-mile broadband infrastructure that, in turn, promotes superior last mile services designed specifically to meet the needs of these households.

- (3) consider recommending the allocation or reallocation of additional funds for last-mile construction if (in view of improved data granularity and additional adoption indicators) it becomes evident that the most substantial gains would come from the construction of last-mile networks. Especially in low-income urban areas where there is evidence of market failure, the introduction of new last-mile services priced to meet the needs of low-income communities may be most meaningful.

In sum, as explained further in the Comments that follow, the Committee urges the Commission and policymakers in California to recognize meaningful access and affordability to the internet as a civil rights issue.

## **II. CASE STUDY: SOUTH LOS ANGELES**

Data and how it gets prioritized is at the heart of this Commission proceeding. Instead of alleviating the digital divide in urban areas, we worry that relying on existing data on service availability provided by ISPs may result in compounding historical income and racial disparities created by past infrastructure planning. The Commission is currently considering the impacts of past actions by commercial ISPs in a separate phase of this proceeding concerning digital

redlining, but the Commission here risks baking into the new middle-mile investments the same inequitable outcomes it is investigating.

To avoid repeating this mistake and its troubling impacts on California's most vulnerable communities, the Commission can and must require a level of completeness and granularity to its data that allows for the proper diagnosis and remedy of these inequitable results. Accurate data in Commission decision making is the central concern of the Committee's comments. There is a serious risk that the data used in broadband planning for this effort leads to significantly undercounting and undervaluing Black and Latinx households and other households of color and low-income areas (which include disproportionately high households of color) throughout Los Angeles. As decisions are made about where to build middle-mile networks, we are concerned that relying solely on this currently available data will limit the range of solutions that are available to serve these communities effectively. In many places, this will compound the impacts of past economic discrimination in housing and transportation planning.

The experience of one Los Angeles neighborhood speaks volumes to this concern. In South Los Angeles, one of the largest historically Black communities in California (now over 60% Latinx),<sup>6</sup> the digital divide is among the most extreme in the nation. According to census data, less than half of the households with school-age children in South LA have the tools they need to participate in remote learning (high-speed internet and a computer).<sup>7</sup> Troublingly, these neighborhoods appear largely "served" according to the map provided as Attachment A to this

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<sup>6</sup> City Planning 2017 South LA report: In 2017, South Los Angeles was 28% Black, 61% Latinx, 5% Asian (~94% people of color).

<sup>7</sup> [COVID-19 and the Distance Learning Gap.](#)

Rulemaking.<sup>8</sup> Why? Because the underlying data is not granular enough to properly diagnose the infrastructure gaps in dense, urban communities like South Los Angeles.

Moreover, we are concerned that the pace of broadband service deployment by existing ISPs in South LA exemplifies larger patterns about the slow pace of infrastructure upgrades observed in urban areas that combine poverty and a large percentage of Black residents, as noted in a study of Los Angeles County that shows systemic discrimination against low-income users in fiber deployment despite high population density.<sup>9</sup>

Given what is known about the scale of the digital divide in South LA, for example, the Committee wonders why the Interstate 110 corridor that crosses South Los Angeles between Interstate 10 and Century Freeway (the “110 corridor”) is not currently included in either version one or version two of the Commission’s initial proposed routes.<sup>10</sup> We fear that the corridor is being overlooked for new middle-mile infrastructure because the data that has been used thus far dramatically understate the infrastructure gap in that community.

To illustrate this specific example more thoroughly, we observe that the 110 corridor would not appear to demand middle-mile deployment using the Commission’s definition of “unserved” in the map provided as “Attachment A” to this Rulemaking. Figure 1 highlights the portion of the 110 corridor that concerns the Committee.

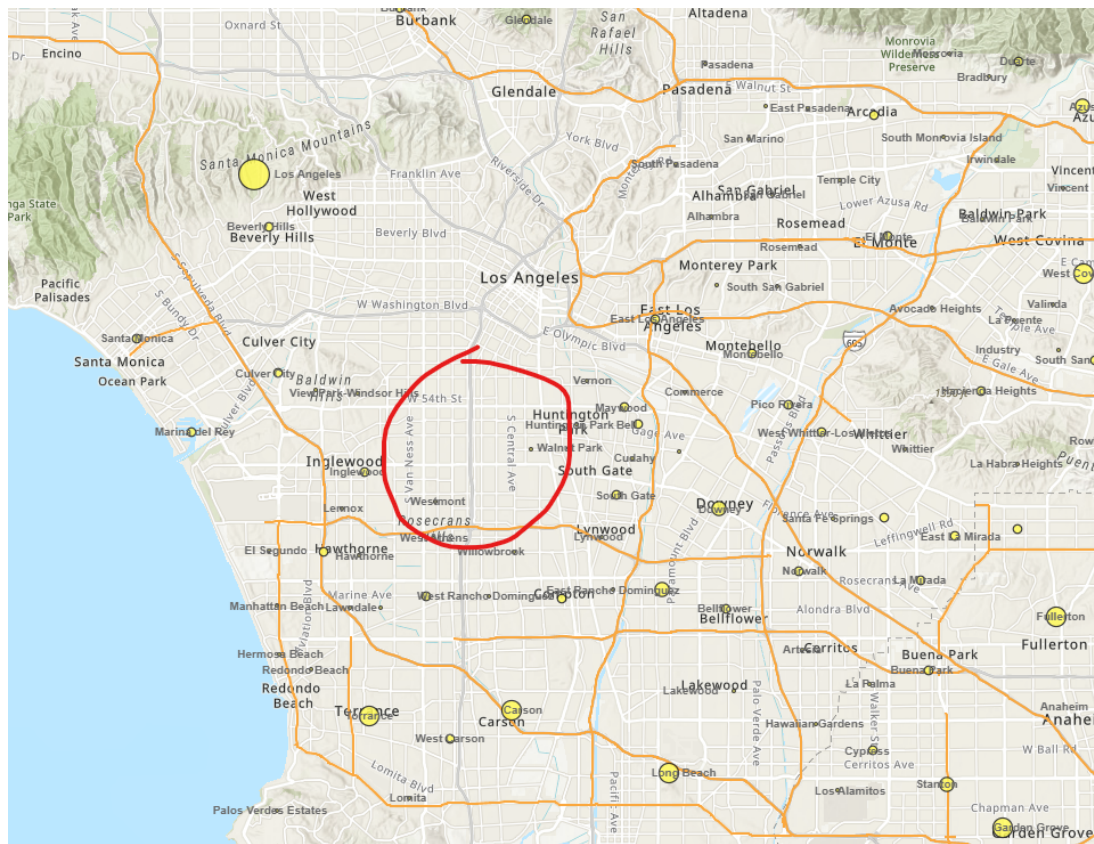
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<sup>8</sup> Attachment A: [Anchor Build Fiber Highways](#)

<sup>9</sup> A 2019 analysis “[Who Gets Access to Fast Broadband? Evidence from Los Angeles County 2014-17](#)” probed for evidence that ISPs are neglecting investments in low-income areas and communities of color by comparing the pace of broadband service deployment between South LA and Glendale in recent years. In Glendale, broadband competition grew from 60% of block groups in 2014 to essentially the entire city in 2017. By comparison, about a quarter of South LA residents remained without broadband choice in 2017.

<sup>10</sup> [Anchor Build Fiber Highways](#)

Figure 1



✓ Census Designated Places 2020

Unsvd HH

- >5,000
- 1,001 - 5,000
- 501 - 1,000
- 101 - 500
- 1 - 100

Proposed Open Access Middle Mile Network Segments



Figure 1: “Anchor Build Fiber Highways” map zoomed in on portion of Los Angeles County that shows the tranche of the 110 corridor that is not included in the initially proposed routes.

But if the underlying data informing whether locations on the Commission’s Anchor Build Fiber Highways map appear “unserved” is gathered from ISPs through its Broadband

Mapping Program,<sup>11</sup> potential problems emerge. Figure 2 maps that ISP-provided data and suggests that South Los Angeles is largely served by two ISPs.

Figure 2

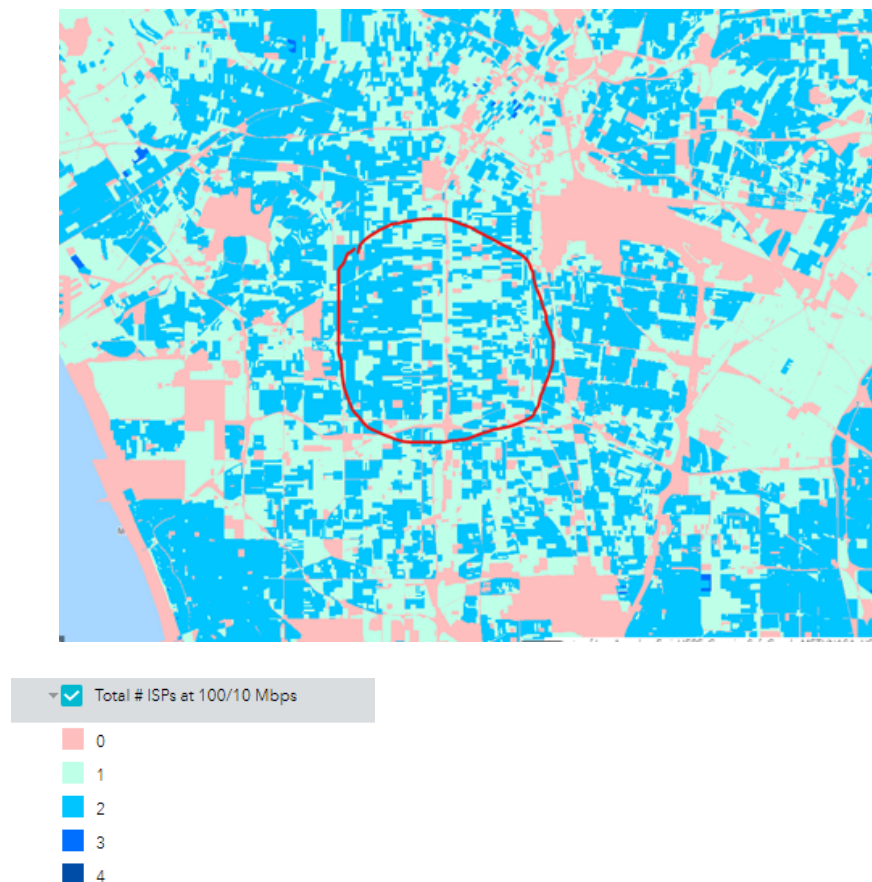


Figure 2: Map produced by the “USC Connected Cities – Annenberg Research Network: Mapping Digital Exclusion in LA County” initiative that provides spatial information on broadband coverage (at the census block level) provided to the CPUC by ISPs. Highlights the same tranche of the 110 corridor that Figure 1 highlights.

<sup>11</sup> CPUC [Broadband Mapping Program](#): This program collects data once a year from ISPs about broadband service availability at the census-block level, including speed of service.

A core issue with these data for South Los Angeles, however, is that it lacks sufficient granularity and may dramatically overstate last mile service availability in this community. While service may be available to one or several households on a given block, it may not be available to all households on that block. The Commission itself recognizes that service availability is generally overstated in the data provided by ISPs.<sup>12</sup> And even if last mile service availability in South Los Angeles were not overstated in the data, a question still emerges as to why these services are not meeting the needs of these communities, given critically low adoption rates.

In contrast to the potentially distortive map in Attachment A, which we assume to be currently guiding the Commission's analysis and initially proposed routes, a view of South Los Angeles through the lens of ACS data on households "with internet" describes a very different community – one with huge gaps in connectivity in some of the most low-income, least-white census tracts in the state (Figure 3).

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<sup>12</sup> 2016 CPUC [Decision Analyzing the California Telecommunications Market and Directing Staff to Continue Data Gathering, Monitoring, and Reporting on the Market](#). We expand on this issue further in section 4a below.

Figure 3



Figure 3: Map produced by the “USC Connected Cities – Annenberg Research Network: Mapping Digital Exclusion in LA County” initiative that provides spatial information on ACS census data on households “with internet” (at the census block level). Highlights the same tranche of the 110 corridor that Figure 1 and 2 highlight. [Source map.](#)

This Rulemaking and other efforts pursuant to the recent broadband legislation have the transformative potential to connect huge numbers of unserved and underserved urban households to broadband networks in communities like South Los Angeles (and even to redress the impacts of past infrastructure injustices).<sup>13</sup>

But there is great risk in building decisions upon inadequate data like the Commission’s Anchor Build Fiber Highways map. Further, any analysis of the infrastructure gap should not only consider where physical infrastructure is missing, but also where there are clear market failures in low-income communities. We reiterate our recommendation that the Commission

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<sup>13</sup> Scope LA: [Between the 110 and the 405: Environmental Injustice in South Los Angeles](#)

complement its existing indicators in such a way that the analysis identifies low-income urban regions where a disproportionately high number of households in purportedly “served” areas are not subscribing to broadband service. Doing so would enable a more complete assessment of what regions are underserved by the kinds of middle-mile networks that promote competition and, critically, also enable last mile alternatives that are sufficiently affordable to meet the needs of urban, low-income households. As stated in a recent Benton Institute report, “The fundamental economic principle is simple: Open-access, middle-mile networks can provide the savings that spur last-mile providers to build further and faster to reach residences. In this way, an open-access, middle-mile model promotes private investment and competition in last-mile service by reducing capital expenditures required to build last-mile connections.”<sup>14</sup>

### **III. THE CRITICALITY OF DATA TO EQUITABLE BROADBAND POLICYMAKING**

This Rulemaking represents an important opportunity to prioritize complete and granular data, which is central to sound policy-making and responsible funding decisions. To be sure, many of the policies that have shaped the contours of the current broadband data environment have been at the federal level. Federal policymaking and government grants (and by extension, much state policymaking and spending) rely on limited data about available broadband services and adoption. Appropriators in Congress and in State capitols similarly rely on this data to understand the scale of the national, state, and local broadband gaps.

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<sup>14</sup> Benton Institute: [If We Build It, Will They Come? Lessons From Open-Access, Middle-Mile Networks](#) (December 2020).



For all these decision-makers, the impact of poor data understating the actual broadband service and infrastructure gaps in a given area is the same: their estimates of the effort needed to solve the problem—in terms of investment and time—are often far too low. This problem is particularly acute for urban areas where infrastructure gaps may be more difficult to diagnose compared to some rural areas where the gap is more obvious (making the latter more evident as strategic locations for investment). Taken together, the consequences of relying on poor broadband data are severe, both in terms of wasted funds and squandered opportunities to apply funds where they can do disproportionate good.

#### **IV. POLICYMAKERS SHOULD REQUIRE DATA AND MAKE FUNDING CONTINGENT ON DATA SHARING**

Given the enormity of the digital divide in California, we strongly urge the Commission and the State of California to accelerate its own efforts to build an accurate picture of the challenges facing residents with the greatest needs. Specifically, we ask that the Commission use this Rulemaking process to establish and enforce new requirements for data collection from both public and private sector entities that are beneficiaries of new State broadband funding. This should include provision of more granular data on the actual locations served by ISPs—including pricing, reliability, and terms of use.

Federal and state policymakers have generally not required granular data reporting or conditioned funding to ISPs on the submission of accurate service data, much less on data that achieves the level of granularity necessary to accurately assess availability and access. Indeed, most broadband data reporting requirements in the United States are entirely voluntary. The tide may be turning, but too slowly and inadequately. Congress allocated \$65 million of funding in

the American Rescue Plan Act to improve mapping. This follows on Congress' passage of the Broadband Deployment Accuracy and Technological Availability (DATA) Act in 2020. As a result, better broadband maps should be coming from the federal government—but may be as many as five years away.

Yet, even as concern about the accuracy of broadband data has grown, policymakers have not consistently tied broadband funding to provision of accurate data. Rather than conditioning broadband funding on adequate participation in data efforts, taxpayers and ratepayers are inevitably responsible for funding costly collection and mapping of broadband data. By establishing and enforcing new requirements for data collection and sharing from both public and private sector entities that are beneficiaries of new State broadband funding, however, the Commission has an opportunity to disrupt the status quo. Specifically, we suggest that eligibility for SB156 funding should be pre-conditioned on the Commission receiving data bi-annually from ISPs on the precise locations of service for providers' full networks and for each location to additionally show: (1) whether there is a registered subscriber; (2) the upload and download speeds being provided; (3) the technology used to provide broadband service; and (4) the price, with and without promotional or bundled service offerings. This suggestion aligns with the new data standards proposed in California Senate Bill 28.<sup>15</sup>

These measures can help to ensure that infrastructure is made accessible in an equitable and non-discriminatory manner, and to promote effective digital equity planning, problem-solving and responsible use of public funds.

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<sup>15</sup> [SB-28 Rural Broadband and Digital Infrastructure Video Competition Reform Act of 2021.](#)

## **V. EFFECTIVE FUNDING REQUIRES COMPLETE AND ACCURATE DATA**

Granular, complete data has the potential to be transformative. In the absence of such data, funds cannot be targeted to the areas most in need. In our view, unserved areas will continue to remain unserved until there are requirements for more granular data on service, infrastructure, adoption, and pricing.

### **a. Service**

The federal government's Universal Service Fund and other grant program dollars are awarded based on imprecise and sometimes erroneous federal data regarding what areas are served. The FCC's Form 477 is a key reason for inadequate data.<sup>16</sup> Form 477, which collects data self-reported by ISPs, gathers service data at the census block level—which lacks granularity from the start. Problematically, if just one home in a census block can access broadband service, the entire census block is considered served. Moreover, because the FCC relies on the ISPs to report accurate information, there have been instances of companies overstating their coverage.<sup>17</sup> This, in turn, makes it harder for there to be precise targeting of public funds.

California's data collection is somewhat better than the FCC's practice, but significant limitations persist. ISPs often report to the Commission that they provide service to a census block, even if service is only offered to one household in that block. The Commission partially compensates for this challenge by only recognizing a service's availability in a census block if that service has at least one actual subscriber in the census block.<sup>18</sup> The Commission, however,

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<sup>16</sup> CNET: [Millions of Americans can't get broadband because of a faulty FCC map. There's a fix.](#)

<sup>17</sup> PC Magazine: [FCC Finds T-Mobile, Verizon, US Cellular Overstated Rural Coverage](#)

<sup>18</sup> 2016 CPUC [Decision Analyzing the California Telecommunications Market and Directing Staff to Continue Data Gathering, Monitoring, and Reporting on the Market.](#) (p. 53)

lacks the subscription data at a sufficiently granular level to reliably estimate the size of this problem and, as stated by the Commission, “broadband availability data remains overstated all throughout California.”<sup>19</sup> In addition, given the current data collection protocols, incremental and partial upgrades constructed by ISPs may erroneously appear more expansive than they are in reality. Faulty data on service availability is also rendering invisible the tens of thousands of households in California’s low-income communities living in illegal accessory dwelling units or other non-standard housing.<sup>20</sup>

The Commission largely relies upon what ISPs report in terms of fixed broadband speeds. Unlike mobile broadband, where the Commission has a robust testing program, the Commission does not perform its own tests and does not have sufficient data from ISPs to draw conclusions about non-mobile broadband quality and speeds.<sup>21</sup> About this challenge, the Commission has stated before: “It is a significant limitation of our analysis, and for our ability to monitor this rapidly changing market.”<sup>22</sup> This makes it difficult to develop a baseline understanding of who is served and unserved, and at what quality.

## **b. Infrastructure**

The FCC’s data reflect only the reported availability of services. It does not collect data regarding infrastructure, even where that infrastructure is built with FCC funds - such as through the E-rate program for schools and libraries. In this regard, the Commission’s Rulemaking serves

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<sup>19</sup> 2016 CPUC [Decision Analyzing the California Telecommunications Market and Directing Staff to Continue Data Gathering, Monitoring, and Reporting on the Market.](#) (p. 53)

<sup>20</sup> And it is not just that maps render these invisible, it’s that without their own address, many ISPs refuse these households service.

<sup>21</sup> 2016 CPUC [Decision Analyzing the California Telecommunications Market and Directing Staff to Continue Data Gathering, Monitoring, and Reporting on the Market.](#)

<sup>22</sup> 2016 CPUC [Decision Analyzing the California Telecommunications Market and Directing Staff to Continue Data Gathering, Monitoring, and Reporting on the Market.](#)

a critical purpose. Gathering data on existing middle-mile infrastructure and associated gaps can help inform the state’s planning and investment, especially vis-a-vis locations with the greatest potential to advance equitable infrastructure goals.

### **c. Adoption**

As important as service and infrastructure availability data are, they are not sufficient for a full analysis of broadband gaps. This is because some households do not purchase or use broadband services even when those services are available to them. Because there exist myriad, complex reasons why some residents do not subscribe to carrier services even when they are available, data regarding broadband adoption and use are critical to policymaking. There would also be value in studying how broadband adoption behaviors may have shifted for low-income communities as a result of the pandemic, and what new challenges and opportunities these behavioral shifts may represent.

In California, the Commission collects limited subscriber data from ISPs to perform validity checks on service availability data.<sup>23</sup> The California Emerging Technology Fund (CETF) administers an annual statewide survey<sup>24</sup> that seeks to assess California’s progress towards closing the digital divide and the Public Policy Institute of California issues a yearly statewide survey<sup>25</sup> that includes questions about broadband adoption, both of which are regularly cited by advocates and policymakers. Unfortunately, there is no central entity aggregating disparate statewide datasets to better understand challenges to adoption.

### **d. Pricing**

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<sup>23</sup> The CPUC offers its methodology used to validate broadband deployment, [California Broadband Data Processing and Validation Data as of December 31, 2016](#).

<sup>24</sup> CETF-USC Statewide Broadband Adoption Survey: [Internet Adoption And The “Digital Divide” In California](#), March 2021.

<sup>25</sup> [Public Policy Institute of California Statewide Survey](#)

Because affordability plays a key role in broadband adoption decisions, particularly for low-income urban residents, data regarding pricing are also critical to policymaking. Many Californians who are considered “served” still have only a single provider. The resulting competitive dynamic may be leading to higher prices (and therefore lower adoption) in some areas of the state. For example, the link between broadband markets with low levels of competition and higher prices has been thoroughly documented, most recently by the New America Foundation’s Open Technology Institute.<sup>26</sup> Data challenges related to service pricing include providers’ use of fine print; hidden costs; deceptive labeling of ISP fees as “regulatory recovery” fees; widespread use of promotional pricing that is not published or tracked; and the use of “up to” advertised speeds that may not actually be delivered.

As with adoption statistics, the FCC does not require ISPs to report detailed pricing data and does not publish what information it does receive. Some non-profits and other research initiatives seek to develop such data independently. For example, the Partnership for LA Schools conducted phone surveys with ~1000 families in the South Los Angeles area and made ~50 calls to ISPs to investigate the pricing and fine print on low-cost programs and found significant discrepancies between what was advertised and what was offered<sup>27</sup>. Without State policymakers accelerating efforts to systematize collection of pricing data it will be almost impossible to produce meaningful comparative analysis.

## **VI. STRATEGIES TO IMPROVE DATA COLLECTION**

Local governments in California and elsewhere have sought to create tools to enable crowd-sourced data on broadband service availability and quality.<sup>28</sup> Other localities have commissioned

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<sup>26</sup> New America Foundation’s Open Technology Institute: [Cost of Competition](#)

<sup>27</sup> Partnership for LA Schools: Equity and Justice Alert – [Bridging LA’s Digital Divide](#)

<sup>28</sup> One example is the [CalSpeed Home Broadband Study](#).

engineering studies to gather better data about services available to their residents and businesses and the infrastructure that delivers those services. In the absence of trustworthy and comprehensive federal data, these are important approaches that will enable better investments and policymaking at the local level. They are not, however, a comprehensive solution.

The Committee applauds existing efforts to change the reporting requirements for state franchise holders to collect better data from ISPs, such as Senate Bill 28. Provisions within this bill would require ISPs to report to the Commission annually the precise locations of their service (street address, parcel number, or latitude/longitude) and for each location to additionally show: (1) the upload and download speeds being provided; (2) the technology used to provide broadband service; and (3) the price, with and without promotional or bundled service offerings.

We also recognize impressive regional efforts, such as the LA County Office of Education (LACOE) survey of all 80 school districts in LA County last year about students' broadband availability, adoption and access to devices.<sup>29</sup> LACOE is working on a longer-term Digital Divide Data Mapping project. Other educational systems throughout California may have similar efforts that policymakers could help to amplify.

In both examples are the seeds of a solution to the data conundrum currently facing the Commission: without better, more granular data, this Rulemaking risks decisions that compound inequitable broadband access.

## **VII. CONCLUSION**

The Commission is to be commended for this important effort to develop the data necessary to direct California's important new investments in broadband. The order recognizes the

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<sup>29</sup> LACOE Newsroom: [September 15, 2020 announcement](#)

criticality of data to sound policy-making and responsible funding decisions. The Commenters note the necessity of robust, granular data to every element of equitable broadband policymaking and urge the Commission to enhance and prioritize such efforts.

Specifically, we urge the Commission to:

- (1) condition eligibility for SB156 funding on the Commission receiving data bi-annually from ISPs on the precise locations of service (street address, parcel number, or latitude/longitude) and for each location to additionally show: (1) whether there is a registered subscriber; (2) the upload and download speeds being provided; (3) the technology used to provide broadband service; and (4) the price, with and without promotional or bundled service offerings.
- (2) complement the Commission's existing indicators (which are used to prioritize middle-mile locations) with an indicator that identifies where existing broadband markets are failing to serve a disproportionately high number of low-income households (especially in urban areas). It is reasonable to assume that urban census block groups that are purportedly "served" by commercial ISPs but that have disproportionately low broadband adoption may be areas with insufficient access to affordable middle-mile networks. One crucial way to reach these households with sufficiently affordable prices is to aggressively invest in middle-mile broadband infrastructure that, in turn, promotes superior last mile services designed specifically to meet the needs of these households.
- (3) consider recommending the allocation or reallocation of additional funds for last-mile construction if better data reveal that the most significant gains would come from the construction of last-mile networks. Especially in low-income urban areas where there



is evidence of market failure, the introduction of new last-mile services priced to meet the needs of low-income communities may be most transformative.

Much is still unknown about the challenges and opportunities in communities that are experiencing a substantial digital divide. But this once-in-a-generation investment is an opportunity for policymakers to address persistent issues of data transparency, accuracy, and equity – and to make better decisions about middle-mile and last-mile funding.

The Committee for Greater Los Angeles invites the Commission to discuss these issues at greater length. We will continue to convene on this topic and invite others throughout California to join us.

Respectfully submitted,

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Miguel Santana  
Chairperson  
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/s/ Jarrett Barrios  
Jarrett Barrios  
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