

**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.

Rulemaking 20-09-001  
(Filed October 14, 2021)

**CIVIL + HUMAN RIGHTS AND EQUITY DEPARTMENT, CITY OF LOS  
ANGELES, COMMENTS ON LOCATIONS FOR A STATEWIDE OPEN-  
ACCESS MIDDLE MILE BROADBAND NETWORK**

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**I. INTRODUCTION**

Civil + Human Rights and Equity Department, City of Los Angeles (CHRED) respectfully submits these reply comments in response to opening comments to the Assigned Administrative Law Judge (ALJ) ruling issued September 9, 2021, with additional questions related to the Commission's Middle-Mile Data Collection.

CHRED's mission is to maintain and strengthen the city's diversity, equity, and accountability. We are focused on reducing bias and injustices in communities most harmed by systemic racism; and we acknowledge the role internet access plays in our fight against injustice. Opportunities for education, upward mobility, and positive health outcomes are severely impacted by our residents' inability to access the internet. Without proper infrastructure or investment, the City of Los Angeles residents will continue to be unable to participate in our rapidly evolving economy.

Broadband access is a civil rights issue, rooted in decades of systemic and structural racism reflected in the core infrastructure of the internet, with lower income communities and communities of color being digitally redlined. Data that is overly broad or generalized masks income- and race-based inequities, and the Commission should ensure that the data they are

considering is independently verified and at a granular enough level to be truly actionable. That a provider is wired to a single address in a given census block is insufficient on its face.

The Commission's interrogation of the evidence of digital redlining in this proceeding included extensive data confirming the reality of digital redlining.<sup>1</sup> Beyond the data, there are myriad anecdotal examples of the impacts of digital redlining in Los Angeles' urban communities, both from affected individuals and the community-based organizations closest to the ground, doing the most to address the impacts.

The historic public investment in broadband infrastructure directed by Senate Bill 156 should be deployed equitably. Los Angeles has the second-lowest broadband adoption rate in the state, second only to the Central Valley, and with hundreds of thousands more individuals affected. Equitable deployment of public assets must take this into account.

## **II. Comprehensive and Holistic Analysis of Areas of Need Should Guide Identification of Priority Areas**

In comments to the August 6, 2021 Assigned Commissioner's Ruling ("ACR") requesting comments, and the ALJ's Ruling issued on August 20, 2021, to inform locations for the statewide open-access middle mile network, multiple Parties noted the Commission's map of proposed Anchor Build Fiber Highway routes leaves the City of Los Angeles unsupported in areas of the highest need.<sup>2</sup> Households along the 405 freeway, which is included in the proposed

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<sup>1</sup> See for example, Reply Comments jointly filed by Electronic Frontier Foundation, Center for Accessible Technology, and Public Advocates (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M404/K292/404292052.PDF>) and Reply Comments of the Public Advocates Office (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M396/K114/396114021.PDF>)

<sup>2</sup> See for example, Comments of the Committee for Greater Los Angeles (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M407/K765/407765410.PDF>), Comments of California Community Foundation (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M407/K739/407739011.PDF>), and Comments of the Los Angeles Economic Development Corporation (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M407/K793/407793980.PDF>)

map, are generally higher income, less diverse, and have historically been better served by incumbent ISPs. The households in eastern and southern areas of Los Angeles continue to not be addressed by this map. As the Commission's 2020 inquiry into digital redlining explored, high density and disconnected households have been affected by decades of systemic and structural racism, few opportunities for economic mobility, and a lack of investment in infrastructure that provides daily and consistent internet access.

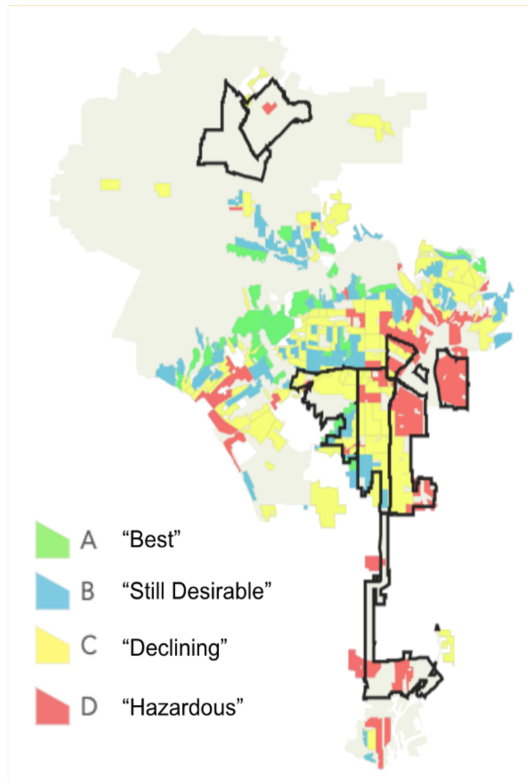
Any holistic analysis of Los Angeles communities will confirm that the same issues of homeownership redlining, the proliferation of food deserts, poverty, and health disparities are concentrated in communities with little or no broadband investment.

### **Background: Home Owners Loan Corporation Redlining Map - 1939**

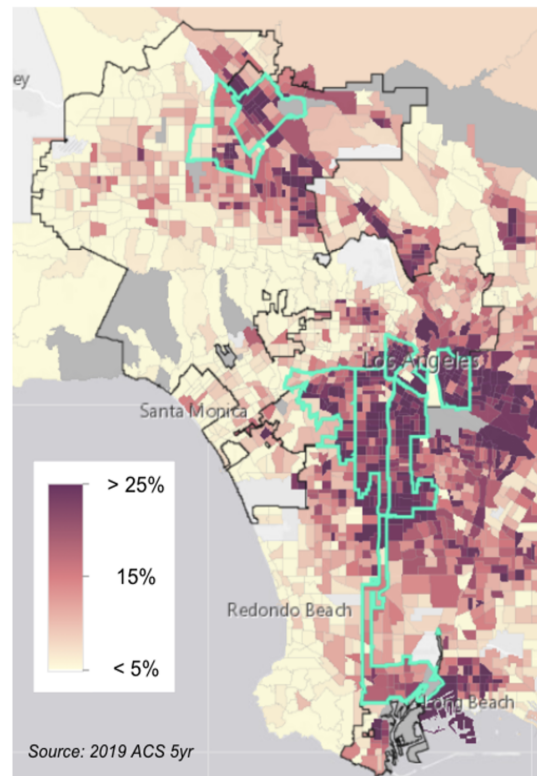
The Home Owners' Loan Corporation (HOLC) was created in the New Deal Era and trained many home appraisers in the 1930s. The HOLC created a neighborhood ranking system known today as **redlining**. Local real estate developers and appraisers in over 200 cities assigned grades to residential neighborhoods. Areas that received the lowest grade often received this grade because they were "infiltrated" with "undesirable populations" such as Jewish, Asian, Mexican, and Black families.

Banks received federal backing to lend money for mortgages based on these grades. Many banks simply refused to lend to areas with the lowest grade, making it impossible for people in many areas to become homeowners. While this type of neighborhood classification is no longer legal thanks to the Fair Housing Act of 1968, the effects of disinvestment due to redlining are still observable today.

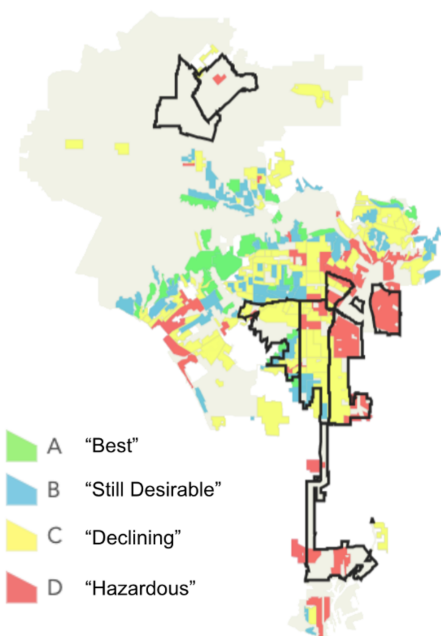




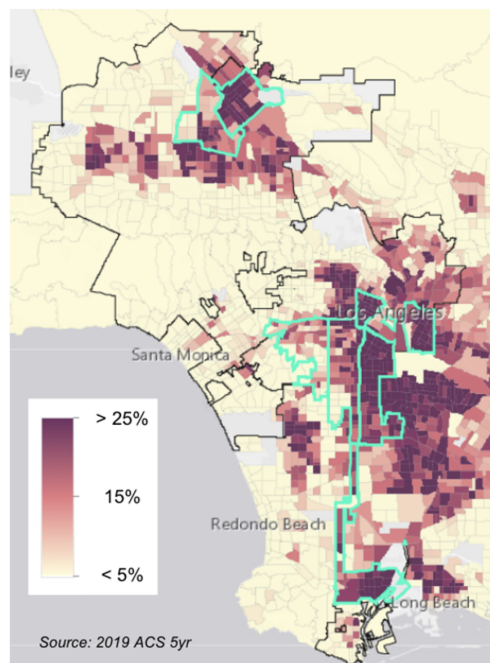
HOLC 1939 map of Los Angeles<sup>3</sup>



2019 ACS % of Households with no Internet<sup>4</sup>



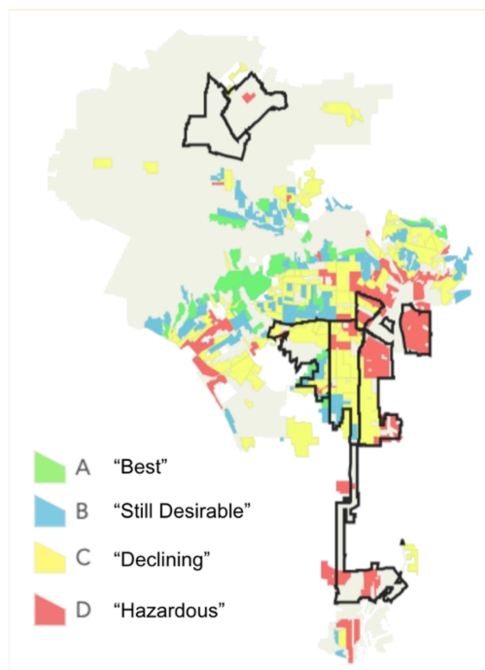
HOLC 1939 map of Los Angeles



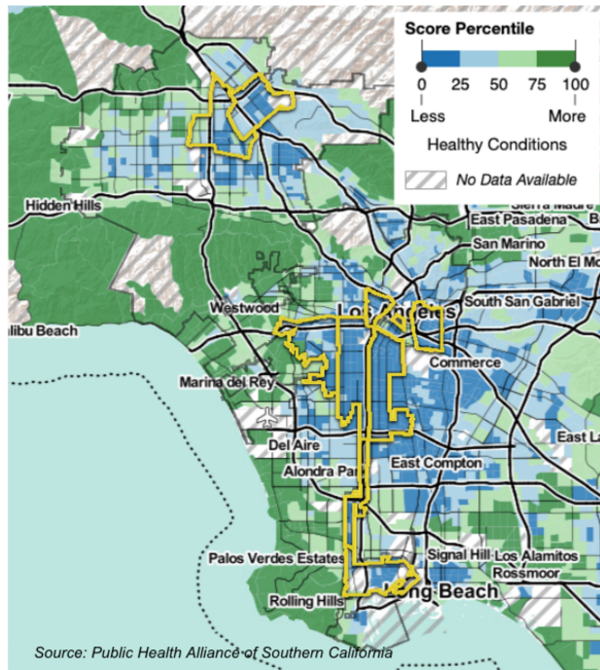
2019 ACS % of Overcrowded Households

<sup>3</sup> <https://dsl.richmond.edu/panorama/redlining/#loc=12/34.12/-118.248&city=los-angeles-ca>

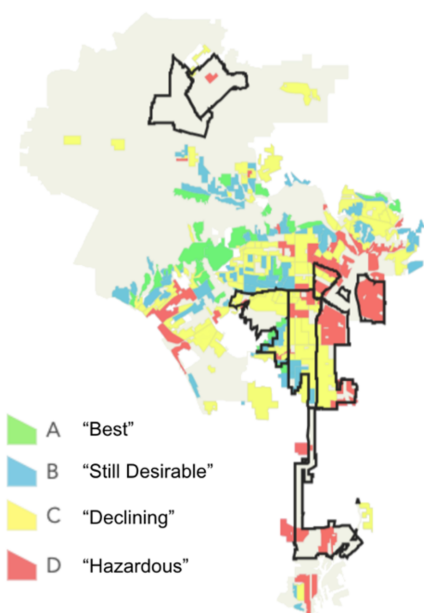
<sup>4</sup> <https://data.census.gov/cedsci/table?q=DP04&tid=ACSDP1Y2019.DP04>



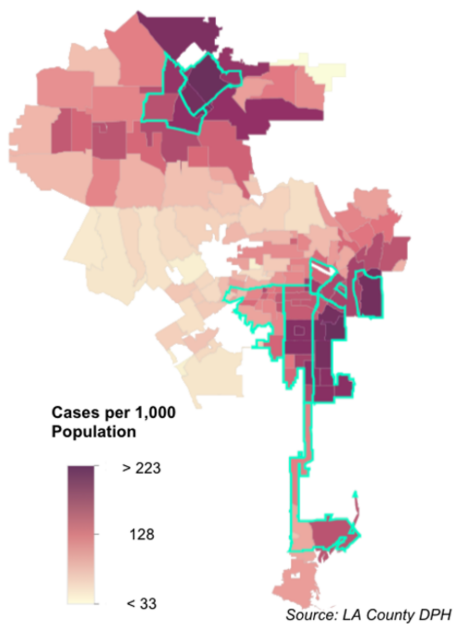
HOLC 1939 map of Los Angeles



2018 Healthy Places Index<sup>5</sup>



HOLC 1939 map of Los Angeles



Cumulative COVID-19 Case Rate as of April, 28, 2021<sup>6</sup>

<sup>5</sup> The Healthy Places index is compiled from 26 indicators in 8 categories: Healthcare Access, Clean Environment, Neighborhood Quality (parks, tree canopy, supermarkets, etc), Housing, Transportation, Education, Social (voting, household characteristics), and Economic (<https://healthyplacesindex.org>)

<sup>6</sup> <http://publichealth.lacounty.gov/media/coronavirus/data/index.htm>

In opening comments in response to the ALJ's September 9, 2021 ruling, California Community Foundation asserts that historic inequities reflected in digital redlining practices are relevant to the Commissioner's considerations.<sup>7</sup> CHRED concurs, and further notes that prioritizing these communities is a civil rights issue. The damaging effects of predatory and racially biased laws, policies, and practices have impacted generations of Angelenos of color. Failing to include that history as a factor in determining where the state's middle mile infrastructure investments will be deployed would further perpetuate these inequities for years to come.

**III. The Commission should disregard assertions that poor people and people of color - people within redlined communities - have significantly lower rates of broadband adoption because they prefer not to be connected to fast, reliable, and affordable internet at home.**

In opening comments in response to the ALJ's September 9, 2021 Ruling, CTIA asserts that low-income Californians, 36% of whom do not have broadband at home (compared to just 4% of not-low-income California households)<sup>8</sup>, remain unconnected because that is their preference:

*Low-income Americans' preference for mobile broadband as their single broadband solution is demonstrated by studies showing that wireless is currently the only broadband connection for over a quarter of low-income households.<sup>9</sup>*

The Commission should wholly disregard this argument from CTIA and any Parties that suggest the same. Low-income Californians routinely report that they do not have broadband subscriptions because those subscriptions are unaffordable. In the California Emerging

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<sup>7</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M407/K739/407739011.PDF>

<sup>8</sup> Statewide Survey on Broadband Adoption 2021, P16 ([https://www.cetfund.org/wp-content/uploads/2021/03/Annual\\_Survey\\_2021\\_CETF\\_USC\\_Final\\_Summary\\_Report\\_CETF\\_A.pdf](https://www.cetfund.org/wp-content/uploads/2021/03/Annual_Survey_2021_CETF_USC_Final_Summary_Report_CETF_A.pdf))

<sup>9</sup> CTIA Opening comments, P2 (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M411/K463/411463308.PDF>)

Technology Fund’s Statewide Survey on Broadband Adoption 2021 report, just 6% of unconnected and underconnected Californians (those with no access or solely a mobile connection) reported that the main reason they lack access at home is that, “Smartphone is enough.”<sup>10</sup>

The Commission should disregard all assertions that low-income Californians, who are disproportionately Black and Latinx<sup>11</sup>, have preferences that are wildly disparate from high-income Californians in terms of access to the basic necessities of modern life. That low-income Californians are significantly less likely to have broadband at home has been and should continue to be considered a policy, market, and moral failure.

#### **IV. The Commission should disregard assertions that the only relevant factor for the Commission's consideration is whether there is existing private middle mile infrastructure.**

Several incumbent Providers assert in their comments to the August 6, 2021 ACR and the August 20, 2021 ALJ Ruling that the only factor of relevance for the Commission’s Staff Report is to build only where no private middle mile infrastructure exists.<sup>12</sup> In opening comments in response to the September 9, 2021, ALJ ruling, those same Providers explicitly argue that redlining, competition, hardening, route redundancy, or indeed any and every factor proposed by other Parties, should be ignored.<sup>13</sup> CHRED urges the Commission to disregard those assertions.

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<sup>10</sup> Statewide Survey on Broadband Adoption 2021, P20 ([https://www.cetfund.org/wp-content/uploads/2021/03/Annual\\_Survey\\_2021\\_CETF\\_USC\\_Final\\_Summary\\_Report\\_CETF\\_A.pdf](https://www.cetfund.org/wp-content/uploads/2021/03/Annual_Survey_2021_CETF_USC_Final_Summary_Report_CETF_A.pdf))

<sup>11</sup> PPIC Fact Sheet: Income Inequality in California, January 2020 (<https://www.ppic.org/wp-content/uploads/income-inequality-in-california.pdf>)

<sup>12</sup> See for example Comments from AT&T (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M405/K048/405048250.PDF>) and Comments of Cox California Telecomm LLC (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M405/K048/405048250.PDF>)

<sup>13</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M411/K463/411463183.PDF>

Advancing equity by closing the digital divide demands consideration of historic inequities and the civil rights impact of decisions on communities that have been historically discriminated against. Communities of color, primarily Black and Latino communities, have been the last to receive public and private broadband investments.<sup>14</sup> Historical data, honest and independent evaluation of how existing infrastructure has been deployed in ways that mirror and double down on historic inequities, and the acknowledgement of the civil rights crisis that is digital redlining must and should be considered.

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Respectfully submitted,

/s/ Capri Maddox

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<sup>14</sup>AT&T's Digital Redlining Leaving Communities Behind for Profit, Communications Workers of America and the National Digital Inclusion Alliance, October 2020; [https://www.digitalinclusion.org/wp-content/uploads/dlm\\_uploads/2020/10/AT&T-Digital-Redlining-Leaving-Communities-Behind-for-Profit.pdf](https://www.digitalinclusion.org/wp-content/uploads/dlm_uploads/2020/10/AT&T-Digital-Redlining-Leaving-Communities-Behind-for-Profit.pdf)