



# 2023 Legislative Priorities

## **[Oppose]** AB 41 – The Digital Equity in Video Franchising Act of 2023

Author: Assemblymember Chris Holden

We were wholeheartedly in support of AB 41 prior to amendments that effectively gutted it. Several of our members were co-sponsors of the bill. We worked tirelessly to support AB 41 (and AB 2748 and SB 28 before it) to make long overdue and much-needed reforms to the Digital Infrastructure and Video Competition Act (DIVCA), the 2006 law that eliminated all local input and control over cable franchises and nested the authority instead with the California Public Utilities Commission (CPUC).

In short, AB 41 as amended makes California franchise policy worse for communities, worse for localities, and harder for the state to address the digital divide. Much like DIVCA before it - which, for nearly two decades, has failed to produce the more competitive, thriving market for broadband service it promised - AB41 will move the state further from digital equity with these amendments. AB 41 as amended diminishes equity at the expense of the communities our coalition is dedicated to representing.

## **[Support]** AB 286 – Broadband Infrastructure Mapping

Author: Assemblymember Jim Wood

Publicly available broadband maps fail to fully illustrate the digital divide preventing millions of Californians from receiving broadband. This is because existing providers have an incentive to overrepresent the depth and breadth of their service territory. Whether it is dense forest in rural California or 'digital doughnuts' in urban California, we know Californians are not fully represented in our broadband maps today.

AB 286 improves broadband mapping resources and efforts on the publicly available California Interactive Broadband Map. This legislation would ensure households have the ability to share address level data directly with the CA Public Utilities Commission (CPUC) on internet speeds, costs, and more.

## **Broadband Equity, Access, and Deployment (BEAD) & Digital Equity Act (DEA) Implementation**

CADE partners are working at the state and federal levels to advocate for the equitable implementation of two important funding opportunities for California's broadband build out. We are engaged in listening sessions and public comment periods guiding program planning to ensure California is prepared to effectively allocate resources and funding to the communities that need it most.



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# CA Alliance for Digital Equity

Advocating for equitable, affordable access to the connected world.



Join the growing list of California organizations dedicated to and advocating for digital equity:



Fast, Reliable, and Affordable Internet



Digital Literacy, and Navigation Support



Public Benefits and Programs

## Background

Access to and facility with the internet is a fundamental requirement to engage in today's world. Work activities, school coursework, social interactions, job searches, and medical appointments all demand reliable high-speed internet. Average broadband usage has significantly increased over the last few years, with household and business internet usage continuing to dramatically increase. However, quality, reliable service, affordable pricing, and access to broadband remain inequitable in various parts of our state, leaving too many of our communities on the wrong side of the digital divide.

Americans can expect to pay more for internet on average than other consumers abroad.<sup>1</sup> Even though the cost of providing internet services is rapidly diminishing, the prices for high-speed broadband are going up. Californians do not enjoy equal access to connections that meet today's needs (let alone tomorrow's). Rural, suburban, tribal, urban, and communities of color, across the state have been left behind.

## Summary

Every Californian deserves access to fast, reliable, and affordable internet service, as well as the opportunity to learn how to effectively navigate the digital world. We believe a fast connection without bandwidth or data limitations, coupled with technical support, is a civil right—not a luxury.

The California Alliance for Digital Equity (CADE) is a dedicated group of local and statewide advocates focused on all forms of digital equity, from device acquisition to broadband access to digital literacy. California policies, programs, and taxpayer dollars must prioritize closing the digital divide. This means putting communities first and empowering them to tackle the barriers to broadband access

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# 2022-2023 Related Legislation

More than a dozen bills related to broadband and digital inclusion were introduced for the 2022-2023 legislative session. In addition to the three CADE priority bills - **AB41** and **AB286**- the following bills are under consideration. CADE has not taken position on the bills below at this time.

<p><b>AB 1065</b> (Patterson)</p>	<p><b>CA Advanced Services Fund:</b> This bill would expressly authorize otherwise eligible wireless broadband service providers to apply for and receive funding from the Broadband Infrastructure Grant Account and the Federal Funding AccountC.</p>
<p><b>AB 1461</b> (Patterson)</p>	<p><b>CASF/FFA modifications:</b></p> <ul style="list-style-type: none"> <li>• Require CPUC to "implement the program upon allocation</li> <li>• Expand \$1B rural/\$1B urban requirement to apply to an additional \$2B last mile in 2021 Budget act</li> <li>• Delete provision that allows CPUC to ignore the rural/urban split after June 30, 2023</li> </ul>
<p><b>AB 1714</b> (Wood)</p>	<p><b>Public utilities: broadband service providers</b> - Define "public utility" to include a corporation providing broadband service to the public or a portion of the public</p>
<p><b>AB 414</b> (Reyes)</p>	<p><b>Communications: Digital Equity Bill of Rights</b> - Prevents fixed &amp; mobile ISPs from the following: discriminating against certain data usage, upcharging for specific services, and offering services OTHER THAN broadband internet access for the purpose of evading above restrictions.</p>
<p><b>AB 415</b> (Rodriguez)</p>	<p><b>Emergency Fairgrounds Communications Grant Act</b> - Create a a grant program for internet infrastructure on fairgrounds to service an emergency response operation, grant to go to fairgrounds reasonable distance to middle-mile, support public access to fairground broadband year round, and consult with DoT and Dept of Food and Agriculture.</p>
<p><b>AB 768</b> (Horvath)</p>	<p><b>Communications: The Office of Broadband and Digital Equity</b> - Would establish the Office of Broadband &amp; Digital Equity Board w/members *gives Office power &amp; authority to develop policies to promote broadband and protect consumers from unfair broadband practices</p>
<p><b>AB 662</b> (Horvath)</p>	<p><b>Federal Broadband Equity, Access, and Deployment Program funds:</b> Requires CPUC to remain consistent with federal regulations when administering BEAD funds, cannot impose any additional rules, funding priorities, or eligibility criteria, and can require applicants to commit to affordability requirements.</p>



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<p><b>ACA-1 (Curry, Berman, and Haney)</b></p>	<p><b>Local government financing: affordable housing and public infrastructure: voter approval</b> - Resolution to amend the constitution to add "public infrastructure, affordable housing, or permanent supportive housing" to the list of projects exempt from limits on real property taxes or special assessments for purposes of paying interest or redemption charges on public bonds, would reduce the threshold to 55% (from 2/3) for voter approval of a bond for these purposes, and would prohibit special districts (other than education districts) from the exemption.</p>
<p><b>SB 396 (Wahb)</b></p>	<p><b>Local government: excavations: notice</b> - Require local agency to post on its website any excavation projects that could be used for installation of utilities and infrastructure, including fiber</p>
<p><b>SB 825 (Limon)</b></p>	<p><b>Local government: public broadband services</b> - Extends net neutrality provisions to MPOs and regional transportation planning authorities</p>
<p><b>SB 860 (Bradford)</b></p>	<p><b>Office of Broadband and Digital Literacy: outreach</b> - Require the office to take specified actions to address affordability and increase broadband adoption, including, but not limited to, coordinating with relevant state agencies to ensure those agencies are aware of discount service and device programs and that state and local agencies provide information about discount service and device programs to eligible low-income Californians who contact those agencies for support services.</p>

## CADE Legislative Priorities

<p><b>[Oppose] AB 41 (Holden)</b></p>	<p><b>Digital Equity in Video Franchising Act of 2023</b> - Makes long overdue reforms to the state's video franchise law, known as DIVCA, to require equal access to broadband-capable facilities operating under the authority of a state video franchise.</p>
<p><b>[Support] SB 286 (Wood)</b></p>	<p><b>Improves the granularity and accuracy of the California Interactive Broadband Map</b> by ensuring households have the ability to share address level data directly with the CA Public Utilities Commission (CPUC) on internet speeds, costs, and more.</p>
<p><b>BEAD &amp; DEA Implementation</b></p>	<p><b>The Broadband Equity, Access, and Deployment (BEAD) Program</b>, provides \$42.45 billion to expand high-speed internet access by funding planning, infrastructure deployment and adoption programs in all 50 states.</p>