



July 29, 2020

The Honorable Ben Hueso
Chair
State Capitol, Room 4035
Sacramento, CA 95814

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

Re: AB 570 – Broadband Funding Legislation – Oppose Unless Amended

Dear Chair Hueso and Vice Chair Moorlach:

We wish to express our opposition unless amended for Assembly Member Aguiar-Curry’s legislation, AB 570, which seeks to raise fees to finance slow, obsolete broadband networks that do not have the capability of bringing Californians into the 21st century. The legislation also directly contradicts SB 1130, which many of us have supported and was approved by a bipartisan majority of Senators, by reducing the number of Californians eligible for state support while simultaneously abandoning a focus on future proofed networks. Such an approach stands for the proposition that the state should help fewer rural and low income Californians with outdated 25/3 mbps networks while many residents in North American cities enjoy on average speeds exceeding 250/250 mbps.¹

Sideline close to 1 million Californians² that do not have a **single high-speed broadband access connection**, as AB 570 proposes to do, is not a solution. Furthermore, the legislation’s focus on “cost-effective” deployment of broadband at 25/3 mbps would direct state resources towards incrementally improving long-outdated DSL connections based on copper wires held by the now

¹ Becky Chao & Claire Park, *The Cost of Connectivity 2020*, New America Foundation (Jul. 15, 2020), available at <https://www.newamerica.org/oti/reports/cost-connectivity-2020>.

² Chandra, S., Chang, A., Day, L., Fazlullah, A., Liu, J., McBride, L., Mudalige, T., Weiss, D., (2020). *Closing the K–12 Digital Divide in the Age of Distance Learning*. Page 17. available at <https://www.commonsemmedia.org/kids-action/publications/closing-the-k-12-digital-divide-in-the-age-of-distance-learning> (under its global findings the study found that the North American city average advertised speeds to be 336.80 download by 249.82 mbps upload).

bankrupt Frontier Communications. It would close the door on entities that seek to deploy fiber—who must deploy entirely new networks, in contradiction to AB 570’s goals.

As the New York Times reported, the copper infrastructure that supports 25/3 is unable to meet the increased demands of social distancing, remote education, and video conferencing,³ whereas communities with fiber infrastructure are sufficiently served.⁴ A recent study by Common Sense Media further details that the 25/3 metric is far less than what an average family needs just to engage in meaningful remote education. If the state is asking all Californians to pay a fee, it should be only for networks that are ready for the future. Anything else will simply perpetuate the inequality communities are enduring today.

The Senate made a decisive choice that it should be the goal of the state to try to deliver high-speed 21st century ready broadband access to all Californians by creating a fiber infrastructure fund. We urge you to amend AB 570 to synchronize any funding with the goals of SB 1130.

Sincerely,

Ernesto Falcon, Senior Legislative Counsel, Electronic Frontier Foundation – *Co-Sponsor*

Elizabeth Gettelman Galicia, Vice President, Common Sense Kids Action – *Co-Sponsor*

Eric Null, U.S. Policy Manager, Access Now

Tina Cahill, Planning Team, Indivisible Sacramento

Sean Taketa McLaughlin, Executive Director, Access Humboldt

Paul Goodman, Technology Equity Director, The Greenlining Institute

Stephen Blum, Tellus Ventures

Christopher Mitchell, Director, Community Broadband Networks, Institute for Local Self Reliance

Graeme Bunton, Head of Policy, Tucows

Monkeybrains

Ryan Singel, Founder, Contextly

Kevin Baker, ACLU of California

Peter Kranz, CEO, Unwired

Jonathan Schwantes, Senior Policy Counsel, Consumer Reports

Mikel Cármenes Cavia, Vice President of Engineering, Onfleet

Harold Feld, Senior Vice President, Public Knowledge

Balaji Gopinath, General Partner, Ubuntu Ventures

Kevin Tostado, Film Producer & Director, Tostie Productions, LLC

Allen Gunn, Executive Director, Aspiration Tech

Dane Jasper, CEO, Sonic

³ 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>.

⁴ 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>.