

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



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

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

**OPENING COMMENTS OF RURAL COUNTY REPRESENTATIVES OF
CALIFORNIA ON MIDDLE MILE INFRASTRUCTURE PURSUANT TO
SENATE BILL 156**

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Dated: September 3, 2021

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I. Introduction

In accordance with Rule 6.2 of the California Public Utilities Commission (“Commission”) Rules of Practice and Procedure (“Rules”), the Rural County Representatives of California (RCRC) submits and timely files comments to the Order Instituting Rulemaking (OIR) 20-09-001 (“Rulemaking”).

II. Background

On behalf of the Rural County Representatives of California (RCRC), I am pleased to offer comments on middle mile infrastructure pursuant to Senate Bill 156 per the Assigned Commissioner’s Ruling dated August 6, 2021. RCRC was granted party status via an oral ruling by the assigned Administrative Law Judge, Thomas J. Glegola, at a pre-hearing conference on November 11, 2020. RCRC is an association of thirty-seven rural California counties, and its Board of Directors is comprised of one elected supervisor from each of those member counties. Our member counties extend from the Oregon border in the north, to the Mexico border in the southeast, and from the Central Coast to the Eastern Sierra.

III. Comments

The monumental enactment of Senate Bill 156 (Chapter 112, Statutes of 2021), and companion budget funding measures, present an opportunity for California to finally ensure that all communities, irrespective of location or economic status, will have access to reliable and affordable high-quality broadband services. The internet has created new avenues for education, healthcare, business, governance, and social interaction and is increasingly relied upon for these activities as traditional, in-person methods are replaced by electronic-based processes. As broadband was once seen as an opportunity or tool for creating economic growth, it has become the foundational need for much of daily life, highlighted through the COVID-19 pandemic. As the pandemic wanes, reports suggest that many aspects of pandemic-related adjustments may remain, including remote work and educational environments. Additionally, telehealth options, particularly in many rural areas that lack adequate health care professionals¹, have gained credibility with policy makers as a viable pathway for certain types of healthcare delivery, such as some mental health treatments. From a larger perspective, the shifts in where Californians work and how they work will continue to increase the demand for higher levels of internet connectivity. It is imperative that the Commission strive to place middle mile infrastructure not equally, but equitably.

Identifying Existing Middle Mile Infrastructure

Establishing the need for middle mile or enhanced middle mile infrastructure is rightly the first step in implementing the middle-mile provisions of SB 156. Incomplete or inaccurate connectivity data has long thwarted state efforts to bridge the digital divide. As outlined in the legislation, the Commission should continue to seek detailed information on the availability of middle-mile existing infrastructure and other pertinent information throughout the 90-day information gathering period². This should extend beyond the formal comments submitted during this proceeding and should focus on local engagement with regional consortia, local governments, and other entities with assets in each area proposed for middle mile construction.

¹ California Department of Consumer Affairs map of active license population by county:
https://www.dca.ca.gov/data/interactive_maps.shtml

² Government Code section 11549.51(f)(1)

Additionally, as proposed in the Order Instituting Rulemaking (OIR), the Commission should verify (through means determined to be appropriate by the Commission) that existing middle-mile is open access, or could be utilized in a truly open-access manner, with sufficient capacity and affordability.

Although we would defer to the process of speaking directly to affected regions about the deficiencies or concerns with specific routes outlined in Attachment A (Anchor Build Fiber Highways), the following are a few issues raised by RCRC member counties:

1. Based on the proposed route to Strawberry (El Dorado County) up Highway 108, the plan should include connecting middle mile infrastructure to Lake Alpine (Alpine County) on Highway 4. This corridor experiences a large influx of travel due to the Bear Valley Resort located on Highway 4, and has increased connectivity demands as a result. There are also numerous small communities in Calaveras County that would be connected with this extension.

2. According to representatives at Yosemite National Park, the area still has little to no connectivity and relies on microwave technology. The proposed middle-mile route should extend to at least the Big Oak Flat entrance (Tuolumne County) of the park, or similarly through Mariposa County to the valley visitor center.

3. It appears the planned middle-mile route stops at Highway 49 near Sutter Creek (Amador County). We suggest creating a full loop and connect all of Highway 49. Plymouth is a growing area of winery tourism for Amador County, increasing the region's internet connectivity needs for both visitors and the local workforce.

Generally, although the population density may be lower in rural areas, in some cases the need may be greater. Many rural areas benefit from seasonal peaks in tourism that present a greater need and expectations for broadband connectivity. Additionally, as previously stated, the ability to conduct business, receive healthcare, and participate in school remotely when in geographically isolated or difficult to reach area is even more essential. These are also the regions of the state most susceptible to natural disasters, such as wildfires, making the ability to receive real-time updates and information a necessity.

Priority Areas

As set forth in SB 156, the Commission should prioritize areas “...that enable connections to residences unserved by 25 mbps downstream and 3 mbps upstream.”³ RCRC supports using all indicators outlined in the OIR, with a focus on individual local needs. There are areas of the state—for instance, parts of Mono and Inyo counties—that may have a robust middle mile (Digital 395), yet there are locations that aren’t in close enough proximity to the current middle-mile infrastructure to connect last mile fiber to the home. As outlined in comments by Mono County, lateral builds from the middle mile would lead to more last mile connections than the proposed route on parts of Digital 395⁴.

Leasing Existing Infrastructure

Additional data collection will be necessary to assess the availability of middle mile infrastructure throughout the state to determine if there are areas with existing infrastructure that have the capacity to serve as part of the State’s middle-mile network, is scalable, and can be open-access. Beyond the technical capabilities, in order to have a truly open-access middle mile that allows for connection to the network in a nondiscriminatory manner, detailed information about the infrastructure must be public. Without such transparency of where infrastructure is located, the capabilities of the lines and interconnection information, it would be improbable that internet service providers would utilize the middle mile. All state-owned or contracted infrastructure information should, therefore, be made public and easily accessible, for example, through a website. If leasing existing infrastructure is deemed beneficial in some areas, stringent regulation must be in place to ensure that all the requirements of being open-access are continually met.

However, in general, RCRC does not support leasing existing middle mile infrastructure in rural areas. Outages of telecommunication systems have been widely publicized over the years. Many rural areas lack redundant systems that protect against outages, which is especially problematic during natural disasters.

Interconnection

³ Government Code Section 11549.52(d)

⁴ Opening Comments of the County of Mono to the Order Instituting Rulemaking 20-09-001, September 2, 2021.

The Commission should ensure nodes or exchanges are installed at all main exits in rural regions on highways. These interconnection points are imperative to completion of last mile infrastructure.

IV. Conclusion

In sum, more detailed data must be obtained to move forward with planning the state-owned middle mile infrastructure. Large-scale, open-access middle mile networks have proven to be effective in many states. This model increases competition and thereby affordability in areas that are currently served by a monopoly and bring quality internet connectivity to regions that have been historically unserved or underserved⁵. I appreciate your consideration and respectfully request your acceptance of RCRC's comments for filing.

Dated: September 3, 2021

Respectfully submitted,

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⁵ "If They Build It, Will They Come? Lessons From Open-Access, Middle-Mile Networks," December 2020, Benton Institute for Broadband and Society