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**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 August 6, 2021)

**COMMENTS OF THE SOUTHERN CALIFORNIA ASSOCIATION OF  
GOVERNMENTS ON THE EMAIL RULING ORDERING ADDITIONAL  
COMMENTS AS PART OF MIDDLE-MILE DATA COLLECTION**

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**I. INTRODUCTION**

Pursuant to the September 9, 2021, *E-Mail Ruling Ordering Additional Comments as Part of Middle-Mile Data Collection* (the “Ruling”), the Southern California Association of Governments (SCAG), a government agency organized pursuant to the California Joint Exercise of Powers Act (Cal. Govt. Code § 6500 *et seq.*), respectfully submits these additional comments on middle-mile data collection.

**II. COMMENTS**

**A. Comments Pertaining to Issue 1 of Ruling – Open Access.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 1 of the Ruling.

***How can the Commission use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity?***

Prior to issuing enforceable rules, SCAG highly recommends that the California Public Utility Commission (CPUC) work with the California Department of Transportation (Caltrans),

county transportation commissions, regional metropolitan organizations, local jurisdictions, and internet service providers (ISPs) for additional input.

The CPUC should prepare a plan or evaluate various business practices to determine the appropriate level of engagement, investment, and whichever practice results in rapid deployment, promoting competition within the private sector, while providing the consumer a reasonable rate. As such, the state should work with stakeholders and carefully evaluate if a public option, private option, or a joint public/private option is appropriate for a given location.

However, it is SCAG's opinion that if California's network is ultimately sold to a private provider, the CPUC should ensure that open-access policies remain in place, which foster a level of transparency for competitiveness, allowance of various business models, and affordable connectivity rates. This practice will help ensure clarity and confidence from last-mile providers who rely on the open nature of the network to serve communities, even if the ownership changes hands.

#### **B. Comments Pertaining to Issue 2 of Ruling – Additional Factors to Consider.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 2 of the Ruling.

*What additional criteria should the Staff Report take into consideration and to what extent, including, but not limited to:*

- *Affordability;*
- *Redlining;*
- *Route redundancy;*
- *Competition;*
- *Hardening, undergrounding, deployment in high fire threat areas;*
- *Cell coverage; and*
- *Labor and economic development benefits.*

The CPUC should consider all the criteria stated in the question. In addition to the listed criteria, the CPUC should incorporate or plan in consideration of: low-income households, rural areas, Tribal communities, areas with a high concentration of senior citizens (65+), areas with slow economic growth or blight, population density, areas with a high concentration of at-risk youth/students and residents with higher risk of poor health, median household income,

bandwidth/speeds, and proximity to anchor institutions such as schools, hospitals, health clinics, public housing, libraries, and other public-oriented facilities.

Further, the CPUC should evaluate aggregate, simultaneous demand across all communities that may be served by the middle-mile. This may include households, businesses, or other communication needed to enable municipal operations and connect public facilities or anchor institutions (libraries, healthcare facilities, public safety stations). The CPUC may also want to consider new demand that is generated by the open access middle-mile network, such as new digital businesses that may be established as a result of the provision of service in currently underserved rural or Tribal areas. At the household level, the CPUC should consider that demand may be more than experienced today, and ensure the network can evolve as technology and broadband demands grow in the future. Establishing demand based on bandwidth and quality of service (including upstream and low latency) may address evolving uses and applications of broadband. The CPUC should also consider computing simultaneous aggregate bandwidth demand during the busy hour to ensure the middle-mile does not become the bottleneck for delivery of last-mile services.

### **C. Comments Pertaining to Issue 3 of Ruling – Middle-Mile Network Services for ISPs.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 3 of the Ruling.

***What specific locations, routes, interconnection points, regeneration points, and tie-ins should the Commission consider in order to increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers?***

Several public agencies or private providers may be interested in making connections to the middle-mile network in the future but may not have the resources or the expertise to conduct a detailed technical analysis to provide meaningful input on network interconnection points. Interconnection points, routes, and regeneration points should be carefully considered and designed so they do not result in bottlenecked speeds. SCAG urges the CPUC to provide ample opportunity, beyond this rulemaking, as deployment of the open access middle-mile network rolls out, for stakeholders to provide feedback on interconnection points, especially to ensure last mile deployments can be made and prioritized in areas of greatest needs.

***How can existing interconnection points or the creation of new interconnection points improve access for communities?***

The CPUC should give strong consideration to how its rulemaking can assist in improving access to underserved communities, and focus on this as a high priority. Interconnection points allow for traffic between local senders and local recipients using relatively cheap local connections. The advantages of direct interconnection are improved cost to the consumer and provider and improved latency and bandwidth. When developing new interconnection points, beneficial peering arrangements and cheaper and better exchanges should be considered. This should be complimentary to other information and communication services. However, the creation of new interconnection points should be carefully considered and designed to avoid unnecessary bottleneck speeds.

**D. Comments Pertaining to Issue 4 of Ruling – Middle Mile Network Services for Consumers.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 4 of the Ruling.

***The middle mile network must prioritize connections to anchor institutions that lack sufficient high-bandwidth connections. Should the statewide middle mile network provide direct service to anchor institutions?***

If proven to be economically beneficial and feasible the CPUC should consider connecting the middle-mile network to an anchor institution (such as libraries, healthcare facilities and public safety stations) to serve as a backbone to provide connectivity to surrounding areas.

As stated previously, the CPUC should evaluate aggregate, simultaneous demand across all communities that may be served by the middle-mile. This may include households, businesses, or other communication needed to enable municipal operations and connect public facilities or the anchor institutions described above. The CPUC may also want to consider new demand that is generated by the open access middle-mile network, such as new digital businesses that may be established as a result of the provision of service in currently underserved rural or Tribal areas. At the household level, the CPUC should consider that demand may be more than experienced today and ensure the network can evolve as technology and broadband demands grow in the future. Establishing demand based on bandwidth and quality of service (including

upstream and low latency) may address evolving uses and applications of broadband. The CPUC should also consider computing simultaneous aggregate bandwidth demand during the busy hour to ensure the middle-mile does not become the bottleneck for delivery of last-mile services.

***Should the middle-mile network directly provide broadband Internet access service, voice service, etc.?***

Should a public option be an appropriate model for a targeted community, the network should provide similar capabilities as provided by the ISPs. However, the current threshold of 25 Mbps downstream/3 Mbps upstream is outdated, and new infrastructure should support a minimum of 100Mbps (and ideally up to 1 Gbps) as higher speeds are needed for telework (connecting to the cloud or video conferencing), tele-education and tele-health (higher resolution requires higher speeds and doctors can accurately assess a patient's condition).

***The Commission's 72-hour backup power requirements apply to all facilities-based wireline and wireless communications service providers that provide service in Tier 2 and Tier 3 High Fire Threat Districts. Should the Commission consider additional requirements?***

Providing broadband capacity to all residents across the State would result in positive impacts to the economy, education, and public health. However, environmental considerations and stewardship are just as important as they provide similar benefits to residents. The CPUC should consider all environmental constraints when providers plan, construct, or operate broadband infrastructure. This may include but are not limited to biological and cultural resources, protected wetlands, seismic and high-fire risk areas. SCAG strongly encourages the CPUC to coordinate with agencies such as the Natural Resources Agency, Office of Planning and Research, California Coastal Commission, California Department of Fish and Wildlife, public health and safety agencies, metropolitan planning organizations (MPOs), local jurisdictions, and environmental stakeholders to develop policies and regulations that allow for broadband development and environmental stewardship.

#### **E. Comments Pertaining to Issue 5 of Ruling – Last-Mile Providers.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 5 of the Ruling.

***How can the middle-mile network enable last mile connections in unserved, underserved and served areas of the state?***

The CPUC should work with stakeholders and ISPs to ensure that providers couple financial viability and affordability, taking into consideration the economic factors within underserved communities. Open-access, middle-mile networks can provide cost savings that spur last-mile providers to build further and faster to reach areas. A combined open-access, middle-mile and last-mile model promotes private investments and competition in last-mile service by reducing capital expenditures required to build last-mile connections. Cost savings would assist in lowering subscription fees to the consumer and residents have the chance to be served by scalable networks that meet future demand.

**F. Comments Pertaining to Issue 7 of Ruling – Other Issues Not Covered.**

SCAG offers the following comments pertaining to the specific inquiries listed below for Issue 7 of the Ruling.

***Are there any issues the State of California should take into consideration as it develops the statewide middle mile network?***

SCAG highly reiterates and encourages the CPUC to consider the following:

Connect middle-mile construction with last-mile deployment. It is essential to immediately focus on providing Internet access to the hardest-to-reach residents—rural unserved communities, Tribal Lands, and poor urban underserved neighborhoods. The construction of a middle-mile only network will not assure last-mile connectivity in a reasonable timeframe. However, construction of publicly subsidized open-access middle-mile infrastructure that includes last-mile deployment achieves the best of both objectives—assures immediate Internet access for unserved and underserved households while also allowing other last-mile providers to access the middle-mile, thereby increasing competition and expanding consumer choices to include moderate prices.

Incorporate effective public-private partnerships. Public-private partnerships with a record of proven investment and work product should be encouraged and rewarded when they leverage previous public investments (by consumers and taxpayers) in existing middle-mile backhaul and backbone to avoid duplication of middle-mile infrastructure, serve public interests, and push the envelope of innovation.

Coordinate actions among local and regional government. State investment should be aligned with collaboration among local governments through regional agencies, including

Regional Consortia and Metropolitan Planning Organizations, to streamline and expedite permitting and achieve economies of scale.

#### **G. Additional Comments for Consideration.**

In addition to those items specifically requested for comments, SCAG would also like to provide to the CPUC the following corrections and clarifications to the *Opening Comments of the Southern California Association of Governments Pertaining to Proposed Rules for Broadband Infrastructure deployment and to Support Service Providers* submitted by SCAG on September 2, 2021:

##### Corrections

On page 4 in sec. II A. General comments, the first sentence states "...the total population of the SCAG region is projected to grow by 9% from approximately 19 million residents in 2019 to a projected 22.5 million in 2024."

The projected population of 22.5 million is for the year 2045, not 2024. As such, SCAG would like to correct this statement to: "the total population of the SCAG region is projected to grow by 9% from approximately 19 million residents in 2019 to a projected 22.5 million in 2045."

##### Clarifications

SCAG would like to clarify the sentence on Page 5, sec. II A. General comments, which states: "Middle-mile and last-mile connections should be prioritized in underserved areas of greatest needs (low-income households, areas with a high concentration of at-risk youth/students and poor health)."

Based on a cursory glance of maps of the CPUC, it is easy to assume that most of the state has access to broadband (25 Mbps downstream/3 Mbps upstream). However, it is unclear if existing infrastructure are only capable of providing the minimal threshold speeds or if there is capacity for higher speeds in the near future. SCAG reaffirms its statement that middle-mile and last-mile connections should be prioritized in areas with a high concentration of low-income households and rural communities, it is important that the Commission recognizes that areas that are serviced by minimum speeds will likely require an overhaul in the near future.

### **III. CONCLUSION**

SCAG appreciates the opportunity to provide these additional comments and requests further partnership with the CPUC and other stakeholders to support the expansion of the open



access middle-mile network. SCAG continues to encourage the CPUC to provide opportunities for coordination with regional governments like SCAG (and other MPOs), broadband consortia, and local jurisdictions to maximize our public investments and meet mutual objectives to bridge the digital divide.

Dated: September 30, 2021

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael R.W. Houston", is written over a horizontal line.

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