

**BEFORE THE  
CALIFORNIA PUBLIC UTILITIES COMMISSION**



**FILED**

09/29/21  
04:59 PM

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

Rulemaking No. 20-09-001

**OPENING COMMENTS OF CALIFORNIA INTERNET, L.P. (U-7326-C) DBA GEOLINKS  
ON EMAIL RULING ORDERING ADDITIONAL COMMENTS AS PART OF MIDDLE-  
MILE DATA COLLECTION**

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September 29, 2021

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California Internet, L.P. (U-7326-C) dba GeoLinks (“GeoLinks” or the “Company”) respectfully submits these comments on the Email Ruling issued in the above-captioned proceeding on September 9, 2021 (“Ruling”).

**I. INTRODUCTION**

GeoLinks is committed to broadband deployment efforts that seek to close the digital divide in California and applauds the for its work to implement the requirements of Senate Bill (“SB”) 156 and the creation of a statewide open-access middle mile network (“Statewide Network”). Building off of the Assigned Commissioner’s Ruling issued August 6, 2021 (“ACR”), the Ruling seeks additional comment on issues raised in comments and on other items identified in the new statute. GeoLinks submits these opening comments on the Ruling to provide further input into the Commission’s role in developing the Statewide Network.

**II. DISCUSSION**

**A. Open Access**

In the Ruling, the ALJ asks how the Commission can “use its regulatory authority to assure durable and enforceable open-access and affordability requirements in perpetuity?” GeoLinks believes that to make these assurances the Commission may not be able to rely solely on its

regulatory authority, especially over broadband providers that may not be subject to the full reach of the Commission's power. Instead, GeoLinks believes that the State of California should rely primarily on the concepts of contract law to make these assurances.

Newly constructed segments of the Statewide Network will be owned and, presumably, operated by the State of California (or a designated agent of the State). For these segments, the State can set any rules it deems necessary to ensure open-access and affordability and require that those rules apply to all interconnecting internet service providers ("ISPs"). For segments it does not own but includes in the Statewide Network (i.e. existing middle-mile), the State can require that existing middle-mile operators that wish to have their networks included in the Statewide Network contractually agree to adhere to the same open-access requirements as the rest of the network at set rates. If middle-mile providers are contractually obligated to meet certain requirements and fail, the State will have recourse through the courts (or via a method contractually agreed to by the parties). The State may choose to delegate enforcement of the open-access and affordability requirements to the Commission but should rely on contract law rather than regulatory authority.

The Ruling also asks whether the Commission should "adopt a tariffing requirement for open-access networks?" For the reasons stated above, GeoLinks believes tariffs will be unnecessary. If the State sets rules and rates for the Statewide network that all parties must contractually adhere to, the State can opt to make those rules and rates public, thereby rendering a tariff requirement unnecessary.

## **B. Additional Factors to Consider**

The Ruling asks "what additional criteria should the Staff Report take into consideration and to what extent?" The Ruling goes on to give the following examples:

- Affordability;
- Redlining;

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

GeoLinks believes there is merit to discussing all of these factors, and likely many others, such as technology neutrality and network capacity. However, as GeoLinks has previously pointed out in the record to this proceeding, there are too many factors to make blanket rules for the entire Statewide Network. Rules may need to be segment/ community specific.

Instead of seeking the answers solely from comments, GeoLinks urges the Commission to hold a series of workshops/ roundtable events administered by the Third-Party Administrator (“TPA”) to discuss rules for the Statewide Network with service providers. Specifically, as GeoLinks has previously suggested in its comments on the ACR, there should be individual workshops/ roundtables with different categories of service providers (*i.e.*, ILECs, cable companies, fixed wireless providers, mobile wireless providers, other competitive providers, existing middle-mile providers, municipal groups, tribal groups, etc.). These workshops/ roundtables will allow for open discussion and robust fact gathering that will help the Commission learn more about the interconnection/ networking needs of different service providers, gain an understanding of deployment processes and timelines for different technology types, and determine the best path forward regarding making rules for implementation the Statewide Network.

### **C. Middle-Mile Network Services for ISPs**

In the Ruling, the ALJ asks parties to provide specific locations, routes, interconnection points, regeneration points, tie-ins that the Commission should consider in order to increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial internet service providers. It also seeks comment on how existing interconnection

points can improve access for communities, what technical performance characteristics will increase the attractiveness and usefulness for commercial internet service providers, and what services should the network provide commercial providers (e.g., dark fiber, lit fiber, colocation, wireless backhaul, etc.)? As with so many other questions the Commission has asked about specifics regarding how the Statewide Network should be planned and constructed, the answer to those posed in the Ruling is “it depends.”

Specific network construction elements are dependent on a number of factors including how many unserved areas will be served by any given segment of the Statewide Network, where unserved locations fall in conjunction to the Statewide Network, where existing middle-mile exists, if there is need for additional middle-mile construction to serve unserved areas that are not within last-mile distance of the Statewide Network, what type of technology is best suited for a particular area, etc. GeoLinks maintains that these kinds of discussions would be best had in a workshop/ roundtable setting. Specifically, as part of a series of workshops/ roundtables as proposed above. This will allow stakeholders to provide input and express what they need so that the Commission can craft a roadmap for the Statewide network that accommodates all types of service providers and the needs of consumers.

The Ruling also asks what network design and other design, technical, business, and operational considerations will increase the attractiveness and usefulness of the statewide open-access middle-mile broadband network for commercial Internet service providers. While GeoLinks believes this is also a topic for workshops/ roundtables, the Company emphasizes that the primary consideration that must be made in order to increase the attractiveness and usefulness of the Statewide Network for commercial ISPs is to ensure that the Statewide Network can be utilized by all ISPs, regardless of technology type.

The purpose of the Statewide Network is to provide the infrastructure needed to connect areas across California that remain unserved or underserved by highspeed broadband services. This means areas in urban, sub-urban, and rural areas. And it means areas where fiber is the best option and areas where fiber is not an option (either because it is impracticable or impossible to deploy). To ensure that ALL Californians benefit from the Statewide Network, the Commission must ensure that it allows for flexibility in how broadband service is provided. This not only includes technology neutral rules for interconnection, but technology neutral interconnection options (i.e. ability to connect aerial facilities to or near the Statewide Network, flexible interconnection options to accommodate different transmission needs, etc.)

#### **D. Middle-Mile Network Services for Consumers**

GeoLinks agrees with the Ruling that “the middle mile network must prioritize connections to anchor institutions that lack sufficient high-bandwidth connections.” However, GeoLinks does not believe that the way to do this is to have the Statewide Network provide direct service to anchor institutions (broadband and/ or Voice service). As an initial matter, the State of California is not a broadband service provider. Provision of service to anchor institutions requires more than just plugging them in – the last-mile connections (and, as will likely be the case for many unserved anchor institutions, additional middle-mile connections) needed to serve these anchors will require dedicated engineering, equipment provisioning, installation, monitoring, maintenance, and coordination. ISPs have experience providing all aspects of broadband connections and are better suited to provide the actual service connections to anchors. Therefore, the Commission should focus on ways to encourage ISPs to connect anchor institutions via the Statewide Network, which GeoLinks believes could be another topic for the workshop/ roundtable series it recommends.

### **E. Last-Mile Providers**

The Ruling asks how the Statewide Network can enable last mile connections in unserved, underserved and served areas of the state. GeoLinks reiterates that ensuring that the Statewide Network is open to all technology types and allows flexibility in the way that those technologies interconnect to the Statewide Network is the best way to enable ISPs to provide last-mile connections. This will ensure that the right solution for each area (which could be fiber, fixed wireless, a combination, etc.) is attainable, which will promote deployment of more last-mile connections throughout the state.

The Ruling also asks how the Statewide Network can assist the operation and development of public broadband networks. In addition to set rules regarding interconnection and affordability, GeoLinks believes that technology neutral interconnection will similarly help public networks. Ultimately, an open-access network should be just that – open – meaning that any network type can interconnect so long as they follow the rules, regardless of who is funding it or operating it.

### **F. Other States**

The Ruling asks if there are any successes or pitfalls the State of California should take into consideration from other statewide open-access networks or even from other countries. GeoLinks does not have information regarding other state programs/ initiatives that it can provide but encourages the Commission to invite representatives from other states to attend one of workshops/ roundtables that GeoLinks recommends so that an idea share might take place.

### **G. Other Issues Not Covered**

The Ruling asks if there are any other issues the State of California should take into consideration as it develops the Statewide Network. GeoLinks asserts that the State of California must consider the following:

- Ensuring the definitions of middle-mile and last-mile are technology neutral to maximize the benefit of the Statewide Network,
- Ensuring all technology types can connect to the Statewide Network,
- Holding a series of Workshops/ Roundtables to gather input from all stakeholder types in a format that will allow for open discussion and idea sharing.

### **III. CONCLUSION**

GeoLinks applauds the Commission's commitment to expand broadband availability throughout California and for its work to implement the requirements of SB 156. For the foregoing reasons, GeoLinks urges the Commission to encourage the State to rely on contract law to ensure open access and affordability rules, rely on ISPs to provide service to anchor institutions and underserved areas, establish technology neutral rules for the Statewide Network that allow all technology types to interconnect, and hold a series of workshops/ roundtables administered by the TPA with various stakeholders to discuss specific aspects of how the Statewide Network should be designed and administered.

Respectfully submitted,

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