

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



FILED

10/01/21
04:59 PM

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

Rulemaking 20-09-001

**CTIA COMMENTS ON THE ADMINISTRATIVE LAW JUDGE'S
EMAIL RULING ORDERING ADDITIONAL COMMENTS
ON MIDDLE-MILE DATA COLLECTION**

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October 1, 2021

CTIA respectfully submits these Comments in response to the California Public Utilities Commission's (Commission's) assigned Administrative Law Judge's Ruling in the above-captioned docket, emailed to parties on September 9, 2021 (Ruling).

I. INTRODUCTION AND SUMMARY

California SB 156 mandates that the Commission provide a report (Report) to the Department of Technology (Department) regarding appropriate locations for the “statewide open-access middle-mile network” (Middle-Mile Network) that the Department is charged with developing and constructing.¹ As the Commission develops its Report, it should ensure that the Middle-Mile Network supports broadband for California's unserved and underserved residents in the most effective manner possible, with a particular focus on unserved areas and residents. To do so, it should bear in mind that the question of how best to connect every single residence and business does not have a single answer in a state as large and diverse as California. Wireless last-mile services—including both fixed 5G home service and mobile broadband—are key solutions that can connect to middle-mile routes and deliver the broadband services that Californians value for both today and tomorrow.

As 5G networks become more ubiquitous across the U.S., including in rural areas, they are showing their enormous potential. Configured for fixed broadband use, 5G networks currently can deliver speeds over 1 Gigabit per second at distances over 4 miles.² In addition, the last ten years illustrate the importance of mobile broadband in Americans' everyday lives. As CTIA previously noted, for the decade ranging from 2010 through 2020 alone, Americans—including Californians—

¹ See generally CAL. SEN. BILL 156, § 7 (Cal. 2021) (“SB 156”) (amending Section 281 of Cal. Pub. Util. Code).

² See, e.g., TELECOMPETITOR, “UScellular Hits Gigabit 5G Fixed Wireless Speeds at a Range of Over Four Miles,” (May 7, 2021), <https://www.telecompetitor.com/uscellular-hits-gigabit-5g-fixed-wireless-speeds-at-a-range-of-over-four-miles/>.

drove an increase of 108x in data traffic on mobile broadband networks.³ Last year alone, our country's overall wireless connections grew to 468.9 million (a 272 percent increase in less than ten years).⁴ Low-income Americans, including Californians, are particularly (and increasingly) opting for wireless solutions for their communications needs. Per the National Center for Health Statistics, in the last six months of 2020, 65.8 percent of adults and 75.5 percent of children lived in wireless-only households for phone service.⁵ Low-income Americans' *preference* for mobile broadband as their single broadband solution is demonstrated by studies showing that wireless is currently the only broadband connection for over a quarter of low-income households.⁶ Enrollment data from the Emergency Broadband Benefit program also highlights this preference, showing that when given the choice where to apply a \$50 per month federal subsidy, nearly 70% of low-income consumers chose mobile broadband.⁷ Ultimately, wireless networks represent the best and most crucial way to connect modern consumers, transcending geography now more than ever before.

In light of this technological reality, to bring the personal and economic benefits that the Middle-Mile Network is meant to drive to as many Californians as is possible, the Commission's efforts to realize SB 156's goals should focus on ensuring the Middle-Mile Network is as effective as possible for all last-mile technologies. To that end, and as directed in SB 156, the Commission

³ See CTIA, *2021 Annual Survey Highlights*, at 8 (July 27, 2021), <https://api.ctia.org/wp-content/uploads/2021/07/2021-Annual-Survey-Highlights.pdf> (2021 CTIA Annual Survey Highlights).

⁴ See 2021 CTIA Annual Survey Highlights at 10.

⁵ See NAT'L CENTER FOR HEALTH STATS., *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2020*, at 3 (Aug. 2021), <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202108-508.pdf>.

⁶ Meredith Attwell Baker, *The Wireless Industry's Key Role in Closing the Digital Divide*, CTIA BLOG (May 7, 2021), <https://www.ctia.org/news/the-wireless-industrys-key-role-in-closing-the-digital-divide#top>.

⁷ Universal Service Administrative Company, *Emergency Broadband Benefit Program Enrollments and Claims Tracker, Additional EBB Program Data, Total Enrolled EBB Program Subscribers by Service Type*, <https://www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/additional-ebb-program-data/>.

should focus on identifying locations where middle-mile infrastructure is lacking and where additional middle-mile infrastructure is needed to enable last-mile broadband service.

II. THE STATE SHOULD PRIORITIZE UNSERVED AREAS FOR MIDDLE MILE NETWORK ROUTES AND LOCATIONS AND SET TECHNOLOGY-NEUTRAL STANDARDS FOR CONNECTING TO THE MIDDLE-MILE NETWORK

SB 156 sets out a variety of factors to be considered in producing a report regarding routes and locations for the Middle-Mile Network. Key among them is a mandate to identify areas that are currently lacking in middle-mile broadband infrastructure,⁸ and locations where middle-mile network capacity would “enable last-mile connections” to residences unserved by 25/3 Mbps service.⁹ SB 156 also requires consideration of anchor institutions such as schools, health care institutions, and PSAPs that lack access to higher-bandwidth connections.¹⁰

CTIA therefore urges the Commission to ensure that the Report focuses on identifying areas that are unserved by middle-mile and last-mile connections in order to enable service in such areas. CTIA recognizes that there is a tension between building routes to areas without service and identifying “shovel-ready” projects in order to prioritize routes. It is important to consider that prioritizing construction to unserved areas may prompt project development that would not otherwise occur.

In Question 1, the Ruling seeks comment on issues regarding the scope of the Commission’s authority over existing commercial networks. This question is misplaced. It is unclear how these issues are relevant to the Commission’s statutory task: reporting on the appropriate locations and routes for the Middle-Mile Network. This is not the proceeding to discuss the presence (or absence)

⁸ See CAL. PUB. UTIL. CODE §§ 11549.54(b)-(c).

⁹ See *id.* § 11549.54(d).

¹⁰ See *Id.*

of Commission jurisdiction over private networks. The issue of Commission jurisdiction over broadband services as a general matter is a highly controversial one and continues to be debated in various Commission dockets. Consistent with its statutory direction, the Commission should focus instead on identification of the network routes and locations that will maximize the Middle-Mile Network's use.

In order to be successful, the Middle-Mile Network should remain technology-neutral regarding requirements for last-mile connections and should be made available by the Department in a manner that recognizes that the Middle-Mile Network is part of a broader marketplace for middle-mile facilities. CTIA's information shows that 100/20 Mbps speed is more than enough for the vast majority of households, both today and in the future. Critically, over 90 percent of wireless broadband traffic today is downstream—a years-long reality that has remained true *even during the COVID-19 pandemic*.¹¹ CTIA members report that when they provide customers with symmetrical speeds, the amounts of data consumed and bandwidth utilized tilt *heavily* toward download, rendering a 100/20 Mbps goal beyond future-proof not just for wireless, but for any other technological solution that might help close the digital divide.

III. CONCLUSION

CTIA appreciates the opportunity to provide feedback to the Commission, and urges the Commission to formulate its recommendations to the Department regarding the Middle-Mile Network in a manner consistent with these comments.

¹¹ See Brad Gillen, *5G—The Missing Ingredient to Closing the Digital Divide*, CTIA BLOG (May 27, 2021), <https://www.ctia.org/news/5g-the-missing-ingredient-to-closing-the-digital-divide>.

Respectfully submitted October 1, 2021 at Sacramento, California.

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