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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

**REPLY COMMENTS OF
CHARTER FIBERLINK CA-CCO, LLC (U-6878-C) AND
TIME WARNER CABLE INFORMATION SERVICES (CALIFORNIA), LLC (U-6874-C)
ON THE SEPTEMBER 9, 2021 ASSIGNED COMMISSIONER'S RULING**

Charter Fiberlink CA-CCO, LLC (U-6878-C) and Time Warner Cable Information Services (California), LLC (U-6874-C),¹ submit these reply comments with regard to the comments filed in response to the *Administrative Law Judge's Ruling* dated September 9, 2021 ("Ruling").

I. INTRODUCTION

Charter is dedicated to closing the digital divide and continues to support efforts in California to bring high-speed broadband to unserved communities throughout the state.² As such, Charter has extended its high-speed services throughout its footprint at uniform prices, regardless of the racial or socioeconomic demographics that exist in the areas it serves. For example, throughout Los Angeles County, Charter provides near-ubiquitous high-speed broadband service via a robust, gigabit-capable network. In light of this ubiquitous connectivity,

¹ Herein, the term "Charter" refers to the non-jurisdictional affiliates of Charter Fiberlink CA-CCO, LLC and Time Warner Cable Information Services (California), LLC. Charter reiterates its objection to the OIR's naming of its certificated affiliates as respondents in these proceedings insofar as neither of the named certificated entities provides broadband services and so have no direct interest in, or relevance to, this proceeding. Further, Charter also reiterates its prior objections to the extent the OIR seeks to include Charter's cable affiliates as respondents.

² Charter has invested billions of dollars in its network and technologies in California over the last several years, including approximately \$1.3 billion in California in 2020 alone. Since 2016, Charter has brought high-speed broadband to tens of thousands of homes in California that previously lacked access to high-speed broadband.

Charter is concerned and perplexed that UNITE-LA and Los Angeles Economic Development Corporation (“LAEDC”) (partners in the LA-DEAL initiative) have made certain statements in their opening comments, alleging a lack of service and other issues in certain Los Angeles neighborhoods. Charter has been a supportive member of LA-DEAL’s efforts and looks forward to continued dialogue and opportunity to timely resolve issues and factual disputes that arise in the course of LA-DEAL’s ongoing discussions.

Notably, as Charter has demonstrated in this proceeding, Charter has an extensive footprint in Los Angeles County.³ While it is unclear whether or not UNITE-LA and LAEDC intended to implicate Charter in their comments, it is necessary for Charter to respond to the allegations presented, given the allegations are incorrect, at least with regard to Charter’s existing offerings. Charter submits these comments to correct the record on the widespread availability of high-speed broadband in Los Angeles County.

II. UNSUPPORTED CLAIMS ABOUT THE LACK OF BROADBAND SERVICE IN HIGHLY-CONNECTED LOS ANGELES NEIGHBORHOODS SHOULD BE VIEWED WITH SKEPTICISM.

Senate Bill 156 expressly requires prioritization of deployment of the state’s middle mile network to *unserved* areas, i.e., a “worst first” strategy—as opposed to deploying based on criteria like affordability or service quality, as advocated by UNITE-LA and LAEDC. Notably, UNITE-LA and LAEDC’s claims that certain Los Angeles neighborhoods lack broadband service are made without citations, names, or any other method of verification. Charter takes seriously any concerns expressed regarding service availability or reliability. The lack of specificity associated with the claims here makes it impossible for Charter (or the Commission) to assess the validity or address any such claims. Further, these unsubstantiated claims cannot be

³ Charter Redlining Comments at 7–11 (July 2, 2021).

used as a substitute for verified data when billions of dollars of funds—and broadband access for hundreds of thousands of unserved California residents—are at stake. Finally, the public funds at stake in this proceeding are designed to expand middle-mile broadband infrastructure in order to extend broadband service to unserved areas. Issues related to affordability and service quality are typically last-mile issues and do not indicate a lack of middle-mile fiber.

Broadband Availability. UNITE-LA and LAEDC appear to question the availability of internet service to some residents in South Los Angeles. As a preliminary matter, in Los Angeles County, Charter offers service to the vast majority of county residents. In fact, Charter covers 98.3% of the population at 200 Mbps baseline speed and offers maximum speeds up to 1 gigabit throughout its footprint in the county.⁴ Charter implemented network upgrades throughout South Los Angeles in 2018—a community that Charter has served for decades. Charter has provided service at download speeds over 100 Mbps for years, and since 2018, has offered gigabit service. Notably, in contrast to the mistaken claims that ISPs are leaving behind certain disadvantaged communities, Charter’s gigabit-capable network was built-out to South Los Angeles *before* it was built-out to wealthier communities such as Glendale.

Specifically, in the communities named by LAEDC, Willowbrook and Lynwood, Charter provides service with maximum download speeds of nearly 1 Gbps, as illustrated in Figure 1, below.

⁴ Charter Redlining Comments at 7 (July 2, 2021).

Figure 1 – Charter Service in Willowbrook and Lynwood as of 2020

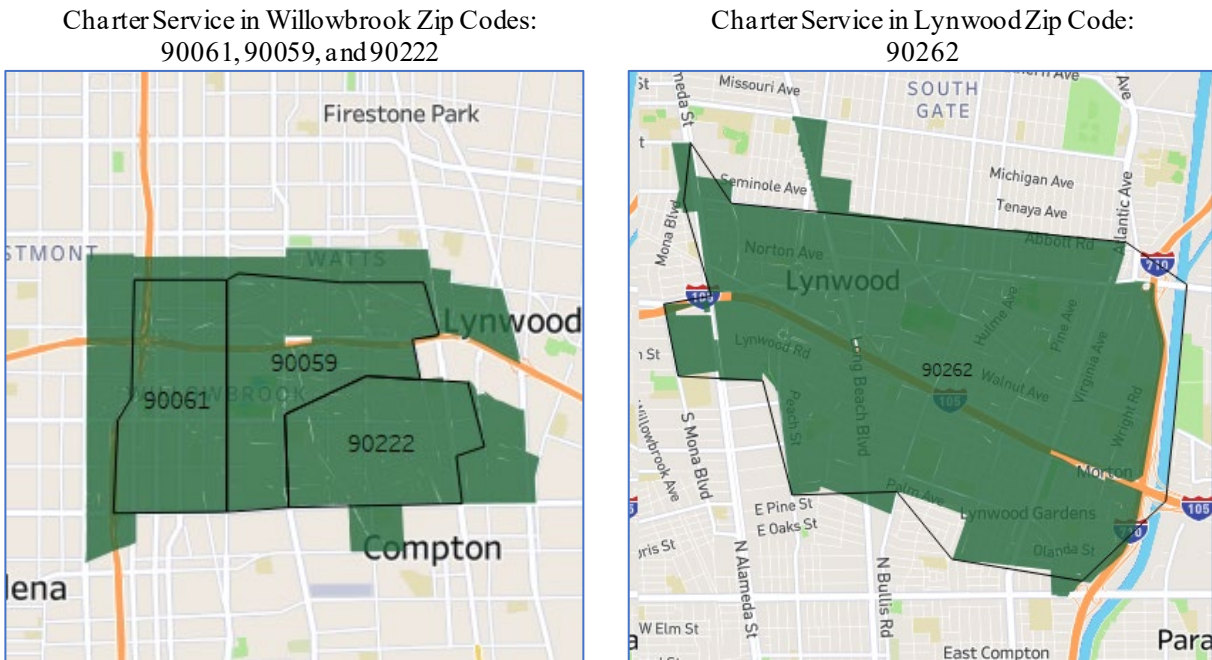


Figure 1 demonstrates that Willowbrook and Lynwood are almost entirely served by Charter—except for some mobile homes, multi-dwelling units (“MDUs”), and/or commercial entities. As Charter noted in its prior comments, property managers sometimes prevent ISPs such as Charter from accessing, and extending broadband service to MDUs and mobile home parks.⁵ In these situations, if Charter is granted right of entry, it can typically serve these locations quite easily. Moreover, no amount of middle-mile will resolve these very limited access issues, and more targeted policy solutions are needed for that particular issue,⁶ as Charter has the ability to serve those limited areas without building any new existing middle mile. Indeed, in any instance where a location is unserved within Charter’s footprint, Charter

⁵ Charter Opening Comments at 13 (Sept. 3, 2021).

⁶ See *id.*; see also Charter Opening Comments at 36 (July 2, 2021) (seeking support to address instances in which property owners deny right of entry).

welcomes outreach to determine whether and how to serve such locations, especially before spending public moneys on serving such locations.

Reliability and Affordability. Rather than focus on deploying middle-mile to serve unserved communities, LAEDC and UNITE-LA focus on areas with existing broadband networks to address unsubstantiated claims about low service quality and affordability. For instance, UNITE-LA says that residents have reported poor service quality near SoFi stadium, stating that these reports were based on one individual’s “personal experience” that was shared during a recent LA DEAL Consortium convening.⁷ The Commission should treat skeptically any unverified, anecdotal assertions of this type. At a minimum, the Commission should require further investigation before recommending duplication of middle-mile fiber in Los Angeles on the basis of unsubstantiated claims.

In fact, Charter takes very seriously all claims that relate to its service, including reports of degraded service quality, and encourages any customers experiencing such issues to immediately call Charter. Therefore, despite the lack of specificity about which, if any, customers are experiencing low service quality and affordability, Charter undertook efforts after the above-referenced LA DEAL meeting to confirm service availability with its field operations team. That inquiry confirmed that no node congestion exists in the region and confirmed that there is no network-related cause of service disruption—particularly not related to service of the SoFi Stadium. This is consistent with the fact that the SoFi Stadium is served by its own fiber ring such that it does not share bandwidth with other broadband users, including Charter’s customers, in the area.

⁷ UNITE-LA Comments at 4.

LAEDC says that “many” experience service quality that is poor and/or inconsistent.⁸ It is unclear from the comments who these “many” residents are, where they live, and precisely what service quality issues they are experiencing, or even which ISP is at issue. LAEDC also asserts that many residents—again, without specifying which residents, community, or service are at-issue—cannot afford the price points of available service.⁹ Although it is unclear whether or not LAEDC is referring to Charter’s customers, Charter notes that it offers low-cost Spectrum Internet Assist, Emergency Broadband Benefit, and Stay Connected packages throughout the Los Angeles market for qualifying customers that seek a low-cost offering. Charter and other ISPs have undertaken great effort to ensure expanded and continued broadband service to users throughout the pandemic.

III. THE STATE SHOULD VIEW CAUTIOUSLY MODELS OF NETWORK INVESTMENT THAT DIVERTS PUBLIC FUNDING AWAY FROM UNSERVED COMMUNITIES TO DUPLICATE EXISTING NETWORKS.

UNITE-LA refers to the South Bay Fiber Network as an example of broadband network development.¹⁰ However, the Commission should not look to this project as a success story for connecting unserved communities. To date, Charter is not aware that the South Bay Fiber Network provided any broadband connection residential customers, let alone any low-income individuals.¹¹ The project used public funds that were originally meant for transportation

⁸ Comments of LAEDC at 6.

⁹ Comments of LAEDC at 6.

¹⁰ UNITE-LA Comments at 5.

¹¹ See also South Bay Cities Council of Governments, *CONNECT: A Newsletter About the South Bay Fiber Network Published by the South Bay Cities Council of Governments*, at 3 (July 2021), [https://southbaycities.org/sites/default/files/CONNECT_July%202021%20Issue%20\(1\).pdf](https://southbaycities.org/sites/default/files/CONNECT_July%202021%20Issue%20(1).pdf) (noting examples of non-residential sites that have connected to the South Bay Fiber Network); South Bay Cities Council of Government, *Annual Work Program for 2020-2021*, at 14 (Apr. 23, 2020) (including “[c]omplete network construction and identify extension options” in 2020-2021 South Bay Cities Council of Government Annual Work Program).

improvement efforts,¹² but that ultimately were used to build duplicative infrastructure for anchor institutions that already had broadband service—indeed some of the buildings in question received Spectrum service. These buildings subsequently disconnected from their high-quality Spectrum service to use public funds for subsidized broadband service for municipal buildings. The project is an example of what *not* to do with public funds if truly following a “worst first” strategy.

Charter is committed to working within communities to ensure that as many people as possible have access to high-speed and reliable broadband. While there are challenges to accomplishing that goal, it is simply not the case that there are large numbers of unserved areas in disadvantaged communities in Los Angeles County’s urban core. Thus, the State should not divert significant funds to build middle-mile fiber in that highly-connected urban core. Instead, it is crucial that the State prioritize deployment in the unserved communities that are otherwise unlikely to receive any service, particularly in remote and less densely-populated areas.

IV. CONCLUSION

In order to ensure that the statutory objectives of Senate Bill 156—the objective to connect *unserved* areas first, the Commission should view unsubstantiated claims about the lack of connectivity in Los Angeles with significant doubt. Charter provides near-ubiquitous high-speed broadband service via a robust, gigabit-capable network throughout Los Angeles County. Charter also takes seriously any reports of service unavailability. Charter has not been able to verify reports of poor service quality as alleged, and encourages the Commission to disregard

¹² Proposed Ordinance #16-01 Measure M Los Angeles County Traffic Improvement Plan, at 10, available at https://theplan.metro.net/wp-content/uploads/2016/09/measuram_ordinance_16-01.pdf (noting “funds shall be allocated solely for the transportation purposes described in this Ordinance”).

such unverified reports. In developing recommendations about how to allocate public funds for middle-mile broadband development, the Commission should, at minimum, require further investigation before recommending duplicative networks on the basis of unsubstantiated claims.

Dated: October 15, 2021

Respectfully submitted,

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