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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking
Proceeding to Consider Rules to
Implement the Broadband Equity,
Access, and Deployment Program.

Rulemaking 23-02-016

**ADMINISTRATIVE LAW JUDGE’S RULING ISSUING DRAFT
FIVE-YEAR PLAN AND SEEKING COMMENTS**

This ruling issues for comment a draft version of the Broadband Equity, Access, and Deployment (BEAD) Program Five-Year Action Plan that the California Public Utilities Commission (Commission) must submit to the National Telecommunications and Information Administration (NTIA) by August 27, 2023. The draft Five-Year Action Plan is included in Attachment A of this ruling. Comments are due by August 7, 2023. Reply comments are due by August 11, 2023.

1. Background

The Infrastructure Investment and Jobs Act (IIJA) was signed into law by President Biden on November 15, 2021.¹ Among the law’s numerous provisions, the IIJA establishes the \$42.45 billion BEAD Program, administered by the NTIA. After receiving BEAD funding from the NTIA, a state may award sub-grants competitively to subgrantees to carry out the following broadband deployment activities: 1) unserved service projects; 2) underserved service projects; 3) projects connecting eligible community anchor institutions; 4) broadband data

¹ P.L. 117-58 §60102(b) (2021).

collection, mapping, and planning; 5) installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multi-family residential building; 6) broadband adoption programs; and 7) other activities determined by NTIA. California has been allocated approximately \$1.86 billion in BEAD funding based on the federal government's calculation of California's share of unserved locations nationally.

A primary requirement on the Commission is that it submit to the NTIA a Five-Year Action Plan that establishes California's broadband goals and priorities, and serves as a comprehensive needs assessment that will the State's Initial Proposal. The NTIA's BEAD Notice of Funding Opportunity (NOFO), Section IV.B.3.b details 13 requirements that must be responded to in an Eligible Entity's Five-Year Action Plan.²

2. Comments

Parties are asked to respond in detail to the questions listed below. Parties with suggested modifications or alternate proposals are directed to provide as an attachment to their Opening Comments a redlined version of the draft Five-Year Action Plan, reflective of their edits.

1. Is the draft Five-Year Action Plan consistent with statute, the NOFO and other NTIA guidance?³
2. Is the draft Five-Year Action Plan consistent with the feedback received at the 17 BEAD Planning Regional-Local Workshops throughout the state and the three Tribal Consultations?

² The NTIA's BEAD NOFO, released on May 13, 2022, is available at: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

³ The NTIA's Five-Year Action Plan Guidance is available at: https://broadbandusa.ntia.gov/sites/default/files/2022-09/BEAD_Five-Year_Action_Plan_Guidance.pdf

3. Are there other changes the Commission should make to the draft Five-Year Action Plan prior to submitting it to the NTIA?

IT IS RULED that:

1. The comment period to respond to this ruling is as set forth above.

Dated July 17, 2023, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge