

ALJ/TJG/jds 10/13/2023



FILED

10/13/23

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R2302016

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
NOTICING WORKSHOP**

Rule 7.5 (a)(2) of the California Public Utilities Commission's (Commission) Rules of Practice and Procedure requires for quasi-legislative proceedings that the Commission host "[a]t least one workshop providing an opportunity for the parties to the proceeding to have an interactive discussion on issues identified in the scoping memo..." This ruling notices a workshop that will take place on October 26, 2023. While participants are encouraged to attend in-person, some remote participation will be allowed.

1. Workshop Logistics

The workshop will take place on **October 26, 2023**, beginning at **9:30 a.m.** in the **California Energy Commission's Art Rosenfeld Hearing Room, 1516 9th Street Sacramento, California, 95814.**

Remote participation will be possible using WebEx and accessible at the following URL:

<https://cpuc.webex.com/cpuc/j.php?MTID=m4c3d2b3fb60b57be900eeee5228cdf6>

Remote participants will need to use the following access information:

- Webinar password: 2023 (2023 from phones and video systems)

- Webinar number: 2480 189 0107
- Phone: 1-855-282-6330 United States Toll Free
- Access code: 248 018 90107

The agenda is included in Attachment A.

In-person public comment will be allowed. Remote commentors may submit their questions in writing via WebEx chat. Commission Staff will moderate the chat and ask questions on behalf of remote participants.

2. Instructions for Participants

To ensure the Commission hears from a broad array of participants with diverse opinions on the topics that will be discussed, the Workshop will be organized as rotating panels including: three representative of various internet service providers, including trade associations; three representatives of rural and urban government or community representatives, including non-profit organizations and associations; one Tribal representative; and one consumer advocacy group representative. When the first question is finished, panelists will rotate out to ensure other parties and interested entities within the same category may express their views on the next question.

IT IS RULED that:

1. Notice is given regarding the October 26, 2023 Workshop discussed above.
2. Comments on the workshop will be included as part of the comments on a Staff Proposal, which shall be issued shortly after the Workshop.

Dated October 13, 2023, at San Francisco, California.

/s/ THOMAS J. GLEGOLA

Thomas J. Glegola
Administrative Law Judge

ATTACHMENT A

Attachment A

BEAD Workshop Agenda – 10/26

9:00am – 9:30am: Set-up

9:30 – 9:35: Commissioner Remarks

9:35 – 9:50: Overview of BEAD (NTIA tentative)

9:50-10:20: Opportunity to comment by interested members of the public

10:20-10:30: BREAK

10:30 – 12:00: Challenge Process

- **10:30 – 10:45:** Staff Overview of Model Challenge Process and Challenge Process Requirements
- **10:45 – 12:00:** Moderated discussion of the following questions
 - What aspects or modules of the Model Challenge Process should be adopted or modified?
 - What additional data sources, such as CPUC availability data or demographic data, should be utilized in the Commission’s pre-challenge eligibility map?
 - What forms of public and stakeholder engagement before the Challenge Process would be most valuable, and when should this engagement occur?
 - Are there modifications or additions the Commission should make to the NTIA definition of Community Anchor Institutions?
 - How should the Commission structure the required de-duplication process for removing locations with enforceable commitments to deploy broadband from the BEAD eligibility map?
 - How should the Commission apply the definition of an enforceable commitment area to Tribal lands? Should the definition of an enforceable commitment be restricted for deployments on Tribal lands to those projects with a Tribal Government Resolution between a Tribal Government and a broadband service provider? What would constitute a Tribal Resolution?

12:00-1:00: Lunch

1:00 – 2:00: Project Selection

- **1:00 – 1:10:** Staff overview of Notice of Funding Opportunity Requirements for Application Scoring and Project Areas

- **1:10 – 2:30:** Moderated discussion of the following questions
 - If applicants are allowed to construct their own project areas, what mechanisms should be used to:
 - ensure complete coverage of unserved and/or underserved locations, and
 - de-conflict overlapping proposals?
 - If project areas are pre-defined, are there pre-existing geographies, such as counties, Tribal lands, or cities, that should be used, or should project areas be drawn based on clusters of unserved/underserved locations?
 - How should the required scoring criteria, including affordability, labor standards, minimum BEAD outlay, speed to deployment, and technical capabilities, be applied to individual projects and weighted within a rubric?
 - Are there additional scoring criteria, such as awarding points on the basis of equity or climate resilience, that should be included? How should those points be awarded?
 - In the post-application process, how should the Commission prioritize identifying applicants for remaining unserved or underserved locations not included in an application? What inducements should be used to encourage applications for those locations?

2:30 – 2:45: BREAK

2:45 – 4:00: Extremely High Cost Per Location Threshold

- **2:45 – 3:00:** Staff overview of Extremely High Cost Per Location Threshold requirements
- **3:00 – 4:00:** Moderated discussion of the following questions
 - What inputs should be used to determine the Extremely High Cost Per Location Threshold, such as cost models, application data, or other information?
 - How strictly should the Commission apply the Extremely High Cost Per Location Threshold in selecting subgrantees?
 - In the Initial Proposal, should the Commission adopt a specific threshold amount, a range of possible thresholds, different thresholds for different parts of the state, process for identifying the Extremely High Cost Per Location Threshold during the subgrantee selection process, or some other proposal for the Extremely High Cost Per Location Threshold?

4:00-4:15: Wrap-up and timeline for next steps

[End of Attachment A]