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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.

R. 23-02-016

**REPLY COMMENTS OF THE CORPORATION FOR EDUCATION NETWORK
INITIATIVES IN CALIFORNIA (CENIC) ON THE STAFF PROPOSAL**

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December 7, 2023

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I. Introduction

The Corporation for Education Network Initiatives in California (“CENIC”) respectfully submits these reply comments on the California Public Utilities Commission’s (“Commission”), Staff Proposal in the Order to Institute Rulemaking (“OIR”) regarding the Broadband Equity, Access, and Deployment (“BEAD”) program Five-Year Action Plan (“Plan”). The Staff Proposal of the Initial Plan includes both Volume I regarding the challenge process and Volume II on the subgrantee selection process. Numerous parties provided opening comments on the Staff Proposal, which is due to the National Telecommunications and Information Administration (“NTIA”) by December 27, 2023, and which CENIC offers these reply comments to further inform the record in this proceeding.

II. Discussion

A. Volume I

Some of the parties raised concerns with the shortness of the challenge window timeline in the Commission's Initial Proposal.¹ We are in strong support and agree with parties that the challenge window should align with the NTIA guidance on timeframes. Given the size and scale of the state, we believe it is prudent to at minimum align with the NTIA guidance, and would even support a longer window as proposed by other parties.² Nonprofits, such as ourselves, who may look to provide clarification on eligible community anchor institutions would note that there are 8,100 institutions listed in Appendix A. As we noted in our opening comments, there are numerous data errors, such as duplicate entries and possibly inaccurate street addresses that this becomes a labor-intensive review process.

In the comments provided by Community Legal Services, we would agree with their assessment around inconsistencies in the list of Community Anchor Institutions ("CAIs") and a lack of accurate information as this is an issue that CENIC raised in its opening comments.³ Collecting this kind of data from CAIs is very challenging and is often only as accurate as the moment in time that it is reported when the correct staff member is reporting on the information. However, Community Legal Services raises concerns around some of the hospitals listed in the Appendix as having over \$1 billion in net patient revenue as being a reason to exclude them from the list. Regardless of their revenue, the rationale to remove these selected sites from the list

¹ See AT&T Opening Comments, p. 1; Communications Workers of America, District 9 Opening Comments, p. 5-6; Public Advocates Office Opening Comments, p. 19; California Broadband & Video Association Comments, p. 48-50

² See California Broadband & Video Association Comments, p. 48-50

³ See Community Legal Services Opening Comments, p. 4

should be because they have over 1 Gigabit symmetrical service with latency less than or equal to 100 milliseconds as stated in the Notice of Funding Opportunity (“NOFO”). CENIC can confirm that the University of California Medical Centers as well as University of Southern California sites do indeed have greater than 1 Gigabit symmetrical service with latency less than or equal to 100 milliseconds as they are connected to CalREN, and for these reasons, should be excluded from the list of eligible community anchor institutions.⁴

B. Volume II

CENIC is compelled by the arguments of the Public Advocates Office, which calls the question around the lack of clarity in the Commission’s Initial Proposal on how projects will be prioritized.⁵ We agree with the general sentiments that the funding allocated through the BEAD process will be insufficient to fully address the unmet need in the state to provide high-speed broadband to all unserved and underserved locations. As such, the Initial Proposal should include additional details around how projects will be prioritized and in a fair and transparent manner. As noted in the NOFO, NTIA states that “to the extent that an Eligible Entity demonstrates that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, the Eligible Entity must prioritize projects within each of those categories based on a strong preference for projects in high poverty areas or persistent poverty counties.”⁶ It will be in the best interest of all Californians that the Commission adopt a clear policy around how projects will be prioritized for funding and ensure that high poverty areas and persistent poverty counties

⁴ CalREN is the California Research and Education Network owned and operated by CENIC

⁵ See Public Advocates Office Opening Comments, p. 13

⁶ See BEAD NOFO at 41, Section IV.B.7.b.1

will benefit from these historic investment of funding to bridge the digital divide as included in the NTIA NOFO and guidance.

III. Conclusion

CENIC is grateful to have the opportunity to provide these reply comments on the Staff Proposal for the Commission's BEAD plans, including the Initial Proposal. CENIC is available to support the Commission in refining their Appendix 4, in support of ensuring that the \$1.86 billion in BEAD funding is spent on those locations that need the resources the most. CENIC is committed to achieving broadband digital equity for all Californians, ending the digital divide, and ensuring robust broadband connectivity can be achieved for CENIC members and their patrons, students, staff, and faculty simultaneously.

Respectfully submitted,

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