

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Broadband, Video and Market Branch**

**RESOLUTION T-17747
September 23, 2021**

RESOLUTION

RESOLUTION T-17747: Approves up to \$3,081,541.09 from the California Advanced Services Fund for the Broadband Infrastructure Grant Account applications of Charter Communications Operating, LLC on behalf of its affiliated entities Spectrum Pacific West, LLC, Charter Fiberlink CA-CCO, LLC (U-6878-C), and Time Warner Cable Information Systems California, LLC (U-6874-C) for the Darlene Road and Mountain Shadows Mobile Home Community Projects; and Citizens Telecommunications of California, Inc. (U-1024-C) dba Frontier Communications of California, Inc. for the Crescent City Project.

I. SUMMARY

This Resolution approves grant funding in the amount of up to \$3,081,541.09 from the California Advanced Services Fund (CASE) Broadband Infrastructure Grant Account (Infrastructure Account) for the grant applications of Charter Communications Operating LLC. (Charter) and Citizens Telecommunications Company of California, Inc., (Citizens) dba Frontier Communications of California, Inc. (Frontier). Collectively, these projects will serve 125 households.

The three projects approved are:

Applicant	Project	Households	Requested Amount	Approved Amount
Charter	Darlene Road	6	\$813,621.86	\$705,410.15
Charter	Mountain Shadows Mobile Home Community	101	\$1,878,703.50	\$1,878,703.50
Frontier	Crescent City	18	\$497,427.44	\$497,427.44

II. BACKGROUND

The Infrastructure Account provides grant funding to Internet service providers to build or upgrade broadband infrastructure in areas that are unserved by existing broadband providers. The CASF program was initiated in 2008, after the program was first adopted by the California Public Utilities Commission (Commission) in Decision (D.) 07-12-054 and enacted into statute pursuant to Senate Bill (SB) 1193.

On October 15, 2017, Governor Brown signed Assembly Bill (AB) 1665 (Garcia)¹ into law. This legislation amended the statute governing the CASF program, Public Utilities Code § 281. The Commission issued D.18-12-018 adopting the programmatic changes to the CASF. Appendix 1 of D.18-12-018 sets forth the rules, application requirements and guidelines for the CASF Infrastructure Account.

The most recent Infrastructure Account grant application deadline was May 4, 2020.²

On June 29, 2020, Governor Newsom signed AB 82 into law, amending Public Utilities Code § 281 to authorize leveraging of CASF Infrastructure grant funding to supplement the costs of broadband infrastructure already funded, in whole or in part, by the federal Rural Digital Opportunity Fund (RDOF).³ In an effort to effectively utilize both state and federal funding toward meeting the CASF program goals, the Commission has deferred project applications that include areas eligible to receive RDOF for consideration until after the results of the RDOF Phase I (Auction 904) have been published.^{4,5}

On March 10, 2021, the Commission issued D. 21-03-006, modifying data submission requirements and requiring open access for CASF projects. Revised CASF program guidelines were set forth in Appendix A of D.21-03-006.

¹ AB 1665 is codified at Public Utilities (Pub. Util.) Code § 281.

² The Commission extended the CASF Infrastructure application deadline from April 1 to May 4, 2020, and all subsequent deadlines are moved back by five weeks due to the COVID-19 public health emergency. *See* Executive Director Letter to CASF Distribution and Service Lists, Postponement of the 2020 CASF Infrastructure Application Deadlines, March 20, 2020.

³ *See* Public Utilities Code § 281(b)(1)(B)(ii)(II).

⁴ *See* D.21-01-003, p. 23.

⁵ *See* March 26, 2021 “Postponement of the Deadline for Action on Pending CASF Infrastructure Applications and the Deadline for Submitting 2021 CASF Infrastructure Applications” Letter to CASF Service and Distribution Lists, available at <https://www.cpuc.ca.gov/casf/>.

On July 20, 2021, Governor Newsom signed historic broadband legislation to help bridge the digital divide.⁶ Among other things, SB 156, authored by the Committee on Budget and Fiscal Review, instituted several changes to the CASF program. The bill changed the definition of “unserved area” allowing, but not requiring, funding for “an area for which there is no facility-based broadband provider offering at least one tier of broadband service at speeds of at least 25 mbps downstream, 3 mbps upstream . . .”⁷ However, in the interests of administrative efficiency and to ensure proper notice to project applications, the Commission will use the standard of 6 mbps downstream and 1 mbps upstream to determine eligibility for funding for project applications submitted in 2020.

Further, SB 156 changed the requirements for the infrastructure that could be funded by the CASF program. Pursuant to Pub. Util. Code Sec. 281(f)(5), the Commission may only fund projects that “deploy infrastructure capable of providing broadband access at speeds of a minimum of 100 mbps downstream and 20 mbps upstream . . .” “This is a clear legislative directive to the Commission, which the Commission must implement immediately. All infrastructure funded by the CASF program must be capable of providing broadband access at speeds of a minimum of 100 mbps downstream and 20 mbps upstream.

Among other things, the broadband legislation also includes a \$3.25 billion statewide middle-mile plan to build, operate and maintain an open access, state-owned middle-mile network of high-capacity fiber lines that carry large amounts of data at higher speeds over longer distances between local networks.⁸

⁶ <https://www.gov.ca.gov/2021/07/20/governor-newsom-signs-historic-broadband-legislation-to-help-bridge-digital-divide/>.

⁷ See Pub. Util. Code Sec. 281(b)(1)(B)(ii)(I).

⁸ <https://www.gov.ca.gov/2021/07/12/governor-newsom-legislative-leaders-announce-historic-broadband-budget-bill/>; SB 156, Chapter 112, available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB156.

III. APPLICANT REQUESTS AND NOTICE

On May 4, 2020, the Communications Division received 54 applications⁹ for the CASF Infrastructure Account. On May 18, 2020, Staff posted the proposed project area map, census block groups (CBGs) and Zone Improvement Plan (ZIP) Codes for Charter's Darlene Road and Mountain Shadows Mobile Home Community Projects and Frontier's Crescent City Project on the Commission's CASF webpage¹⁰ under "CASF Application Project Summaries" and sent notice regarding the project to the CASF Distribution List.¹¹

IV. APPLICATION REVIEW AND EVALUATION

Staff reviewed all applications according to the guidelines, requirements, and evaluation adopted in D.21-03-006, as follows:

- I. Project Area Eligibility
- II. Minimum Performance Criteria
- III. Funding Determination
- IV. Safety and Community Support

Staff's review and evaluation of the applications is summarized below.

A. Charter - Darlene Road

Charter submitted a CASF Infrastructure application requesting 100 percent funding of \$813,621.86 to deploy last-mile hybrid fiber coaxial (HFC) technology to households on Darlene Road in the City of Moorpark, Ventura County. The project will enable broadband access at speeds of up to 940 Mbps download and 35 Mbps upload to 6 CASF-eligible households.

⁹ See <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/casf-infrastructure-project-summaries> for project summaries and <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/casf-infrastructure-grant/casf-infrastructure-approved-projects> for approved projects.

¹⁰ See <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/casf-infrastructure-grant>.

¹¹ https://www.cpuc.ca.gov/-/media/cpuc-website/files/uploadedfiles/cpuc_public_website/content/utilities_and_industries/communications_-_telecommunications_and_broadband/service_provider_information/casfdistributionlist.xlsx

Applicant

Charter was formed in 1993 and became a publicly traded company in 1999. Charter, Time Warner Cable and Bright House Networks combined in 2016 to form the provider that now serves approximately 28 million customers in the United States. Charter received approval for the merger in D.16-05-007 and received its latest state-wide video franchise update from the Commission in 2018. Charter offers high speed Internet service, Voice over Internet Protocol (VoIP), as well as cable television service in California through a number of plans, including Spectrum Internet Assist for qualifying low-income households.

Project Area Eligibility

No provider filed a valid “right-of-first refusal” for Charter’s Darlene Road project area by January 15, 2020,¹² nor do the proposed project areas include census blocks identified by the Federal Communications Commission’s (FCC) Connect America Fund Phase II program.¹³ According to the California Interactive Broadband Map,¹⁴ the Darlene Road project area contains two census blocks that have access to DSL broadband services at unserved speeds. AT&T is the local Incumbent Local Exchange Carrier and broadband provider. The one remaining census block is unserved; only dial-up service is available.¹⁵

i. Challenges

Staff received no challenges to the Darlene Road Project.

ii. RDOF

While some portions of this project overlap with RDOF-eligible areas, California Internet, L.P. dba GeoLinks has not received California Eligible Telecommunications Carrier (ETC) status;¹⁶ therefore, Staff did not remove the RDOF-eligible areas from this project.

¹² Pub. Util. Code § 281(f)(4)(A)(ii) prohibits the Commission from awarding CASF funding to a project applicant if an existing facility-based broadband provider demonstrates, in response to the Commission’s annual offer, that it will deploy broadband or upgrade existing broadband service throughout the proposed project area within 180 days.

¹³ Pub. Util. Code § 281(f)(5)(C)(i) prohibited the Commission, prior to July 1, 2020, from awarding CASF funding to a project applicant where an existing facility-based broadband provider had accepted federal funds for broadband deployment from Phase II of the Connect America Fund.

¹⁴ With data as of December 31, 2019.

¹⁵ Dial-up provides speed less than 200 Kbps downstream and 200 Kbps upstream.

¹⁶ GeoLinks applied for an expansion of its ETC authority to participate in the RDOF program on January 6, 2021, in Advice Letter #13, which is pending review.

Minimum Performance Criteria

Staff reviewed Charter’s application and determined the Darlene Road Project meets most of the minimum performance criteria pursuant to D.21-03-006, Appendix A, Section 6, as summarized in Table 1.

Table 1: Minimum Performance Criteria

	CASF Performance Criteria	Proposed Project
Project Completion	CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct	12 months (CEQA Exempt)
Pricing	Prices committed for two years after completion of the project	2-year
Speed	At least 100/20 Mbps ¹⁷	940 / 35 Mbps
Latency	Maximum of 100 ms of latency	< 100 ms
Data Caps	Minimum of 190 GBs per month	No data cap
Affordability	Must offer low-income plan	\$17.99 monthly

Project Completion and CEQA

Charter’s Darlene Road Project is categorically exempt from California Environmental Quality Act (CEQA) review. Charter has provided the Commission with its plan to use existing roads, rights-of-way, and utility easements for the installation of aerial and underground fiber cable. The project site is an existing residential area in the City of Moorpark, located to the north of Poindexter Avenue. As currently designed, the tie-in point to existing infrastructure would be located near the intersection of Poindexter Avenue and Sierra Avenue, which abuts a developed area containing residential, institutional, and commercial uses.

The project would deploy 2.55 total miles of new fiber and coaxial facilities. Of the 0.95 total miles of fiber, 0.432 miles will be aerial, and 0.514 miles will be underground and connected to the fiber tie point, which is a fiber optic enclosure approximately 0.95 miles from the entrance to the project area. One new aerial node will be added at the end of the fiber ties. The laterals to new customers would total approximately 0.07 miles consisting of underground coaxial conduit; Charter expects to install laterals using new conduit and avoid the existing dry utility conduit in compliance with

¹⁷ SB 156, enacted on July 20, 2021, and effective immediately, requires the Commission to fund projects that “deploy infrastructure capable of providing broadband access at a minimum of 100 Mbps downstream and 20 Mbps upstream . . .” See Pub. Util. Code Sec. 281(f)(5).

Commission safety standards.¹⁸ Other necessary infrastructure enhancements include the power supplies to support the buildout, as well as hub upgrades, including fiber optic transmitter and receiver, a Cable Modem Termination System port and all cabling and combiner equipment needed to connect to the system.

Charter's methods of aerial installation will follow General Order 95 pole safety and loading requirements. A local encroachment permit would be required from the City of Moorpark for installation within the public right-of-way. Authorization also would be required to run aerial strand along existing utility poles to cross the railroad tracks at the corner of Poindexter Avenue and Gabbert Road.

Based on the above information, the Commission's Energy Division has confirmed that the project meets the criteria of the CEQA categorical exemptions found in CEQA Guidelines, 14 C.C.R. § 15301 (Existing Facilities) and 14 C.C.R. § 15303 (New Construction or Conversion of Small Structures). Thus, the entirety of the Darlene Road Project is categorically exempt from CEQA.

Pricing, Speed, Latency, Data Caps, and Affordability

Charter commits to fixed residential and low-income broadband pricing plans for two years starting from the completion of the project. Charter will waive all standard installation and service connection fees in the project areas for broadband service customers during the first two years.¹⁹ Additionally, low-income subscribers are eligible for the Spectrum Internet Assist Program that provides low-cost, high speed broadband access for \$17.99 per month (30 Mbps download / 4 Mbps upload and includes a free modem).

Charter's current nationwide pricing plans for broadband services are provided below in Table 2.

Table 2: Charter Broadband Pricing Plan

Download Speed	Upload Speed	Monthly Price
30 Mbps	4 Mbps	\$17.99
200 Mbps	10 Mbps	\$74.99
400 Mbps	20 Mbps	\$94.99
940 Mbps	35 Mbps	\$134.99

¹⁸ General Order 128, Rules for Construction of Underground Electric Supply and Communications.

¹⁹ Standard installations are installations to residences and buildings that are located up to 125 feet from the point of connection to Charter's existing distribution system.

The proposed speed offerings (up to 940 Mbps download and up to 35 Mbps upload) meet the 100 Mbps download and 20 Mbps upload minimum performance requirement. Charter's network will also be capable of providing commercial broadband access in excess of 1,000 Mbps upload and download to anchor institutions and small businesses near the project area.

Funding Determination

Charter is eligible to receive 86.7 percent funding to cover the cost of its Darlene Road Project. Staff considered the statutory factors to determine the grant funding level, as described by Pub. Util. Code § 281(f)(12) and CASF program rules adopted in D.21-03-006, Appendix A.

Table 3, below, details Staff's funding level determination for Charter's Darlene Road Project.

Table 3: Criteria for Project Funding Level for Charter Darlene Road

Funding Criteria	Proposed Project
Baseline for Eligible Project (60%)	60%
Service Level Preference: Only Dial-up or No Internet Connectivity (up to 40%)	6.7 % (6 HH)
Low Income – (up to 40%) <ul style="list-style-type: none">• Median Household Income for community is less than CARE standard for family of 4, which is currently \$53,000 (30%)²⁰• Applicant serves low-income customers for no more than \$15/month (10%)	0% 0%
Others: PU Code § 281 (f)(11) Criteria – (up to 20%) <ul style="list-style-type: none">• Inaccessible Location (10%)• Uses Existing Infrastructure (10%)• Makes a Significant Contribution to the Program Goal (10%)	0% 10% 10%
Total Funding Level	86.7%²¹

Baseline for an Eligible Project qualifies for 60 percent funding. The CASF program is intended to finance capital costs of projects deploying broadband facilities in

²⁰ <https://www.cpuc.ca.gov/care/>

²¹ D.21-03-006, Summary of Funding Criteria - Maximum funding level is 100 percent.

unserved areas of California. The identified Darlene Road project area meets all the eligibility criteria, as previously described in the Project Area Eligibility section.

Service Level Preference qualifies for an additional 6.7 percent funding. According to the California Interactive Broadband Map, Staff confirmed two of the three census blocks in the Darlene Road project area have access to DSL service at unserved speeds, and thus, do not qualify for additional funding. Only one census block (061110076061011) is unserved by wireline or fixed wireless broadband service and is therefore eligible for additional funding based on the Service Level Preference.

The maximum funding level for Service Level Preference is 40 percent. Staff calculated the percentage of additional funding in proportion to the percentage of unconnected households in the project area. The census block identified above includes 1 of 6 CASF-eligible households in the project area or 16.7 percent of the households. Therefore, this project should receive one sixth of the Service Level Preference funding, which equates to an additional 6.7 percent funding.

Low Income Consideration does not qualify for additional funding. The median income of the census block group in the proposed project area is \$142,969, which does not meet the CASF low-income eligibility threshold. For those with incomes at or below the federal poverty level, Charter will offer a \$17.99 monthly plan.²² This does not meet the CASF low-income pricing plan and therefore does not qualify for additional funding.

Other Factor Considerations qualify for an additional 20 percent funding. The Darlene Road Project meets two of the three criteria and qualifies for the additional 20 percent funding.

Staff determined the proposed project does not meet the inaccessible location criteria and is not eligible for an additional 10 percent funding. The project area is located in the City of Moorpark in Ventura County and the surrounding areas are census designated places (CDP) that are classified as urban with developed access to highways, public utilities, and community health and educational resources.

The proposed project is eligible for an additional 10 percent funding for use of existing infrastructure. Charter proposed to use existing utility poles for deployment of its HFC service offering.

²² Spectrum Internet Assist is the nation-wide low-income plan offered by Charter. See <https://www.spectrum.com/browse/content/spectrum-internet-assist.html>.

Staff determined that the project makes a significant contribution to the program goal and is eligible for an additional 10 percent funding. The Darlene Road project area is located within the Broadband Consortium of the Pacific Coast region, which is at 97.2 percent served,²³ below the CASF program goal. Therefore, this project will make a significant contribution to the program goal.

Safety and Community Support

The CASF program encourages the deployment of broadband throughout the State to enable the public to access Internet-based safety applications, telehealth services, emergency services, and to allow first responders to communicate with each other and collaborate during emergencies.

Mayor Janice S. Parvin of the City of Moorpark submitted a letter of support for the Darlene Road Project, as the rural neighborhood in Moorpark has historically been difficult to serve because it is physically separated from much of Moorpark by undeveloped hillsides to the north, west, and east of the community and by railroad tracks to the south. As such, it is unlikely to be provided with broadband service without government assistance and the area is exactly the type of neighborhood that CASF is intended to serve.

Letters of Support were also received from the Broadband Consortium Pacific Coast, California Latino Leadership Institute, National Asian American Coalition, National Diversity Coalition, and California Assemblymember Jacqui V. Irwin (District 44). The community supports the Darlene Road Project and acknowledge the importance of broadband to residents, community institutions, and businesses in Moorpark. These entities recognize Charter's commitment to further expand its high-speed broadband services across California and its low-cost, high speed broadband option through the Spectrum Internet Assistance Program.

B. Charter Mountain Shadows Mobile Home Community

Charter submitted a CASF Infrastructure application requesting 100 percent funding of \$1,878,703.50 to deploy last-mile hybridcoaxial (HFC) technology to households in Mountain Shadows Mobile Home Community in the City of Highland, San Bernardino

²³ See 2020 Annual Report on the CASF Program, California Public Utilities Commission, Issued April 2021, Page 14, Table 7: Remaining Unserved Households in Each Consortia Region.

County. The project will enable broadband access at speeds of up to 940 Mbps download and 35 Mbps upload to 101 CASF-eligible households.

Applicant

Charter was formed in 1993 and became a publicly traded company in 1999. Charter, Time Warner Cable and Bright House Networks combined in 2016 to form the provider that now serves approximately 28 million customers in the United States. Charter received approval for the merger in D.16-05-007 and received its latest state-wide video franchise update from the Commission in 2018. Charter offers high speed Internet service, Voice over Internet Protocol (VoIP) as well as cable television service in California through a number of plans, including Spectrum Internet Assist for qualifying low-income households.

Project Area Eligibility

No provider filed a valid “right-of-first refusal” for Charter’s project area by January 15, 2020,²⁴ nor do the proposed project areas include census blocks identified by the Federal Communications Commission’s (FCC) Connect America Fund Phase II program.²⁵

There are no existing facilities-based wireline or fixed wireless broadband service providers in the project areas. According to the California Interactive Broadband Map,²⁶ the areas are unserved; only dial-up service is available.²⁷

i. Challenges

Staff received no challenges to the Mountain Shadows Project.

ii. RDOF

While some portions of this project overlap with RDOF-eligible areas, California Internet, L.P. dba GeoLinks did not receive California ETC status;²⁸ therefore, Staff did not remove the RDOF-eligible areas for this project.

²⁴ Pub. Util. Code § 281(f)(4)(A)(ii) prohibits the Commission from awarding CASF funding to a project applicant if an existing facility-based broadband provider demonstrates, in response to the Commission’s annual offer, that it will deploy broadband or upgrade existing broadband service throughout the proposed project area within 180 days.

²⁵ Pub. Util. Code § 281(f)(5)(C)(i) prohibited the Commission, prior to July 1, 2020, from awarding CASF funding to a project applicant where an existing facility-based broadband provider has accepted federal funds for broadband deployment from Phase II of the Connect America Fund.

²⁶ With data as of December 31, 2019.

²⁷ Dial-up provides speed less than 200 Kbps downstream and 200 Kbps upstream.

²⁸ GeoLinks applied for an expansion of its ETC authority to participate in the RDOF program on January 6, 2021, in Advice Letter #13 which is pending review.

Minimum Performance Criteria

Staff reviewed Charter’s application and determined the Mountain Shadows Mobile Home Community Project meets the minimum performance criteria pursuant to D.21-03-006, Appendix A, Section 6, as summarized in Table 4.

Table 4: Minimum Performance Criteria

	CASF Performance Criteria	Proposed Project
Project Completion	CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct	7 months (CEQA Exempt)
Pricing	Prices committed for two years after completion of the project	2-year
Speed	At least 100/20 Mbps ²⁹	940 / 35 Mbps
Latency	Maximum of 100 ms of latency	< 100 ms
Data Caps	Minimum of 190 GBs per month	No data cap
Affordability	Must offer low-income plan	\$17.99 monthly

Project Completion and CEQA

Charter’s Mountain Shadows Mobile Home Community Project is categorically exempt from California Environmental Quality Act (CEQA) review. Charter has provided the Commission with its plan to use existing roads, rights-of-way, and previously disturbed ground in the Mountain Shadows Mobile Home community for the installation of fiber optic and coaxial cable in underground trench or aerial strand. Any aerial cable would be placed on existing utility poles where feasible. Underground cable would be installed in new conduit beneath existing roads and within the existing mobile home community.

The project site is an existing residential area in the City of Highland. As currently designed, the tie-in point to existing infrastructure would be on Highland Avenue between Piedmont Avenue and Boulder Avenue. The project would deploy 3.66 miles total of new plant, which includes linear plant extension along a trench route or aerial strand. New plant includes both the infrastructure to connect the community to the tie-in point, as well as the mainline through the community and may entail both fiber and coaxial cable in parallel. In total, the project entails 3.66 miles of new coaxial cable

²⁹ SB 156, enacted on July 20, 2021, and effective immediately, requires the Commission to fund projects that “deploy infrastructure capable of providing broadband access at a minimum of 100 Mbps downstream and 20 Mbps upstream . . .” See Pub. Util. Code Sec. 281(f)(5).

and 0.43 miles of new fiber cable. Approximately 1.66 total miles of underground laterals will be used to connect households within the community (laterals are not included in plant); Charter expects to install laterals using new conduit and avoid the existing dry utility conduit in compliance with CPUC safety standards.³⁰ The project also will install one node pedestal, one power supply box, one lockbox, one underground vault, and approximately 147 distribution pedestals.

Charter's methods of aerial installation will follow General Order 95 pole safety and loading requirements. An encroachment/road/lane closure permit may be needed from the City of Highland and a transportation encroachment permit may be needed from San Bernardino County for work within public right-of-way. If the final design involves aerial cable placed on existing utility poles, permission from the pole owner(s) would be required.

Based on the above information, the Commission's Energy Division has confirmed that the project meets the criteria of the CEQA categorical exemptions found in CEQA Guidelines, 14 C.C.R. § 15301 (Existing Facilities) and 14 C.C.R. § 15303 (New Construction or Conversion of Small Structures). Thus, the entirety of the Mountain Shadows Project is categorically exempt from CEQA.

Pricing, Speed, Latency, Data Caps, and Affordability

Charter commits to fixed residential and low-income broadband pricing plans for two years starting from the completion of the project. Charter will waive all standard installation and service connection fees in the project areas for broadband service customers during the first two years.³¹ Additionally, low-income subscribers are eligible for the Spectrum Internet Assist Program that provides low-cost, high speed broadband access for \$17.99 per month (30 Mbps download / 4 Mbps upload and includes a free modem).

Charter's current nationwide pricing plans for broadband services are provided below in Table 5.

Table 5: Charter Broadband Pricing Plan

Download Speed	Upload Speed	Monthly Price
30 Mbps	4 Mbps	\$17.99
200 Mbps	10 Mbps	\$74.99

³⁰ General Order 128, Rules for Construction of Underground Electric Supply and Communications.

³¹ Standard installations are installations to residences and buildings that are located up to 125 feet from the point of connection to Charter's existing distribution system.

400 Mbps	20 Mbps	\$94.99
940 Mbps	35 Mbps	\$134.99

The proposed speed offerings (up to 940 Mbps download and up to 35 Mbps upload) meet the 100 Mbps download and 20 Mbps upload minimum performance requirement. Charter's network will also be capable of providing commercial broadband access in excess of 1,000 Mbps upload and download to anchor institutions and small businesses near the project area.

Funding Determination

Charter is eligible to receive 100 percent funding to cover the cost of its Mountain Shadows Mobile Home Community Project. Staff considered the statutory factors to determine the grant funding level, as described by Pub. Util. Code § 281(f)(12) and CASF program rules adopted in D.21-03-006, Appendix A.

Table 6, below, details Staff's funding level determination for Charter's Mountain Shadows Mobile Home Community Project.

Table 6: Criteria for Project Funding Level for Charter Mountain Shadows

Funding Criteria	Proposed Project
Baseline for Eligible Project (60%)	60%
Service Level Preference: Only Dial-up or No Internet Connectivity (up to 40%)	40%
Low Income – (up to 40%) <ul style="list-style-type: none"> Median Household Income for community is less than CARE standard for family of 4, which is currently \$53,000 (30%)³² Applicant serves low-income customers for no more than \$15/month (10%) 	0% 0%
Others: PU Code § 281 (f)(11) Criteria – (up to 20%) <ul style="list-style-type: none"> Inaccessible Location (10%) Uses Existing Infrastructure (10%) Makes a Significant Contribution to the Program Goal (10%) 	0% 10% 10%
Total Funding Level	100%³³

³² <https://www.cpuc.ca.gov/care/>

³³ D.21-03-006. Summary of Funding Criteria - Maximum funding level is 100 percent.

Baseline for an Eligible Project qualifies for 60 percent funding. The CASF program is intended to finance capital costs of projects deploying broadband facilities in unserved areas of California. The identified Mountain Shadows Mobile Home Community project area meets all the eligibility criteria, as previously described in the Project Area Eligibility section.

Service Level Preference qualifies for an additional 40 percent funding. According to the California Interactive Broadband Map, Staff confirmed all the proposed project areas are unserved by wireline or fixed wireless broadband service and is therefore eligible for an additional 40 percent funding.

Low Income Consideration does not qualify for additional funding. The median income of the census block group in the proposed project area is \$55,109, which does not meet the CASF low-income eligibility threshold. For those with incomes at or below the federal poverty level, Charter will offer a \$17.99 monthly plan.³⁴ This does not meet the CASF low-income pricing plan and therefore does not qualify for additional funding.

Other Factor Considerations qualify for an additional 20 percent funding. Staff determined the proposed project does not meet the inaccessible location criteria and is not eligible for an additional 10 percent funding. The project area is located in the City of Highland in San Bernardino County and is a census designated places (CDP) that is classified as urban with developed access to highways, public utilities, and community health and educational resources.

The proposed project is eligible for an additional 10 percent funding for use of existing infrastructure. Charter proposed to use existing utility poles for deployment of its HFC service offering.

Staff determined that the project makes a significant contribution to the program goal and is eligible for an additional 10 percent funding. The Mountain Shadows Mobile Home Community project area is located within the Inland Empire Regional Broadband Consortium region which is at 97.2 percent served,³⁵ below the CASF program goal. Therefore, this project will make a significant contribution to the program goal.

³⁴ Spectrum Internet Assist is the nation-wide low-income plan offered by Charter. See <https://www.spectrum.com/browse/content/spectrum-internet-assist.html>.

³⁵ See 2020 Annual Report on the CASF Program, California Public Utilities Commission, Issued April 2021, Page 14, Table 7: Remaining Unserved Households in Each Consortia Region.

Safety and Community Support

The CASF program encourages the deployment of broadband throughout the State to enable the public to access Internet-based safety applications, telehealth services, emergency services, and to allow first responders to communicate with each other and collaborate during emergencies.

Letters of Support were received from the California State University San Bernardino, Inland Empire Economic Partnership, San Bernardino Council of Governments, San Bernardino County Board of Supervisors, San Bernardino County Superintendent of Schools, California Latino Leadership Institute, National Asian American Coalition, National Diversity Coalition, California State Senator Mike Morrell (District 23) and California Assemblymember James C. Ramos (District 40). The community supports the Mountain Shadows Mobile Home Community Project and acknowledge the importance of broadband to residents, community institutions, and businesses in Highland.

The project will provide last-mile broadband connectivity to residents, many who are disadvantaged and senior citizens, in need of Internet service to enable access to essential online services such as news, emergency information, social services, banking, distance learning, and telehealth. Further, many residents of this community will qualify for Charter's low-cost, high speed broadband option through the Spectrum Internet Assist Program. These entities recognize Charter's efforts and commitment to bring broadband to unserved and underserved residents and businesses in California. Charter has demonstrated its commitment to the community by upgrading its network to offer broadband speeds of 940 Mbps download and 35 Mbps upload to nearly 100 percent of the households in its California footprint and offering free broadband service during the COVID-19 health crisis to all households with a student or educator.

C. Frontier Crescent City Project

Frontier submitted a CASF Infrastructure application requesting \$497,427.44 to deploy last-mile fiber-to-the-premise (FTTP) technology in Crescent City in Del Norte County.³⁶ The project will enable broadband access speeds of at least 940 Mbps download and 880 Mbps upload to 18 CASF-eligible households.

Applicant

Frontier is a publicly traded corporation, the fourth largest incumbent local exchange carrier (ILEC) in the United States, and the second largest in California. Citizens, an affiliate telephone operating company based in Elk Grove, California, was established in 1993 to acquire access lines from General Telephone & Electronics Corporation (GTE). As the Carrier-of-Last-Resort, Frontier currently provides circuit-switched (POTS) voice service in the proposed project areas and does not provide broadband Internet service.

Project Area Eligibility

No provider filed a valid “right-of-first refusal” for Frontier’s project area by January 15, 2020,³⁷ nor do the proposed project areas include census blocks identified by the Federal Communications Commission’s (FCC) Connect America Fund Phase II program.³⁸ There are no existing facilities-based wireline or fixed wireless broadband service providers in the project areas. According to the California Interactive Broadband Map,³⁹ the areas are unserved; only dial-up service is available.⁴⁰

³⁶ Frontier’s May 25, 2021 revised project summary shows that the project proposes middle-mile and last-mile infrastructure. However, Frontier has confirmed there is no middle-mile fiber proposed. Frontier will utilize its existing middle-mile infrastructure.

³⁷ Pub. Util. Code § 281(f)(4)(A)(ii) prohibits the Commission from awarding CASF funding to a project applicant if the existing facility-based broadband provider demonstrates, in response to the Commission’s annual offer, that it will deploy broadband or upgrade existing broadband service throughout the proposed project area within 180 days.

³⁸ Pub. Util. Code § 281(f)(5)(C)(i) prohibited the Commission, prior to July 1, 2020, from awarding CASF funding to a project applicant where an existing facility-based broadband provider has accepted federal funds for broadband deployment from Phase II of the Connect America Fund.

³⁹ With data as of December 31, 2019.

⁴⁰ Dial-up provides speed less than 200 Kbps downstream and 200 Kbps upstream.

i. Challenges

Pursuant to Public Util. Code Sec. 281(f)(8) and as required by D.18-12-018, the Commission provided an opportunity for entities to challenge the applications. Challenges were due on June 8, 2020.

Charter Communications Inc. (Charter) challenged the application, stating it provides broadband service at served speeds in Crescent City. Based on the customer address and billing information submitted by Charter, Staff determined seven census blocks in the proposed project area were already served and directed Frontier to revise its application.⁴¹ In its revised application, Frontier reduced the grant funding request to \$497,427.44 to serve 18 households in the single remaining census block. Table 7, below, summarizes the revised CASF Infrastructure grant application.

Table 7: Frontier Crescent City Project Revision

	Unserved Households	Census Blocks	CASF Infrastructure Grant Funding
Original Application	134	8	\$ 1,586,885
Revised Application	18	1	\$ 497,427.44

Staff finds the grant funding request reasonable even with the reduction of households from 134 to 18 because most of the project costs are fixed equipment costs to upgrade the central office. These upgrades to the central office are still necessary to provide broadband to the Crescent City project area.

ii. RDOF

The proposed project areas do not include census blocks identified by the FCC as eligible to receive RDOF as part of Phase I (Auction 904).⁴²

Minimum Performance Criteria

Staff reviewed Frontier's application and determined the Crescent City Project meets the minimum performance criteria pursuant to D.21-03-006, Appendix A, Section 6, as summarized in Table 8.

⁴¹ The original draft resolution, T-17715, which was published for comments on November 13, 2020, also included Frontier's Crescent City Project. However, Charter submitted comments regarding the Crescent City Project. Based on Charter's comments and our evaluation, Frontier's Crescent City Project was removed from Resolution T-17715.

⁴² See <https://www.broadbandmap.ca.gov/federal/funding/>.

Table 8: Minimum Performance Criteria

	CASF Performance Criteria	Proposed Project
Project Completion	CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct	11 months (CEQA Exempt)
Pricing	Prices committed for two years after completion of the project	2-year
Speed	At least 100 / 20 Mbps ⁴³	940 / 880 Mbps
Latency	Maximum of 100 ms of latency	25 ms
Data Caps	Minimum of 190 GBs per month	No data cap
Affordability	Must offer low-income plan	\$14.99 monthly

Project Completion and CEQA

Frontier’s Crescent City Project is categorically exempt from California Environmental Quality Act (CEQA) review. Frontier has provided the Commission with its plan to use joint-use utility poles and existing Frontier-owned underground conduit systems for the installation of aerial and underground fiber cable. In locations where conduit or poles do not exist, new fiber facilities will be placed in existing utility easements and rights-of-way (ROW) in which Frontier has existing copper facilities. The proposed Crescent City project area would cover approximately 0.11 square miles and will deploy last-mile FTTP facilities in Del Norte County.

Frontier’s methods of aerial installation will follow General Order 95 pole safety and loading requirements. All permits and traffic control will be obtained to allow for proper placement of aerial fiber cable. Frontier’s methods of underground installation will follow existing guidelines necessary to obtain permit approval. Permits will be obtained for access to manholes/handholes and necessary underground equipment to allow for proper placing of underground fiber. Following the installation of underground facilities and cabling, the site will be returned to its original condition.

Based on the above information, the Commission’s Energy Division has confirmed that the project is categorically exempt from CEQA review. The project meets the criteria of the CEQA categorical exemptions found in CEQA Guidelines, 14 C.C.R. § 15301 (Existing Facilities) and 14 C.C.R. § 15302 (Replacement or Reconstruction of Existing

⁴³ SB 156, enacted on July 20, 2021, and effective immediately, requires the Commission to fund projects that “deploy infrastructure capable of providing broadband access at a minimum of 100 Mbps downstream and 20 Mbps upstream . . .” See Pub. Util. Code Sec. 281(f)(5).

Structures and Facilities). Thus, the entirety of the Crescent City Project is categorically exempt from CEQA.

Pricing, Speed, Latency, Data Caps, and Affordability

Frontier's broadband service offering meets CASF minimum performance criteria. Frontier commits to residential broadband pricing plans, as summarized in Table 9 and Table 10, for two years starting from the beginning date of service. There is no long-term commitment required from the consumer to receive these prices. Furthermore, Frontier will waive the activation and installation fees during the commitment period. Frontier provides discount pricing for bundled broadband and voice services. Additionally, low-income subscribers, including LifeLine voice subscribers, are eligible for discounted broadband service (10 Mbps download / 1 Mbps upload for \$14.99 per month).

Table 9: Standalone Broadband Pricing Plan

Download Speed	Upload Speed	Monthly Price
50 Mbps	50 Mbps	\$39.99
100 Mbps	100 Mbps	\$49.99
200 Mbps	200 Mbps	\$49.99
500 Mbps	500 Mbps	\$49.99
940 Mbps	880 Mbps	\$74.99

Table 10: Broadband/Voice Bundled Pricing Plan

Download Speed	Upload Speed	Monthly Price
50 Mbps	50 Mbps	\$49.99
100 Mbps	100 Mbps	\$59.99
200 Mbps	200 Mbps	\$59.99
1,000 Mbps	1,000 Mbps	\$84.99

The proposed speed offerings (up to 1,000 Mbps download and up to 1,000 Mbps upload) meet the 100 Mbps download and 20 Mbps upload minimum performance requirement. This service will be available to the general public, as well as anchor institutions and small businesses near the project area.

Funding Determination

Frontier is eligible to receive 100 percent funding to cover the cost of its Crescent City Project. Staff considered the statutory factors to determine the grant funding level, as

described by Pub. Util. Code § 281(f)(12) and CASF program rules adopted in D.21-03-006, Appendix A.

Table 11, below, details Staff’s funding level determination for Frontier’s Crescent City Project.

Table 11: Criteria for Project Funding Level for Frontier Crescent City

Funding Criteria	Revised Project
Baseline for Eligible Project (60%)	60%
Service Level Preference: Only Dial-up or No Internet Connectivity (up to 40%)	40%
Low Income – (up to 40%) <ul style="list-style-type: none">• Median Household Income for community is less than CARE standard for family of 4, which is currently \$53,000 (30%)⁴⁴• Applicant serves low-income customers for no more than \$15/month (10%)	30% 10%
Others: PU Code § 281 (f)(11) Criteria – (up to 20%) <ul style="list-style-type: none">• Inaccessible Location (10%)• Uses Existing Infrastructure (10%)• Makes a Significant Contribution to the Program Goal (10%)	0% 10% 10%
Total Funding Level	100%⁴⁵

Baseline for an Eligible Project qualifies for 60 percent funding. CASF program is intended to finance capital costs of projects deploying broadband facilities in unserved areas of California. The identified Crescent City project area meets all the eligibility criteria, as previously described in the Project Area Eligibility section.

Service Level Preference qualifies for an additional 40 percent funding. According to the California Interactive Broadband Map, Staff confirmed all the proposed project areas are unserved by wireline or fixed wireless broadband service and is therefore eligible for an additional 40 percent funding.

Low Income Consideration qualifies for an additional 40 percent funding. Based on the proportion of households located in each census block group, the weighted median

⁴⁴ <https://www.cpuc.ca.gov/care/>

⁴⁵ D.21-03-006. Summary of Funding Criteria - Maximum funding level is 100 percent.

household income of the proposed project area is \$30,901, and thus qualifies for an additional 30 percent funding. Frontier commits to offer low-income broadband programs, including broadband and voice bundled plans for LifeLine-eligible subscribers at \$14.99/month, which meets the criteria for an additional 10 percent funding.

Other Factor Considerations qualify for an additional 20 percent funding. The Crescent City Project meets two of the three criteria defined in Pub. Util. Code § 281(f)(11) and qualifies for the additional 20 percent funding.

Staff determined the proposed project does not meet the inaccessible location criteria and is not eligible for an additional 10 percent funding. The proposed project is located in Crescent City in Del Norte County. The surrounding areas are census designated places (CDP) that are classified as urban with developed access to highways, public utilities, and community health and educational resources.

The proposed project is eligible for an additional 10 percent funding for its use of existing pole infrastructure and underground conduit systems for the installation of aerial and underground fiber cable. Additionally, Del Norte County is part of the Redwood Coast Connect Consortium region in which 90.3 percent of households are served,⁴⁶ which is below the 98 percent CASF program goal. Therefore, Staff determined the project will make a significant contribution to the program goal and is eligible for an additional 10 percent funding.

Safety and Community Support

A letter of Support was received from the College of the Redwoods for the Crescent City Project. College of the Redwoods supports the Crescent City Project based on the importance of broadband access to rural communities. The college has a campus in Crescent City and has historically advocated for the expansion of broadband deployment and adoption. Tourism and hospitality are major economic drivers for the area, and both will be served with high-speed Internet access.

V. COMPLIANCE REQUIREMENTS

Charter and Frontier are required to comply with all the guidelines, requirements, and conditions associated with the Infrastructure Account grant funding as specified in

⁴⁶ See 2020 Annual Report on the California Advanced Services Fund, California Public Utilities Commission, Issued April 2020, Table 7: Remaining Unserved Households in Each Consortia Region.

D.21-03-006 and this Resolution. Such compliance includes, but is not limited to those listed in Appendices A and B.

VI. COMMENTS

In compliance with Pub. Util. Code section 311(g)(1), a Notice of Availability was e-mailed on August 20, 2021, informing all parties on the CASF Distribution List of the availability of the draft of this Resolution, and of the opportunity to comment, at the Commission's website at <http://www.cpuc.ca.gov/>. This letter also served to inform parties that the final conformed Resolution the Commission adopts will be posted and available on this same website. Comments were submitted by Charter on September 9, 2021. No reply comments were received.

Charter's Comments

Charter requests the funding level granted for the Darlene Road Project be increased from 86.7% to a fully-funded 100% based on the assertion that the project area is unserved. Charter asserts that because the project area is served by DSL only, which is provided at speeds below 6 Mbps downstream and 1 Mbps upstream, the project area does not meet the statutory threshold to be considered served.⁴⁷ Charter further asserts that Public Utilities Code section 281(b)(2)(B)(i) does not reference "dial-up" as a criteria for funding and instead directs funding for projects in unserved areas where Internet connectivity is available only at speeds at or below 10 Mbps downstream and 1 Mbps upstream or areas with no internet connectivity.⁴⁸ Charter also suggests an alternative funding method, in the event that full funding is not granted. Charter's method is to increase the award based on the number of census blocks in the project area that have dial-up service only.⁴⁹ This would result in an award of 94.3% or a 14.3% increase over the funding amount recommended by Staff.

Charter also requests that the required two-year pricing commitment should be based on rates in effect at the time service is offered, not on the rates circulated in this Resolution, which do not take into account the delays in processing its 2020 CASF applications. Charter further notes that due to rate increases in December 2020, the draft resolution incorrectly identifies out of date rates as the "current nationwide pricing plans" and requests rates be corrected.⁵⁰

⁴⁷ See Charter Communications Comments on Draft Resolution T-17747, September 9, 2021, page 3.

⁴⁸ *Id.*, page 4.

⁴⁹ *Id.*, page 4, fn. 5.

⁵⁰ *Id.*, pages 4 and 5.

Staff's Response to Comments

Staff disagrees with Charter's suggestion that the Darlene Road Project should have received 100% funding. Based on the 2019 California Broadband Map, five of the six eligible households have slow service and therefore the full 40% for the "Presence of Dial-up Only" funding level is not applicable. The households are not "dial-up only," they are served by a DSL provider at speeds of 3 Mbps downstream and 0.384 Mbps upstream. These households do come under the definition of "unserved households with slow-service" in the CASF program rules and therefore formed the Staff's recommendation for awarding an additional 6.7% of funding for a total of 86.7% for the project.⁵¹ Staff also disagrees with Charter's suggested methodology to determine funding level by using census blocks as opposed to households. CASF rules state that "[t]he percentage of additional funding will be proportional to the percentage of households in the project area that have access to dial-up only at best."⁵²

Staff acknowledges that the 2020 CASF infrastructure grant application cycle was much delayed and that rates for broadband services should not be frozen based on the application date of May 2020. Staff recommends granting Charter's request to adjust rates for plans above the 30 Mbps downstream and 4 Mbps upstream threshold, for both the Darlene Road and Mountain Shadows Projects. This draft Resolution has been revised to reflect the pricing increase. Staff also agrees that the rate plans in the draft Resolution were mistakenly labeled as the "current nationwide pricing plans," however, with the correction to current rates, this statement is now accurate and no correction is necessary.

FINDINGS

1. On May 4, 2020, the Communications Division received 54 applications for the CASF Infrastructure Account.
2. On May 18, 2020, Staff posted the project summaries, including a listing of the census blocks and ZIP Codes covered by the project, and the proposed project area map. The summary was posted on the "CASF Applications Project

⁵¹ See D.21-03-006, Appendix A, Section 3. SB 156 updated the definition of "unserved area," allowing, but not requiring, awards for areas served by broadband speeds of 25 Mbps downstream and 3 Mbps upstream. See Pub. Util. Code Sec. 281(b)(2)(B)(i). However, for the applications submitted in 2020, the CASF program will continue to restrict eligibility pursuant to the definition of unserved contained in the CASF Guidelines last modified by D.21-03-006.

⁵² See D.21-03-006, Appendix A, Section 2.2 Funding Criteria, page A-7, footnote 3.

Summaries” webpage, which may be found on the Commission’s CASF webpage.

3. Pub. Util. Code Sec. 281(f)(5) requires the Commission to fund projects that "deploy infrastructure capable of providing broadband access at speeds of a minimum of 100 mbps downstream and 20 mbps upstream."
4. Staff received no challenges to the Charter Darlene Road Project.
5. Staff received no challenges to the Charter Mountain Shadows Mobile Home Community Project.
6. Staff received one challenge to the Frontier Crescent City project application from Charter Communications, Inc. Based on the review of information submitted, Staff concluded seven of the proposed census blocks were already served. Staff requested that Frontier revise its Crescent City application to remove the census blocks that were identified as ineligible for a CASF Infrastructure grant. On July 19, 2021, Staff posted the revised project summary on the “CASF Applications Project Summaries” webpage.
7. While some portions of the Charter Mountain Shadows Mobile Home Community Project overlaps with RDOF-eligible areas, California Internet, L.P. (dba GeoLinks) has not yet received California Eligible Telecommunications Carrier status.
8. Based on its review, Staff determined that the projects qualify for funding pursuant to D. 21-03-006 and its Appendix 1 and recommends Commission approval of CASF funding for the Charter Darlene Road Project, Charter Mountain Shadows Mobile Home Community Project, and Frontier Crescent City Project up to the amount of \$3,081,541.09.
9. The Commission has determined that the Charter Darlene Road and Mountain Shadows Mobile Home Community Projects are categorically exempt from CEQA review, pursuant to CEQA Guidelines at 14 C.C.R. § 15301 regarding exemption for existing facilities and 14 C.C.R. § 15303 regarding new construction or conversion of small structures.
10. The Commission has determined that the Frontier Crescent City Project is categorically exempt from CEQA review, pursuant to CEQA guidelines at 14

C.C.R § 15301 regarding exemption for existing facilities and 14 C.C.R § 15302 regarding minor modifications to existing structures.

11. A notice letter was e-mailed on August 20, 2021, informing all applicants filing for CASF funding and parties on the CASF distribution list of the availability of the draft of this Resolution, and of the opportunity for comment, at the Commission's website <http://www.cpuc.ca.gov>

THEREFORE, IT IS ORDERED that:

1. The CASF Infrastructure Account funding for Charter Darlene Road, Charter Mountain Shadows Mobile Home Community Project and Frontier Crescent City Project as discussed in this resolution is adopted.
2. The total approved from the CASF Infrastructure Account is up to \$3,081,541.09, as follows:

APPLICANT	PROJECT	CASF APPROVED AMOUNT
Charter	Darlene Road	\$ 705,410.15
Charter	Mountain Shadows Mobile Home Community	\$ 1,878,703.50
Frontier	Crescent City	\$ 497,427.44

3. Charter and Frontier shall comply with all guidelines, requirements and conditions associated with a CASF award, as specified in D.18-12-018 and its Appendix 1, D. 21-03-006, Appendix A, and all requirements for this project included in this Resolution, including Appendices A – D.
4. If Charter and Frontier fail to complete the project in accordance with the CASF guidelines and requirements outlined in D.21-03-006 and its Appendix A, and the terms outlined in this Resolution, Charter and Frontier must reimburse some or all of the CASF funds that it has received.
5. Charter and Frontier must complete and execute the consent forms (to be sent to the Grantee after this Resolution is adopted) agreeing to the conditions set forth in this Resolution and return it the CASF Staff within 30 calendar days from the date of the adoption of this Resolution. Failure to submit the consent

form within 30 calendar days from the adoption date of this Resolution may result in the Commission voiding the grant award.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 23, 2021. The following Commissioners approved it:

/s/ RACHEL PETERSON

Rachel Peterson
Executive Director

MARYBEL BATJER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

DARCIE L. HOUCK

Commissioners

APPENDIX A

Compliance Requirements

A. Deployment Schedule

The Commission expects Charter and Frontier to complete the projects within 12 months from the start date (whereby the applicants have secured CEQA approval from the Commission and all required permits), and the applicant has committed to do so. If the applicant is unable to complete the proposed project within the 12-month timeframe requirement, Charter and Frontier must notify the Director of the Communications Division as soon as Charter and Frontier become aware of this possibility. If such notice is not provided, the Commission may reduce payment for failure to satisfy this requirement of timely notification to the Director.

B. Execution and Performance

Staff and the grantee shall determine a project start date after the CASF grant recipient has obtained all approvals, including CEQA permits. Should Charter and Frontier or any contractor it retains fail to commence work by the designated date, upon five days written notice the Commission may terminate the grant. In the event that Charter and Frontier fail to complete the project in accordance with the terms of Commission approval as set forth in this resolution, Charter and Frontier shall reimburse some or all of the CASF funds that it has received. Charter and Frontier must complete all construction covered by the grant on or before the grant's termination date.

C. Letter of Credit

The Commission exempts Certificate of Public Convenience and Necessity (CPCN) holders from providing a letter of credit, on the basis that the company submitted a performance bond to the Commission to maintain its CPCN and that the Commission has other means to enforce compliance. In its application, Charter and Frontier provided proof of CPCN registration and thus is exempt from the requirement of providing a letter of credit.

D. Project Audit

The Commission has the right to conduct any necessary audit, verification, and discovery during project implementation/construction to ensure that CASF funds are spent in accordance with Commission approval.

Charter and Frontier's invoices will be subject to a financial audit by the Commission at any time within three years of completion of the work.

E. Providing Voice Service

Charter and Frontier have certified that their basic analog telephone service (POTS) meets the FCC standards for E-911 service and battery backup.

F. Reporting

All grantees must submit biannual progress reports on the status of the project, irrespective of whether grantees request reimbursement or payment. These reports are due semi-annually, in March and September, until the project is completely built and operational. Progress reports shall report the schedule for deployment, major construction milestones and costs submitted in the proposal; indicate the actual date of completion of each task/milestone as well as problems and issues encountered, and the actions taken to resolve these problems and issues during project implementation and construction; and identify future risks to the project.

Before full payment of the project is made, Charter and Frontier must submit a project completion report. Charter and Frontier shall also include test results on the download and upload speeds by census block in the final completion report. Charter and Frontier must certify that each progress report is true and correct under penalty of perjury.

G. Prevailing Wage

Section 1720 of the California Labor Code specifies that CASF-subsidized projects are subject to prevailing wage requirements. Charter and Frontier have committed to follow state prevailing wage requirements with regards to this project.

H. Payments to CASF Recipients

The Commission may reimburse Charter and Frontier's expenses in accordance with Pub. Util. Code § 281(f)(10). Details of reimbursable expenses are in Appendix B.

APPENDIX B

Payments to CASF Recipients

Pub. Util. Code § 281(f)(10) defines the costs the Commission may reimburse as follows:

- Costs directly related to the deployment of infrastructure;
- Costs to lease access to property or for Internet backhaul services for a period not to exceed five years; and
- Costs incurred by an existing facility-based broadband provider to upgrade its existing facilities to provide for interconnection.

Additionally, D.21-03-006 (Appendix A, Section 7) caps administrative expenses directly related to the project at 15 percent of the grant amount.⁵³

The grantee may submit reimbursement requests at the following intervals:

- 10 percent completion;
- 35 percent completion;
- 60 percent completion;
- 85 percent completion; and
- 100 percent completion.

The final 15 percent payment request (from 85 to 100 percent) will not be paid without an approved completion report. Payments are based on submitted receipts, invoices and other supporting documentation showing expenditures incurred for the project in accordance with the approved CASF funding budget included in the CASF grantee's application.

Payment to grantees shall follow the process adopted for funds created under Public Utilities Code § 270. The Commission generally processes payments within 20-25 business days, including Communications Division and Administrative Services review time. The State Controller's Office (SCO) requires an additional 14- 21 days to issue payment from the day that requests are received by SCO from Administrative Services.

⁵³ Administrative costs are defined as "indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself." Applicants seeking additional funds will require a Commission exemption included in a draft resolution.

APPENDIX C
Charter Darlene Road
CASF Application Key Information

<i>Project Name</i>	Darlene Road Project
<i>Project Plan</i>	The project proposes to deploy last-mile coaxial and fiber infrastructure to Darlene Lane in the City of Moorpark to enable high-speed Internet service to 6 unserved households.
<i>Project Size (in square miles)</i>	0.08
<i>Download/Upload speed</i>	940 Mbps / 35 Mbps
<i>Location</i>	Moorpark (Ventura County)
<i>Community Name</i>	Darlene Lane
<i>Census Blocks</i>	061110076061010 061110076061011 061110076061014
<i>Median Household Income</i>	\$ 142,969
<i>Estimated Potential Subscriber Size</i>	6 households
<i>Applicant Expectations</i>	3 customers (50 percent take rate)
<i>Pricing Plan (Monthly)</i>	30 Mbps / 4 Mbps for \$17.99 200 Mbps / 10 Mbps for \$69.99 400 Mbps / 20 Mbps for \$89.99 940 Mbps / 35 Mbps for \$129.99
<i>Deployment Schedule (from permit approval date)</i>	12 months
<i>Proposed Project Budget (Total)</i>	\$813,621.86
<i>Grant Requested Amount</i>	\$813,621.86
<i>CASF Grant Amount (86.7 percent)</i>	\$705,410.15
<i>Recommended Grant per household</i>	\$117,568.36

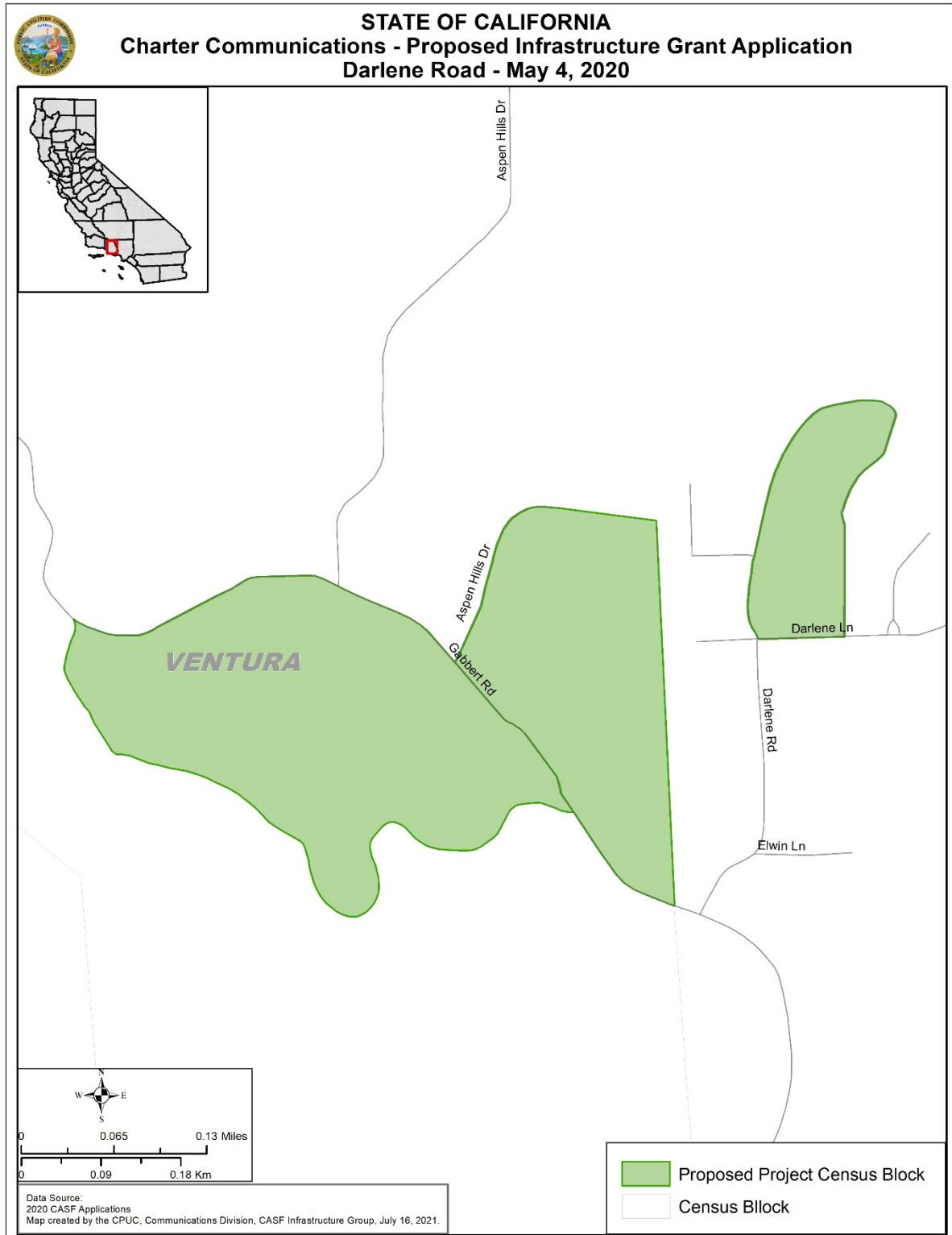
APPENDIX C
Charter Mountain Shadows Mobile Home Community
CASF Application Key Information

<i>Project Name</i>	Mountain Shadows Mobile Home Community Project
<i>Project Plan</i>	The project proposes to deploy last-mile coaxial and fiber infrastructure to Mountain Shadows Mobile Home Community in the City of Highland to enable high-speed Internet service to 101 unserved households.
<i>Project Size (in square miles)</i>	0.036
<i>Download/Upload speed</i>	940 Mbps / 35 Mbps
<i>Location</i>	Highland (San Bernardino County)
<i>Community Name</i>	Mountain Shadows Mobile Home Community
<i>Census Blocks</i>	060710074044001 060710074044002 060710074044003 060710074044004 060710074044005 060710074044010 060710074044011
<i>Median Household Income</i>	\$55,109
<i>Estimated Potential Subscriber Size</i>	101 households
<i>Applicant Expectations</i>	55 customers (55 percent take rate)
<i>Pricing Plan (Monthly)</i>	30 Mbps / 4 Mbps for \$17.99 200 Mbps / 10 Mbps for \$69.99 400 Mbps / 20 Mbps for \$89.99 940 Mbps / 35 Mbps for \$129.99
<i>Deployment Schedule (from permit approval date)</i>	7 months
<i>Proposed Project Budget (Total)</i>	\$1,878,703.50
<i>Grant Requested Amount</i>	\$1,878,703.50
<i>CASF Grant Amount (100 percent)</i>	\$1,878,703.50
<i>Recommended Grant per household</i>	\$18,601

APPENDIX C
Frontier Crescent City
CASF Application Key Information

<i>Project Name</i>	Crescent City Project
<i>Project Plan</i>	The project proposes to build last-mile fiber optic infrastructure in Crescent City to enable fiber-to-the-premise (FTTP) high-speed Internet service to 18 unserved households.
<i>Project Size (in square miles)</i>	0.02
<i>Download/Upload speed</i>	940 Mbps / 880 Mbps
<i>Location</i>	Crescent City (Del Norte County)
<i>Community Name</i>	Pacific Ocean Park Mobile Home Community
<i>Census Blocks</i>	060150001041019
<i>Median Household Income</i>	\$ 30,901
<i>Estimated Potential Subscriber Size</i>	18 households (2010 US Census)
<i>Applicant Expectations</i>	14 customers (80-percent take rate)
<i>Pricing Plan (Monthly)</i>	Fiber Internet (stand-alone pricing): 50 Mbps / 50 Mbps for \$39.99 100 Mbps / 100 Mbps for \$49.99 940 Mbps / 880 Mbps for \$74.99 Low Income 10 Mbps / 1 Mbps for \$14.99
<i>Deployment Schedule (from permit approval date)</i>	11 months
<i>Proposed Project Budget (Total)</i>	\$ 497,427.44
<i>Grant Requested Amount</i>	\$ 497,427.44
<i>CASF Grant Amount (100 percent)</i>	\$ 497,427.44
<i>Recommended Grant per household</i>	\$27,634.86

APPENDIX D
Charter Darlene Road
Location Maps



APPENDIX D
Charter Mountain Shadows Mobile Home Community
Location Maps



APPENDIX D
Frontier Crescent City
Location Maps

