

Decision 26-10-063 October 29, 2026

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

ORDER EXTENDING STATUTORY DEADLINE

Summary

This decision extends the statutory deadline in this proceeding April 30, 2027.

1. Background

Public Utilities Code (Pub. Util. Code) Section 1701.5(a) provides that the Commission shall resolve the issues raised in the scoping memo of a quasi-legislative proceeding within 18 months of the date the proceeding is initiated, unless the Commission makes a written determination that the deadline cannot be met and issues an order extending that deadline. The current statutory deadline for completion of Rulemaking (R.) 23-02-016 is October 30, 2026.

On February 23, 2023, the California Public Utilities Commission (Commission), on its own motion, opened R.23-02-016 to consider rules to determine grant funding, eligibility and compliance for funds distributed to California under the federal Broadband Equity, Access, and Deployment

(BEAD) Program, created by the Infrastructure Investment and Jobs Act (IIJA) of 2021. Among the law's numerous provisions, the IIJA establishes the \$42.45 billion BEAD Program, administered by the National Telecommunications and Information Administration (NTIA). After receiving BEAD funding from the NTIA, a state was allowed to 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 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.

On April 11, 2023, the Administrative Law Judge (ALJ) issued a ruling providing notice of public engagement workshops. The Commission and the California Department of Technology (CDT) partnered with local and regional organizations and other state entities to host 20 BEAD planning workshops throughout the state. The Governor designated the Commission to serve as the recipient of and administering agent for the BEAD program for California and designated the CDT to serve as the recipient of and administering agent for the Digital Equity Plan. These workshops were conducted from April 14, 2023, to June 2, 2023. On May 3, 2023, the ALJ issued a ruling providing notice of two additional public engagement workshops.

On April 17, 2023, parties filed comments in response to the R.23-02-016. On May 8, 2023, parties filed reply comments

On May 18, 2023, the ALJ issued a ruling setting a prehearing conference (PHC) for May 31, 2023, to address the issues of law and fact, determine the need for hearing, set the schedule for resolving the matter, and address other matters as necessary.

On July 14, 2023, Commissioner Darie L. Houck issued a Scoping Memo and Ruling, setting the proceeding schedule and placing the following issues within the scope of this proceeding: Extremely High-Cost Threshold, Geographic Level, Overlapping Project Areas, Selection Among Priority Broadband Projects, Selection Among Other Last-Mile Broadband Deployment Projects, Challenge Process, Match Requirement, Statewide Middle Mile, Ministerial Review, Affordability, Technical Assistance, Climate Resilience, Labor Practices and Workforce Development, Grant Conditions, Grant Applications, Payments and Impacts on Environmental and Social Justice Communities.

On July 17, 2023, the ALJ issued a ruling that provided a draft BEAD Program Five-Year Action Plan for party comment.

On September 27, 2023, the ALJ issued a ruling setting two Public Participation Hearings (PPHs) to be held on November 8, 2023.

On October 13, 2023, the ALJ issued a ruling noticing a workshop to be held on October 26, 2023.

On November 7, 2023, the ALJ issued a ruling to serve proposed rules for the BEAD Program for party comment.

On April 4, 2024, the ALJ issued a ruling noticing NTIA curing instructions regarding the Commission's Initial Proposal Volume 1 for the BEAD Program.

On April 5, 2024, Commissioner Houck issued a proposed decision approving Volume 1 of the BEAD Program Rules.

On August 22, 2024, Decision (D.) 24-08-050 extended the statutory deadline for this proceeding to June 30, 2026. On June 11, 2026, D.26-06-019 extended the statutory deadline for this proceeding to October 30, 2026.

On September 3, 2026, the NTIA issued a Supplemental Deployment Policy Notice for the BEAD Program. Among other items, the NTIA announced a new funding round for grant applications. The Commission will need time to consider this new notice. Consequently, an extension of the statutory deadline to April 30, 2027, is appropriate to allow the Commission sufficient time to resolve this proceeding.

2. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 18-month deadline set forth in Pub. Util. Code Section 1701.5. Under the circumstances of this proceeding, it is appropriate to waive the 30-day period for public review and comment.

3. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Thomas J. Glegola is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. R.23-02-016 was filed on February 23, 2023.
2. Public engagement workshops were conducted from April 14, 2023, to June 2, 2023.
3. A PHC was held on May 31, 2023.

4. On July 14, 2023, a scoping memo and ruling was issued to consider numerous issues regarding the BEAD Program.

5. On July 17, 2023, a draft BEAD Program Five-Year Action Plan was provided for party comment.

6. On November 8, 2023, two PPHs were held.

7. On April 5, 2024, the assigned Commissioner issued a proposed decision approving Volume 1 of the BEAD Program Rules.

8. On August 22, 2024, D.24-08-050 extended the statutory deadline for R.23-02-016 to June 30, 2026.

9. On June 11, 2026, D.26-06-019 extended the statutory deadline for R.23-02-016 to October 30, 2026.

10. R.23-02-016 cannot be completed by October 30, 2026.

11. An extension of the statutory deadline to April 30, 2027 is appropriate to allow the Commission sufficient time to resolve this proceeding.

Conclusion of Law

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5(a), the statutory deadline in this proceeding should be extended to April 30, 2027.

IT IS ORDERED that the statutory deadline in this proceeding is extended until April 30, 2027.

This order is effective today.

Dated October 29, 2026, at San Francisco, California.

JOHN REYNOLDS
President

DARCIE L. HOUCK
KAREN DOUGLAS
CHRISTINE HARADA
Commissioners

Commissioner Matthew Baker recused himself and did not participate in the vote of this item.