

October 3rd, 2017

Governor Jerry Brown  
State Capitol, Suite 1173  
Sacramento, CA 94814

RE: CPUC comments to FCC support your VETO of AB 1665

Dear Governor Brown,

On Thursday, September 28th at their voting meeting, the California Public Utilities Commission approved filing comments to the FCC on their Thirteenth Broadband Progress Report Notice of Inquiry (NOI). This is an annual report on whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. Link - <http://docs.cpuc.ca.gov/publisheddocs/published/g000/m196/k538/196538139.pdf>

The CPUC is the regulator for the telecommunications industry in California, and which collects a large volume of data through extensive mobile field testing. When the FCC requests input on specific issues, their expert analysis and recommendations, based on both their experience and the data they have collected, must be taken seriously.

Topic that this FCC NOI considers include:

1. The FCC asks whether some form of advanced telecommunications capability, be it fixed or mobile, is being deployed to all Americans in a reasonable and timely fashion, and whether it should evaluate deployment based on the presence of both fixed **and** mobile services.

**CPUC Recommendation:** The CPUC has found that mobile and residential broadband services are “*generally not substitutes*” and that “our experience and data do not support substituting mobile broadband for fixed broadband services.”

**Why this matters in regards to AB 1665:** AB 1665 reaches a decision about whether a census block is served by *including* mobile data (and this also applies to determining whether a region is served as well). This results in a rural county like Mendocino, which is grossly underserved at 40% by the CPUC’s own wireline data, to become ineligible for grants from the CASF fund once mobile data from the three other urban counties in our region are included. This is wrong and unfair. Our consortium has been sounding the

alarm for several years now that mobile and wireline are *complimentary* services and that mobile service *cannot substitute* for a family wireline connection at home for the multitude of family needs at an affordable price. Accepting mobile broadband as a substitute for wireline broadband may benefit the wireless industry profits, but is not supported by the experience and data from our own PUC.

2. In the NOI, the FCC seeks comment on the appropriate benchmark for fixed advanced telecommunications capability and whether it should maintain the 25 Mbps download, 3 Mbps upload speed benchmark.

**CPUC Recommendation:** The CPUC should inform the FCC of its findings in the Competition OII Decision, and recommend that at a minimum the FCC *maintain* its 25Mbps/3Mbps speed benchmark for fixed advanced telecommunications capability.

**Why this matters in regards to AB 1665:** The recommendation from California's own PUC supports maintaining robust broadband standards while AB 1665 *lowers* an already much lower California standard. This is reason enough for your veto. California deserves better and should be leading the nation, not lowering the bar.

As these two recommendations alone illustrate, AB 1665 does NOT serve the interests of the residents of California. We respectfully request your immediate VETO.

*Dan Hamburg* (13)

Dan Hamburg  
Chair, NBNCBC Oversight Committee  
Mendocino County Supervisor

cc (via email): Oversight Committee Members-County Supervisors: Dennis Rodoni, Marin; Diane Dillon, Napa; and Lynda Hopkins, Sonoma; NBNCBC Management Team; and Jason Liles