

North Bay/North Coast Broadband Consortium

OVERSIGHT COMMITTEE SPECIAL MEETING

November 23rd, 2021 | 4:00 PM- 5:00 PM

Join Meeting: <https://us02web.zoom.us/j/5246169229?pwd=SmdwR1lIUUTJoTDk4V3VaWE9WcFpaUT09>

Call In: 1(669) 900-9128 | Meeting ID: 524 616 9229 | Passcode: 234-5868

1. CALL TO ORDER

Dillon

Marin County:

Dennis Rodoni

Damon Connolly (Alt.)

Mendocino County:

Ted Williams

John Haschak (Alt.)

Napa County:

Diane Dillon (Chair)

Belia Ramos (Alt.)

Sonoma County:

Chris Coursey

Lynda Hopkins (Alt.)

2. SB 156 BROADBAND LAST MILE FUNDING ALLOCATION – DISCUSSION/ACTION

The oversight committee will discuss the California Public Utilities Commission (CPUC) administrative law judge's email ruling requesting comments on proposal for apportionment of funds for federal funding account grant program (r.20-09-001). The email ruling requests comments on the apportionment of funds for the federal funding account grant program, created by SB 156. Parties are requested to file and serve comments by November 30, 2021. The deadline for reply comments is December 10, 2021. The oversight committee will coordinate and vote on a formal response to the proceeding. See Attachment A for more information.

3. OTHER BUSINESS – DISCUSSION - (5 MIN)

Dillon

4. PUBLIC COMMENTS - (2 MINUTES PERSON)

Dillon

5. MEETING ADJOURNMENT

Dillon

**ATTACHMENT A: NOVEMBER 10TH, 2021 CPUC ADMINISTRATIVE LAW JUDGE'S EMAIL RULING
REQUESTING COMMENTS ON PROPOSAL FOR APPORTIONMENT OF FUNDS FOR FEDERAL FUNDING
ACCOUNT GRANT PROGRAM (R.20-09-001)**

Subject: SB 156 Broadband Last Mile Funding Allocation by County Update

Good Afternoon,

The CPUC recently released a Ruling in its public broadband infrastructure and deployment proceeding (R.20-09-001) proposing the allocation of \$2 billion for last-mile broadband infrastructure projects. The Ruling proposes draft county allocations using a methodology similar to the classification used by the Federal Office of Management and Budget (OMB). Parties/stakeholder are encouraged to comment on this methodology and any potential alternatives in response to the Ruling, which is provided in the e-mail below. Opening comments are due 11/30 and reply comments are due 12/10.

Please note that these allocations are only an initial proposal, and not a final product, pending party/stakeholder input. This input will inform the final program rules and guidelines that will be included in a Proposed Decision. At that time, there will be an additional opportunity for party/stakeholder feedback on the Proposed Decision prior to CPUC adoption of a final Decision.

Background

Pursuant to SB 156 (Committee on Budget and Fiscal Review, 2021) and AB 164 (Ting, 2021) the CPUC was appropriated and directed to spend \$2 billion on last-mile broadband Internet infrastructure projects, with \$1 billion allocated to projects in urban counties and \$1 billion allocated to projects in rural counties

The CPUC is required to initially allocate \$5 million for projects in each county and then allocate the remaining funds in the respective urban or rural allocation, based on each county's proportionate share of households without access to broadband Internet access service speeds of at least 100 megabits per second download.

Please let us know if you have any questions or would like to discuss further.

Best,

Marina MacLatchie | 415-660-8123 | Office of Governmental Affairs | CA Public Utilities Commission

From: Glegola, Thomas J. <thomas.glegola@cpuc.ca.gov>

Sent: Wednesday, November 10, 2021 10:28:20 PM

To: DAzevedo@AARP.org <DAzevedo@AARP.org>; FPilot@DreamingLucid.net <FPilot@DreamingLucid.net>; Tad.G@CommLegal.org <Tad.G@CommLegal.org>; Ben@SIFInetworks.com <Ben@SIFInetworks.com>; ACLP@nyls.edu <ACLP@nyls.edu>; MSaperstein@USTelecom.org <MSaperstein@USTelecom.org>; JBubar@aol.com <JBubar@aol.com>; Corian@NextCenturyCities.org <Corian@NextCenturyCities.org>; Jenna@PublicKnowledge.org <Jenna@PublicKnowledge.org>; betty.sanders@charter.com <betty.sanders@charter.com>; betty.sanders@charter.com <betty.sanders@charter.com>; Steve.Bowen@BowenLawGroup.com <Steve.Bowen@BowenLawGroup.com>; DigitalDivide@CalFund.org <DigitalDivide@CalFund.org>; MOWens@Counsel.LAcounty.gov <MOWens@Counsel.LAcounty.gov>; RVanDerLeeden@SempraUtilities.com <RVanDerLeeden@SempraUtilities.com>; DRatray@UniteLA.com <DRatray@UniteLA.com>; Houston@SCaG.ca.gov <Houston@SCaG.ca.gov>; MSantana@WeingartFnd.org <MSantana@WeingartFnd.org>; Bill.Allen@LAedc.org <Bill.Allen@LAedc.org>; noah.aptekar@gmail.com <noah.aptekar@gmail.com>; LFox@cenic.org <LFox@cenic.org>; Gloria.Ing@sce.com <Gloria.Ing@sce.com>; RKMoores@GSwater.com <RKMoores@GSwater.com>; Edward@ucan.org <Edward@ucan.org>; CFaber@SempraUtilities.com <CFaber@SempraUtilities.com>; emartinez@cvag.org <emartinez@cvag.org>; Jesus.G.Roman@Verizon.com <Jesus.G.Roman@Verizon.com>; MSlawson@GeoLinks.com <MSlawson@GeoLinks.com>; evotaw@varcomm.biz <evotaw@varcomm.biz>; SSimon@mono.ca.gov <SSimon@mono.ca.gov>; JGriffiths@InyoCounty.us <JGriffiths@InyoCounty.us>; DClark@SebastianCorp.com <DClark@SebastianCorp.com>; DClark@sebastiancorp.com <DClark@sebastiancorp.com>; DanD@PonderosaTel.com <DanD@PonderosaTel.com>; steveblum@tellusventure.com <steveblum@tellusventure.com>; MinerJudy@FHDA.edu <MinerJudy@FHDA.edu>; DigitalEquityCa@gmail.com <DigitalEquityCa@gmail.com>; RKoss@AdamsBroadwell.com <RKoss@AdamsBroadwell.com>; JHadsell@CVC.edu <JHadsell@CVC.edu>; Zarchy, Daniel <Daniel.Zarchy@cpuc.ca.gov>; William.Sanders@SFCityAtty.org <William.Sanders@SFCityAtty.org>; RCosta@turn.org <RCosta@turn.org>; Itzel@UtilityAdvocates.org <Itzel@UtilityAdvocates.org>; Grant.Guerra@pge.com <Grant.Guerra@pge.com>; ServiceList.CPUC@PerkinsCoie.com <ServiceList.CPUC@PerkinsCoie.com>; William.Kissinger@MorganLewis.com <William.Kissinger@MorganLewis.com>; Marg@TobiasLO.com <Marg@TobiasLO.com>; Nelsonya.Causby@att.com <Nelsonya.Causby@att.com>; Ernesto@eff.org <Ernesto@eff.org>; MSchreiber@cwclaw.com <MSchreiber@cwclaw.com>; MDay@GoodinMacBride.com <MDay@GoodinMacBride.com>; smalllecs@cwclaw.com <smalllecs@cwclaw.com>; sbanola@cwclaw.com <sbanola@cwclaw.com>; SuzanneToller@dwt.com <SuzanneToller@dwt.com>; Rachelle@ChongLaw.net <Rachelle@ChongLaw.net>; PGETariffs@pge.com <PGETariffs@pge.com>; Joshua.Trauner@CrownCastle.com <Joshua.Trauner@CrownCastle.com>; Anita@icommlaw.com <Anita@icommlaw.com>; Anita@iCommLaw.com <Anita@iCommLaw.com>; VinhcentL@Greenlining.org <VinhcentL@Greenlining.org>; Service@cforat.org <Service@cforat.org>; SRBryanJr@Pintelco.com <SRBryanJr@Pintelco.com>; Imre.Kabai@isd.sccgov.org <Imre.Kabai@isd.sccgov.org>; Vaughn.Villaverde@AACI.org <Vaughn.Villaverde@AACI.org>; MDewan@sccoe.org <MDewan@sccoe.org>; ExecDirector@sccsba.org <ExecDirector@sccsba.org>; Jorge@chpscc.org <Jorge@chpscc.org>; Calvin.Sandeen@sonoma-county.org <Calvin.Sandeen@sonoma-county.org>; KCordero@YurokTribe.nsn.us <KCordero@YurokTribe.nsn.us>; BrendaS@volcanotel.com <BrendaS@volcanotel.com>; ggierczak@surewest.com

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Subject: Administrative Law Judge's Email Ruling Requesting Comments on Proposal for Apportionment of Funds for Federal Funding Account Grant Program (R.20-09-001)

To All Parties:

This email ruling requests comments on the apportionment of funds for the Federal Funding Account grant program, created by SB 156. Parties are requested to file and serve comments by November 30, 2021. The deadline for reply comments is December 10, 2021.

1. Background

Public Utilities Code §§281(n) (3)(A) and §§281(n) (3)(B) respectively direct the Commission to spend \$2 billion on broadband Internet infrastructure projects, with \$1 billion allocated to projects urban counties and \$1 billion allocated to projects in rural counties. The Commission initially must allocate \$5 million for projects in each county and then allocate the remaining funds in the respective urban or rural allocation, based on each county's proportionate share of households without access to broadband Internet access service speeds of at least 100 megabits per second download.

2. Proposal

Various federal and state agencies use different definitions and methodologies to determine whether a county or another geographic area is "rural" or "urban." For purposes of awarding grants from the Federal Funding Account, this ruling proposes to classify counties as "rural" or "urban" using a method similar to the classification used by the Federal Office of Management and Budget (OMB). "Urban" counties would be the same as "metropolitan" counties and "rural" counties would be the same as "nonmetropolitan" counties.

Metropolitan areas are defined as broad labor-market areas that include: 1) core counties with one or more urbanized areas with 50,000 or more people; and 2) outlying counties that are economically tied to the core counties as measured by labor-force commuting. Nonmetropolitan counties are outside the boundaries of metropolitan areas and are further subdivided into two types: 1) "micropolitan" (micro) areas, which are nonmetropolitan labor-market areas centered on urban clusters of 10,000-49,999 persons; and 2) all remaining counties. The OMB methodology identifies 21 nonmetro counties in California. Thirteen counties are identified as "rural" – Alpine, Amador, Calaveras, Colusa, Glenn, Inyo, Mariposa, Modoc, Mono, Plumas, Sierra, Siskiyou, and Trinity – and eight counties as being "micropolitan" – Del Norte, Humboldt, Lake, Lassen, Mendocino, Nevada, Tehama, and Tuolumne.

The OMB Analysis' definition of counties based on their metropolitan and nonmetropolitan areas has the greatest consideration for rural areas of California that do not have direct economic ties to urban metropolitan areas, thereby justifying a greater need for the economic development derived from internet connectivity. Using this method, Table 1, below, indicates the proposed project funding allocation on a county basis. Proposed funding amounts reflect both the \$5 million allocation, as well as the allocation of the remaining funds. The 21 counties that would be defined as "rural" using this method are highlighted.

Table 1. Proposed Funding Breakdown by County Using OMB’s Method

County	Number of Unserved Households at 100 Mbps Download	Proposed Funding
Alameda	11,898	\$22.24 M
Alpine	367	\$7.92 M
Amador	9,632	\$81.76 M
Butte	8,657	\$17.54 M
Calaveras	4,761	\$42.94 M
Colusa	4,419	\$40.22 M
Contra Costa	6,772	\$14.81 M
Del Norte	976	\$12.78 M
El Dorado	19,716	\$33.57 M
Fresno	34,236	\$54.61 M
Glenn	3,704	\$34.52 M
Humboldt	10,063	\$85.2 M
Imperial	5,458	\$12.91 M
Inyo	1,517	\$17.09 M
Kern	16,038	\$28.24 M
Kings	6,031	\$13.74 M
Lake	4,324	\$39.46 M
Lassen	3,673	\$34.27 M
Los Angeles	60,752	\$93.04 M
Madera	11,362	\$21.46 M
Marin	3,987	\$10.78 M
Mariposa	6,613	\$57.7 M
Mendocino	9,674	\$82.09 M
Merced	13,571	\$24.67 M
Modoc	3,493	\$32.84 M
Mono	1,033	\$13.23 M
Monterey	7,484	\$15.84 M
Napa	3,478	\$10.04 M
Nevada	12,891	\$107.73 M
Orange	53,039	\$81.86 M
Placer	15,397	\$27.31 M
Plumas	6,879	\$59.82 M
Riverside	27,820	\$45.31 M
Sacramento	20,552	\$34.78 M
San Benito	1,003	\$6.45 M
San Bernardino	33,335	\$53.31 M
San Diego	46,512	\$72.4 M
San Francisco	3,288	\$9.76 M

San Joaquin	14,896	\$26.59 M
San Luis Obispo	10,575	\$20.32 M
San Mateo	3,307	\$9.79 M
Santa Barbara	6,627	\$14.6 M
Santa Clara	18,907	\$32.4 M
Santa Cruz	3,245	\$9.7 M
Shasta	16,729	\$29.24 M
Sierra	1,385	\$16.04 M
Siskiyou	7,526	\$64.98 M
Solano	7,320	\$15.61 M
Sonoma	8,677	\$17.57 M
Stanislaus	12,407	\$22.98 M
Sutter	2,841	\$9.12 M
Tehama	12,879	\$107.64 M
Trinity	4,551	\$41.27 M
Tulare	24,463	\$40.45 M
Tuolumne	1,946	\$20.51 M
Ventura	9,365	\$18.57 M
Yolo	6,335	\$14.18 M
Yuba	6,342	\$14.19 M
Total	674,728	\$2 B

3. Alternative Methods

While this ruling proposes using a method similar to the one employed by OMB, parties are asked to comment on alternative methods, including, one relying on the U.S. Census Bureau’s determinations, and one where individual counties self-identify as rural, as is the case with the membership of the Rural County Representatives of California (RCRC), an association representing California’s small, rural counties on issues that are unique to them and includes 37 member counties. Table 2, below, compares the funding allocations using both methods, as well as the proposed method.

An Excel workbook containing the underlying data for all three methods is available on the Commission’s website at: <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-infrastructure-deployment> under “Additional Information About Proceeding” (third bullet).

Table 2. Federal Funding Account Distribution Comparisons

County	Number of Unserved Households at 100 Mbps Download	U.S. Census Bureau Rural Definition (11 Rural Counties)	OMB Rural Definition (21 Rural Counties)	RCRC Rural Definition (37 Rural Counties)
Alameda	11,898	\$19.85 M	\$22.24 M	\$31.6 M
Alpine	367	\$10.62 M	\$7.92 M	\$6.09 M
Amador	9,632	\$152.38 M	\$81.76 M	\$33.61 M
Butte	8,657	\$15.8 M	\$17.54 M	\$30.71 M

Calaveras	4,761	\$77.85 M	\$42.94 M	\$19.14 M
Colusa	4,419	\$10.52 M	\$40.22 M	\$18.13 M
Contra Costa	6,772	\$13.45 M	\$14.81 M	\$20.14 M
Del Norte	976	\$6.22 M	\$12.78 M	\$7.9 M
El Dorado	19,716	\$29.61 M	\$33.57 M	\$63.56 M
Fresno	34,236	\$47.73 M	\$54.61 M	\$81.54 M
Glenn	3,704	\$9.62 M	\$34.52 M	\$16. M
Humboldt	10,063	\$17.56 M	\$85.2 M	\$34.89 M
Imperial	5,458	\$11.81 M	\$12.91 M	\$21.21 M
Inyo	1,517	\$6.89 M	\$17.09 M	\$9.51 M
Kern	16,038	\$25.02 M	\$28.24 M	\$40.86 M
Kings	6,031	\$12.53 M	\$13.74 M	\$18.48 M
Lake	4,324	\$10.4 M	\$39.46 M	\$17.84 M
Lassen	3,673	\$61.2 M	\$34.27 M	\$15.91 M
Los Angeles	60,752	\$80.82 M	\$93.04 M	\$140.82 M
Madera	11,362	\$19.18 M	\$21.46 M	\$38.75 M
Marin	3,987	\$9.98 M	\$10.78 M	\$13.91 M
Mariposa	6,613	\$106.19 M	\$57.7 M	\$24.64 M
Mendocino	9,674	\$17.07 M	\$82.09 M	\$33.73 M
Merced	13,571	\$21.94 M	\$24.67 M	\$45.31 M
Modoc	3,493	\$58.45 M	\$32.84 M	\$15.37 M
Mono	1,033	\$6.29 M	\$13.23 M	\$8.07 M
Monterey	7,484	\$14.34 M	\$15.84 M	\$27.23 M
Napa	3,478	\$9.34 M	\$10.04 M	\$15.33 M
Nevada	12,891	\$21.09 M	\$107.73 M	\$43.29 M
Orange	53,039	\$71.19 M	\$81.86 M	\$123.58 M
Placer	15,397	\$24.22 M	\$27.31 M	\$50.73 M
Plumas	6,879	\$110.26 M	\$59.82 M	\$25.43 M
Riverside	27,820	\$39.72 M	\$45.31 M	\$67.2 M
Sacramento	20,552	\$30.65 M	\$34.78 M	\$50.95 M
San Benito	1,003	\$6.25 M	\$6.45 M	\$7.98 M
San Bernardino	33,335	\$46.6 M	\$53.31 M	\$79.52 M
San Diego	46,512	\$63.05 M	\$72.4 M	\$108.98 M
San Francisco	3,288	\$9.1 M	\$9.76 M	\$12.35 M
San Joaquin	14,896	\$23.59 M	\$26.59 M	\$38.3 M
San Luis Obispo	10,575	\$18.2 M	\$20.32 M	\$36.41 M
San Mateo	3,307	\$9.13 M	\$9.79 M	\$12.39 M
Santa Barbara	6,627	\$13.27 M	\$14.6 M	\$19.82 M
Santa Clara	18,907	\$28.6 M	\$32.4 M	\$47.27 M
Santa Cruz	3,245	\$9.05 M	\$9.7 M	\$12.25 M
Shasta	16,729	\$25.88 M	\$29.24 M	\$54.69 M
Sierra	1,385	\$26.19 M	\$16.04 M	\$9.11 M
Siskiyou	7,526	\$120.16 M	\$64.98 M	\$27.35 M
Solano	7,320	\$14.14 M	\$15.61 M	\$21.36 M

Sonoma	8,677	\$15.83 M	\$17.57 M	\$30.77 M
Stanislaus	12,407	\$20.48 M	\$22.98 M	\$32.74 M
Sutter	2,841	\$8.55 M	\$9.12 M	\$13.44 M
Tehama	12,879	\$202.07 M	\$107.64 M	\$43.25 M
Trinity	4,551	\$74.64 M	\$41.27 M	\$18.52 M
Tulare	24,463	\$35.53 M	\$40.45 M	\$77.66 M
Tuolumne	1,946	\$7.43 M	\$20.51 M	\$10.78 M
Ventura	9,365	\$16.69 M	\$18.57 M	\$25.94 M
Yolo	6,335	\$12.91 M	\$14.18 M	\$23.82 M
Yuba	6,342	\$12.91 M	\$14.19 M	\$23.84 M
Total	674,728	\$2 B	\$2 B	\$2 B
		Note: Includes \$5 Million Base + Unserved Apportionment. Rural County Designations are Highlighted Green		

4. Questions for Parties

Parties are asked to comment on the following questions:

1. For the purpose of calculating Federal Funding Account apportionments, is it reasonable to use the OMB definitions of metropolitan and nonmetropolitan for identifying urban and rural counties? Should the Commission use a modified version of this method?
2. Should the Commission instead use a methodology that relies on the U.S. Census Bureau's definitions of urban and rural? Should the Commission modify the thresholds used by the U.S. Census Bureau to include additional counties?
3. Should the Commission instead use RCRC membership to define rural and urban counties?
4. Are there alternative analyses or methodologies that the Commission should consider?

Parties with suggested modifications or alternate proposals are directed to provide as an attachment to their Opening Comments a detailed spreadsheet of the proposed changes and underlying analyses for consideration by the Commission.

IT IS SO RULED.

THE DOCKET OFFICE SHALL FORMALLY FILE THIS RULING.

Thomas J. Glegola

Administrative Law Judge

California Public Utilities Commission