



August 8, 2023

The Honorable Tasha Boerner
California State Assembly
State Capitol
Sacramento, CA 95814

RE: AB 662 (Boerner) – Oppose

Dear Assemblymember Boerner:

The Public Advocates Office is the independent consumer advocate at the California Public Utilities Commission (CPUC). We have a statutory mandate to advocate for affordable, safe, and reliable utility services consistent with the state's climate goals.

We oppose AB 662, as amended on July 13, 2023. While we share your bill's goal of effectively and timely allocating \$1.86 billion of federal funds to Californians in need of affordable broadband services in unserved and underserved areas, it continues to limit the CPUC's ability to disburse these funds in Californians' best interests.

Specifically, AB 662 ties the CPUC's hands by restricting them from imposing critical rules, processes, or procedures not "explicitly required" by the federal guidelines, including:

- Requiring coordination of federal BEAD funding with state middle mile projects to avoid duplication;
- Ensuring BEAD funded networks deliver affordable service to all customers served by networks funded with public funds;
- Prioritizing projects that receive local and Tribal support or that provide open access on the last mile;
- Adopting and enforcing rules regarding network outages.

By preventing the CPUC from taking these necessary actions, unintended consequences will likely ensue including:

- Creating the opportunity for obstructionist litigation over what is "explicitly required" by the federal rules;
- Risking a National Telecommunications and Information Administration determination that California's BEAD plan is insufficient, which in turn, could delay or prevent the release of California's full BEAD allocation.

We therefore recommend that you let the CPUC conclude its rulemaking on this matter (opened on February 23, 2023) before moving forward with this bill. It has already gathered significant public comment from 17

Workshops held throughout the state and three in-person Tribal Consultations, co-hosted with the California Department of Technology. The CPUC rulemaking should also continue because it has met its milestones so far.

For these reasons, the Public Advocates Office respectfully opposes AB 662.

Please let me know if you have any questions or want to discuss this matter further at (415) 703-2381 or at matt.baker@cpuc.ca.gov

Matt Baker

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