

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Consider Modifications to
the California Advanced Services Fund.

Rulemaking 12-10-012
(Filed October 25, 2012)

**OPENING COMMENTS OF THE UTILITY REFORM NETWORK AND THE
GREENLINING INSTITUTE ON THE PROPOSED DECISION IMPLEMENTING THE
CASF INFRASTRUCTURE ACCOUNT REVISED RULES**

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I. INTRODUCTION

Pursuant to Rule 14.3 of the Commission’s Rules of Practice and Procedure, The Utility Reform Network and the Greenlining Institute (“Joint Consumers”) respectfully submit these opening comments on the Proposed Decision of Commissioner Guzman Aceves (“PD”). While Joint Consumers generally support the changes to the CASF infrastructure program and project requirements, Joint Consumers offer recommendations to clarify the proposed project requirements and to better align the PD with the record of this proceeding.

II. DISCUSSION

A. Determination of Eligible Areas and Served Status

The PD notes that “it is clear that, in certain instances, the deployment data submitted by providers overstates broadband availability.”¹ To remedy this issue, the PD requires applicants to validate the presence of one subscriber in each census block.² Joint Consumers support this proposal as an improvement over simply accepting deployment claims from providers. However, the identification of a single subscriber does not go far enough to solve the overstatement of availability issue wherein some households in a census block have service, but others do not. To remedy this issue, the Commission should require full disclosure of address level subscription data rather than just one subscriber in each census block. Aside from giving flexibility for the Commission to create a more rigorous analysis and criteria for determining if an area is “served” in the future by providing more data points for staff to analyze and properly consider, this data would allow for greater accuracy in determining whether CASF is meeting its 98% availability goal, help to target CASF adoption resources to the most needed projects, and enable the

¹ Proposed Decision at p. 11.

² Proposed Decision at p. 12.

Commission to identify “broadband deserts” where parts of a census block do not have any subscribers.

Furthermore, the PD does not address the suggestion in Joint Consumers’ comments that providers should have to prove subscribers can actually receive 6/1 Mbps speeds in that census block.³ AB 1665 notes that census blocks are CASF eligible where “no provider offers access at speeds of at least 6 mbps downstream and one mbps upstream.”⁴ Requiring validated subscription and deployment data is just one half of the equation in determining whether a provider “offers access.” The statute is clear. A census block is only “served” if subscribers in that census block receive broadband capable of receiving the statutory minimum speeds.⁵ Therefore, in addition to subscriber data, the PD should also require providers to validate 6/1 Mbps served speeds through at least one CalSPEED test per census block.⁶

Joint Consumers respectfully request the Commission modify the PD consistent with Joint Consumers’ recommendation above, and modify the PD’s Appendix as follows:

Proposed Decision, Appendix at P. 7, note 5:

Pub. Util. Code section 281(b)(1)(B). To determine if an area is unserved, the Commission will rely on both broadband deployment data and subscriber data submitted to the Communications Division as part of the annual broadband data collection efforts. Staff will use subscriber data to validate a provider’s deployment data. For a census block to be served by a provider, the provider must submit deployment data and CalSPEED test data indicating that it offers serves speeds to at least one household in that census block AND address level subscriber data ~~indicating that it has one subscriber in that~~ for that census block.

³ Joint Consumers Opening Comments on the July 2018 ACR (filed August 8, 2018) at pp. 1, 5.

⁴ Pub. Util. Code sec. 281(f)(5)(A).

⁵ *Id.*

⁶ Joint Consumer note that the Proposed Decision, Appendix 1 at p. 17, allows an applicant to use a CALSPEED test to demonstrate, in part, the unserved status of an area, thus supporting the reliance on CALSPEED data.

B. Funding Criteria

1. The Commission Erred by Only Providing Additional Funding for Projects Where the Entire Project Area has Access to “Dial-Up Only”⁷

Public Utilities Code section 281(b)(2)(B)(i) requires the Commission to give preference to projects in areas that are not served by any form of facilities-based broadband service, which includes project areas that are served by dial-up only.⁸ The PD implements this requirement, in part, by offering a funding incentive for projects in areas that only have access to dial-up.⁹

However, the PD errs by requiring that the *entire* project area must meet the dial-up only criteria because it ignores the record that census blocks with dial-up only may be surrounded by other census blocks, included in the project area, that have “low-speed broadband”¹⁰ instead of dial-up but are otherwise eligible for CASF-funded infrastructure upgrades. Indeed, elsewhere in the PD, the Commission acknowledges that, “the Commission is not prohibited from approving funding for projects outside of the areas that are designated as prioritized” because of their dial-up only status.¹¹

Case studies at the workshops and parties’ comments, discussed potential project areas that consist of areas with variable levels of access to broadband services.¹² A census block that receives low-speed broadband, but is otherwise eligible for CASF funding to upgrade its broadband capabilities, may be adjacent to, or included in the same project as, census blocks that receive dial-up only service. While Joint Consumers agree that the Commission should prioritize

⁷ For the purposes of these comments, “dial-up only” refers to service that is dial-up service at best, inclusive of having no service.

⁸ Proposed Decision at p. 19 (citing Public Utilities Code sec. 281(b)(2)(B)(i)).

⁹ Proposed Decision at p. 22.

¹⁰ For the purposes of these comments, “low-speed broadband” refers to broadband service capabilities that are better than dial-up but less than 6/1 mbps.

¹¹ Proposed Decision at p. 5.

¹² *See e.g.*, Joint Consumers Opening Comments on the July 2018 ACR at p. 13 (citing the March 28, 2018 workshop in El Centro).

broadband deployment to areas with dial-up only through increased funding, a project area that is a mix of dial-up only and low-speed broadband should also be eligible for at least some additional funding.

Should the Commission withhold the full additional 40% funding for projects where the project area is a mix of dial-up only and low-speed broadband, it may encourage providers to gerrymander homogenous project areas. Providers may design a project area to exclusively include dial-up only census blocks to receive the additional funding even where it would be economically-efficient and beneficial to the community to include census blocks with low-speed broadband. Conversely, providers may gerrymander project areas to exclusively include census blocks that currently receive low-speed broadband, leaving dial-up only census blocks at status quo, since it would be more expensive for the provider to build in the dial-up only census blocks as a result of losing the additional funding because the project is a mix of dial-up only and low-speed broadband census blocks.

Therefore, Joint Consumers recommend the PD be revised to provide at least some additional funding for projects that include dial-up only census blocks. Joint Consumers propose that the additional funding is proportional to the percentage of census blocks in a project area that are dial-up only. For example, if 100% of the census blocks in a project area receive dial-up only, the project receives 100% of the 40% dial-up only additional funding, for a total of 40% additional funding. If 75% of the census blocks in a project area receives dial-up only, the project receives 75% of the 40% dial-up only additional funding, for a total of a 30% additional funding. Providing additional funding proportional to the census blocks in a project area that have dial-up only will encourage providers to include dial-up only census blocks and further the CASF

program goals by prioritizing dial-up only areas, while reducing incentives for provider to gerrymander project areas.

Joint Consumers respectfully request the Commission adopts the following changes consistent with Joint Consumers' recommendation above:

Proposed Decision at p. 22:

“Presence of Dial-up Only: Up to + 40%^X”

^X The percentage of additional funding will be proportional to the percentage of census blocks in the project area that have access to dial-up only at best.

Proposed Decision, Appendix A at p. 6:

“Presence of Dial-up Only: Up to + 40%^X”

^X The percentage of additional funding will be proportional to the percentage of census blocks in the project area that have access to dial-up only at best.

2. The Commission Should Clarify the Service Requirements for Low-Income Service Offerings that Qualify for Additional Project Funding

The PD adopts an incentive of additional funding for projects with a low-income service offering that has a price-cap, but does not provide further minimum standards for this low-income service offering. In opening comments on the September 2018 ALJ Ruling, Joint Consumers recommended that the low-income service offerings meet specific service quality requirements to qualify for additional funding.¹³ It is important that the Commission clearly requires “discounted” broadband services provide robust capabilities for low-income consumers, especially when the providers are receiving subsidy money for their deployment. However, the

¹³ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 9 (filed September 21, 2018).

PD errs by not defining the required performance standards for the additional funding beyond providing a price cap of “no more than \$15/month.”¹⁴

First, the Commission should clarify that a provider must offer a low-income offering throughout its *entire* project area in order to qualify for additional funding.¹⁵ The PD’s discussion does not go far enough to explicitly state this requirement, nor is it clear from the Findings of Fact, Conclusions of Law, Ordering Paragraphs, or the Appendix containing the proposed rules and application.¹⁶ The PD should be revised to clearly state that a project should only be awarded additional funding for a low-income service offering if that service offering is available throughout the entire project area.

Second, the Commission should clarify that low-income offerings that qualify for additional funding must meet the minimum performance standards – speeds, latency, data caps, and price-duration commitments – required for all CASF projects.¹⁷ Although it may be reasonable to assume that the price-capped low-income service offering must meet the same minimum requirements for CASF deployed service, the Commission should be explicit about this requirement to remove any doubt.¹⁸

¹⁴ Proposed Decision at p. 22. *See also*, Joint Consumers Reply Comments on the September 2018 ALJ Ruling at p. 3 (filed September 28, 2018) (“In addition to requiring an affordable broadband plan for *any* provider to receive *higher levels* of funding, Joint Consumers support an affordable broadband offering requirement for *incumbent* providers to receive *any* CASF funding”).

¹⁵ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 8 (“Joint Consumers believe that a ‘low-income’ plan should offer 25 Mbps service at \$15 or less with broad eligibility criteria and requirements that carriers continue to offer these plans”). *See also*, Joint Consumers Reply Comments on the September 2018 ALJ Ruling at p. 3; Cal PA Opening Comments on the September 2018 ALJ Ruling at p. 2.

¹⁶ Proposed Decision at p. 21.

¹⁷ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 9 (“the Commission should ensure low-income households on affordable plans receive service that has sufficient speeds, latency and data allowances (if any)”).

¹⁸ Proposed Decision, Appendix A at p. 12 (project completion within 12-24 months, pricing commitment for 2 years, speeds of at least 10/1 Mbps, latency at a maximum 100 ms, data caps of a minimum 190 GBs per month, and an affordable broadband plan).

Joint Consumers respectfully request the Commission adopts the following changes consistent with Joint Consumers recommendations above:

Proposed Decision at p. 22:

“• Applicant serves low-income consumers for no more than \$15/month^x”

^x The low-income service offering must be offered throughout the entire project area and must meet all of the CASF performance criteria: project completion timing, pricing commitment, speeds, latency, and data cap.

Proposed Decision, Appendix A at p. 6:

“• Applicant serves low-income customers throughout its entire project area for no more than \$15/month for an offering that meets all CASF performance criteria: project completion timing, pricing commitment, speeds, latency, and data caps”

3. The PD Erred by Not Providing Alternative Additional Funding Incentive Criteria for Providers Economically Unable to Offer Low-Income Service for No More than \$15 per Month

Through workshops and comments, the Commission heard that availability and affordability of robust broadband services are barriers to closing the digital divide.¹⁹ As discussed above, the PD offers additional funding to those providers who offer a low-income service offering that is capped at \$15 per month. However, the PD errs by limiting its funding incentives only to those projects that can meet the \$15 per month cap without providing some flexibility for providers to qualify for the additional funding with a different end user rate or uniquely structured plan under certain circumstances.²⁰ To ensure meaningful options for all CASF-funded projects,

¹⁹ Joint Consumers Reply Comments on the September 2018 ALJ Ruling at p. 4.

²⁰ Proposed Decision, Appendix A at p. 5.

a provider should receive additional funding if the provider can demonstrate its low-income offering is priced at the “lowest-economically viable alternative.” There must be strict criteria to determine that, even with the assistance of CASF funding, the provider cannot offer a financially viable service that is less than \$15 per month and, as discussed below, the offering cannot be priced above \$25, under any circumstance.

In opening comments on the September 2018 ALJ Ruling, Joint Consumers recommended that the Commission allow a provider, with project and operating costs that would not support a low-income service offering for less than \$15 per month, to still be eligible for additional project funding if the provider can demonstrate that its low-income offering is priced at the lowest-economically viable rate.²¹ The Commission can decide through the Resolution or Application process if the provider has sufficiently demonstrated that its low-income offering is the lowest-priced viable alternative and qualifies for additional project funding. This alternative route to receive additional funding would allow smaller providers, that do not have the larger providers’ benefits from economies of scale, to qualify for additional funding and the incentive to provide the lowest-priced viable service offering for low-income customers.

The PD provides a 30% funding boost for projects that serve low-income communities and a 10% funding boost for projects that include a low-income offering priced below \$15. These funding incentives are in addition to the requirement that every CASF-funded project offer an “affordable” offering.²² The PD’s additional funding percentages put too much emphasis (30%) on incentives for areas where the entire community is low-income, and not enough (only 10%) on ensuring that low-income customers, even in non-low-income communities, will have access to a

²¹ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 9.

²² Proposed Decision, Appendix A at p. 12.

truly affordable low-income service offerings.²³ Therefore, Joint Consumers recommend increasing the additional funding beyond 10% for projects that offer a meaningful low-income service offering throughout the project area. Joint Consumers recommend adjusting the additional funding incentives for building in low-income communities and offering a low-income service to be at 20% additional funding each.

Joint Consumers respectfully request the Commission adopts the following changes consistent with Joint Consumers recommendations above:

Proposed Decision at p. 22:

“• Median Household Income for community is less than \$50,200 (~~30%~~ 20%).

“• Applicant serves low-income consumers for no more than \$15/month, or demonstrates that its low-income service offering of no more than \$25/month is the lowest-economically viable alternative (~~10%~~ 20%)”

Proposed Decision, Appendix A at p. 6:

“• Median Household Income for community is less than CARE standard for a family of 4, which is currently \$50,200 (~~30%~~ 20%).

“• Applicant serves low-income customers for no more than \$15/month, or demonstrates that its low-income service offering of no more than \$25/month is the lowest-economically viable alternative (~~10%~~ 20%)”

4. The Commission Erred by Not Clarifying How Customers Qualify as Low-Income

In opening comments on the September 2018 ALJ Ruling, Joint Consumers recommended that any low-income service offerings should be robust with broad eligibility criteria for

²³ Proposed Decision at p. 22.

consumers.²⁴ The PD errs by being silent on the consumer eligibility for providers' affordable service offerings²⁵ and low-income service offerings.²⁶ Joint Consumers recommend that the Commission provide guidance on consumer eligibility to avoid any confusion or denial of service to individuals who should qualify as low-income.

The PD should be revised to require broad eligibility criteria to ensure that all project area residents who need assistance will have access to robust broadband. To the extent that a provider seeks to impose eligibility requirements for its low-income service offering, the provider must describe in its application how it plans to determine consumers' eligibility and process renewals. The PD uses the CARE standard as an appropriate determination of whether an entire community is low-income.²⁷ At a minimum, the Commission should establish that low-income individuals who qualify for CARE, should also qualify to receive the providers' low-income service offering, a standard that providers are welcome to exceed.²⁸

Joint Consumers respectfully request the Commission adopts the following changes consistent with Joint Consumers recommendations above:

²⁴ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 8. *See also*, Joint Consumers Reply Comments on the September 2018 ALJ Ruling at p. 3.

²⁵ The PD defines "affordable service offering" as a requirement to receive any CASF funding and is available to low-income customers in the project area. Proposed Decision, Appendix A at p. 12.

²⁶ In contrast to the affordable offering, the low income offering, as discussed above, is capped at \$15 a month and provides additional funding. Proposed Decision, Appendix A at p. 6.

²⁷ Proposed Decision at p. 22.

²⁸ This standard should be subject to audits. Since the providers receive CASF funding per project, and not receiving CASF funds on a continued basis as is the case with other public purpose programs (e.g. LifeLine), a Third-Party Administrator will not be needed to verify eligibility and process renewals. The providers should be able to determine eligibility and process renewals. If the Commission receives complaints that providers are rejecting qualified low-income individuals, the Commission can initiate an enforcement proceeding as needed and rescind the additional project funding.

Proposed Decision at p. 22:

“• Applicant serves low-income consumers^X for no more than \$15/month”

^X A consumer is a low-income consumer if the consumer’s income qualifies for CARE.

Proposed Decision, Appendix A at p. 6:

“• Applicant serves low-income customers^X for no more than \$15/month”

^X A customer is a low-income customer if the customer’s income qualifies for CARE.

Proposed Decision, Appendix A at p. 12:

“• Affordability: All project shall provide an affordable broadband plan for low-income customers. ^X”

^X A customer is a low-income customer if the customer’s income qualifies for CARE.

C. Minimum Performance Standards

The PD set minimum standards that “all CASF Infrastructure must meet.”²⁹ Joint Consumers support this proposal as it will ensure that Californians benefiting from CASF receive “quality universal access” sufficient to realize the “substantial social benefits of broadband” as laid out in the statute.³⁰ However, the PD does not fully address some of the concerns raised in previous comments. Therefore, Joint Consumers respectfully make the following

²⁹ Proposed Decision, Appendix A at p. 12. While the Proposed Decision used the term “guideline” in the body of Proposed Decision, Joint Consumers understand from the language used in the Appendix, containing the CASF revised application requirements, that the Commission intended these performance standards to be minimum requirements for every CASF project and not merely guidelines. Proposed Decision, at p. 62

³⁰ Internet For All Now Act (AB 1665).

recommendations regarding the required elements and pricing for an “affordable broadband plan.”³¹

First, the PD requires all projects that implement data caps to provide a minimum of 190 GBs per month.³² The Commission should revise that minimum to at least 250 GBs per month to account for current and future broadband usage patterns.³³ In 2016, a study by the research firm iGR found that 190 GBs is the average monthly usage per household.³⁴ That usage is comparable to the Cisco Visual Network Index (VNI) estimated average household data usage of 172.3 GB per month in 2016.³⁵ The FCC uses Cisco VNI estimates to calculate minimum monthly data usage allowances for ETCs subject to broadband public interest obligations.³⁶ However, in 2017, Cisco VNI estimates put household broadband usage at 254.7 GB per month and by 2022 estimates average household usage will reach 723.1 GB per month (see figure 1).³⁷

³¹ See Joint Consumers Opening Comments on the September 2018 ALJ Ruling at pp. 5-6.

³² Proposed Decision at p. 60; see also NBNCBC Opening Comments on Assigned Commissioner’s Amended Scoping Memo and Ruling Phase II (filed April 16, 2018) at p. 7.

³³ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p. 5.

³⁴ Telecompetitor, *iGR: Average Monthly Broadband Usage is 190 Gigabytes Monthly Per Household*, TeleCompetitor (2016), available at <https://www.telecompetitor.com/igr-average-monthly-broadband-usage-is-190-gigabytes-monthly-per-household/> (last visited November 27, 2018). See also, NBNCBC Opening Comments on Assigned Commissioner’s Amended Scoping Memo and Ruling Phase II (Filed April 16, 2018) at p. 7.

³⁵ FCC, Wireline Competition Bureau Announces Results Of 2018 Urban Rate Survey For Fixed Voice And Broadband Services, Posting Of Survey Data And Explanatory Notes, And Required Minimum Usage Allowance For EtcS Subject To Broadband Public Interest Obligations For All United States Carriers, Including Carriers In Alaska, DA-17-1093A1, WC Docket No. 10-90 (released November 8, 2017).

³⁶ *Id.* (“the Bureau is using the Cisco Visual Networking Index (Cisco VNI) average Internet household usage in the United States which is calculated based on analyst projections, Cisco-generated estimates and forecasts, and direct data collection.”).

³⁷ Cisco Visual Networking Index Forecast Highlights – Average Traffic per user and Household for United States, available at https://www.cisco.com/c/m/en_us/solutions/service-provider/vni-forecast-highlights.html# (last visited Nov. 27, 2018).

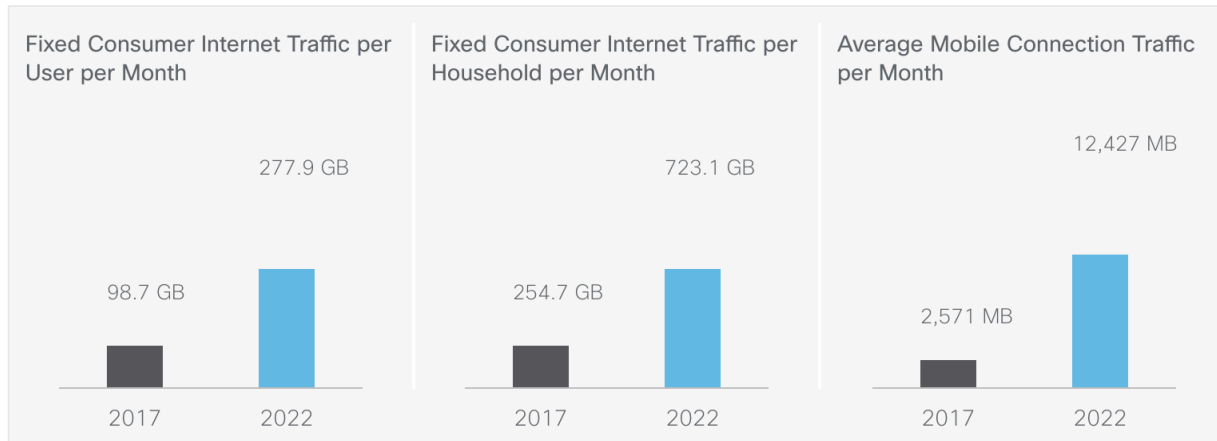


Figure 1: Cisco VNI Data Usage Projections

Furthermore, the FCC Urban Rate Study, which looks at the terms and conditions of the majority of subscriptions and is used to set fixed-broadband minimum service standards for federal Lifeline, set the standard for fixed broadband data usage minimums at 1000 GB per month for 2018, up from 250 GB in 2017.³⁸ Using the most current numbers, 190 GBs as a baseline data minimum was reasonable in 2016 but is inadequate today and will be woefully inadequate in 2022 when the CASF monies are scheduled to be completely disbursed. Therefore, the Commission should increase the data allowance minimums to *at least* 250 GBs per month to ensure that Californians receive adequate broadband service from their CASF dollars. Alternatively, the Commission could match the CASF data minimums with the federal Lifeline service minimums, thereby providing service that is eligible for a low-income customer to receive support from federal Lifeline.

Second, the PD notes that “all projects shall provide an affordable broadband plan for low-income customers.”³⁹ Joint Consumers previously commented that the average low-income

³⁸ FCC, Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards And Indexed Budget Amount, DA 18-739, WC Docket No. 11-42 (released July 18, 2018) <https://docs.fcc.gov/public/attachments/DA-18-739A1.pdf>; USAC Minimum Service Standards, *available at* <https://www.usac.org/li/program-requirements/lifeline-broadband.aspx> (last visited Nov. 27, 2018).

³⁹ Proposed Decision at p. 60.

service offering is currently between \$10-25 per month.⁴⁰ Therefore, Joint Consumers recommend that the commission should cap affordable broadband offerings at \$25 per month in order to be comparable to existing low-income plans and pricing levels seen in other CASF projects.⁴¹ While \$25 per month may not be affordable for some low-income customers, setting a price cap for what qualifies for a low-income service offering that is comparable to existing low-income plans is better than providing no guidance with an open-ended definition as to what is an “affordable” service offering. Should the parties want to consider a different “affordable” broadband pricing cap, Joint Consumers suggests that the Commission invite those parties to participate in the on-going Affordability proceeding (R.18-07-006) that is currently considering this and similar questions. Yet, in this docket, the applicant should have the burden to demonstrate what is “affordable” relative to the project area and price its “affordable” plan accordingly in compliance with the cap.

Finally, the PD does not specify the service elements that must be included in an “affordable” plan. Although unlikely, under the current rules a provider could take 100% funding to build fiber service in a low-income community, offer 100+ Mbps plans to most customers and throttle low-income customers to 10/1 speeds for \$15 a month. Therefore, the Commission should revise the PD to ensure that affordable plans, even when capped at a \$25 offering, are available to all eligible customers in the project area and are comparable to providers’ mass market retail plans in terms of service quality and speeds, including limits on throttling and other similarly related terms and conditions of service.

Joint Consumers respectfully request the Commission to modify the PD as follows:

⁴⁰ Joint Consumers Opening Comments on the September 2018 ALJ Ruling at pp. 8-9.

⁴¹ See Joint Consumers Opening Comments on the September 2018 ALJ Ruling at p 5.

Proposed Decision p. 59:

Minimum Performance Standards

- Data Caps: All projects implementing data caps shall provide a minimum of ~~190~~-250 GBs per month.
- Affordability: All projects shall provide an affordable broadband plan for low-income customers that costs no more than \$25.

Appendix A p. 12:

6. Performance Criteria

- Data Caps: All projects implementing data caps shall provide a minimum of ~~190~~-250 GBs per month.
- Affordability: All projects shall provide an affordable broadband plan for low-income customers that costs no more than \$25.

III. CONCLUSION

For the reasons set forth above, Joint Consumers request that the PD be modified in accordance with our recommendations here.

Dated: November 29, 2018

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APPENDIX A:

Joint Consumers respectfully recommend the following changes to the Proposed Decision.

- Proposed Decision at p. 22:
 - “Presence of Dial-up Only: Up to + 40%^X”

^X The percentage of additional funding will be proportional to the percentage of census blocks in the project area that have dial-up only at best.
 - Median Household Income for community is less than \$50,200 (~~30%~~ 20%).
 - Applicant serves^X low-income consumers^X for no more than \$15/month, or demonstrates that its low-income service offering of no more than \$25/month is the lowest-economically viable alternative (~~10%~~ 20%)”

^X The low-income service offering must be offered throughout the entire project area and must meet all of the CASF performance criteria: project completion timing, pricing commitment, speeds, latency, and data cap.

^X A consumer is a low-income consumer if the consumer’s income qualifies for CARE.

- Proposed Decision at p. 59:

3.13 Minimum Performance Standards

- Data Caps: All projects implementing data caps shall provide a minimum of ~~190~~ 250 GBs per month.
- Affordability: All projects shall provide an affordable broadband plan for low-income customers that costs no more than \$25.

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- Proposed Decision, Appendix A at p. 6:
 - Presence of Dial-up Only: Up to + 40%^X”
 - ^X The percentage of additional funding will be proportional to the percentage of census blocks in the project area that have dial-up only at best.
 - Median Household Income for community is less than CARE standard for a family of 4, which is currently \$50,200 (~~30%~~ 20%).
 - Applicant serves low-income customers^X throughout its entire project area for no more than \$15/month, or demonstrates that its low-income service offering of no more than \$25/month is the lowest-economically viable alternative, for an offering that meets all CASF performance criteria: project completion timing, pricing commitment, speeds, latency, and data caps (~~10%~~ 20%)”

^X A customer is a low-income customer if the customer’s income qualifies for CARE.

- Proposed Decision, Appendix A at p. 7, note 5:
 - Pub. Util. Code section 281(b)(1)(B). To determine if an area is unserved, the Commission will rely on both broadband deployment data and subscriber data submitted to the Communications Division as part of the annual broadband data collection efforts. Staff will use subscriber data to validate a provider’s deployment data. For a census block to be served by a provider, the provider must submit deployment data and CalSPEED test data indicating that it offers serves speeds to at least one household in that census block AND address level subscriber data ~~indicating that it has one subscriber in that~~ for that census block.
- Appendix A p. 12:
 - Data Caps: All projects implementing data caps shall provide a minimum of ~~190~~250 GBs per month.
 - Affordability: All projects shall provide an affordable broadband plan for low-income customers^X that costs no more than \$25.

^X A customer is a low-income customer if the customer’s income qualifies for CARE.