

JIMMY PANETTA
19TH DISTRICT, CALIFORNIA

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December 23, 2023

The Honorable Darcie L. Houck
Commissioner
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Commissioner Houck:

I write to raise concerns regarding the California Public Utilities Commission's (CPUC) draft Initial Proposal for National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and Deployment (BEAD) program, and urge the CPUC to adopt a technology-neutral approach to meet our universal service goals. I am concerned that a bias against fixed wireless options in draft proposal will fail to provide service to all constituents in my district, in contradiction to the Congressional intent of the program to connect every American with broadband. An overreliance on fiber that cannot serve the entire state using existing funds could result in fewer households being served and rural areas once again being left behind.

As a member of the Congress, I am proud of the bipartisan work we did with President Joe Biden to pass the Infrastructure Investment and Jobs Act (IIJA), which provided \$65 billion for broadband, including \$42.45 billion for the BEAD program to build broadband infrastructure. California is slated to receive \$1.86 billion in BEAD funding, which, when combined with state funding, is meant to connect every home in California. This is a generational investment that we must make the most of, as Congress is unlikely to appropriate this level of funding for broadband in the future.

However, even this unprecedented funding is not sufficient to connect every location with fiber. The CPUC itself has found that there is a \$5 billion funding gap if it were to attempt to achieve universal service with fiber alone. Limiting technologies to fiber where it is costly will result in fewer homes and businesses connected overall. Options like fixed wireless, where prudent, must be considered.

Unfortunately, I am concerned that the draft proposal will likely lead the CPUC to set an "Extremely High-Cost Per Location Threshold" (EHCPLT) higher than what Congress intended, which will result in fewer locations where technologies other than fiber can be considered. I appreciate the CPUC's desire to provide as many families as possible with the fastest possible service, but urge you to realize that a mix of technologies must be used to reach our universal service goals and comply with Congressional intent.

While the CPUC's concerns with legacy fixed wireless are warranted given past experiences, these concerns are primarily based on legacy, cellular fixed wireless technologies, and fail to consider recent improvements in fixed wireless range, speed, and reliability. Legacy technologies rely on millimeter wave technology and indeed require a clear line of sight to operate effectively. Fortunately, next generation Fixed Wireless Access technologies have overcome traditional limitations. These technologies work in both non-line of site and near line of site conditions and deliver speeds of 800 Mbps and can support more than 200 customers simultaneously at distances of over 18 miles. To address concerns that wireless will be impacted by weather, this technology overcomes signal attenuation or scattering during rain, snow, or fog by operating in the 3 GHz, 5 GHz, and 6 GHz bands.

Californians are fortunate that new technologies have improved at a time when the federal government has prioritized a generational investment in broadband. To meet this moment, the CPUC should adopt a truly technology-neutral approach that involves setting the EHCPLT based on the cost of universal service using a mix of reliable broadband technologies. Where sensible, the CPUC should also allow providers to utilize a mixture of technologies in serving a specific project area. This will allow fiber to be used in locations where it makes economic sense, and technologies such as fixed wireless where fiber costs are prohibitive.

The federal government has provided California a once-in-a-generation opportunity to achieve universal broadband service, and the state should not let outdated biases against wireless technologies undermine that goal. Federal broadband funds must be used wisely, as we are unlikely to see an investment of this scale in the future. If not, our rural communities will once again fail to benefit from funding that was meant to serve all.

Thank you for your consideration and your commitment to connecting every home and institution in California with high-speed, reliable broadband service.

Sincerely,



Jimmy Panetta
U.S. Representative
19th Congressional District, California

cc: The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information, NTIA

The Honorable Alice Busching Reynolds, President, CPUC
The Honorable John Reynolds, Commissioner, CPUC
The Honorable Genevieve Shiroma, Commissioner, CPUC
The Honorable Karen Douglas, Commissioner, CPUC