Lelia Loomis

Subject: FW: Documents for the 3/13/18 Public Hearing / Johanna Finney: AT&T Appeal
Attachments: AB 1665 Letter of Support.pdf; AB 1665 Staff Letter.pdf; AB 1665 Analysis.pdf; TELECOM'S BROADBAND FEES SINCE 1991.pdf; CAUTIONARY TALE - PUBLIC OBJECTION TO MONOPINE TOWER.pdf; TELECOMMUNICATIONS ACT - 1996 - INADEQUATE PUBLIC PROTECTION.pdf; TELECOM-INSURANCE-SHAREHOLDERS NOTICE.pdf

From: Marin Lipowitz [redacted]
Sent: Tuesday, March 6, 2018 7:38 AM
To: Clerk of Board <ClerkofBoard@co.nevada.ca.us>; Johanna Finney <[redacted]
Subject: Documents for the 3/13/18 Public Hearing / Johanna Finney: AT&T Appeal

TO: Julie P. Hunter / Clerk / Nevada County Board of Supervisors
FROM; Marin Lipowitz [redacted] Grass Valley, CA
RE: Documents for the 3/13/18 Public Hearing / Johanna Finney: AT&T Appeal

I have attached the following documents in support of why the AT&T monopine tower at Burning Bush Road should be denied.
#1) AB 1665 Letter of Support
#2) AB 1665 Staff Letter
#3) AB 1665 Analysis
#4) Telecom's Broadband Fees Since 1991

Attachments # 1. 2. and 3: AB 1665 refer to the Board's Letter of Support (at Heidi Hall's request at the 5/9/17 meeting) for AB 1665 / the "Internet for All Now Act" which authorized the CPUC to collect "an unspecified amount" beginning in January, 2018 and continuing through the calendar year 2027, to install broadband infrastructure, especially in California's rural areas.

Attachment #4 indicates that Telecom companies have been collecting fees for the same purpose (installing broadband infrastructure) since 1991, totaling some $400,000,000,000. I request that the Board take action on behalf of its Nevada County constituents, in light of the fact these collected fees have not been used for their stated purpose. The Telecom companies, **including AT&T**, should be held accountable for this theft. Why is a CPUC surcharge being authorized by the state when this Telecom fee collection since 1991 is unaccounted for and has not been used for the installation of broadband infrastructure?

Fiber optic broadband is a healthier, wiser, faster, more efficient, and cost-effective choice. Telecom giants have been suppressing these initiatives everywhere. In response, the Board should take its constituents' health and economic interests into consideration by overturning approval for the Burning Bush AT&T monopine, as well as all other polluting, proliferating cell tower installations, including plans for the rampant 5G implementation.
#5) Cautionary Tale - Public Objection to Monopine Tower
#6) Telecommunications Act / 1996 / Inadequate Public Protection
#7) Telecom Insurance Shareholders Notice

Attachment #5 cites an Ohio community's objection to the installation of a cell tower in a public park.

Attachment #6 is an overview of how inadequate and outdated the Telecommunications Act of 1996 is, in protecting the autonomy of communities, cities, and counties, as well as the health of all who are exposed to the dangers and health risks of cell towers.

Attachment #7 reveals the vulnerability of Telecom Companies to future lawsuits, similar to those filed against the Tobacco Companies. It shows how Telecom stockholders were advised of a likely decrease in share value due to possible (probable?) future injury lawsuits, and that insurance companies (including Lloyd's of London) are now excluding coverage for illnesses caused by continuous long-term non-ionizing radiation exposure.

Thank you for inserting these documents and this email into the Board record and distributing them to all the Board members prior to this hearing.
Marin Lipowitz--
Marin Lipowitz
[redacted]

COUNTY OF NEVADA

STATE OF CALIFORNIA

BOARD OF SUPERVISORS

Heidi Hall, 1st District
Vice-Chair Edward C. Scofield, 2nd District
Dan Miller, 3rd District
Chair Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District

Julie Patterson Hunter,
Clerk of the Board

April 28, 2017

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: May 9, 2017

SUBJECT: Letter of Support the 'Internet For All Now Act' (Assembly Bill (AB) 1665 - Garcia).

RECOMMENDATION: Approve Attached Letter

FUNDING: Not applicable.

BACKGROUND:

The California Advanced Series Fund (CASF) was established by the Legislature through SB 1193 (Padilla) in 2008 to create a universal service program to encourage the development of broadband services in unserved and underserved areas of the state. The program was further codified and expanded in 2010 through SB 1040. The CASF is funded through a surcharge collected on all telecommunication end-users not to exceed $315 million until 2020; in an amount not to exceed $25 million per year, unless the California Public Utilities Commission (CPUC) determined that collecting a higher amount in any year would not result in an increase in the total amount of all surcharges collected from telephone customers in a year (PUC Section 281). The CPUC was required to develop, implement and administer the program with the goal to approve funding for infrastructure projects that provide broadband access to no less than 98 percent of California households by December 31, 2015. The CPUC established four accounts within CASF, which included:

A. The Infrastructure Account
B. The Rural and Urban Regional Broadband Consortia Grant Account
C. The Broadband Infrastructure Revolving Loan Account
D. The Broadband Public Housing Account

However, as of December 2016, the CASF surcharge rate has been reduced to 0% as all authorized funds have been collected. Out of all of the allocated projects, only two project applications have been approved within Nevada County, with one being later rejected. The first project application to be approved was the Nevada County Connected Middle Mile Project of Nevada County Economic Resource Council for $1,312,747 (Resolution T-17242). However, the project was later declined funding in both round 1 and round 2 of

the American Recovery and Reinvestment Act (ARRA) funding. The second project to be approved was the grant and loan application for Bright Fiber Network, Inc. (dba Spiral Internet) in the amount of $16,156,353 from the Board Band Infrastructure Grant Account and $500,000 from the Broadband Infrastructure Revolving Loan Account for a fiber-to-the-premise project in Nevada County in 2015 (Resolution T-17495). And while this project is still underway, there have been significant hurdles and continued delays in its implementation. Outside of this project, there are other projects to continue to expand broadband connectivity across Nevada County and no other funds to expand connectivity across the state.

Therefore, on February 17, 2017 Assembly Members Eduardo Garcia, Aguiar-Curry, Holden and McCarty introduced the bill to amend Sections 281 and 914.7 of the Public Utilities Code. According to the author(s), "Internet access should be treated as a right, not a luxury. It is a basic necessity to access education, health care and economic opportunity. This bill will ensure vulnerable communities across the State are not left behind in the 21st century." As such, AB 1665 will make various changes to CASF.

Specifically, the bill will authorize the CPUC to collect an unspecified amount beginning on January 1, 2018 through 2027, not to exceed an unspecified amount, unless the CPUC determined that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year, to fund the CASF. The bill extends the date of the goal to provide broadband access to no less than 98 percent of California households to December 31, 2023. Additionally, a fifth account will be created called the Broadband Adoption Account with the goal of providing funds for projects that increase the percentage of households actually using broadband in areas where it is available in order to increase digital inclusion and bridge the digital divide.

In summary, AB 1665 extends the goal and funding mechanism necessary to ensure that Nevada County has the opportunity to further develop and expand its broadband infrastructure to the unserved and underserved communities in the unincorporated areas of the County. Without adequate broadband connectivity, the County's economic development will be at a significant disadvantage in years to come. Attached you will find an analysis of the bill and its current draft as the date of this letter. Therefore, I respectfully request the Board to authorize the Chair to sign and submit the attached Letter of Support for the Internet For All Now Act, AB 1665.

Respectfully Submitted,

Heidi Hall

Heidi Hall
Supervisor, District 1

COUNTY OF NEVADA

STATE OF CALIFORNIA

BOARD OF SUPERVISORS

Heidi Hall, 1st District
Vice-Chair Edward C. Scofield, 2nd District
Dan Miller, 3rd District
Chair Wm. "Hank" Weston, 4th District
Richard Anderson, 5th District

Julie Patterson Hunter, Clerk of the Board

May 9, 2017

Assembly Member Miguel Santiago, Chairman
Assembly Member Jay Obernolte, Vice Chairman
Assembly Communications and Conveyance Committee Members
State Capitol, Room 6027
Sacramento, CA 95814

Via Email

RE: Internet For All Now Act (Assembly Bill (AB) 1665 – Garcia)

Dear Chairman Santiago and Vice Chairman Obernolte and Committee Members:

The County of Nevada strongly supports the Internet For All Now Act (AB 1665 – Garcia), and respectfully urges your support to continue the progress of closing the Digital Divide in California. Digital Inclusion is a matter of fairness and opportunity for all residents to be able to participate in the 21st century economy and contribute to California's prosperity.

The County of Nevada understands first-hand how important it is for rural communities and low-income neighborhoods to have high-speed internet access. Nevada County broadband speeds and availability in the region still lag behind non-rural counties, despite being equal to or above average in comparison to other similar rural Northern California Sierra communities. Ensuring adequate broadband connectivity is critical for furthering economic development and prosperity for businesses and residents alike throughout Nevada County. For example, in partnership with Nevada County, the Nevada County Economic Resource Council (ERC) conducted a Sierra Digital Media Campus feasibility study through a $500,000 Science and Research Park Development grant from the EDA in 2015, which identified an opportunity for Nevada County to become a front-runner in the industry of Virtual Reality and Augmented Reality (VR/AR). Subsequently, the ERC has worked with VR/AR companies, locally, nationally and internationally, to further establish a niche tech industry within Nevada County. However, without adequate broadband connectivity, industry expansion will be significantly limited.

We recognize and appreciate that the authors of AB 1665 are negotiating in good faith among the stakeholders to reach consensus on the specific provisions of the bill and we respect that process. However, we urge you to support a version of the bill that includes as much as possible of the original Internet For All Now Act (that was submitted by the California Emerging Technology Fund in consultation with civic leaders and community organizations throughout the State) to reflect an appropriate and workable balance between community needs and industry interests. Your leadership is needed to forge ahead and ensure that California remains a national leader in Digital Inclusion and Digital Equity by passing the Internet For All Now Act.

950 Maidu Avenue, Suite 200, Nevada City CA 95959-8617
phone: 530.265.1480 | fax: 530.265.9836 | toll free: 888.785.1480 | email: bdofsupervisors@co.nevada.ca.us
website: http://www.mynevadacounty.com/nc/bos

Respectfully,

Hank Weston
Chairman, Board of Supervisors

Copied to:

Speaker Anthony Rendon
Speaker Pro Tempore Kevin Mullin
President pro Tempore, Kevin De León
Majority Floor Leader, Senator William W. Monning
AB 1665 Joint Co-Authors:
Assembly Member Aguiar-Curry
Assembly Member McCarty
Assembly Member Holden
Assembly Member Dahle
Assembly Member Bonta
Assembly Member Gallagher
Assembly Member Low
Assembly Member Stone
Assembly Member Wood
AB 1665 Principal Co-Authors:
Assembly Member Chiu
Assembly Member Eggman
Assembly Member Mullin

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON COMMUNICATIONS AND CONVEYANCE
Miguel Santiago, Chair
AB 1665 (Eduardo Garcia) – As Introduced February 17, 2017

SUBJECT: Telecommunications: California Advanced Services Fund

SUMMARY: Makes various changes to the California Advanced Services Fund (CASF). Specifically, **this bill**:

1) Authorizes the California Public Utilities Commission (CPUC) to collect an unspecified amount, beginning on January 1, 2018, and continuing through the 2027 calendar year, not to exceed an unspecified amount each year, unless the CPUC determines that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year.

2) Requires CPUC to transfer unspecified amounts of moneys received from the surcharge imposed to fund the accounts in CASF.

3) Extends the date for the goal of CASF to approve funding for infrastructure projects that will provide broadband access to no less than 98 percent of California households from December 31, 2015, to December 31, 2023.

4) Creates the Broadband Adoption Account (Adoption Account) within CASF.

5) Requires CPUC to be responsible for achieving the goals of CASF.

6) Requires CPUC to recognize that broadband advanced communications services include both wireline and wireless technologies, and that both shall be eligible for grants from the Broadband Infrastructure Account (Infrastructure Account) based on the objective functionality needs for the customers to be served in any specified project application.

7) Requires CPUC to identify priority unserved and underserved areas and delineate the priority areas in the biennial reports, as specified.

8) Requires CPUC to consult regional consortia, stakeholders, and consumers regarding priority areas and cost-effective strategies to achieve the broadband access goals through public workshops conducted at least annually no later than April 30 of each year.

9) Requires CPUC to provide a report to the Legislature by April 1, 2019, and April 1 of each odd-numbered year thereafter, as specified.

10) Sunsets the CASF on January 1, 2030.

11) Makes additional minor and technical changes.

EXISTING LAW:

1) Establishes CASF and requires CPUC to develop, implement, and administer CASF to encourage deployment of high-quality advanced communications services to all Californians

that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies, consistent with this section. (Public Utilities Code (PUC) Section 281)

2) Establishes the goal of CASF is to approve funding for infrastructure projects that will provide broadband access to no less than 98 percent of California households by December 31, 2015. (PUC Section 281)

3) Requires CPUC, in approving infrastructure projects, to give priority to projects that provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider. (PUC Section 281)

4) Requires CPUC to establish the following accounts within CASF:

   a) The Infrastructure Account.

   b) The Rural and Urban Regional Broadband Consortia Grant Account (Consortia Account).

   c) The Broadband Infrastructure Revolving Loan Account (Loan Account).

   d) The Broadband Public Housing Account (Public Housing Account). (PUC Section 281)

5) Authorizes CPUC to collect a sum total of moneys, collected by imposing the specified surcharge, in an amount not to exceed $315 million until 2020; in an amount not to exceed $25 million per year, unless CPUC determines that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year. (PUC Section 281)

6) Requires moneys in the Consortia Account to be available for grants to eligible consortia to fund the cost of broadband deployment activities other than the capital cost of facilities, as specified by CPUC. (PUC Section 281)

7) Specifies that an eligible consortium may include, as specified by CPUC, representatives of organizations, including, but not limited to, local and regional government, public safety, elementary and secondary education, health care, libraries, postsecondary education, community-based organizations, tourism, parks and recreation, agricultural, business, workforce organizations, and air pollution control or air quality management districts, as specified. (PUC Section 281)

8) Requires moneys in the Loan Account to be available to finance capital costs of broadband facilities not funded by a grant from the Infrastructure Account. (PUC Section 281)

9) Requires moneys in the Broadband Public Housing Account to be available for CPUC to award grants and loans, as specified, to an eligible publicly supported community if that entity otherwise meets eligibility requirements and complies with CASF requirements established by CPUC. (PUC Section 281)

10) Requires any moneys in the Public Housing Account that have not been awarded, as specified, by December 31, 2020, to be transferred back to the Infrastructure Account and

Loan Account in proportion to the amount transferred from the respective accounts. (PUC Section 281)

11) Requires CPUC to provide a report to the Legislature by April 1 of each year, as specified. (PUC Section 914.7)

12) Requires CPUC to conduct two interim financial audits and a final financial audit and two interim performance audits and a final performance audit of the implementation and effectiveness of CASF to ensure that funds have been expended in accordance with the approved terms of the grant awards and loan agreements, as specified. (PUC Section 912.2)

FISCAL EFFECT: Unknown. This bill has been keyed fiscal by the Legislative Counsel.

COMMENTS:

1) **Authors Statement:** According to the author, "Internet access should be treated as a right, not a luxury. It is a basic necessity to access education, health care and economic opportunity. This bill will ensure vulnerable communities across the state are not left behind in the 21st century."

2) **Background:** CASF is a universal service program created by CPUC and statutorily established by the Legislature through SB 1193 (Padilla) Chapter 393, Statutes of 2008, to encourage the deployment of broadband services in unserved and underserved areas of the state. The CASF is funded through a surcharge collected on all telecommunication end-users. As of December 2016, the CASF surcharge rate is set at 0%, as all authorized funds have been collected.

3) **Current Status of CASF:** Currently, CPUC is authorized to collect $315 million for CASF through 2020, but not to exceed $25 million per year, unless CPUC determines that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year. CASF funding is allocated into four accounts, the Infrastructure Account, the Consortia Account, the Loan Account, and the Public Housing Account. As of January 2017, the status of each CASF account is as follows:

   Infrastructure Account: Authorizes to collect $270 million to fund capital costs of broadband infrastructure projects in unserved and underserved areas. Approximately $153 million has been awarded for 58 approved projects. Six additional projects are pending at a cost of approximately $71 million if approved.

   Loan Account: Authorized to collect $5 million to provide supplemental financing for projects that are also applying for funds from the Infrastructure Account. Approximately $600,000 has been awarded for three approved projects. One additional project is pending at a cost of approximately $243,000 if approved.

   Consortia Account: Authorized to collect $15 million to fund the cost of broadband deployment activities other than the capital cost of facilities. Approximately $12 million has been awarded for 29 consortia groups. Five additional applications are pending at a cost of approximately $1.4 million if approved.

Public Housing Account: Authorized to collect $25 million to provide grants and loans dedicated to broadband access and adoption in publicly supported housing communities. Approximately $9.3 million has been awarded for 332 approved projects. 256 additional applications are pending at a cost of approximately $10 million if approved. Remaining funds are transferred back to the Infrastructure Account and Loan Account by December 31, 2020.

4) **CASF Infrastructure Account:** The infrastructure account provides funding for the capital costs of broadband infrastructure projects in unserved and underserved areas throughout the state. An unserved area is an area that is not served by any form of wireline or wireless facilities based broadband, except dial-up. The CPUC defines an underserved area as an area where broadband service is lower than 6 megabits per second (Mbps)/1.5Mbps. Current law requires CPUC to prioritize projects that provide last-mile broadband access to households that are unserved. The CPUC has established a maximum grant award limit of 70% of total costs for projects in unserved areas, and 60% of total costs for projects in underserved areas. Although there is no prohibition on the authority for the CPUC to award grants of up to 100% of the total costs for projects; the CPUC has established such limits to ensure applicants are invested in projects by having "skin in the game."

   Arguably since the creation of CASF, most areas that have been served by CASF funds are projects in which applicants feel that their cost, combined with CASF funds, warrant an investment in deploying broadband in such areas. However, this leaves most of the remaining unserved areas of state, mostly in rural and small communities, still without broadband connectivity due to the lack of investment by providers who feel that the difficulties associated with deploying and maintaining such a network in the area for a limited amount of potential customers, even combined with CASF funds, would not result in a positive return on investment. Arguably, the remaining unserved households potentially are households in which even a 70% total cost CASF grant still does not provide enough incentive for a provider to build. Hence, CPUC should consider awarding grants that offer funding for 100% of total costs when warranted.

   The author may wish to consider an amendment to specify that the CPUC has the discretion to award grants up to 100% of total costs for projects.

   In addition, in order to provide greater incentive for providers to apply for CASF to reach the remaining unserved households, CASF funds should be made available for the cost directly related to the deployment of last-mile infrastructure as well as recurring cost associated with leasing property where existing infrastructure are located for a specified period of time. In addition, in situations where there may be households still unable to be served due to structural or physical impediments related to their property, such residential properties owners should be able to apply for CASF funds in order to access service, subject to the same obligations as any other applicant.

   The author may wish to consider an amendment to authorize CASF funds to be used for the deployment of broadband infrastructure and recurring costs related to deployment, and authorize individual household property owners to be eligible to apply for funds.

5) **Connect America Fund:** The Connect America Fund (CAF) is a program established by the Federal Communications Commission to expand access to voice and broadband services through funding to local telephone companies to subsidize the cost of building new network

infrastructure or performing network upgrades to provide voice and broadband services in areas where they are unavailable. Companies that accepted CAF funds, including AT&T, Consolidated Communications, Frontier, and Verizon, have six years to plan and provide broadband to consumers. Companies that accept CAF funds must meet certain requirements for voice and broadband services, including offering broadband at speeds of at least 10Mbps/1Mbps. The availability of CAF funds provides an opportunity for providers to build to threshold speeds higher than those currently required under CASF. To maximize the benefits of CAF funds, CASF projects should be conformed to CAF requirements, by establishing CASF eligibility for projects where no providers offer access to 6Mbps/1Mbps or greater speeds, with priority still maintained for unserved households, and requiring applicants to commit to building infrastructure capable of providing access at speeds of 10Mbps/1Mbps to households in eligible areas consistent with CAF criterias.

The author may wish to consider an amendment to establish CASF eligibility for areas where no provider offer access to 6Mbps/1Mbps or greater, and require applicants to build infrastructure at speeds of 10Mbps/1Mbps to households in eligible areas.

Although CASF funds should be made available to leverage any federal funds to promote broadband deployment, there are concerns that providers may be able to use CASF funds to overbuild existing areas where a provider is already building facilities with CAF funds. CASF funds should be used for areas where no providers are currently building and not to overbuild areas where a provider has already received CAF funds.

The author may wish to consider an amendment prohibiting the use of CASF funds for any project that overbuilds service area where a provider has expanded broadband with funding from CAF.

6) **Project Eligibility:** Currently, priority is given to CASF projects that provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider. There have been concerns that CASF projects have been approved that do not provide last-mile access to households. Arguably, CASF funds should be used to provide last-mile broadband access to actual households. Access to middle-mile infrastructure is essential to providing last-mile access, however, CASF funds should not be used to build middle-mile infrastructure that do not connect or provide last-mile access to households.

The author may wish to consider an amendment to specify that CASF projects must include provisions to serve to last-mile households.

In addition, although there is no prohibition on the CPUC to limit projects to certain technologies, there are concerns that the CPUC prioritizes wireline projects because of its reliability compared to other non-wireline technologies, such as wireless or satellite. It is less cost effective to build wireline infrastructure in certain areas of the state relative to non-wireline options, including areas which are still unserved.

The author may wish to consider an amendment specifying that the CPUC shall award grants on a technology-neutral basis.

Furthermore, in February 2017, the CPUC released a staff white paper which identified areas throughout the state for deploying broadband infrastructure. Currently, the CPUC accepts

project proposals at any time. However, an impediment to the success of the CASF has been the current application process in which the CPUC waits for applicants to apply. CPUC should take an active role in identify projects areas and expediting the approval process in order to reach the remaining unserved households throughout the state. This bill requires CPUC to be responsible for achieving the goals of CASF, and requires it to identify priority unserved and underserved areas, as specified.

7) **Goals:** Currently, the goal of CASF is to approve funding for infrastructure projects that will provide broadband access to no less than 98 percent of California households statewide by December 31, 2015. However, CPUC was unable to meet that goal by the specified date. As of December 2016, CPUC estimates that 95 percent of households statewide have wireline broadband access at served speeds, with 98 percent of households statewide in urban areas being served, but only 47 percent of households in rural areas. When considering access to non-wireline technology as well, the CPUC estimates that 97 percent of households statewide have access to broadband at served speeds.

   When the number of households statewide is disaggregated to Consortia regions, there exist noticeable differences between urban and rural areas. For example, approximately 99% of households in the Los Angeles County Regional Broadband Consortium are served, compared to only approximately 54% of households in the Eastern Sierra Connect Regional Consortia. Other Consortia regions include, approximately 75% of households served in the Northeast California Connect Consortium, 76% in the Redwood Coast Connect Regional Consortia, and 54% in the Upstate California Connect Consortium.

   The discrepancy between urban and rural areas creates greater inequality and issues over the digital divide. The CPUC could potentially reach a goal of 98 percent statewide, while leaving thousands of households throughout the state still without broadband access. Continued efforts to bridge the digital divide are essential to promoting economic prosperity and improving the quality of life for all Californians. The CPUC estimates that there are approximately 360,000 unserved households statewide that need to be reached in order to reach a 98% statewide goal. That number increases to approximately 424,000 if applied to each Consortia regions. However, there are existing investments being made through CAF funds, as well as builds being done by Frontier and Charter that will reduce the number of unserved households.

   <u>The author may wish to consider an amendment to authorize the CPUC to collect an additional $300 million for the Infrastructure Account over five years.</u>

   <u>The author may wish to consider an amendment to establish a goal for CASF to provide broadband access to no less than 98% of households per Consortia Region.</u>

8) **CASF Loan Account:** The Loan Account provides supplemental financing for projects also receiving Infrastructure Grant funding. Applicants may receive loans of up to 20% of total project cost ($500,000 maximum). Since its inception, the Loan Account has been undersubscribed to. In 2015, the Legislature passed AB 1262 (Wood) Chapter 242, Statutes of 2015, which reallocated $5 million from the Loan Account into the Consortia Account.

   <u>The author may wish to consider an amendment to eliminate the loan account.</u>

9) **CASF Consortia Account:** The Consortia Account provides funding to eligible consortia to fund the cost of broadband deployment activities other than the capital cost of facilities. Regional consortiums serve as the umbrella organization, coordinating efforts between public, private, and community-based organizations, to increase deployment, access, and adoption of broadband. Eligible consortium may include representatives from local and regional governments, public safety, elementary and secondary education, health care, libraries, postsecondary education, community-based organizations, tourism, parks and recreation, agricultural, business, workforce organizations, and air pollution control or air quality management districts.

   Regional Consortia's assist the CPUC in achieving the goals of CASF through a variety of methods including, facilitating and supporting applicants in the project development or grant application process, conducting digital literacy training to promote broadband adoption, and informing communities about available resources. Consortia's report back to the CPUC on their activities and how approved funds are being spent. However, there are concerns that the availability of such information is not readily transparent, and that some funds have been approved by CPUC for purposes outside the original intend of the Consortia Account when CASF was first established.

   <u>The author may wish to consider an amendment to authorize CPUC to collect an additional $10 million for the Consortia Account over five years.</u>

   <u>The author may wish to consider an amendment to subject regional consortia's to audits and provide an annual report specifying certain activities.</u>

10) **CASF Adoption Account:** In addition to having broadband access, broadband adoption – the percentage of households actually using broadband in areas where it is available – is a critical component of creating greater digital inclusion and bridging the digital divide amongst every segment of our population. By removing barriers to allow individuals to access broadband, as well as increasing awareness and purpose for the use of broadband, more people will be afforded the opportunity to improve their quality of life and promote economic prosperity.

    In addition, students are one of the most critical segment of our population in which increasing broadband adoptions is critical in order for them to learn the necessary skills for the future. Students without competent digital literacy are at greater risk of falling behind in academic achievement which can create digital inequalities that can evolve into future disparities in academic achievements and career success. Hence, it is critical that students today have the digital literacy that will result in greater broadband adoption amongst future populations. This bill creates a new Adoption Account within CASF.

    <u>The author may wish to consider an amendment to authorize the CPUC to collect $20 million for the Adoption Account over five years to award grants for digital literacy training programs and public education and outreach programs to increase broadband adoption by consumers.</u>

11) **Suggested Amendment:**

281. (a) The commission shall develop, implement, and administer the California Advanced Services Fund program to encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies, consistent with this section.

(b) (1) The goal of the program is, no later than December 31, ~~2023~~ 2022, to approve funding for infrastructure projects that will provide broadband access to no less than 98 percent of California ~~households~~ households in each consortia region, as identified by the commission.

(2) In approving infrastructure projects, the commission shall give priority to projects that provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider. The commission shall provide each applicant, and any party challenging an application, the opportunity to demonstrate actual levels of broadband service in the project area, which the commission shall consider in reviewing the application.

(c) The commission shall establish the following accounts within the fund:

(1) The Broadband Infrastructure Grant Account.

(2) The Rural and Urban Regional Broadband Consortia Grant Account.

~~(3) The Broadband Infrastructure Revolving Loan Account.~~

(4) The Broadband Public Housing Account.

(5) The Broadband Adoption Account.

(d) (1) The commission shall transfer the moneys received by the commission from the surcharge imposed to fund the accounts to the Controller for deposit in the California Advanced Services Fund. Moneys collected shall be deposited in the following amounts in the following accounts:

(A) ___ Three hundred million dollars ($300,000,000) into the Broadband Infrastructure Grant Account.

(B) ___ Ten million dollars ($10,000,000) into the Rural and Urban Regional Broadband Consortia Grant Account.

~~(C) ___ into the Broadband Infrastructure Revolving Loan Account.~~

~~(D) ___ into the Broadband Public Housing Account.~~

(C) ___ Twenty million dollars ($20,000,000) into the Broadband Adoption Account.

(2) All interest earned on moneys in the fund shall be deposited in the fund.

(3) The commission may collect a sum not to exceed ~~——~~ three hundred thirty million dollars ($330,000,000), for a sum total of moneys collected by imposing the surcharge described in paragraph (1) ~~not to exceed ——~~. The commission may collect the sum beginning with the calendar year starting on January 1, 2018, and continuing through the ~~2027~~ 2022 calendar year, in an amount not to exceed ~~——~~ sixty-six million dollars ($66,000,000) per year, unless the commission determines that collecting a higher amount in any year will not result in an increase in the total amount of all surcharges collected from telephone customers that year.

(e) (1) All moneys in the California Advanced Services Fund shall be available, upon appropriation by the Legislature, to the commission for the program administered by the commission pursuant to this section, including the costs incurred by the commission in developing, implementing, and administering the program and the fund.

(2) (A) The commission shall be responsible for achieving the goals of the program. The commission shall ~~recognize that broadband advanced communications services include both wireline and wireless technologies, and that both shall be eligible for~~ award grants from the Broadband Infrastructure Grant Account on a technology-neutral basis, including both wireline and wireless technology based on the objective functionality needs for the customers to be served in any specified project application.

(B) Projects eligible for grants awards shall meet all of the following requirements:

(i) The project deploys infrastructure capable of providing access at speeds of 10 megabits per second (MPS) downstream and one MPS upstream to households in census blocks where no provider offers access at speeds of 6 MPS downstream and one MPS upstream.

(ii) All or a portion of the project deploys last-mile infrastructure to provide service to households. Projects that only deploy middle-mile infrastructure are not eligible for grant funding.

(iii) The project is not receiving any federal funding, including funding from the Connect America Fund, for the deployment of the infrastructure. Grant funding awarded pursuant to this subdivision may be used, if needed, to leverage additional funding for the project.

~~(B)~~ (C) The commission shall identify priority unserved and underserved areas and delineate the priority areas in the biennial reports prepared pursuant to Section 914.7.

~~(C)~~ (D) The commission shall consult regional consortia, stakeholders, and consumers regarding priority areas and cost-effective strategies to achieve the broadband access goal through public workshops conducted at least annually no later than April 30 of each year.

(3) An individual household or property owner shall be eligible to apply for a grant to offset the costs of connecting the household or property to an existing or proposed facility-based provider. Recipients of grant pursuant to this paragraph shall be subject to the same obligations as other grant recipients.

~~(3)~~ (4) ~~Notwithstanding subdivision (b) of Section 270, an~~ An entity that is not a telephone corporation shall be eligible to apply to participate in the program administered by the

commission pursuant to this section to provide access to broadband to an unserved or underserved household, as defined in commission Decision 12-02-015, if the entity otherwise meets the eligibility requirements and complies with program requirements established by the commission. These requirements shall include all of the following:

(A) That projects under this paragraph provide last-mile broadband access to households that are unserved by an existing facilities-based broadband provider and only receive funding to provide broadband access to households that are unserved or underserved, as defined in commission Decision 12-02-015.

(B) That funding for a project providing broadband access to an underserved household shall not be approved until after any existing facilities-based provider has an opportunity to demonstrate to the commission that it will, within a reasonable timeframe, upgrade existing service. An existing facilities-based provider may, but is not required to, apply for funding under this section to make that upgrade.

(C) That the commission shall provide each applicant, and any party challenging an application, the opportunity to demonstrate actual levels of broadband service in the project area, which the commission shall consider in reviewing the application.

(D) That a local governmental agency may be eligible for an infrastructure grant only if the infrastructure project is for an unserved household or business, the commission has conducted an open application process, and no other eligible entity applied.

(E) That the commission shall establish a service list of interested parties to be notified of California Advanced Services Fund applications.

(5) Grants awarded pursuant to this subdivision may be used for both of the following:

(A) Cost directly related to the deployment of last-mile infrastructure to provide access to households and upgrades to middle-mile infrastructure necessary to facilitate access by households, consistent with clause (ii) of subparagraph (B) of paragraph (2).

(B) Cost incurred by grant recipients to lease, for a period not to exceed five years, access to property necessary for interconnection to households and reimbursement of expenses incurred by incumbent providers to accommodate connection with the grant recipients' facilities.

(6) The commission may award grants to fund all or a portion of the project.

(f) (1) Moneys in the Rural and Urban Regional Broadband Consortia Grant Account shall be available for grants to eligible consortia to ~~fund the cost of broadband~~ facilitate deployment ~~activities other than the capital cost of facilities, as specified by the commission.~~ of broadband services by assisting infrastructure applicants in the project development or grant application process. An eligible consortium may include, as specified by the commission, representatives of organizations, including, but not limited to, local and regional government, public safety, elementary and secondary education, health care, libraries, postsecondary education, community-based organizations, tourism, parks and recreation, agricultural, business, workforce organizations, and air pollution control or air quality management

districts, and is not required to have as its lead fiscal agent an entity with a certificate of public convenience and necessity.

(2) Each consortium shall conduct an annual audit of its expenditures for programs funded pursuant to this subdivision and shall submit to the commission an annual report that includes both of the following:

(A) A description of activities completed during the prior year, how each activity promotes the deployment of broadband services, and the cost associated with each activity.

(B) The number of project applications assisted.

~~(g) Moneys in the Broadband Infrastructure Revolving Loan Account shall be available to finance capital costs of broadband facilities not funded by a grant from the Broadband Infrastructure Grant Account. The commission shall periodically set interest rates on the loans based on surveys of existing financial markets.~~

(g) (1) All remaining moneys in the Broadband Infrastructure Revolving Loan Account that are unencumbered as of Jan 1, 2018, shall be transferred to the ____.

(2) All repayments of loans funded by the former Broadband infrastructure Revolving Loan Account shall be deposited into the Broadband Infrastructure Grant Account.

(h) (1) For purposes of this subdivision, the following terms have the following meanings:

(A) "Publicly subsidized" means either that the housing development receives financial assistance from the United States Department of Housing and Urban Development pursuant to an annual contribution contract or is financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants and the rents of the occupants, who are lower income households, do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

(B) "Publicly supported community" means a publicly subsidized multifamily housing development that is wholly owned by either of the following:

(i) A public housing agency that has been chartered by the state, or by any city or county in the state, and has been determined to be an eligible public housing agency by the United States Department of Housing and Urban Development.

(ii) An incorporated nonprofit organization as described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) that is exempt from taxation under Section 501(a) of that code (26 U.S.C. Sec. 501(a)), and that has received public funding to subsidize the construction or maintenance of housing occupied by residents whose annual income qualifies as "low" or "very low" income according to federal poverty guidelines.

(2) ~~Notwithstanding subdivision (b) of Section 270, moneys~~ Moneys in the Broadband Public Housing Account shall be available for the commission to award grants and loans pursuant to this subdivision to an eligible publicly supported community if that entity otherwise meets

eligibility requirements and complies with program requirements established by the commission.

(3) (A) Not more than ~~—~~ twenty million dollars ($20,000,000) shall be available for grants and loans to a publicly supported community to finance a project to connect a broadband network to that publicly supported community. A publicly supported community may be an eligible applicant only if the publicly supported community can verify to the commission that the publicly supported community has not denied a right of access to any broadband provider that is willing to connect a broadband network to the facility for which the grant or loan is sought and the publically supported community is unserved.

(B) (i) In its review of applications received pursuant to subparagraph (A), the commission shall award grants only to unserved housing developments.

(ii) For purposes of this subparagraph, a housing development is unserved when at least one housing unit within the housing development is not offered broadband Internet service.

(4) (A) Not more than ~~—~~ five million dollars ($5,000,000) shall be available for grants and loans to a publicly supported community to support programs designed to increase adoption rates for broadband services for residents of that publicly supported community. A publicly supported community may be eligible for funding for a broadband adoption program only if the residential units in the facility to be served have access to broadband services or will have access to broadband services at the time the funding for adoption is implemented.

(B) A publicly supported community may contract with other nonprofit or public agencies to assist in implementation of a broadband adoption program.

(5) To the extent feasible, the commission shall approve projects for funding from the Broadband Public Housing Account in a manner that reflects the statewide distribution of publicly supported communities.

(6) In reviewing a project application under this subdivision, the commission shall consider the availability of other funding sources for that project, any financial contribution from the broadband service provider to the project, the availability of any other public or private broadband adoption or deployment program, including tax credits and other incentives, and whether the applicant has sought funding from, or participated in, any reasonably available program. The commission may require an applicant to provide match funding, and shall not deny funding for a project solely because the applicant is receiving funding from another source.

(7) Any moneys in the Broadband Public Housing Account that have not been awarded pursuant to this subdivision by December 31, 2020, shall be transferred back to the Broadband Infrastructure Grant Account.

(i) (1) For purposes of this section, the following definitions apply:

(A)"Disadvantaged communities" means communities identified as disadvantaged communities pursuant to Section 39711 of the Health and Safety Code.

(B) "Low-income communities" mean ___.

(2)(A) Moneys in the Broadband Adoption Account shall be available to the commission to award grants for digital literacy training programs and public education and outreach programs to increase broadband adoption by consumers. Payment pursuant to a grant shall be based on the actual verification of broadband adoption resulting from the program funded by the grant.

(B) Moneys awarded pursuant to this subdivision shall not be used to subsidize the costs of providing broadband access to households.

(3) Eligible applicants are schools, public libraries, nonprofit organizations, and community-based organizations with programs to increase broadband adoption by providing public education, outreach, or digital literacy training.

(4) The commission shall give preference to applications for programs in low-income and disadvantaged communities.

(5) The commission shall develop criteria for awarding grants and a process and methodology for verifying broadband adoption based on new subscriptions.

912.2. (a)The commission shall conduct ~~two~~ an interim financial ~~audits~~ audit and a final financial audit and ~~two~~ an interim performance ~~audits~~ audit and a final performance audit of the implementation and effectiveness of the California Advanced Services Fund to ensure that funds have been expended in accordance with the approved terms of the grant awards and loan agreements pursuant to Section 281. The commission shall report its interim findings to the Legislature by ~~April 1, 2011, and~~ April 1, ~~2017~~ 2020. The commission shall report its final findings to the Legislature by April 1, ~~2021~~ 2023. The reports shall also include an update to the maps in the final report of the California Broadband Task Force and data on the types and numbers of jobs created as a result of the program administered by the commission pursuant to Section 281.

(b) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, ~~2022~~ 2027.

914.7. (a) By April 1, 2019, and by April 1 of each ~~odd-numbered~~ year thereafter, until April 1, ~~2029~~ 2023, the commission shall provide a report to the Legislature that includes all of the following information:

(1) The amount of funds expended from the California Advanced Services Fund in the prior ~~two calendar years and cumulatively to December 31 of the immediately preceding even-numbered calendar~~ year.

(2) The recipients of funds expended from the California Advanced Services Fund in the prior ~~two calendar years and cumulatively to December 31 of the immediately preceding even-numbered calendar~~ year.

(3) The geographic regions of the state affected by funds expended from the California Advanced Services Fund in the prior ~~two calendar years and cumulatively to December 31 of the immediately preceding even-numbered calendar~~ year.

(4) The progress in achieving the goals of the program and an accounting of the remaining unserved and underserved households in each region of the state as of December 31 of the immediately preceding ~~even-numbered calendar~~ year.

(b) This section is repealed on January 1, ~~2030~~ 2024, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, ~~2030~~ 2024, deletes or extends that date.

12) **Arguments in Support:** According to the United Way of California, "The availability of high-speed Internet access […] is essential 21st century infrastructure for economic competitiveness and quality of life. Economic studies confirm that the use of broadband technologies increases economic productivity as a foundation for increased efficiency in organizational operations and enhanced profitability in business. Broadband infrastructure also is vital to the operation and management of other critical infrastructure, such as energy generation systems and the power grid, water supply systems, and public safety and emergency response networks. However, too many Californians – especially people of color, people living in rural areas and people living in areas with high poverty rates – do not have access to this crucial broadband technology […] Internet access should be treated as a right, not a luxury. It is a basic necessity to access education, health care and economic opportunity. This bill will ensure vulnerable communities across the state are not left behind in the 21st century."

13) **Prior Legislation:** AB 1262 (Wood) of 2015 reallocates $5 million from the CASF Loan Account to the Consortia Account. *Status: Chaptered by the Secretary of State - Chapter 242, Statutes of 2015.*

SB 1193 (Padilla) of 2008 creates CASF to fund the cost of deploying broadband Internet facilities to unserved and underserved areas of the state. *Status: Chaptered by the Secretary of State – Chapter 393, Statutes of 2008.*

REGISTERED SUPPORT / OPPOSITION:

Support

Access Sonoma Broadband
Anza Electric Cooperative, Inc.
AT&T (if amended)
Binational Center for the Development of Oaxacan Indigenous Communities
Boyle Heights Arts Conservatory
California Cable and Telecommunications Association (in concept)
California Foundation for Independent Living Center
California Partnership for the San Joaquin Valley
California State University, San Bernardino
California-Nevada Conference of Operating Engineers
City of Cathedral City

City of Coachella
City of Parlier
Coldwell Banker Borrego
County of Riverside
Doing What Matters for Jobs and the Economy
El Dorado County Board of Supervisors
First 5 Monterey County
First 5 Fresno County
Frontier Communications (if amended)
Great Harvest Community Center
Greenfield Communications, Inc.
Harris & Associates
High Desert Community Foundation
Humboldt County Board of Supervisors
Inland Congregations United for Change
Inland Empire Economic Partnership
Inland Empire United Way 211 San Bernardino County
La Cuna De Aztlan Radio – KERU 88.5 FM
Lake County Broadband Solutions
Mixteco/Indigena Community Organizing Project
Mono County Board of Supervisors
National Public Lands News.com
Newberry Springs Community Alliance
Office of Community and Economic Development at Fresno State University
Placer County Board of Supervisors
Reading and Beyond
Richard Design Associates, Inc.
San Bernardino County Board of Supervisors
San Diego East County Economic Development Council
San Diego State University Imperial Valley
Smart Riverside
Sonoma County Economic Development Board
Spiral Internet
The Dahm Team Real Estate Company, Inc.
TruConnect Communications, Inc.
Tuolumne County Board of Supervisors
United Ways of California
Workforce Development Board of Madera County
One Individual

Opposition

None on file.

Analysis Prepared by: Edmond Cheung / C. & C. / (916) 319-2637

- **Council members apologize for approving cell tower disguised as tree**
  TYLER ELLYSON Columbus Telegram 11/22/16

COLUMBUS — Residents living near a Columbus park got an apology this week from some elected officials who voted to erect an 80-foot cellphone tower in their neighborhood.

But that's not going to stop the project.

More than a dozen people spoke against the plan to install a cellular communications tower in the northeast corner of Glur Park as a standing-room-only crowd listened from inside the Columbus City Council chambers on Monday.

The discussion lasted for more than an hour as property owners and parents voiced their concerns about the aesthetic impact, potential health risks and effect on nearby property values.

However, a final decision on the cell tower's fate was likely sealed by the first speaker.

City Attorney Neal Valorz told the crowd cell towers are allowed in Columbus, and a special-use permit isn't required in this case since it's on city property.

Reneging on the contract with Verizon Wireless, which was approved by the City Council in August, would open the city to a potential lawsuit, Valorz said.

To complicate the matter even further, city officials say the Federal Communications Commission could push the project through if Verizon can successfully argue it's needed to improve cellphone reception and data capacity in the area.

"If you want to have more control over where cellphone towers go, we need to start with our congressmen and our senators, because they're the ones who gave the cellphone companies the power to dictate more where they go," Mayor Mike Moser said.

Councilwoman Beth Augustine-Schulte apologized for her vote in support of the cell tower, saying she wouldn't want it across the street from her house.

"If I could go back and redo that vote, I would do it in a minute," she said, calling the result a "misfortune."

"I think everybody up here, if they could, they would," she added.

The problem, many of those in attendance argued, is they didn't know about the cell tower plan prior to its approval.

Although the project was discussed at public park board and City Council meetings, residents from the neighborhood weren't informed individually and nothing was posted in Glur Park.

"We simply would have liked to have known," Rex Hash, who lives near the park at 26th Avenue and 30th Street, told the council.

Wade Johannes, a neighborhood resident whose family donated the land for the soon-to-be-developed Frontier Park on the city's eastern edge, said the city is "taking advantage of a loophole" and not being good stewards of the land by allowing a cell tower in Glur Park.

"I can only imagine how furious my aunts would be if they found out the land they had so generously given were to be used for a cellphone tower," he said.

"Just because no laws were broken does not mean this decision was right," he told the council.

Elected officials vowed to look for ways to improve communication with residents on similar projects in the future, but that did little to appease those in attendance Monday night.

The cell tower, which is designed to resemble an evergreen tree, will include a building that houses

public restrooms and service equipment for the cell site.

Verizon will cover the building's construction costs, estimated at $240,000, then receive a $40,000 one-time payment from the city and $6,000 annual credit on its lease payment over 15 years.

The company's yearly lease payment starts at $13,200 -- before the city credit -- with that amount increasing by 2 percent annually for up to 25 years.

The infrastructure is planned for the park's northeast corner, but council members said they'd be open to contacting Verizon to see if it can be moved to the middle of the park.

THESE TELECOMS' NOTICES TO STOCKHOLDERS AND THE U.S. SEC:

VERIZON/BLACKBERRY/VODAFONE/AT&T/CHINA MOBILE LTD/GENERAL COMMUNICATION INC/AMERICAN TOWER CORP/CROWN CASTLE INT'L /TELEFONICA, S.A/AMERICA MOVIL/T-MOBILE/NOKIA/MICROSOFT

FROM VERIZON's ANNUAL REPORT/ DECEMBER, 2014

We are subject to a significant amount of litigation, which could require us to pay significant damages or settlements . . . our wireless business also faces personal injury and consumer class action lawsuits relating to alleged health effects of wireless phones or radio frequency transmitters . . . We may incur significant expenses in defending these lawsuits. In addition, we may be required to pay significant awards or settlements.

FROM CROWN CASTLE INT'L's US SEC FORM 10-K/ DECEMBER, 2014

If radio frequency emission from . . . equipment on our wireless infrastructure are demonstrated to cause negative health effects, potential future claims could adversely affect our operations, costs or revenues. We cannot guarantee that claims relating to radio frequency emissions will not arise in the future or that the results of such studies will not be adverse to us. If a connection between radio frequency emissions and possible negative health effects were established, our operations, costs, or revenues may be materially / adversely affected.

THESE TELECOMS' NOTICES TO STOCKHOLDERS AND THE U.S. SEC:

VERIZON/BLACKBERRY/VODAFONE/AT&T/CHINA MOBILE LTD/GENERAL COMMUNICATION INC/AMERICAN TOWER CORP/CROWN CASTLE INT'L /TELEFONICA, S.A/AMERICA MOVIL/T-MOBILE/NOKIA/MICROSOFT

FROM VERIZON's ANNUAL REPORT/ DECEMBER, 2014

We are subject to a significant amount of litigation, which could require us to pay significant damages or settlements . . . our wireless business also faces personal injury and consumer class action lawsuits relating to alleged health effects of wireless phones or radio frequency transmitters . . . We may incur significant expenses in defending these lawsuits. In addition, we may be required to pay significant awards or settlements.

FROM CROWN CASTLE INT'L's US SEC FORM 10-K/ DECEMBER, 2014

If radio frequency emission from . . . equipment on our wireless infrastructure are demonstrated to cause negative health effects, potential future claims could adversely affect our operations, costs or revenues. We cannot guarantee that claims relating to radio frequency emissions will not arise in the future or that the results of such studies will not be adverse to us. If a connection between radio frequency emissions and possible negative health effects were established, our operations, costs, or revenues may be materially / adversely affected.

INSURANCE COMPANIES' ELETROMAGNETIC FIELDS EXCLUSIONS

FROM LLOYD'S OF LONDON UNDERWRITER/ FEBRUARY, 2015

Excludes any coverage associated with long term exposure to non-ionizing radiation. The Electromagnetic Fields Exclusion (Exclusion 32) is a General Insurance Exclusion and is applied across the market as standard. The purpose of the exclusion is to exclude cover for illnesses caused by continuous long-term non-ionizing radiation exposure . . .

FROM CANADIAN PROSURANCE ARCHITECTS & ENGINEERS/ FEBRUARY, 2015

In 2015, The General Exclusions section of their policy document places EMF on the same footing as Asbestos: a total exclusion on liability for all EMF radiation. GENERAL INSURANCE EXCLUSIONS: Electromagnetic fields directly or indirectly arising out of, resulting from, or contributed to by electro-magnetic fields, electromagnetic radiation, electromagnetic radiation, electromagnetism, radio waves, or noise.

SOURCE: ENVIRONMENTAL HEALTH TRUST ehtrust.org

EHT is led by Dr. Devra Davis, PhD,. MPH, an award-winning, internationally renowned scientist who also was the founding director of the Board on Environ-mental Studies and Toxicology of the U.S. National Research Council, National Academy of Sciences.

INSURANCE COMPANIES' ELETROMAGNETIC FIELDS EXCLUSIONS

FROM LLOYD'S OF LONDON UNDERWRITER/ FEBRUARY, 2015

Excludes any coverage associated with long term exposure to non-ionizing radiation. The Electromagnetic Fields Exclusion (Exclusion 32) is a General Insurance Exclusion and is applied across the market as standard. The purpose of the exclusion is to exclude cover for illnesses caused by continuous long-term non-ionizing radiation exposure . . .

FROM CANADIAN PROSURANCE ARCHITECTS & ENGINEERS/ FEBRUARY, 2015

In 2015, The General Exclusions section of their policy document places EMF on the same footing as Asbestos: a total exclusion on liability for all EMF radiation. GENERAL INSURANCE EXCLUSIONS: Electromagnetic fields directly or indirectly arising out of, resulting from, or contributed to by electro-magnetic fields, electromagnetic radiation, electromagnetic radiation, electromagnetism, radio waves, or noise.

SOURCE: ENVIRONMENTAL HEALTH TRUST ehtrust.org

EHT is led by Dr. Devra Davis, PhD,. MPH, an award-winning, internationally renowned scientist who also was the founding director of the Board on Environ-mental Studies and Toxicology of the U.S. National Research Council, National Academy of Sciences.

History Repeats Itself

Under pressures from a multi-million dollar campaign, the 104th Congress and the Clinton Administration passed the Telecommunications Act of 1996. US law removed the rights of the public to oppose installation of cell phone transmission towers on the grounds of health and environmental concerns.

Plainly put: current legislation effectively silences the voices of those that would be impacted the most by proximity to radio frequency emissions from cell phone towers. This law makes it impossible for local governments to prevent installation of a cell tower, even if the local citizenry band together in protest.

The mainstream scientific community's official opinion is that electromagnetic frequencies from the towers are too weak to pose a real threat to human health.

But, as in the case studies cited in the Berkeley Daily Planet, although the research was flawed, the subjects living near a cell phone mast still showed a significantly higher rate of cancer than did subjects who did not live near a tower. This and other, reliable research, casts sufficiently serious doubt about mobile phone tower safety to make them undesirable as neighborhood facilities.

Perhaps history is repeating itself: The dangers of cigarette smoking were covered up by Big Tobacco companies and years later, links to cancer were confirmed. I think it is suspect that Official Health Organizations refuse to confirm the health hazards of cell transmission towers, mobile phones themselves and the combined effects of living near a tower and using a mobile device.

It's obvious to me that it would be better to be safe than sorry when it comes to having a cell phone tower within meters of your home.

Legislation that has codicils protecting corporate, bottom-line profits, but leaves out the safety of citizens is fit for only one thing: the rubbish bin. Democracy isn't genuine if it robs its people of their right to have a voice in public policy. If a cell phone tower was announced for installation down the road from your house, wouldn't you want to say: "No thanks?"

Deadly, Whether You Use a Cell Phone or Not

There are now said to be 4 billion cell phones worldwide, this is a figure which is often cited, but what we don't talk about is the number of cell phone towers or transmitters.

I cannot give any approximation of the number of cell phone towers worldwide what I do know is that as cell phones are being used more and more as communications become cheaper and cheaper and as the phone companies offer more and more free time deals the existing cell phone masts cannot cope with the demand.

Which poses the biggest threat to our health cell phone masts or cell phones?

The answer is simple they are both dangerous but they impact our health in different ways. The difference between the two is one of choice. To own and use a cell phone is a personal choice, but living or working near a cell phone transmitter makes your choice much more complicated.

In the media there is a great deal of discussion about the health risks of cell phones and cancer but we hear less about cell phone transmitters and cancer. So why is this? One of the reasons is that it is very difficult to do epidemiological studies of populations exposed to cell phone transmitters, as it is unlikely that this is the only exposure to radio frequency radiation that they will have. The regulatory bodies and phone companies claim that the exposure from masts are so low in comparison to cell phones, that the radiofrequency radiation could not possibly be harmful.

Despite this there have been numerous cases (France, in particular) where cell phone towers have been taken down following a legal ruling that they could be dangerous. These legal rulings, based on the principle of precaution, are becoming more and more frequent. There are a number of cases where transmitters have been taken down because of their proximity to schools.

Studies conducted by Navarro (2003), Oberfield (2004) and Hutter (2006) have shown a consistent pattern of ill effects reported by people living near masts, when compared with those living further away. Specifically, studies show that it's essentially within 400 m of the cell phone tower that adverse health effects take place. An epidemiological study published by Doctor Gerd Oberfield in 2008, found statistically significant increases in the risk of developing cancer (especially breast and brain cancer) for people living near a mobile phone base station, with the most exposed showing the largest risk increase

Numerous studies have detailed the effects of microwave syndrome from cell phone transmitters. Notable studies include: the Preece study of 2007, which studied the health response of two communities exposed to military antennae

in Cyprus and the 2004 Wolf study which identified an increased cancer incidence near a cell-phone can-transmitter station.

Indeed there are dozens of studies on the subject of cancer-causing cell phone masts which all point to the same conclusion and yet we continue to see more and more cell phone transmitters being erected. Why? One of the chief reasons is because we are openly misled.

In 2007 the UK Secretary of State for health in presenting to the House of Commons the research that her department had commissioned into the potential effects on health of mobile phone masts stated “exposure levels from living near to mobile phone base stations are extremely low, the overall evidence indicates that they are unlikely to pose a risk to health”.

Why are we being misled? Money. It is estimated that in the UK mobile phone related revenue now exceeds more than £20 billion a year. Indeed, often the UK government has been behind the installation of these masts. All UK operators were required by the end of 2007 to provide 3G service where at least 80% of the population in an area resides.

From ELECTRIC SENSE by Lloyd Burrell

You Have Been Charged Thousands for a Fiber-Optic, Broadband Utility That You Never Got — Over the Last 20-Plus Years

Huffington Post / Bruce Kushnick / Updated 12/6/17 (Excerpted from the article)

Starting in 1991, the phone companies went state-to-state to get changes in state laws, known as "alternative regulations" to charge customers for the replacement of the copper wires that were part of the state-based utility, like Verizon New Jersey, with a fiber optic wire capable of 45 Mbps in both directions, the standard speed for broadband in 1992.

And though it varied by state, this fiber optic wiring was to be done everywhere — urban, rural, and suburban, rich and poor communities and cities, and even the schools were to be wired in some states. All customers were paying for the upgrades of this future fiber optic broadband utility so they all deserved to be upgraded.

And these "video dialtone" permanent deployments were the federal version of the state laws. And in fact, Bell Atlantic (now-Verizon) sued the FCC to be able to do these fiber optic swap-outs of the copper wire.

However, these FCC filings were only a partial list of what was promised in every state. For example, by 2000, Verizon claimed it would spend $11 billion to have 8.75 million homes and businesses upgraded to fiber by 2000. Meanwhile, Pacific Bell of California (now AT&T California), claimed it would have 5.5 million households wired by 2000 and spend $16 billion dollars to do it.

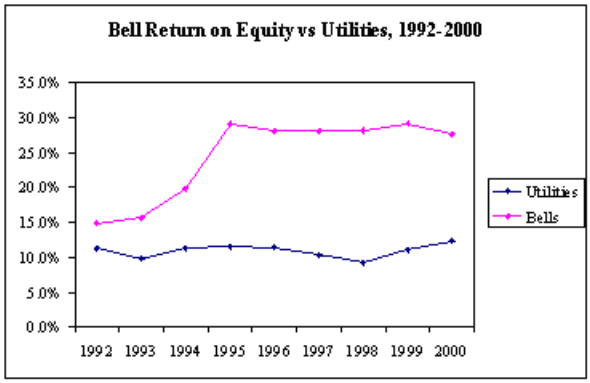
But this was all fiber-to-the-annual reports and press releases. The telcos' video dialtone networks were never deployed, and virtually this entire list of millions of fiber optic broadband lines that were to be installed were abandoned. No state was wired, and in fact, most of the companies pulled a bait-and-switch and offered Digital Subscriber Line (DSL) service over the old copper wiring. But the state laws were never changed back and as far as we could ascertain, no state ever went back and got refunds or removed the "incentives" that charged customers for these upgrades, nor investigated the major tax perks.

By the end of 2014, we estimate that $400 billion has been collected for this network infrastructure that was never deployed as promised as an upgrade of the state telecommunications utility networks by replacing the copper wiring with fiber optic cables to create a broadband utility for the delivery of voice, video and data services.

Two facts stand out:

- Between 1993-1996 the combined companies took 25 billion dollars in one-time tax deductions, claiming they were replacing the copper wires with fiber, even though it wasn't replaced. This was above and beyond other tax perks.

- Starting in 1992 when the state alternative regulation plans were being implemented, through 2000, the Bell companies' return on equity (profits) went from an average of 14 % to 29% - a 107% increase. These increases were 188% above the other Utilities. (Source: Business Week Scoreboards, 1993-2000) I.e., instead of using the money for new construction, it somehow ended up as just more profits.



But what at first shocked me, (I'm over it now), as I've been covering and writing about these fiber optic broadband deployments in America since the 1990's, is that:

- Virtually no one has a clue that they have been and continue to pay for these upgrades (if they had phone or any service from the incumbents, now-AT&T, Verizon and Centurylink). And these increases were on all business and residential services, as well as services used by municipalities, schools, etc.
- The FCC entirely erased this history of fiber optic broadband in America. No "Advanced Network" report (based on a requirement of Section 706 of the Telecommunications Act of 1996 to see if broadband was being deployed in a timely fashion) ever included the state-based fiber optic-based obligations or the fact that customers have been paying extra for network upgrades since the 1990's.
- There have been multiple additional rate increases for broadband over the last two decades, and no government agency has ever done a full accounting of the monies collected or the failure of the deployments.
- We're all still paying for this in many ways — We are 29th in the world in broadband in download speeds and 43rd in upload speeds, according to Ookla.
- AT&T's entire U-Verse is a copper-to-the-home service, (it is fiber-to-the-node, (FTTN) i.e., fiber within ½ mile of the location) and Verizon's FiOS is fiber optics but the company has stopped deployments.
- By 2014, the speeds should have evolved to gigabit offerings as the standard in 1992 was 45 Mbps in both directions.

And they have us coming and going. We have been also overcharged for broadband upgrades (and the wiring of schools for high-speed Internet) by the cable companies. In 1995 the FCC cut a deal with Comcast, Time Warner and the other cablecos, actually called "The Social Contract"; the companies could charge up to $5.00 a month to upgrade their networks and supply high speed Internet to schools for free or at cost. This Contract expired in 2000 and yet there is no evidence this 'temporary' charge was removed or that they wired the schools for cable modem service. Industry-wide, that's $300 million a month, $3.6 billion a year, for 14 years — about $50 billion extra, over $800 per household — but who's counting?

Let's hear from one of those who failed to come through — Now-Verizon.
I'm personally tired of people, especially the telco-paid pundits, astroturf groups, et al who claim there were no commitments, no changes in state laws and no monies collected.
I give you Bell Atlantic's 1993 Annual Report (now Verizon) to shut up the naysayers, followed by a Bell Atlantic 1996 press release about fiber-to-the-curb to have 12 million homes and business wired by 2000. Bell Atlantic (including the merger with NYNEX), controlled the East Coast from Maine

through Virginia, (with the exception of most of Connecticut) . . .
I note that **"The Book of Broken Promises"** was written to document this broadband scandal, one of the largest telecom scandals in history.
We left the complete quotes. They give the history of fiber optic broadband, the legal actions to offer video on phone lines (video dialtone), the announced commitments, including monies to be spent, and Verizon's ability to get changes in regulations to give them more money and profit that should have been used to replace the copper wiring of state-based utility with a fiber optic future. And this proves that America was supposed to be a leader in fiber optic deployments starting in 1993 — over 21 years ago— but who's counting?

These deployments were NEVER EVER BUILT in any state and now-AT&T did the exact same thing.

So let me conclude by summarizing and parsing all of this.

- Deregulation to build a fiber-based broadband utility in almost every state just ended up giving the telcos more profits. Bell Atlantic, in all of its states, pitched "alternative regulation" which gave them 'pricing flexibility' and 'incentives to invest' - buzz words for tax perks and rate increases. The outcome — profits went from 14% to 29%, on average, after the deals went through.
- America lost a decade of fiber optic deployments from 1992-2005. We were promised fiber; we paid for fiber, and got a bait-and-switch with DSL over copper.
- Worse, starting in 2005, there was a new wave of rate increases on basic phone customers — to pay for upgrades, as seen with Verizon NY, where there were three separate increases on residential phone customers to fund "massive deployment of fiber optics" (and it was done because it was classified as something called "Title II').
- Insult to injury — In 2005, AT&T rolled out U-Verse over the old copper wires (copper-to-the-home), that were never replaced, claiming it was 'fiber-based'. Verizon started fiber optic deployments in 2006, even though every state had previous commitments and billions were collected by state. Worse, Verizon announced it had stopped deployments around 2010 with about 50% not getting upgraded but having paid additional rate increases.
- There was NO memory of the previous commitments that happened in 1992-2005 and no tracking of the built-in 'extra' monies for broadband, just new rate increases.
- Punchline: You paid thousands of dollars for a state-based fiber-optic-based utility; you paid for a Ferrari on the Information Superhighway and they gave most of us a skateboard on a dirt road.
- Punchline: And cable? If you had service since 2001 you were overcharged about800.00 and counting.
- Punchline. Broadband upgrades have been built into your rates and no regulator has bothered to audit the books; no municipality stood up to the companies and demanded an accounting - and demanded they upgrade or give refunds, and lower rates going forward

- The phone companies gamed the system and collected about 400 billion for network upgrades of the utility networks, like Verizon New York— which never happened.
- This failure to do the upgrades now shows up in the Commerce report as a lack of two or more providers of services over 25 Mbps in about 75% of the US, with 20% more not having any choice for higher speed services.

- This has allowed the cable companies to have a monopoly for broadband and cable service in most of the country, or even in the markets where there are two providers, a duopoly. All of this means no competition to lower prices.
- Whole areas of the US that should have had phone company high speed broadband, as they paid for it, but never got it.
- Wireless is not a substitute for higher speeds or for cable TV, regardless of the hype.
- Verizon and AT&T have started 'shutting off the copper' and instead of upgrading are now force-marching customers onto their own wireless service.
- All of the data being provided by either the government or companies is suspect; we estimate inflated by 10-25%.

The Path to Community Broadband Runs Through an Army of Telecom Lawyers

Motherboard / Jason Koebler / July 2014 (Excerpted from the article)

This fight has been framed as being about states' rights, but let's call it what it is: It's consumers versus the telecom industry, again.

Whenever the federal government attempts to preempt a state law, there's going to be some politicians (whose biggest donors may just happen to be telecom companies) It's telecom companies like Comcast, Verizon, and AT&T themselves.

Thing is—it's no secret that most of the 20 states that have put limits on the creation of locally owned fiber networks have done so under the pressure of big telecom company lobbyists, who have increasingly tried to exert their influence on state and even local levels.

Through an organization called the American Legislative Exchange Council, telecom companies have sent "model legislation" (read: laws written by big telecom) to dozens of states. In North Carolina, a law bans Wilson from expanding its successful fiber service to neighboring areas. When was this law passed? And how? By telecom-backed state lawmakers who received a ready-made law written by telecom-paid lawyers.

What I'm saying is, big telecom is around every corner. They're fighting this at every level they possibly can. Why? It's cheaper.

"The equation is very simple. Are they going to spend the money to upgrade their infrastructure or are they going to hire lobbyists?," Catharine Rice, a project director with the Coalition for Local Internet Choice said. "The cost of one lobbyist, the cost of five lobbyists, the cost of 10 lobbyists is much less than upgrading their infrastructure. They will hire the lobbyists."

Telecom companies, working through the NCSL, have already pledged to sue. These cases take years, and they take millions of dollars. Wilson and Chattanooga may one day get to expand their incredible services, and other cities might come out of the woodwork, as well. But it's not going to come easily.