

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 2239 (Bonta)
Version: April 29, 2024
Hearing Date: July 2, 2024
Fiscal: Yes
Urgency: No
CK

SUBJECT

Digital discrimination of access: prohibition

DIGEST

This bill prohibits internet service providers (ISPs) from engaging in “digital discrimination of access,” as defined. The bill requires the California Public Utilities Commission (CPUC) to take certain steps to incorporate this prohibition into various broadband deployment, adoption, and technical assistance programs.

EXECUTIVE SUMMARY

Broadband is an essential service for accessing emergency services, healthcare, employment, education, and social services. Despite millions of dollars of investment, the “digital divide,” the persistent gap in broadband access and digital literacy that exists in many parts of the state, remains an urgent problem. At the federal level, the Federal Communications Commission (FCC) recently adopted rules seeking “to promote equal access to broadband for all people in the United States” by establishing “a framework to facilitate equal access to broadband internet access service by preventing digital discrimination of access.” The FCC defined digital discrimination of access” as “policies or practices, not justified by genuine issues of technical or economic feasibility, that differentially impact consumers’ access to broadband internet access service based on their income level, race, ethnicity, color, religion or national origin, or are intended to have such differential impact.”

Based on the FCC rule, this bill prohibits digital discrimination of access by ISPs, provides for public enforcement, and directs the CPUC to take steps to incorporate this prohibition into its rules.

The bill is sponsored by the California Alliance for Digital Equity, #OaklandUndivided, California Community Foundation, NextGen California, and The Children’s Partnership. It is supported by a wide variety of groups, including local chambers of

commerce, community groups, and public-interest advocacy organizations. This includes the Santa Monica Chamber of Commerce, the Los Angeles Unified School District, and the Dolores Huerta Foundation. It is opposed by a number of industry associations, including the California Broadband & Video Association and the Los Angeles Area Chamber of Commerce. The bill is set to first be heard by the Senate Energy, Utilities, and Communications Committee on Tuesday, July 2. Should that bill pass that Committee, it will then be heard by this Committee on the same day.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines “broadband internet access service” as a mass-market retail service by wire or radio provided to customers in California that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. “Broadband Internet access service” all encompasses any service provided to customers in California that provides a functional equivalent of that service or that is used to evade specified protections. (Civ. Code § 3100(b).)
- 2) Defines “internet service provider” as a business that provides broadband Internet access service to an individual, corporation, government, or other customer in California. (Civ. Code § 3100(k).)
- 3) Prohibits a fixed ISP, insofar as the provider is engaged in providing fixed broadband Internet access service, to engage in specified activities that violate the neutrality of internet traffic, including blocking or throttling it. (Civ. Code § 3101.)
- 4) Establishes, and requires the CPUC to develop, implement, and administer the California Advanced Services Fund (CASF) to encourage deployment of high-quality advanced services communications to all Californians that will promote economic job growth, job creation, and the substantial social benefits of advanced information and communications technologies. (Pub. Util. Code § 281(a).)
- 5) Establishes the Broadband Adoption Account in the CASF to award grants to increase publicly available or after school broadband access and digital inclusion, such as grants for digital literacy training programs and public education, to communities with limited broadband adoption, including low-income communities, senior communities, and communities facing socioeconomic barriers to broadband adoption. (Pub. Util. Code § 281(d).)
- 6) Provides that monies in the Broadband Adoption Account shall be available to the PUC to award grants to increase publicly available, or after-school,

broadband access and digital inclusion, such as grants for digital literacy training programs and public education in communities with limited broadband adoption, including low-income communities, senior communities, and communities facing socioeconomic barriers to broadband adoption. (Pub. Util. Code § 281(j)(1).)

This bill:

- 1) Prohibits an internet service provider from engaging in “digital discrimination of access.”
- 2) Defines the relevant terms:
 - a) “Digital discrimination of access” means policies or practices, not justified by genuine issues of “technical or economic feasibility,” that “differentially impact” consumers’ access to “broadband internet access service” based on their race, ethnicity, color, religion, or national origin, or that are intended to have a differential impact.
 - b) “Broadband internet access service” means a mass-market retail service by wire or radio provided to customers in California that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. “Broadband internet access service” also encompasses any service provided to customers in California that provides a functional equivalent of that service or that is used to evade the protections set forth herein.
 - c) “Differential impact” or “disparate impact,” in relation to digital discrimination of access, means policies or practices that meet all of the following criteria:
 - i. The policy or practice causes a disparate impact on a prohibited basis.
 - ii. The policy or practice is not justified by genuine issues of technical or economic feasibility.
 - iii. There are other reasonably achievable and less discriminatory alternatives.
 - d) “Economic feasibility” means reasonably achievable as evidenced by prior success by covered entities under similar circumstances or demonstrated new economic conditions clearly indicating that the policy or practice in question may reasonably be adopted, implemented, and used.
 - e) “Technical feasibility” means reasonably achievable as evidenced by prior success by covered entities under similar circumstances or demonstrated technological advances clearly indicating that the policy or practice in question may reasonably be adopted, implemented, and used.

- f) “Internet service provider” means any entity that provides broadband internet access service to an individual, corporation, government, or other customer in California.
- 3) Authorizes the Attorney General, district attorneys, county counsel, and city attorneys and prosecutors, as specified, to bring a civil action against an ISP for a violation of this bill, seeking injunctive relief and reasonable attorney’s fees and costs.
- 4) Requires the CPUC to ensure that rules for California Advanced Services Fund grant programs, including the Broadband Adoption Account, Broadband Infrastructure Grant Account, Broadband Public Housing Account, Rural and Urban Regional Broadband Consortia Grant Account, line extension pilot program, and the tribal technical assistance grant program, prohibit digital discrimination of access.
- 5) Requires the CPUC, to ensure all grant applicants and grant recipients comply with the above, to do all of the following:
 - a) Require an attestation by all grant applicants and grant recipients that they will not engage in digital discrimination of access.
 - b) Integrate a consideration of projects that may help remedy instances of digital discrimination of access into the application scoring procedures and criteria.
 - c) Adjust ongoing reporting requirements.

COMMENTS

1. The digital divide

Broadband internet access service is vital for individuals and communities to participate in modern society and the economy. However, the digital divide persists in California. While 84 percent of Californians had high-speed internet in their homes in 2019, certain demographic groups – including Latino and Black households, as well as seniors and persons living in rural areas – lag behind the state adoption rate.¹ The COVID-19 pandemic exacerbated the cost of no internet access: when schools and colleges switched to remote instruction in 2020, 26 percent of K-12 students, and nearly 40 percent of low-income students, did not have reliable internet access.²

A recent report put out by the California Community Foundation and Digital Equity Los Angeles highlights the disparities in broadband access and the differential pricing for access in poorer communities in California:

¹ Gao & Hayes, *California’s Digital Divide*, Public Policy Institute of California (Feb. 2021), at p. 1.

² *Ibid.*

Low-income households, people of color, and immigrants are significantly more likely to be stranded on the wrong side of the digital divide than people living in wealthy, white neighborhoods. The most common reason disconnected people report for not having a fast and reliable connection is affordability; the price is too high, or the service they can afford isn't fast or reliable enough to justify the expense. . . .

The findings of this report are sobering, raising significant red flags about the higher prices many poorer communities are being charged for the same or inferior service, and the implications of those pricing disparities on the effectiveness of current interventions to close the digital divide.³

The disparities are found nationwide, as revealed by recent reporting from The Markup:

The Markup gathered and analyzed more than 800,000 internet service offers from AT&T, Verizon, Earthlink, and CenturyLink in 38 cities across America and found that all four routinely offered fast base speeds at or above 200 Mbps in some neighborhoods for the same price as connections below 25 Mbps in others.

The neighborhoods offered the worst deals had lower median incomes in nine out of 10 cities in the analysis. In two-thirds of the cities where The Markup had enough data to compare, the providers gave the worst offers to the least-White neighborhoods.⁴

At the federal level, the FCC has taken action pursuant to the authority granted it pursuant to the Infrastructure Investment and Jobs Act, codified at 47 U.S.C § 1754. The Act directs the FCC to “adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective” including the following:

- Preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin.
- Identifying necessary steps for the FCC to take to eliminate such discrimination.

³ *Slower and More Expensive, Sounding the Alarm: Disparities in Advertised Pricing for Fast, Reliable Broadband* (October 2022) California Community Foundation & Digital Equity Los Angeles, <https://www.calfund.org/wp-content/uploads/Pricing-Disparities-Report.pdf>. All internet citations are current as of June 30, 2024.

⁴ Leon Yin & Aaron Sankin, *Dollars to Megabits, You May Be Paying 400 Times As Much As Your Neighbor for Internet Service* (October 19, 2022) The Markup, <https://themarkup.org/still-loading/2022/10/19/dollars-to-megabits-you-may-be-paying-400-times-as-much-as-your-neighbor-for-internet-service>.

The FCC recently adopted rules seeking “to promote equal access to broadband for all people in the United States” by establishing “a framework to facilitate equal access to broadband internet access service by preventing digital discrimination of access.”⁵ The FCC defined digital discrimination of access” as “policies or practices, not justified by genuine issues of technical or economic feasibility, that differentially impact consumers’ access to broadband internet access service based on their income level, race, ethnicity, color, religion or national origin, or are intended to have such differential impact.”

The FCC explains:

Under the rules we adopt today, we will investigate conduct alleged to be motivated by discriminatory intent, as well as conduct alleged to have discriminatory effect, based on income level, race, ethnicity, color, religion, or national origin. Consistent with the definition of “equal access” in the statute, we find that differentiation as to any available quality of service metric for broadband service may provide a basis for liability under these rules, absent sufficient justification.

Since the FCC adopted these rules in November 2023, multiple parties have filed lawsuits challenging the order. The main thrust of the challenges is that the FCC overstepped its regulatory authority. The U.S. Chamber of Commerce filed suit in the 5th Circuit Court of Appeals against the FCC over the new rules, claiming that the regulation is “overly broad and covers ‘nearly every business practice related to providing access to broadband – including pricing.’”⁶ In February, the NCTA- The Internet Television Association, which represents hundreds of broadband ISPs, also filed suit challenging the new FCC rules, this time in the D.C. Circuit Court of Appeals.⁷ These lawsuits are still pending.

2. Addressing digital discrimination in California

This bill takes lead from the FCC rule by prohibiting digital discrimination of access, which uses an identical definition to the FCC rule, minus the basis of income. Similar to the FCC rule, it incorporates in issues of technical and economic infeasibility to the standard, defining those terms essentially identically to the FCC rules:

⁵ *Report and Order and Further Notice of Proposed Rulemaking FCC 23-100*, (November 15, 2023) FCC, <https://docs.fcc.gov/public/attachments/FCC-23-100A1.pdf>.

⁶ David Shepardson, *US Chamber sues to block FCC digital discrimination rule* (January 30, 2024) Reuters, <https://www.reuters.com/legal/us-chamber-sues-block-biden-administration-digital-discrimination-rule-2024-01-30/>.

⁷ Ted Hearn, *Cable Trade Groups Take FCC To Court Over Digital Discrimination Rules* (February 20, 2024) Broadband Breakfast, <https://broadbandbreakfast.com/cable-trade-groups-take-fcc-to-court-over-digital-discrimination-rules/>.

- “Economic feasibility” means reasonably achievable as evidenced by prior success by covered entities under similar circumstances or demonstrated new economic conditions clearly indicating that the policy or practice in question may reasonably be adopted, implemented, and used.
- “Technical feasibility” means reasonably achievable as evidenced by prior success by covered entities under similar circumstances or demonstrated technological advances clearly indicating that the policy or practice in question may reasonably be adopted, implemented, and used.

However, where the FCC rule applies broadly to a host of “covered entities,” the bill in print applies only to ISPs. The FCC defines covered entities to include broadband providers, contractors retained by, or entities working through partnership agreements or other business arrangements with, broadband internet access service providers; entities facilitating or involved in the provision of broadband internet access service; entities maintaining and upgrading network infrastructure; and entities that otherwise affect consumer access to broadband internet access service. The author is expected to commit to amendments that expand the scope of the bill to cover these entities in the Senate Energy, Utilities, and Communications Committee, which will hear the bill before this Committee on July 2. It should be noted that the FCC made clear that application of this standard to entities beyond those actually providing the broadband internet access service necessarily requires additional considerations:

[T]o the extent that entities outside the communications industry provide services that facilitate and affect consumer access to broadband, they may be in violation of our rules if their policies and practices impede equal access to broadband internet access service as specified in the rules. To the extent that such entities have policies or practices that differentially impact consumers’ access to broadband internet access service, we will consider, among other things, the closeness of the relationship between that entity’s policies and practices and the provision of broadband service.

Public prosecutors are granted authority to enforce this prohibition, but limit remedies to only injunctive relief and attorney’s fees and costs.

According to the author:

Despite historic public investments to close the digital divide, low-income communities of color across the state remain disproportionately disconnected, stranded on the wrong side of the digital divide. To the extent that there are policies and practices that serve to exacerbate this persistent inequity – even when that is not the intent – we must put an end to them. AB 2239 will put every Californian on equal footing to access high quality broadband services.

3. Disparate impact vs. disparate treatment

A great deal of the opposition to this bill focuses on the standard applied. The prohibited discrimination relies on “differential impact” or “disparate impact,” which means policies and practices that meet all of the following criteria:

- The policy or practice causes a disparate impact on a prohibited basis.
- The policy or practice is not justified by genuine issues of technical or economic feasibility.
- There are other reasonably achievable and less discriminatory alternatives.

The disparate impact standard, as opposed to the disparate treatment standard, is focused on the outcomes rather than solely the intents of given policies and practices by ISPs. It is used only in certain contexts including certain housing discrimination claims pursuant to the Fair Housing Act and certain employment claims pursuant to Title VI of the Civil Rights Act of 1964. The Supreme Court has explained the motivation for seeking to get at even unintentional discrimination, finding even benignly-motivated policies and practices that appear neutral on their face may be traceable to the nation’s long history of invidious race discrimination in employment, education, housing, and many other areas.⁸

As pointed out in the Senate Energy, Utilities, and Communications Committee analysis of this bill, the FCC expounded upon the relevant analysis: “Under traditional disparate impact analysis, once a policy or practice is shown to have a meaningful adverse impact on a protected group, the covered entity may affirmatively produce evidence that the challenged policy or practice is justified by a substantial, legitimate business interest.” The author is expected to commit to amending language into the bill in the Senate Energy, Utilities, and Communications Committee, to be taken in this Committee. That would mean that even after proving a disparate impact on a prohibited basis, a prosecutor would further have to establish that the policy or practice was not justified by a genuine issue of technical or economic feasibility or a legitimate business impediment, and that there were other reasonably achievable and less discriminatory alternatives.

⁸ See *Griggs v. Duke Power Co.* (1971) 401 U.S. 424, 430–31 (“Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to ‘freeze’ the status quo of prior discriminatory employment practices.”); *City of Rome v. United States* (1980) 446 U.S. 156, 176–77 (“Congress could rationally have determined that these provisions were appropriate methods of attacking the perpetuation of earlier, purposeful racial discrimination, regardless of whether the practices they prohibited were discriminatory only in effect.”); *Gaston Cty. v. United States* (1969) 395 U.S. 285, 297 (finding even “impartial” administration of a literacy test would still serve to “perpetuate” the inequities of the past).

A coalition of industry associations, including the California Chamber of Commerce and the California Manufacturers and Technology Association, writes in opposition to using this disparate impact standard:

AB 2239 incorporates a disparate impact standard, rather than a disparate treatment standard, that will almost certainly be challenged in court and is contrary to good public policy. AB 2239 is vulnerable to challenge because it purports to regulate an overly broad set of practices under a very open-ended standard of liability. AB 2239 is poor public policy because it sets an unworkable standard for ISPs (Internet Service Providers) that would leave them exposed to potential liability relating to new network investments and thus would impede broadband deployment and upgrades to existing infrastructure.

The disparate impact standard would lead to frivolous claims and unnecessary investigations where no credible evidence of discrimination exists. Perhaps even worse, it would divert government resources away from investigating legitimate claims of discrimination. As a result, ISPs would expend money and time addressing allegations targeting legitimate business practices, instead of putting resources toward broadband deployment and expanded broadband access. The government would instead devote limited resources toward addressing baseless allegations. Such a framework would benefit only lawyers and consultants.

It should be noted that enforcement in the bill is limited to public prosecutors only and limits the remedies available to only injunctive relief, as well as attendant fees and costs. Ultimately, opposition argues for a disparate treatment standard, focused on intentional discrimination that provides clearer boundaries.

A large coalition of groups, including the California Alliance for Digital Equity, #OaklandUndivided, California Community Foundation, NextGen California, and The Children's Partnership, all co-sponsors of the bill, defend the standard and its necessity:

Last November, the Federal Communications Commission adopted a "digital discrimination of access" definition that includes a disparate impact standard - interested in the outcomes rather than solely the intents of given policies and practices - and established initial steps toward enforcing it. That definition - including its allowances for "genuine issues of technical and economic feasibility" - resulted from more than a year of consideration and thousands of formal and informal input and information from industry, advocates, local governments, and others.

No party considers this definition perfect. Indeed, industry representatives have filed multiple claims to invalidate the disparate

impact standard and advocates have filed multiple claims to strengthen enforcement mechanisms and defend the rules in toto. All claims are in process in the 8th Circuit court which declined to issue an injunction on the FCC process as requested by industry. However, we believe it is the appropriate policy to adopt in California on the basis of the extraordinary volume of evidence and input engaged by the FCC.

Additionally, AB 2239 echoes California's Net Neutrality policy, and would place the definition of digital discrimination of access and a prohibition on it alongside it in the code section. This is important, as California's Net Neutrality policy has been thoroughly litigated - the same industry representatives that oppose AB 2239 sued to invalidate Net Neutrality - and the courts definitively affirmed California's jurisdiction and right to enforce such protections within California's borders.

The proposed definition is simple and straightforward: "Policies or practices, not justified by genuine issues of technical or economic feasibility, that (1) differentially impact consumers' access to broadband internet access service based on their race, ethnicity, color, religion or national origin, or (2) are intended to have such differential impact." The bill includes clear definitions of both technical and economic feasibility (also borrowed from the FCC), providing parameters for Internet Service Providers to be aware of to avoid running afoul of the prohibition on intentional AND unintentional discrimination.

The FCC speaks to the standard extensively in its report and makes the legal case for why it had authority to do so in this instance:

In determining whether section 60506 [the authorizing statute] authorizes us to include disparate impact in our definition of digital discrimination of access, we look to the guidance provided in the Supreme Court's decision in *Texas Department of Housing and Comm'ty Affairs v. Inclusive Communities Project* [(2015) 576 U.S. 519, 532].

There, the Court set out a framework for determining when an antidiscrimination statute "must be construed to encompass disparate impact claims." Under that framework, a disparate impact legal standard is authorized where the statutory text is "results based" and such a standard is "consistent with statutory purpose." And, where evidence of a statistical disparity is shown to support a complaint of disparate impact, liability is properly limited where (1) the challenged policy or practice is shown to cause the disparity complained about, and (2) business owners are permitted to explain the valid interests served by the challenged policy or practice. We find that 60506 authorizes a disparate impact

liability standard and that our implementing rules, outlined below, fully comport with the limiting criteria set out in *Inclusive Communities*.⁹

More relevant here, the FCC's assessment of the industry support the conclusion that regulations adequate to address digital discrimination must go beyond intentional acts:

Based on the record before us, we do not expect to encounter many instances of intentional discrimination with respect to deployment and network upgrades, as there is little or no evidence in the legislative history of section 60506 or the record of this proceeding indicating that intentional discrimination by industry participants based on the listed characteristics substantially contributes to disparities in access to broadband internet service across the Nation.

The FCC report highlights that the issue was fiercely debated by those submitting comments during the rulemaking process:

The disagreement among commenters centers on whether policies and practices having discriminatory effects should be prohibited under our definition of digital discrimination of access. Most industry commenters argue that the definition must be limited to disparate treatment, i.e., intentional discrimination, relying largely on case law interpreting the Fair Housing Act (FHA) and asserting that a Commission rule permitting claims based on disparate impact, i.e., discriminatory effect, would conflict with other provisions of the Infrastructure Act, and could disincentivize investment in broadband networks. On the other hand, most public interest and government commenters, relying on the same case law, argue that the rule must encompass disparate impact claims because most discrimination in broadband access stems from business practices having discriminatory effect, and any rule that excludes a disparate impact liability standard would render section 60506 largely meaningless. In adopting a definition of digital discrimination of access that encompasses both disparate treatment and disparate impact, we are guided primarily by the text of the statute, including its expressly stated goal of ensuring "equal access" to broadband internet access service.

⁹ Report and Order and Further Notice of Proposed Rulemaking FCC 23-100, (November 15, 2023) FCC, <https://docs.fcc.gov/public/attachments/FCC-23-100A1.pdf>.

4. Additional stakeholder positions

The coalition in opposition, which includes the Civil Justice Association of California, argues:

AB 2239 creates enforcement risk for providers even though it does not explicitly include a private right of action. California courts generally limit private rights of action to statutes that clearly evince an intent to create one. Even assuming AB 2239 does not itself allow a private right of action; California's Unfair Competition Law may offer an avenue for overly aggressive trial lawyers to find financial opportunities to pursue frivolous claims. To avoid this uncertainty, AB 2239 should include an express statement that it does not create a private right of action under its own terms or any other statute, as is the case in the California Digital Equity Bill of Rights.

Writing in support, the Los Angeles Unified School District asserts:

Establishing a definition of digital discrimination for the State will be instrumental in ensuring California's historic investments of nearly \$8 billion in state and federal funds in broadband infrastructure are deployed equitably.

Now more than ever before, access to high-speed and reliable internet has proven to be a necessity - not a luxury - allowing students, families, and businesses to access valuable information online to continue instruction, stay socially connected and complete daily work. The digital divide is especially harmful to public education in low-income communities and communities of color which are disproportionately impacted, leaving the highest need families disconnected. This and other measures will help ensure that when it comes to broadband access, our least resourced consumers are not paying more and getting or less.

SUPPORT

#OaklandUndivided (cosponsor)
California Alliance for Digital Equity (cosponsor)
California Community Foundation (cosponsor)
NextGen California (cosponsor)
The Children's Partnership (cosponsor)
A Place Called Home
Access Humboldt
Alliance for A Better Community
Altamed Health Services

Arts for La
Boys & Girls Clubs of The Los Angeles Harbor
California Family Resource Association
California State Council of Service Employees International Union
California Teachers Association
Campesinas Unidas Del Valle De San Joaquin
Center for Powerful Public Schools
Central Valley Empowerment Alliance
Child Abuse Prevention Center and Its Affiliates Safe Kids California, Prevent Child Abuse California and the California Family Resource Association; the Children's Defense Fund - CA
Chinese for Affirmative Action
Chinese for Affirmative Action/ AACRE
Citizen Schools
Coalition for Humane Immigrant Rights
Coalition of Filipino American Chambers of Commerce
Common Sense Media
Communities in Schools of Los Angeles
Community Clinic Association of Los Angeles County
Community Coalition of the Antelope Valley
County of Los Angeles Board of Supervisors
Destination Crenshaw
Diversity in Leadership Institute
Dolores Huerta Foundation
Educare Foundation
Electronic Frontier Foundation
End Poverty in California
Everychild Foundation
Everyoneon
Families in Schools
Fresno Coalition for Digital Inclusion
Gpsn
Hack the Hood
Healing and Justice Center
Innercity Struggle
Innovate Public Schools
Institute for Local Self-reliance
Insure the Uninsured Project
Kapor Center
Latino Equality Alliance
Lighthouse Community Public Schools
Los Angeles Unified School District
Media Alliance
Mediajustice

Michelson Center for Public Policy
Oakland NAACP
Oakland Youth Commission
Our Voice: Communities for Quality Education
Ousd Tech Repair Program
Para Los Ninos
Parent Engagement Academy
Parent Institute for Quality Education
Parent Organization Network
San Francisco Filipino American Chamber of Commerce
San Francisco Unified School District
Santa Monica Chamber of Commerce
Southeast Community Development Corporation
Southern California College Attainment Network
Teach Plus - California
Tech Exchange
The Angeleno Project
The Greenlining Institute
The Unity Council
UNITE-LA
United Parents and Students
Urban Montessori Charter School
Valley Onward
Vermont-Slauson Economic Development Corporation
Vietnamese American Chamber of Commerce
Voice for Our Children
Watts of Power Foundation
Youth Uprising

OPPOSITION

African American Farmers of California
Asian Business Association
Black Chamber of Orange County
Cal Asian Chamber of Commerce
Cal Chamber
Calbroadband
Calchamber
Calcom Association
California Building Industry Association
California Communications Association
California Hispanic Chambers of Commerce
California Manufacturers & Technology Association
Central Valley Business Federation

Chamber San Mateo County
Civil Justice Association of California
County of Fresno
Fairfield-Suisun Chamber of Commerce
Glad Tidings International Church of God in Christ
Hispanic Chamber of Commerce of Marin
Joint Venture Silicon Valley
Latino Council
Los Angeles Area Chamber of Commerce
Nisei Farmers League
North Bay Leadership Council
Orange County Hispanic Chamber of Commerce
Palo Alto Chamber of Commerce
Sacramento Metropolitan Chamber of Commerce
San Gabriel Valley Economic Partnership
San Mateo County Economic Development Association
The Utility Reform Network
United States Telecom Association
Valley Industry & Commerce Association
Wireless Infrastructure Association

RELATED LEGISLATION

Pending Legislation: SB 1383 (Bradford, 2024) expands eligibility for the California Advanced Services Fund (CASF) Broadband Public Housing Account, authorizes the use of Public Housing Account funds for devices that improve existing broadband service, and enables Public Housing Account recipients offering new broadband plans to low-income communities to provide a free or low-cost broadband plan to those communities as a condition of obtaining the grant. SB 1383 is currently in the Assembly Appropriations Committee.

Prior Legislation:

AB 41 (Holden, 2023) would have made various changes to California's cable video franchise regulation laws, including prohibiting franchises from denying potential subscribers equal access to services based on the community income of those subscribers. AB 41 was vetoed with Governor Newsom stating: "While I greatly value and appreciate the efforts made by the author, the changes this bill makes will not meaningfully increase digital equity in California."

AB 414 (Reyes, Ch. 436, Stats. 2023) established a digital equity Bill of Rights in statute to support consumers' right to equal access for broadband internet service within a broadband provider's service territory.

SB 822 (Weiner, Ch. 976, Stats. 2018) established California's net neutrality policy by prohibiting ISPs from engaging in certain acts that limit internet traffic and favor certain applications over others.

PRIOR VOTES:

Senate Energy, Utilities and Communications (Vote not available at the time of publishing this analysis)

Assembly Floor (Ayes 43, Noes 10)

Assembly Appropriations Committee (Ayes 11, Noes 4)

Assembly Judiciary Committee (Ayes 9, Noes 2)

Assembly Communications and Conveyance Committee (Ayes 7, Noes 3)
