



April 25, 2022

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
1021 O Street, Room 5740
Sacramento, CA 95814

RE: AB 2753 (Reyes) – Digital Equity Bill of Rights (OPPOSE)

Dear Chair Stone,

On behalf of CTIA®, the trade association for the wireless communications industry, I write in respectful opposition to AB 2753 (Reyes). While well-intended, AB 2753 directs the California Public Utilities (CPUC) to undertake a similar rulemaking as the Federal Communications Commission (FCC) in an area in which the CPUC itself has determined it lacks jurisdiction (discussed below). Thus, AB 2753 is unnecessary and duplicative.

Specifically:

- The Infrastructure Investment and Jobs Act¹ charged the FCC with adopting rules to facilitate equal access to broadband by November 2023. The FCC began its process on March 17, 2022. A CPUC rulemaking on the same topic invites conflict. **Therefore, California should participate in FCC rulemaking, then wait for its final rules before taking any legislative action.**
- The code that gives the CPUC authority to regulate public utilities is defined to include telephone corporations,² but the CPUC lacks jurisdiction to regulate Internet service, which is an interstate information service and subject to a federal policy of non-regulation, including a prohibition of common-carrier regulations such as a would be imposed under AB 2753.³
- AB 2753 invites the CPUC to regulate in areas that may include broadband service prices and obligations to serve, for which the CPUC does not have jurisdiction and could potentially result in violations of federal law. The vague language in AB 2753 creates significant regulatory uncertainty for providers.

¹ [47 U.S.C. § 1754](#) charges the FCC with “adop[ting] final rules to facilitate equal access to broadband internet access service, . . . including— (1) preventing digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin; and (2) identifying necessary steps for the Commissions to take to eliminate discrimination . . .

² See Cal. Const. Art. XII §§ 3, 6; Cal. Pub. Util. Code §§ 202, 216(a)(1), 233, 234(a).

³ See D.13-12-005.



Current California law, including the Unruh Civil Rights Act, prohibits businesses from discriminating against Californians. Consumers alleging discrimination have numerous remedies available, including through district attorneys, city attorneys, and the Office of the Attorney General.

CTIA agrees with and its members comply with the intent of AB 2753, but we believe the path is through a holistic policy framework. California can come closer to these goals by committing resources to programs such as the California Advanced Services Fund, Lifeline, and the California Broadband and Digital Literacy Office. The California Broadband Action Plan recommends specific ways in which these programs might be expanded or improved.

For the reasons listed, CTIA respectfully opposes AB 2753.

Sincerely,

Bethanne Cooley
Assistant Vice President
State Legislative Affairs

Cc: The Honorable Eloise Reyes
Members of the Assembly Judiciary Committee
Alison Merrilees, Chief Counsel
Jith Meganathan, Counsel
Daryl Thomas, Republican Policy Consultant