



The Honorable Chris Holden
California State Assembly
1021 O Street, Suite 5650
Sacramento, CA 95814

RE: Assembly Bill 41– Oppose as Amended July 7, 2023

Dear Assemblymember Holden:

On behalf of the California Alliance for Digital Equity (CADE), a statewide coalition led by the California Community Foundation (CCF), Common Sense Media, the Greenlining Institute, Michelson Center for Public Policy, Media Alliance, NextGen California, #OaklandUndivided, the Rural County Representatives of California (RCRC) and The Children’s Partnership, along with allied organizations including Electronic Frontier Foundation (EFF), Alliance for a Better Community, and Communities in Schools of Los Angeles, we respectfully and regretfully submit an Oppose position on Assembly Bill 41, as amended on July 7, 2023.

As a coalition, we have worked tirelessly, hand in hand with your office, to advance AB 41 as a mechanism for long overdue and much-needed reforms to the Digital Infrastructure and Video Competition Act (DIVCA), the 2006 law that eliminated all local input and control over cable franchises and nested the authority instead with the California Public Utilities Commission (CPUC). Our work together included hours upon hours of work to accommodate the demands of the cable industry while faithfully representing the communities we serve in your district and across the state. And we have supported compromises that put the profits of franchise holders over the best interests of these communities in the interest of getting to a bill that, while imperfect, would advance our shared goals of making progress toward closing the digital divide.

AB 41 as amended today takes those compromises beyond balance. It undermines the goals of the bill completely and in fact retrenches California's franchise policy to before the incremental progress of Sen. Caballero's 2021 Senate Bill 28. In his SB 28 signing message, the Governor

AB-41 Oppose As Amended

July 7, 2023 | Page 2

noted, "While I applaud the reforms included in this bill, I encourage the Legislature to consider going further. It has been 15 years since DIVCA was enacted, and the existing statute is outdated and does not reflect the market realities of today."¹ AB41 as amended does the reverse.

Specifically, the amendments:

- Further restrict the commission from doing its job as the sole franchise authority in the state beyond federal law and add new restrictions even beyond those included in DIVCA in 2006.
- Expressly roll back the limited customer service protection authority granted to the commission in SB 28.
- Strike all antidiscrimination benchmarks and all equal access provisions.

In short, AB 41, as amended, makes California franchise policy worse for communities, worse for localities, and makes it even harder for the state to address the digital divide. Much like DIVCA before it - which, for over seventeen years, has failed to produce the more competitive, thriving market for broadband service it promised - DEVFA will move the state further from digital equity with these amendments.

Again, we are deeply grateful for your work as a champion for digital equity, and we deeply regret that our shared efforts have resulted in a bill weakened by industry-friendly changes. AB 41 as amended diminishes equity at the expense of the communities our coalition is dedicated to representing. As such, we must stand with the communities we serve and oppose AB 41 as amended.

Sincerely,

Shayna Englin
Digital Equity Initiative
California Community Foundation
shayna@digitalequityla.org
m. 323-217-3565

Maddie Ribble
Policy Director, Social Drivers of Health
The Children's Partnership
mrubble@childrenspartnership.org

m. 617-697-2107

Kami Peer
California Policy Manager
Common Sense Media
kpeer@commonsense.org
m. 916-509-0495

Arnold Sowell Jr.
Executive Director
NextGen California
arnie.sowell@nextgenpolicy.org

¹ <https://www.gov.ca.gov/wp-content/uploads/2021/10/SB-28-Signing-Message.pdf>

AB-41 Oppose As Amended

July 7, 2023 | Page 3

Director, Advocacy and Planning

GPSN

rlopezchang@gpsnla.org

Patrick Messac

Director

#OaklandUndivided

pmessac@oaklandundivided.org

m. (518) 542-8105

Tracy Rhine

Senior Legislative Advocate RCRC

trhine@rcrcnet.org

m. 916-447-4806

Elmer G. Roldan

Executive Director

Communities In Schools of Los Angeles
(CISLA)

eroldan@cislosangeles.org

Tracy Rosenberg

Executive Director

Media Alliance

tracy@media-alliance.org m. 510-684-6853

Chao Jun Liu

Legislative Associate

Electronic Frontier Foundation

chao@eff.org

Vanessa Aramayo

Executive Director

Alliance for a Better Community

vanessa@afabc.org

Ray López-Chang

cc: Members of Senate Committee on Energy, Utilities, and Communications Assembly
Committee on Communications and Conveyance Chief Consultant Emilio Perez Senate
Committee on Energy, Utilities, and Communications Consultant Sarah Smith Senate
Committee on Energy, Utilities, and Communications Minority Consultant Kerry Yoshida