

Before the Public Utilities Commission of the State of California
505 Van Ness Avenue San Francisco, CA 94102

In the Matter Of

Order Instituting Rulemaking Regarding Broadband
Infrastructure Deployment and to Support Service
Providers in the State of California

Rulemaking 20-09-001

COMMENTS OF THE NATIONAL HISPANIC MEDIA COALITION

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I. INTRODUCTION

In 2021, our world has become increasingly digital. The success, sustainability, and prosperity of many Californians is directly associated with our ability to reliably and meaningfully access the internet. The internet is often spoken about as the great equalizer, but this is only true for those who have access to and can afford broadband at home. Network and infrastructure buildout, quality, speed, reliability, and resiliency are all important factors that

ultimately define the online experiences of millions of Californians every day. As Californians everywhere increased their dependence on the internet during the Coronavirus pandemic, one thing became painfully clear: the golden state of California has a digital redlining problem.

Black, Indigenous, and other people of color (BIPOC), Latinx, and low-income communities disproportionately bear the consequences of subpar broadband infrastructure, discriminatory practices, and neglect from their internet service providers. Despite the persistent presence of the digital divide in these communities and demonstrating the greatest need, BIPOC, Latinx, and low-income communities often are the last to see and benefit from the newest infrastructure. Investing in these communities is extremely important in leveling the playing field and equitably expanding access to the internet for all Californians.

However, that is not our current reality. Information and analysis from The Greenlining Institute; The Communications Workers of America (CWA), the National Digital Inclusion Alliance (NDIA), The USC Annenberg Research Network for International Communication (ARNIC), and the USC Price Spatial Analysis Lab (SLAB) have presented evidence of discrimination, negligence, and overall abuse concerning inadequate broadband infrastructure in certain California communities. The National Hispanic Media Coalition (NHMC),¹ a 35 year old civil rights non-profit founded to eliminate hate, discrimination, and racism towards the Latinx community, views digital rights as a human right, meaning everyone should have access to the internet as an essential tool.

¹ *National Hispanic Media Coalition*, [NHMC.org](https://www.nhmc.org) (last visited July 1, 2021).

II. COMMENT RESPONSES REQUESTED

NHMC submits the following comments to the California Public Utilities Commission in response to its *Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California*:²

A. Are the inputs and assumptions of the studies discussed above accurate? How could one improve these studies?

After review, the National Hispanic Media Coalition finds all three aforementioned studies to be reliable sources of information that have justified probable cause of discriminatory redlining practices from Internet Service Providers (ISPs). The studies covered a wide variety of information through a diverse set of methodologies that employ qualitative and quantitative tools to gather information. Research studies varied in geographical location, but all came to the conclusion that redlining practices were indeed impacting BIPOC and low-income communities.³ There is additional cause for alarm that although Los Angeles, Fresno, and Oakland are miles apart from each other, the cities mirror the same issues regarding the subpar quality and accessibility to broadband services.⁴

² *Order Instituting Rulemaking Regarding Broadband Infrastructure Deployment and to Support Service Providers in the State of California*, Administrative Law Judge Ruling, California Public Utility Commission, rel. Apr. 20, 2021, <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M385/K618/385618661.PDF> (“Redlining Order”).

³ Communications Workers of American and National Digital Inclusion Alliance, *AT&T’s Digital Redlining Leaving Communities Behind For Profit*, at 5 (Oct. 2020), https://www.digitalinclusion.org/wp-content/uploads/dlm_uploads/2020/10/ATTs-Digital-Redlining-Leaving-Communities-Behind-for-Profit.pdf (“CWA & NDIA Report”); USC Annenberg Research Network on International Communication and the USC Price Spatial Analysis Lab (SLAB) nation, *Who Gets Access to Fast Broadband? Evidence from Los Angeles County 2014-17*, at 2-5 (Oct. 2019), <http://arnicusc.org/wp-content/uploads/2019/10/Policy-Brief-4-final.pdf> (“USC Report”); Greenlining Institute, *On the Wrong Side of the Digital Divide* (June 2020), <https://greenlining.org/publications/online-resources/2020/on-the-wrong-side-of-the-digital-divide/> (“Greenlining Report”).

⁴ Greenlining Report at *California’s Digital Divide*.

Following The Greenlining Institute's examination of historical trends of redlining to present day Oakland could definitely strengthen arguments regarding the urgency of investing in community network development. Over time communities have changed due to white flight, gentrification, migration, and NHMC believes additional research into how digital redlining intersects with these types of migration patterns and community make-up over time would be beneficial to policy making. NHMC also recommends the studies present more detailed policy recommendations in the future in order to provide tangible, tactical solutions to the issue presented.

B. Do the findings of these studies provide evidence of a systemic problem in California?

Yes, these studies absolutely provide evidence that California has a systemic digital redlining issue. The studies provide concrete evidence that demonstrates clear trends and relationships between the quality of digital services and certain community demographics.⁵ Although ISPs may deny accusations of discriminatory practices, ISPs cannot deny the data showing decades of negligence and our communities' current lack of adequate infrastructure and services offerings. This is further amplified by the fact that this phenomenon is not affecting white or affluent California neighborhoods.⁶ Instead, this is a systemic issue primarily and disproportionately affecting BIPOC and low-income communities. NHMC believes that digital rights are human rights, and, thus, everyone should have access to the internet regardless of ISPs' business models.

⁵ USC Report at 2-3; Greenlining Report at *Redlining Map*; CWA & NDIA Report at 4-5.

⁶ USC Report at 4.

C. Do these studies indicate discrimination based on race, socioeconomic status or otherwise, and, if yes, what are the societal implications?

Digital redlining is incredibly dangerous to vulnerable communities who already face a number of barriers and find themselves on the wrong side of the digital divide. As it currently stands, at least a third of Latinx still do not have access to the internet at home.⁷ Based on the analysis done by the studies in question, California—which is nearly forty percent Latinx—faces a steep Latinx digital divide due to low-speed and low-quality internet service offerings and poor digital infrastructure. This comes as no surprise for NHMC, as we have heard the heartbreaking stories of our community struggling to pay for the internet at home, much like the troubling viral photo of two young girls sitting outside a fast-food restaurant in Salinas, California attempting to access a stable internet connection to complete their homework.

D. If the Commission were to undertake an investigation into whether ISPs are not serving certain communities or neighborhoods within their service or franchise areas, a practice generally referred to as redlining, how should the Commission conduct that investigation? What data should the Commission rely on for its investigation?

The Commission needs to employ a combination of qualitative and quantitative research methods. A mixed-method approach in urban and rural communities would help emphasize not only the seriousness of the situation, but also how persistent issues of digital redlining are all across the state. Speaking to community members should be a priority, as oftentimes these are the stories and voices that are left out of the conversation when making decisions that impact BIPOC, Latinx, and low-income communities in particular.

⁷ Andrew Perrin and Erica Turner, *Smartphones help blacks, Hispanics bridge some – but not all – digital gaps with whites*, Pew Research, rel. Aug. 20, 2019, <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>.

Quantitative data also proved to be a very powerful tool in all of the studies in question and should play a role in any investigation conducted by the Commission. Data provided from ISPs, analysis of digital infrastructure, and survey data all helped highlight that digital redlining was indeed occurring in communities that identified as low-income/ majority people of color. NHMC recommends that in an investigation of digital redlining in California, the Commission should overlap data on other racial disparities and historical events, including housing redlining, climate change (climate gentrification and migration), and poverty trends.

E. Historically, redlining has meant that some neighborhoods, generally with affluent, white residents, have access to a particular service while poorer residents do not. How should the Commission define redlining? In the context of broadband Internet service, should Internet speeds offered to residents be taken into consideration?

The Commission should define redlining, as the Public Utilities Commission rulemaking does, “a systemic issue in the communications marketplace where Internet service providers refuse to serve certain communities within their service or franchise areas and as a result putting specific communities at a technological disadvantage”.⁸ Digital redlining is an intersectional issue involving race, socioeconomic status, geographical location, and systemic racism, and, thus, should be investigated and solved in an intersectional way.

In the context of broadband internet service, internet speeds offered to residents should be taken into account. Many BIPOC and Latinx families who are disproportionately affected by digital redlining have multigenerational homes and larger families. Bandwidth in these households is often spread thin between telehealth, remote work from home, job training, and even online classes. NHMC believes that 100/1 Mbps is the baseline for what should be

⁸ Redlining Order at 1.

considered meaningful broadband, and encourages the Commission to reevaluate this level and overall definition as technology and community needs evolve..

F. Does the table in Section 3 of this ruling indicate redlining or some other form of systemic issue? It appears to indicate that poorer communities are more likely to be unserved, and wealthier communities are more likely to be served. Is this analysis accurate? Please explain why it is or is not accurate.

The table in Section 3 of this ruling confirms the existence of redlining, which is itself a systemic issue. There are clear correlations between the number of unserved households, median household income, as well as the number of cities and Census-designated places (CDPs) that are unserved. Data presented leads NHMC to conclude: poorer communities are more likely to be unserved, while wealthier communities are more likely to be served is an accurate analysis of this data.

Table 3 shows that households with the highest average median income are less than one percent unserved. The conclusion that can be drawn from this example is that 99 percent of these cities and CDPs with the wealthiest median household income are served at 100 Mbps per second or greater. Conversely, cities and CDPs with the lowest median household income are identified as also having 75 percent or more unserved by their fixed broadband Internet service provider (ISP) claiming to offer service at 100 Mbps per second or greater.

Keeping in mind that the data used to populate this table is that of a “state with a fixed broadband Internet service provider (ISP) claiming to offer service at 100 Mbps per second or greater”, the disparities still appear evident. In NHMC’s view, the quality of the internet services provided alongside the income of those with higher median household income provides proof of the existence of digital redlining in these areas.

G. Are there other studies or analysis that parties wish to submit for the record in this proceeding?

NHMC submits the following additional study to the record for consideration:

Free Press, Digital Denied: The Impact of Systemic Racial Discrimination on Home Internet Adoption (Dec. 2016),
https://www.freepress.net/sites/default/files/legacy-policy/digital_denied_free_press_report_december_2016.pdf.

H. The Commission’s Environmental and Social Justice Action Plan has as a stated goal (Goal 3) to increase access to high quality communications services for Environmental Justice and Social Justice communities. If it is found that ISPs have engaged in redlining practices, what actions should this Commission take to ensure high quality Internet service becomes available to previously redlined communities?

The commission must ensure and prioritize a digital action plan that focuses on affordability, availability, and adoption, and prioritizes currently redlined communities. This starts with upgrading networks in both urban and rural communities where infrastructure is outdated and or in disrepair. The commission must also encourage ISPs to expand the quality of internet service offers available to historically redlined communities, regardless of profit margins or past services provided. The commission should also spearhead collaborative outreach initiatives with both public and private organizations to ensure that those who are or have experienced digital redlining continue to see the value in internet access at home, and will have the support needed to ensure adequate digital literacy and navigation skills.

III. CONCLUSION

In summary, NHMC believes the three studies in question to be accurate, and to indicate that the state of California has a systemic redlining issue that is disproportionately discriminating against and harming BIPOC, Latinx, and low-income communities. This has grave consequences for the future of California, and must be remedied.