

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking
Proceeding to Consider Rules to Implement
the Broadband Equity, Access, and
Deployment Program.

R. 23-02-016

OPENING COMMENTS OF iFOSTER ON BEAD STAFF PROPOSAL

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I. Introduction

iFoster Inc. (“iFoster”) hereby submits these Opening Comments on the Staff Proposal relating to the Broadband Equity, Access and Deployment (“BEAD”) Program. This rulemaking seeks to determine grant funding, eligibility, and compliance for funds distributed to California under the federal BEAD program that was created by the Infrastructure Investment and Jobs Act of 2021 (“IIJA”).¹ California has been allocated approximately \$1.86 billion in BEAD funding based on the federal government’s calculation of California’s share on unserved locations nationally.²

In Initial Proposal Volume 1, the CPUC meets certain requirements in the BEAD Notice of Funding Opportunity (NOFO), specifically (1) listing existing efforts by the state to close the Digital Divide, (2) setting forth identification of each unserved/underserved location under California (including Tribal) jurisdiction, (3) discussing how the CPUC has applied the statutory definition of “community anchor institution” (CAI), how it identified CAIs in California and their broadband needs, and (4) how the CPUC will conduct the challenge process. In Initial Proposal Volume II, as required by the BEAD NOFO, the CPUC does the following: (1) outlines

¹ Public Law 117-58 Section 60102(b). The IIJA law was signed by President Biden on November 15, 2021.

² Administrative Law Judge’s Ruling Issuing Draft Five-Year Plan and Seeking Comments, dated July 17, 2023, at page 2 (“ALJ’s Ruling on Five-Year Plan”).

its long term objectives for deploying broadband – closing the Digital Divide, addressing access, affordability, equity and adoption issues, and enhancing economic growth and job creation; (2) identifies steps to support local, Tribal and regional planning for broadband deployment and closing the Digital Divide; (3) discusses coordination with certain groups; (4) provides a plan on how to competitively award sub grants for last mile deployment and other non-deployment activities; (5) with respect to non-deployment activities, discusses that CPUC will only pursue broadband deployment activities; (6) describe CPUC initiatives other than by subgrant; (7) disclose labor standards that will be employed (8) disclose how workforce issues will be addressed; (9) discusses how cost reduction and barriers to deployment will be pursued; (10) addresses climate impacts; (11) discusses plans to ensure low cost broadband plans to be offered by last-mile providers; (12) reviews whether public entities may participate in broadband projects; (13) and discloses compliance plans as to reporting and accountability rules by NTIA.

iFoster is a national non-profit organization in child welfare connecting children and youth in foster care and those “aging out” of the foster care system to the resources and opportunities they need to achieve self-sufficiency and become successful independent adults. iFoster serves approximately 150,000 children and youth annually, providing \$195 million in resources. Since late 2019, iFoster has provided a pilot Lifeline program to provide foster youth with wireless broadband service and a computing device, in order to ensure such foster youth may engage in distance learning, stay connected with a social worker, family and friends, and obtain access to critical online resources, including educational opportunities, healthcare, job search, and other essential services. During the COVID-19 pandemic when distance learning was the only way for a foster youth to attend school, iFoster’s pilot program become of critical importance to its users to keep them connected to educational resources, their social worker, friends and family.

The NTIA Notice of Funding Opportunity³ (“NOFO”) on the BEAD program encourages Eligible Entities (including each State and Territory) to engage a diverse stakeholder group in developing its Five-Year Action Plan, including non-profit and community-based organizations

³ NTIA Notice of Funding Opportunity for Broadband Equity, Access and Deployment Program (hereinafter “NOFO”).

and organizations that serve as representatives of underrepresented communities. iFoster’s view is extremely unique. iFoster speaks on behalf of foster youth that cannot participate themselves in this proceeding. iFoster has practical experience providing both computing devices and wireless broadband services to foster youth. It hereby brings its expertise to the Commission to request digital equity and social justice for foster youth relating to obtaining benefits from the BEAD broadband programs. This request is consistent with the Commission’s Environmental and Social Justice Action Plan v.2.0 given that foster youth is a disadvantaged community that is historically underrepresented at this Commission.

II. QUESTIONS

1. Do the proposed rules comply with federal requirements?

No. iFoster objects to the following finding in the Staff Proposal contained at Section 6, in Volume II:

“The CPUC does not anticipate supporting non-deployment eligible activities with BEAD program funds because the State’s estimated cost to provide universal service far exceeds its BEAD allocation and available State funding. Therefore, the CPUC does not anticipate having funds remaining for non-deployment activities.”

This proposal makes clear that it is the Commission’s intent that all of the \$1.86 billion available for BEAD programs will be allocated to deploying broadband infrastructure access to unserved/unserved locations and CAIs, and not to fund a penny for any “non-deployment activities,” such as broadband adoption, provision of computing devices to those who cannot afford them, public access, etc. iFoster hereby strongly objects, and advocates for at least 20% of the funding to be provided for broadband adoption and digital equity programs, administered by the Commission.

It is well known that broadband infrastructure access is only part of the Digital Divide; even those residents with access to broadband services may face Digital Equity barriers such as affordability, the lack of a computing device, the lack of Digital Literacy training, and other similar barriers. As an example of a barrier faced by foster youth who are minors, they are ineligible due to age to qualify for available low income programs such as Lifeline or the Affordable Connectivity Program to obtain Internet access or an affordable computing device to

perform their Internet enabled homework and communicate with their social workers, lawyers, teachers, friends and family. Foster youth are extremely low income and cannot afford to own computing devices. Due to the fact foster youth move schools on average three times a year, they cannot receive consistent digital literacy training. Yet, these foster students are expected to compete with other students to perform Internet-enabled homework, and are unable to communicate with their teachers, administrators and fellow students due to their lack of home Internet service and a computing device.

iFoster urges the Commission to include digital equity and adoption programs in its BEAD programs, because the Commission has played a key role in digital adoption and equity, given its historical funding of such programs including but not limited to the following:

(1) the Broadband Adoption Account⁴ and Broadband Public Housing Account in its California Advanced Services Fund;

(2) the Deaf and Disabled Telecommunications Program providing telecommunications equipment, speech-generating devices and relay services to those with disabilities; and,

(3) the iFoster Pilot Program offered through the Lifeline program to bring free smartphones, low-cost computers and wireless Internet access to youth in foster care in California.

This Commission already has resources and expertise to develop non-deployment BEAD programs. The Commission should assess how to expand existing programs and add new programs with BEAD funding to address pressing broadband adoption and digital equity issues raised by the local and Tribal communities from the State's Digital Equity Plan statewide planning meetings.⁵ In a state as large and as diverse as California, it is clear that merely bringing broadband infrastructure to currently unserved/underserved residents will not resolve broadband adoption and digital equity issues, particularly in served areas. As heard in the statewide planning meetings, broadband adoption and digital equity issues are acute in

⁴ iFoster applauds the Commission for its Broadband Adoption Account, but posits it is too narrow in focus, with two general types of programs limited to digital literacy training and public access to computing devices by the public. Also, that program's grants have been limited to \$11.7 million in total to date and has reached only 30 of 58 counties to date.

⁵ NOFO, at Section B.1, provides: "The framework set out below will provide Eligible Entities flexibility to pursue deployments in the manner best suited to their populations. . . ."

communities including low income, minority, non-English speaking, immigrants, people with disabilities, seniors, rural residents, incarcerated persons, foster youth and women. During the pandemic, information from the public members showed that the Digital Divide was devastating to communities lacking broadband connectivity. The Staff Proposal fails to address those issues, which is inconsistent with the goals of the Commission’s Environmental and Social Justice (“ESJ”) Action Plan V. 2.0.⁶

With this expertise, the Commission should include expanded and additional digital adoption and digital equity programs in its BEAD program, because to do so ignores a number of the goals of the NTIA program. The NTIA NOFO sets forth the goals of the federal legislation and funding as follows:

This program will lay critical groundwork for *widespread access, affordability, equity, and adoption of broadband*, create good-paying jobs; grow economic opportunities, including for local workers, provide increased access to healthcare services, enrich educational experiences of students, close long-standing equity gaps, and improve the overall quality of life across America. . . .

Localities and groups representing historically excluded communities can and must make their voices heard to ensure that longstanding equity gaps are finally closed. Existing broadband providers and new entrants must communicate well with Federal, State, Territorial, local, and Tribal partners to ensure that deployments proceed as expected and that non-deployment activities are designed and implemented in ways that most benefit the communities they are designed to serve.⁷

iFoster acknowledges that the NOFO prioritizes States bringing broadband to unserved and underserved areas and to community anchor institutions at delineated broadband speeds; however, *the goals of the program do not limit BEAD programs to infrastructure only.* As clearly stated in the NTIA NOFO, the goals are to lay critical groundwork for “affordability, equity and adoption of broadband.” In studying this language, the NTIA and Congressional goals include growing economic opportunities, enriching educational experiences for students, closing long-standing equity gaps, and improving the quality of life across America. These goals

⁶ CPUC Environmental and Social Justice Action Plan, v. 2, at p. 10, fn. 101.

<https://www.cpuc.ca.gov/news-and-updates/newsroom/environmental-and-social-justice-action-plan>

⁷ NTIA NOFO, at Section B.1 (emphasis added).

cannot be achieved by mere broadband access to infrastructure below but should be paired with proactive digital adoption and digital equity programs.

The NOFO makes clear that “Eligible Entities [States such as California] can apply any additional funding to pursue eligible access-, adoption-, and equity-related uses, as well as any other uses approved by the Assistant Secretary that support the Program’s goals.”⁸ In its NOFO, NTIA acknowledges that flexibility is important for Eligible Entities to meet the needs of their state. Further, the draft CPUC Five-Year Plan establishes as California’s goal “ensuring universal broadband service availability for all residents, businesses, and institutions.” iFoster posits that this goal cannot be achieved without tackling the issues of digital adoption and digital equity, particularly for the traditionally unconnected communities, such as seniors, rural and remote communities, Tribes, foster youth, non-English speaking communities, migrant farmworkers, and the unhoused.

This Commission’s own BEAD OIR notes that NTIA allows grants for broadband adoption in addition to other activities in the range of possible programs.⁹ With all of this language showing the clear intent of the NTIA and this Commission to pursue digital adoption and digital equity programs as well as infrastructure deployment, iFoster urges this Commission to reserve 20% of the significant BEAD funding to equally important broadband adoption and digital equity programs.

With \$1.86 billion of BEAD funding at its disposal, the State should set aside at least 20% of the total funds for broadband adoption and digital equity programs, given the varied needs of so many who are unconnected in our state. At the statewide planning meetings, urgent needs for such programs were voiced by minority populations, senior groups, non-English speaking communities, immigrants, foster youth, groups serving incarcerated individuals, Tribal representatives, and rural and remote communities. The summaries of the Statewide meetings which was circulated in this OIR reflect urgent and widespread needs, which include digital literacy training, affordable service plans, low cost computing devices, in-language training, one-on-one training that is accessible to seniors and incarcerated persons, and more.

⁸ NOFO, at Section B.1. (emphasis added).

⁹ BEAD OIR, issued on March 1, 2023, at p.2.

This Commission has been a pioneer in recognizing the unique digital needs of foster youth, in establishing the iFoster pilot program.¹⁰ This unique program sought to provide foster youth with broadband service and a device in order to communicate with their social worker, family and friends, and to access online resources, including distance learning, telemedicine, government benefits and mental health resources. As a result, iFoster urges the Commission to recognize foster youth as a covered population for digital adoption and digital equity programs, and to encourage future BEAD subgrantees -- such as community-based organizations, non-profit organizations, social welfare agencies, and local governments -- to propose BEAD programs that reach out to foster youth as recipients of affordable computing devices, affordable Internet service, and digital literacy training on a statewide basis, independent of the Lifeline program.

2. Should the Commission adopt the proposed rules?

No, iFoster opposes the Staff Proposal as the Plan is utterly devoid of any funding for non-deployment programs, and thus short changes the important need for broadband adoption and digital equity programs throughout the State, including for unconnected foster youth to obtain broadband access and devices in order to do their Internet-enabled homework, engage in distance learning, apply for college, apply for jobs, and stay in contact with their social worker, foster family, friends and family. As iFoster advocated in its earlier comment on the Draft Five Year plan in this docket, at least 20% of the funding should be devoted to broadband adoption, digital equity, device programs and the like.

3. Are there some proposed rules that comply with federal requirements but should be modified? If yes, how would the parties modify the proposal? Are there specific portions of the proposal the Commission should not adopt?

iFoster generally supports the Staff Proposal's definition of "community anchor institution" based on 47 USC 1702(a)(2)(E) at Section 4.1, in that it includes "a community support organization that facilitates greater use of broadband service by vulnerable populations including, but not limited to, low income individuals, unemployed individuals, children, the incarcerated, and aged individual." iFoster specifically requests that "foster youth" be added to the vulnerable

¹⁰ The iFoster Pilot Program was listed in the Draft Five Year Plan as a broadband asset of the state.

populations that may be served by an eligible community support organization and thus fall within the definition of a community anchor institution.

As supporting rationale, iFoster provides this information. Foster youth are some of the most vulnerable residents in the State. Just as women and LGBTQI were added as covered populations for BEAD in this state, iFoster recommends that this Commission explicitly recognize that if a community support organization facilitates greater use of broadband service by foster youth, it would be a “community anchor institution.” Further, foster youth should be designated as a covered population for the purposes of being eligible for BEAD digital adoption and digital equity programs.¹¹ As a basis for this request, iFoster provides the following information. In California, foster youth aged 13 to 26 inclusive are estimated at about 51,399 youth.¹² Within four years of aging out of the child welfare system:

- 50% of foster youth will be unemployed; those that are employed are only earning \$7,500 per year, which makes them extremely low income;
- 50% will have experienced homelessness;
- 70% will be on some form of government assistance; and
- Less than 3% will have earned a post-secondary (bachelor’s) degree.¹³
- Youth in foster care have significantly lower access to computers at home than other youth. While 90% of youth in the US and 79% of low-income youth have access to a computer at home, only 5% of rural foster youth and 21% of urban foster youth in California report regular access to a computer or the Internet.¹⁴
- When provided with a computer, 98% of foster youth reported using their computer on a daily or weekly basis.¹⁵

¹¹ Such a program would not be a Lifeline program. The Lifeline program has some limitations; for example, it has not been able to provide a laptop device to a foster youth.

¹² See California Child Welfare Indicators Project at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s> which cites as a source the April 2023 Child Welfare Service/ Child Management System (CWS/CMS) quarterly extract from the California Department of Social Services April 2023 statistics. These reports include all children who have an open child welfare or probation supervised placement episode in the CWS/CMS system. We note that after age 21, foster youth are no longer tracked, so one must estimate based on the number of youths aging out per year (about 5,000).

¹³ Chapin Hall, California Youth Transitions to Adulthood Study, Reports 2016, 2019 and 2021.

¹⁴ 1 Laptop Program for Foster Youth Evaluation Report, Jeremy T. Goldbach, Ph.D, LMSW, University of Southern California, 2016, at p. 4.

https://www.cacollegepathways.org/wp-content/uploads/2015/09/1_Laptop_FCC_Evaluation_Report.pdf

¹⁵ Id. at p. 4.

- Providing access to a computer at home for foster youth resulted in measurable improvements in academic performance, social connectiveness and life satisfaction.¹⁶

These statistics would support this Commission’s decision to include community anchor institutions that facilitate greater use of broadband service by foster youth. If this proposal is adopted, all community anchor institutions lacking broadband service should be included in the list to NTIA referenced in Section 4.2(4).

Finally, iFoster notes that the Affordable Connectivity Program is going to run out of federal funding in approximately April 2024. There are over 21.99 million residents in the nation¹⁷ and 2,732,340 residents (4 7% of 5,844,797) that are eligible in California¹⁸ obtaining affordable broadband service and devices from ACP. Should 2.7 million Californians lose their affordable Internet access, there will be additional pressure on the Commission to expand its affordability programs, to bring these unconnected residents back online. Funds should be reserved to provide needy residents with affordable broadband. Again, the Commission should consider and plan for the broadband needs of these residents when making its Volume I and Volume II reports.

4. Any additional questions asked in the Staff Proposal.

iFoster reserves the right to respond to additional questions in its Reply Comments.

III. Conclusion

iFoster appreciates the opportunity to file Opening Comments as to the Staff Proposal, and to express its request for the Commission to provide BEAD funding for digital adoption and digital equity programs to provide urgently needed broadband service and affordable laptop devices to foster youth and others who lack resources and access to both. The IIJA allows for funding of such programs. Finally, iFoster urges the State to reserve at least 20% of the BEAD funding for digital adoption and digital equity programs, with the balance devoted to broadband access programs.

¹⁶ Id. at p. 4.

¹⁷ <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/>

¹⁸ <https://broadbandforall.cdt.ca.gov/affordable-connectivity-program/acp-enrollment/>

Respectfully submitted,

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