Informing California's Draft State Digital Equity Plan

January 2024

Comments to the California Department of Technology (CDT) for the California Draft State Digital Equity Plan

Insure the Uninsured Project (ITUP) values the immense amount of work and engagement that went into developing this plan, in particular as a health policy convener and expert in California, ITUP applauds the inclusion of health care as an essential component and use case in the plan. ITUP appreciates the opportunity to provide feedback on California's draft State Digital Equity Plan.

Section 1: Executive Summary

Goals and Objectives

If the state wants to address systemic issues driving low adoption, then BEAD funding should be used primarily to support Goals 1 and 2. In particular, if the state achieves objective 1.4, *increase the percentage of Californians who have a choice of at least three internet service providers,* we believe that will be a solution to objectives 2.1 and 2.4 as communities will see a healthier market competition between providers. As California Community Foundation and the Electronic Frontier Foundation (EFF) have revealed in this policy memo: [Internet Service Providers in LA - A Monopoly Story Fact Sheet (calfund.org)](), having one or two options results in low-quality and unaffordable internet, leading to low adoption rates. We would go a step further with respects to objective 1.4 to say that the state should invest in options that ensure most people have at least one public option, in which public interest usurps profit motive. For example, in EFF's 2021 paper, *Wholesale Fiber is the Key to Broad US FTTP Coverage*, a wholesale model - public open access infrastructure leased to providers - was predicted to serve 95% of Los Angeles County and be cost effective.

"When it comes to the availability of internet infrastructure, there are over 450,000 unserved and underserved locations in California." This data source is based off of the California Public Utilities Commission's broadband maps. These current maps show who could be served rather than who is actually served. These broadband maps do not accurately report the true number of Californians struggling with lack of broadband and connectivity adoption. To address equitable access, the state needs to either not use maps in making investment decisions, and instead use other tools and resources such as the Socioeconomic Vulnerability Index, or the state needs to make large investments in Key Activity 3: Evolve Broadband and digital equity maps. Not only is it critical to understand whether a household or business has adopted broadband, but it is important to understand how much Californians are utilizing it. There are multiple tools that track such data for public and private entities and make it openly accessible, including [Microsoft's Broadband Interactive Map](). ITUP urges the department to

utilize multiple tools and resources to curate more accurate and reflective maps of Californians on broadband availability and adoption. These new and evolved maps should include pricing and service offer data in addition to other indicators, such as speed tests, and reliability indicators such as levels of uptime. Accurate broadband maps are essential in achieving digital equity across California as this data will be used to prioritize limited funds available through state investments to close the digital divide for covered populations. The health care ecosystem, especially those serving Medi-Cal members through community clinics and community-based organizations providing direct care to consumers, should play an active role in collecting and using digital barrier information. For example, including questions on broadband access, devices, and digital literacy in health care screenings and intake forms would help to gather this information and data to better understand patients' digital barriers to accessing health care. This direct source can be used to guide programs and solutions for barriers to broadband and connectivity that are preventing the effective use of telehelath and technology to access care.

ITUP urges the department to strengthen the objectives with more clarity, specificity, and a clear timeline of actionable steps for how the objectives will be addressed. Without a clear, actionable timeline, the plan lacks accountability for the objectives to be met. Other published state digital equity plan drafts have included such timelines, and more specificity including measurable objectives, key performance indicators, short-term targets, and long-term targets.

Comments on Key Activities in Executive Summary

Key Activity 1: Expedite and complete existing *Broadband for All* infrastructure efforts.

Increasing the miles constructed and increasing the number of internet service providers (ISPs) providing services would potentially allow for more competition which is essential for improving quality and affordability for consumers. However, there needs to be a third-party or additional oversight to ensure accountability that affordable pricing is built in with the additional ISPs in communities providing service. In addition, the increase in the number of connected homes will only be applicable if the last-mile network funds are equitably distributed to the communities most in need. In the Governor's 2024-25 Budget Proposal, Governor Newsom is faced with a budget deficit of $37.86 billion. To address the projected budget shortfall, the Budget proposes General Fund solutions to achieve a balanced budget which includes:

- Last Mile Infrastructure Grants – A delay of $100 million GF from 2024-25 to 2026-27 for last-mile infrastructure grants at the CPUC.
- Broadband Loan Loss Reserve (BLLR) Fund – A reduction of $250 million GF for the BLLR.

With these delays and reductions towards these grants and funds, the final version of the draft must include the mention of such reductions and adjustments and provide alternative strategies to ensure that last-mile funds are distributed to communities most in need in tandem with the building and completion of the middle-mile network.

Key Activity 3: Evolve broadband and digital equity data and maps.

The current and available California Public Utilities Commission (CPUC) broadband maps and the Federal Communications Commission (FCC) broadband maps are complex and inaccurate. The primary data used to create the maps are mainly based on the information provided by internet service providers (ISPs), which renders the maps incomplete and not representative of the actual gaps in broadband access. Under current regulations, fixing inaccuracies of the broadband maps requires the submission of

challenges. The arduous nature of these challenges and lack of process transparency are a deterrent for consumers, communities, and cross-sector stakeholders to engage, ultimately weakening the ability of the maps to prioritize the funding and investments in broadband deployment. As the key activity is listed to "evolve broadband and digital equity data maps", ITUP urges for more transparency and clear guidance on how the evolution of these maps will be tracked, monitored, and assessed for progress. Examples of how this could be done are the following:

- Inclusion of various data sources such as health care community-anchor institutions, community health clinics and the number of community members they reach etc. would help to illustrate the realities of which communities should be prioritized first;
- Maintaining a publicly accessible data-dashboard with toggle options to switch between calendar years to view the evolution of the maps would be helpful for communities to engage and provide feedback;
- Changing the process of submitting challenges would help increase engagement from communities and help illustrate the realities of communities in need;
- Creating a publicly accessible tracker to increase transparency and communication with the public on what has been done thus far with the broadband maps, at what stage they currently are, and what the next steps are needed to continue improving the accuracies of the maps; and/or,
- Use of a third-party to increase oversight and accountability on the monitoring, assessment and evaluation of the steps used to evolve the maps.

Without mention of key follow-up steps to the creation of such evolved maps, there is no assurance nor accountability that this will be executed with the clear intention of accurately addressing digital equity needs in California.

Key Activity 4: Launch the California Connect Corps and digital equity grant program to expand community-based digital navigation and digital inclusion programs.

ITUP applauds the addition of this grant program. This program is poised to serve communities in most need, utilizing the established workforce and trusted messengers within the community. The health care workforce has several community-based providers including community health workers, promotores, doulas, peer support specialists, enhanced care management providers, and community support providers that can be leveraged to close digital literacy gaps when patients are accessing telehealth and virtual care. ITUP urges strengthening the language used here to cite which existing anchor-institutions and community-based organizations (health and otherwise) are providing such digital inclusion services already, or at least how those health-centered partners will be identified and included in the program— i.e., health care anchor institutions, community health clinics, health-based nonprofit organizations etc. Some of this information can be gathered through various key health state departments including:

- Department of Health Care Services (DHCS) – DHCS administers the Medi-Cal program and is responsible for the health care of 15 million Californians and can outreach to all of them. In addition, they have begun paying health plans to employ/use community health workers, who could be digital navigators for these most vulnerable Californians.
- Department of Social Services (CDSS) – CDSS administers CalFresh (food stamps), in-home supportive services (IHSS), and childcare programs for people with low-incomes.
- California Department of Public Health (CDPH) – CDPH licenses EVERY health facility in CA (see Health and Safety Code Section 1250) – they have the addresses and names of all hospitals

(approximately ~ 400), health clinics (approximately ~ 1000 sites), and skilled nursing facilities. They also administer the Women, Infants, and Children Program (WIC).

- Department of Health Care Access and Information (HCAI)—HCAI oversees all hospital building/infrastructure plans, including their "community benefit plans"; they also run workforce programs, including loan repayment for doctors, nurses, etc., as well as are bringing online investment in 25,000 community health workers (would be great if these could be trained to be digital navigators).

In addition, there needs to be more in-depth details, specificity, guidelines, and explanation on the sustainability of such a grant program. Examples of questions to consider in refining such specific and guidelines would be the following:

- Who will be eligible for the grant program first (i.e., those already listed from the Digital Equity Ecosystem Map (DEEM) asset inventory, or will every eligible nonprofit organization submit have to apply?)
- What is the application process for eligible nonprofit organizations to apply for the grant program?
- What will the grant cycles be? Quarterly, bi-annually, annually etc.?
- How will the monitorization, assessment and evaluation of the digital inclusion services be measured?
- Who will be on the board/committee to review applications and what are the criteria in selecting which nonprofit organizations will be granted funding from the CCC grant program?
- What is the process for continuing to receive funding from the CCC grant program? How will applicants have to demonstrate success within their community and how will they track this? What is the process for re-application?

Section 3: Current State of Broadband and Digital Equity

Specific Barriers by Outcome Area – Health

ITUP is pleased to see the inclusion of health care and the commitment of the department to advance digital equity as a super determinant of health. Through ITUP stakeholder engagement, language access in digital tools remains a significant barrier for many in the health care safety net. ITUP urges this section to also be inclusive that language is a barrier for live-synchronous interpretation on virtual care platforms. ITUP urges the department to include the need for digital supports to be language-inclusive for the vastly diverse communities across the state. Minimal live-language interpreters offered during their virtual care appointments is a major barrier to telehealth and virtual care. Not only should there be more written language inclusivity offered, but it should also be inclusive of languages that are exclusively spoken. In addition, ITUP urges the department to strengthen the language to include leveraging existing programs, and investments in health care. Closer collaboration with economic and workforce development agencies to optimize existing programs and investments that can be leveraged for infrastructure deployment, digital literacy, and adoption programs.

Section 5: Digital Equity Plan Implementation Strategy & Key Activities

The implementation plan is particularly lacking in some of the state's objectives. While we were happy to see the state add objective 1.4, *increase the percentage of Californians who have a choice of at least three internet service providers,* there was no clear plan or strategy for how and through what time period the state would achieve that objective. We would suggest that the state invest in locally driven public open access middle and last mile models to ensure that most of Los Angeles has at least one public option. This would increase market competition and ensure that an interest not motivated solely by profit is providing solutions to broadband access issues. In addition, ITUP urges the department to include guidance for internet service providers (ISPs) penetrating new markets to have language-inclusivity in outreach materials for consumers.

5.1 Key Activities

1. Expedite and complete existing Broadband for All infrastructure efforts.

Broadband infrastructure deployment needs to prioritize digitally redlined communities, if we want to reach the overarching goal of equitable access for all Californians. Emphasizing the significance of infrastructure build-out in rural and low-income urban communities is imperative, given the unique challenges these areas face in terms of connectivity.

In order to enhance the timely completion of broadband projects in underserved communities, it is imperative to systematically identify and eliminate barriers that may impede progress. Simultaneously, the establishment of robust accountability mechanisms becomes essential to ensure the expeditious and comprehensive fulfillment of commitments made towards the completion of the Broadband for All infrastructure efforts.

Furthermore, there is a need to advocate for flexibility in the utilization of funds to accommodate the potential high costs associated with infrastructure deployment. Recognizing the diverse needs and challenges prevailing across communities, the allowance for flexibility in fund allocation will facilitate a more strategic and targeted approach. This adaptability is crucial to effectively address the specific requirements of rural and low-income areas, thereby optimizing the positive impact of the Digital Equity Plan.

2. Convene digital equity stakeholders to strengthen collaboration

ITUP applauds the addition of this inclusion in the State Digital Equity Plan, however, ITUP urges the State to be more specific about who will be invited to participate in engagement and outreach forums. Inclusion of health care stakeholders will be vital in the process, and these could include health-based nonprofits (i.e., ITUP), the Department of Health Care Services, health care community anchor institutions, digital equity coalitions etc. The outcome area working group co-chairs should also be included in these forums. In addition, having these forums open to the public fosters an environment that is inclusive of all Californians having the opportunity to speak up and share their experiences as the state continues to strengthen community collaboration. Hosting quarterly forum meetings will also allow for continued dialogue and maintenance of relations among the diverse partnerships across the state to continue to address the digital equity needs of Californian communities.

3. Evolve broadband and digital equity data and maps.

The CDT should not simply "evolve" the data and maps; if the state seeks to be good stewards of BEAD and other public funds for broadband, then it should seek to "transform" the maps utilizing community-provided data. Municipalities, public entities, and community organizations should get compensated for providing a wide range of data to the CPUC that gives a more holistic picture of the issues driving broadband gaps, so that the state can be more surgical and precise with solutions enabled by historic levels of public funding.

Inaccurate and inconclusive data poses a significant obstacle to identifying areas in urgent need, hindering the effective deployment of broadband infrastructure and digital equity programs in the communities that require them most. As efforts are made to improve data systems, we strongly advocate for a heightened focus on accuracy and inclusivity in mapping endeavors. This emphasis is crucial to ensure that the state's digital equity initiatives are grounded in precise information and effectively reaching all underserved communities.

Prioritizing data accuracy and relevancy within this initiative reinforces the groundwork for equitable infrastructure development. Continued reliance on flawed maps, without swift and substantial corrections, risks perpetuating decades of disinvestment in low-income, communities, often the same communities served by the State's Medi-Cal program. This perpetuation exacerbates the digital divide rather than addressing it.

As has been proven in multiple recent reports from various groups across the country, including the [CCF's pricing discrimination report](#), the University of California, Santa Barbara, and others, private companies tend to prioritize investments in high-income communities, leaving historically redlined areas with subpar infrastructure, limited options, and higher prices. It would be regrettable for the State to follow a similar trajectory. It is imperative to ensure that every home in underserved communities is accurately represented in data collection efforts.

To address this, we recommend timely provision of maps used to determine eligible areas, allowing for a public comment period. This period would afford communities the opportunity to identify excluded areas, offer feedback, and provide data and information that can reinstate those areas in consideration. Furthermore, the California Department of Technology (CDT) should uphold transparency in the data collection process, furnishing clear information on how data is gathered, utilized, and how the maps will inform potential funding and project opportunities.

7. Advocate for an extension of ACP or a successor program or develop a State-led affordable offering.

ITUP applauds the department for prioritizing affordability for unconnected Californians. However, the current objective appears somewhat vague and lacks emphasis on the crucial need for a long-term program ensuring affordable services. The ongoing advocacy for an extension of the Affordable Connectivity Program (ACP) is set to conclude in April 2024, with new applications freezing February 8, 2024. To enhance this advocacy, we recommend that the CDT's efforts encompass:

- Engagement with federal representatives to advocate for additional funding for ACP extension,
- Utilize partnerships with broadband service providers, industry associations, community organizations and advocacy groups to collectively work together in advocating,
- Use reputable data to demonstrate the economic, educational, and social benefits resulting from affordable connectivity,

- Lead Public Awareness Campaigns,
- Leverage the departments influence to foster coordination among local and state entities in support of affordable service plan programs, and,
- Build relationships with traditional and social media partners to reach local communities.

5.7 Approach to Plan Evaluation and Updates

Within the annual progress reports on the implementation of this plan, ITUP urges the department to include measurable objectives, key performance indicators, short-term targets, and long-term targets. For example, ITUP urges the department to include data on the covered populations to understand which communities are engaged in programs that are supported by the State Digital Equity Plan, and which groups are not. The need for a more substantial and specific evaluation throughout the 5 years of the plan is essential to addressing and creating actionable changes in bridging the digital divide for Californians. In addition, ITUP proposes that evaluations of the State Digital Equity Plan be conducted and publicly reported after 2 years. This will allow for transparency, continual monitoring of progress towards digital equity, and progress tracking to accurately identify whether the current state digital equity plan is meeting measurable metrics before ultimately achieving the goals of eliminating digital equity disparities for Californian communities.