



September 18, 2023  
Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Re: AB 41 (Holden) – Request for VETO

Dear Governor Newsom,

The California Alliance for Digital Equity (CADE) writes to respectfully request your veto on AB 41, the Digital Equity in Video Franchising Act of 2023 (DEVFA).

Our coalition of digital equity advocates initially supported AB 41 to make overdue and much-needed reforms to Digital Infrastructure and Video Competition Act (DIVCA), the 2006 law that eliminated all local input and control over cable franchises and vested the authority instead with the California Public Utilities Commission (CPUC).

However, we were saddened to withdraw our support for AB 41 this summer when the measure was drastically amended on July 10, 2023 and September 1, 2023 to:

- Strike all antidiscrimination benchmarks and requirements, leaving instead a mere statement of intent without accountability or enforcement mechanisms;
- Strike all buildout requirements - the only meaningful remedy for “donut holes” in service, where communities are left without access while those around them enjoy it;
- Establish a strict timeline for the CPUC to hold “any public hearings,” but strike a public hearing requirement and specific timelines and benchmarks for input from the public and localities;
- Cap penalty fine amounts for material breach of customer service and consumer protection standards at extremely low levels, rendering them meaningless as either deterrent or remedy for discriminatory business practices;
- Maintain DIVCA policy placing the burden on localities to police and enforce franchise holder operations in their borders without granting any new resourcing or authority to those localities;
- Further restrict the commission from doing its job as the sole franchise authority in the state to well below the limits set by the federal government;
- Double down on the cable broadband industry’s claims that they should only be considered as video providers, despite the reality that nearly all (97.7%) Californians with a broadband subscription get that service through a franchise holder, and that

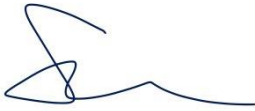
these same companies have claimed an intent to pursue some of the millions of state and federal dollars available for broadband infrastructure.

In its current form AB 41 will make California franchise policy worse for communities and localities. Much like DIVCA before it – which, for nearly two decades, has failed to produce the more competitive, consumer-friendly, thriving market for broadband service it promised – AB 41 will move the state further from digital equity with these amendments. AB 41 will diminish equity and protect the status quo at the expense of the communities our coalition is dedicated to representing. As such, we urge you to stand with and for the communities we serve and oppose AB 41.

Respectfully submitted,



Drew Garner  
State Broadband Policy Advisor  
Common Sense Media



Shayna Englin  
Director, Digital Equity Initiative  
California Community Foundation



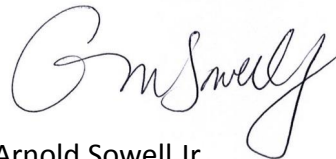
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