

**BEFORE THE
CALIFORNIA PUBLIC UTILITIES COMMISSION**

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

Rulemaking No. 23-02-016
(Filed February 23, 2023)

**COMMENTS OF CALIFORNIA INTERNET, L.P. (U-7326-C) DBA GEOLINKS ON
BROADBAND EQUITY, ACCESS, AND DEPLOYMENT (BEAD) PROGRAM –
INITIAL PROPOSAL VOLUMES 1 AND 2**

Melissa Slawson
General Counsel/ V.P. of Government
Affairs and Education
California Internet, L.P. dba GeoLinks
251 Camarillo Ranch Rd
Camarillo, CA 93012
Tel: 888-225-1571 ext. 8152
E-mail: mslawson@geolinks.com

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**BEFORE THE
CALIFORNIA PUBLIC UTILITIES COMMISSION**

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

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California Internet, L.P. (U-7326-C) dba GeoLinks (“GeoLinks” or the “Company”) respectfully submits these Comments on certain portions of the Commission’s Broadband Equity, Access, and Deployment (“BEAD”) Program Proposal Volumes 1 and 2, released November 1, 2023 (respectively, “Volume 1” and “Volume 2. Collectively, the “Proposal”).

I. INTRODUCTION

GeoLinks is an enterprise-level telecommunications company nationally recognized for its innovative Internet and Hosted Voice solutions and is ranked on the Financial Times' 2023 list of America's Fastest-Growing Companies. Headquartered in Southern California, GeoLinks’ founding mission is to one day close the digital divide in California and beyond. To further this goal, GeoLinks participates in the Connect America Fund Phase II (“CAF II”) program in California and Nevada and has received Rural Digital Opportunity Fund Auction (“RDOF”) funding for the deployment of high-speed broadband services to unserved and underserved areas across Arizona and Nevada.

GeoLinks applauds the Commission’s efforts to develop rules to maximize the reach and effect of the BEAD Program. While much of the Proposal strikes a fair balance to further these efforts, GeoLinks notes some technical inaccuracies with respect to the discussion of Fixed Wireless service offerings in Volume 1. GeoLinks offers these comments to provide additional information to the Commission so that it might correct its proposal to reflect the realities of fixed wireless functionality more accurately.

II. DISCUSSION

1. The Commission Must Distinguish Between Fixed Wireless and Fixed Broadband Services Offered Via Mobile Wireless

On page 9 of Volume 1, the Commission discusses “Licensed Fixed Wireless.”¹ In reviewing this section of the Proposals, GeoLinks is unclear whether the Commission is discussing actual fixed wireless service or fixed broadband service offered by mobile wireless providers. These services are not the same, which the FCC has recognized in its establishment of different governance rules that apply to each kind of service (i.e. available spectrum bands, transmission power limitations, sighting rules, etc.). Despite this fact, the two kinds of service are seemingly discussed as being the same or at least as being somehow interchangeable.

The discussion on page 9 of Volume 1 switches between terminology traditionally used for fixed wireless service and that used for mobile wireless service. In one instance, the text makes claims about fixed wireless speeds fluctuating but attributes this, in part, to how speeds can be affected by “the capacity of the *cell* site” and “the number of other users connected to the same *cell* site.”² Moreover, the text explains that “not all *cellular fixed wireless subscribers* receive speeds above 25/3.”³

As an initial matter, cellular companies use mobile wireless systems, spectrum, and equipment to deliver their last mile fixed broadband connections (i.e. home internet service). While the service may be fixed (to one location) and may be wireless that does not make it “fixed wireless.” Mobile wireless technology uses transmitters that deliver connectivity to a broad area. This enables the service to be mobile and is why one can use a cell phone from almost any location. Mobile carriers are utilizing this connectivity to offer “fixed” services for home and office settings, but it is still mobile wireless service. Therefore, any issues that might come with use of a mobile network would apply to a fixed connection over a mobile network.

Conversely, fixed wireless technology uses point-to-point or point-to-multipoint connections dependent on specific radio antenna locations. Similar to how wireline service functions, fixed wireless connections are not mobile and cannot be accessed from any location, only fixed points. It should be envisioned as being similar to an invisible wire. Therefore,

¹ Volume 1, at 9.

² *Id.* (emphasis added)

³ *Id.* (emphasis added)

discussion of how mobile networks are affected by certain things should not be applied to fixed wireless networks simply because the services are also “wireless.”

The text of Volume 1 also seems to reflect a misunderstanding of how Licensed Fixed Wireless networks are engineered and operated. For example, the discussion of cell site capacity and the number of users connected to the same cell site should not be attributed to non-cellular fixed wireless. While fixed wireless service providers may utilize space on collocated towers that also house mobile wireless equipment, they are not one in the same. It is true that if too many customer connections occur over the same fixed wireless sector antenna, that could degrade service. However, fixed wireless network operators understand this and, just like any other kind of internet service provider, account for such usage needs when constructing or upgrading network elements. Moreover, while Volume 1 correctly notes that line of sight obstructions and certain weather conditions can affect fixed wireless service, this again is something that service providers account for when constructing a network. Volume 1 seems to make a broad sweeping statement that *any* fixed wireless provider offering 30/5 or less in an area either doesn’t understand the technical requirements to operate a reliable network or doesn’t care enough to. This kind of generalized statement is flatly wrong and should be excluded from the Commission’s BEAD Proposals.

Overall, it appears that the Commission takes issue with fixed services offered by cellular providers as it states that “the CPUC will engage with cellular fixed wireless providers to discuss their service availability.”⁴ Therefore, GeoLinks suggests that the Commission revise Volume 1 to make this distinction clear.

2. Volume 1’s Proposal to Treat Areas “Underserved” areas served by Licensed Fixed Wireless Service Providers as “Unserved” Runs Contrary to the Directives of the BEAD NOFO

In Volume 1, the Commission proposes to treat “non-qualifying broadband service (i.e., a location that is ‘underserved’) delivered over Licensed Fixed Wireless (LFW) as ‘unserved’ for reported speeds that are lower than or equal to 30/5 Mbps.”⁵ However, building off of the discussion above, it seems that the Commission is concerned about the reliability of fixed connections over mobile wireless networks. But this kind of service is not the same as “Licensed

⁴ *Id.*, at 10.

⁵ *Id.*, at 9.

Fixed Wireless” service, as defined in the BEAD Notice of Funding Opportunity (“NOFO”). Because the Commission’s issue does not appear to be with fixed wireless but, instead, with fixed services offered over mobile wireless, the Commission should not conflate the two technologies to justify an exclusion that risks overbuilding areas that already have some broadband availability.

The BEAD NOFO defines “Reliable Broadband Service” as broadband service that the Broadband DATA Maps show is accessible to a location via:(i) fiber-optic technology; (ii) Cable Modem/ Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; *or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.*⁶ Mobile wireless is not included in the Bead NOFO’s definition of Reliable Broadband Service. Therefore, there is no actual reason to exclude any kind of wireless from the definition of “underserved.” If a Licensed Fixed Wireless provider is offering services that would render an area “underserved,” it should not be dismissed solely because it is fixed wireless. For these reasons, the Commission should defer to the BEAD NOFO and clarify that there is a distinction between fixed wireless service and fixed services offered over mobile wireless.

3. The Commission Must Revise Its Proposed Methodology for How Fixed Wireless Service Providers Can Rebut Reclassification Challenges

In Volume 1, The Commission proposes a Challenge Process to its Eligible Locations wherein challengers can make claims that certain locations should be reclassified from what is reported by service providers. While the proposed process does allow service providers to rebut the reclassification of a location or area, GeoLinks is concerned that the Commission’s assumption that fixed services offered over mobile wireless is the same as fixed wireless may make such rebuttals extremely burdensome for fixed wireless providers. Therefore, GeoLinks requests that the Commission allow for flexibility from fixed wireless service providers with respect to rebuttals.

Volume 1 states that “area challenges must be rebutted with evidence that service is available for all Broadband Serviceable Locations.”⁷ For fixed wireless service, Volume 1 states that “the provider has to demonstrate service availability and speed” but gives an example of

⁶ BEAD NOFO, at 15 (emphasis added).

⁷ *Id.*, at 20.

using a “a mobile test unit” to do so.⁸ Volume 1 goes on to define a mobile test unit as “a testing apparatus that can be *easily* moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.”⁹

A mobile test unit assumes that there is a signal available to test anywhere within the radius of equipment transmitting a mobile wireless signal. So, one could test for availability and speed anywhere within that radius. However, while fixed wireless is similar in that the radius from the transmission point would be the radius of availability, there is not automatically a signal everywhere within the radius because the technology is different. As noted above, fixed wireless connections function like invisible wires – from transmitter to receiver – so testing can only take place where a receiver is receiving transmission.

While GeoLinks has utilized portable testing units to test locations within its service territory in the past, such tests require the deployment of two teams – one at the tower and one at the portable receiver location – and the need for installation of equipment specifically for the testing. For these reasons, widespread use of these portable testing units is not common with fixed wireless deployments. Unlike mobile test units, the types of portable tests that can be conducted by fixed wireless providers are not “easily moved” and therefore don’t allow for the kind of quick testing that Volume 1 seems to envision. If a fixed wireless company were required to deploy such portable testing units at each of the random sample area locations offered by the Commission’s challenge system, it might be cost and resource prohibitive to do so within the 15-day rebuttal window.

Considering these challenges, GeoLinks urges the Commission to grant fixed wireless service providers flexibility in how they refute a challenge. If portable testing units can be deployed, service providers can provide such information. However, if such testing is not possible or practicable, service providers should be allowed to offer other information to show by a preponderance of the evidence that it offers the speeds its claims at the locations or across the areas that are being challenged.

⁸ *Id.*

⁹ *Id.*, at FN 25 (emphasis added).

4. Reply Comments on Volume 2

GeoLinks reserves the right to submit reply comments on Volume 2 of the Proposal.

III. CONCLUSION

GeoLinks applauds the Commission's efforts to develop rules to maximize the reach and effect of the BEAD Program. To ensure this can be accomplished, the Company respectfully requests that the Commission revise the Proposal to make clear that fixed services offered over mobile wireless are not the same as fixed wireless services, conform its definition of "underserved" with that set forth in the BEAD NOFO, and revise its proposed challenge rebuttal process.

Respectfully submitted,

/s/ Melissa Slawson

Melissa Slawson
General Counsel, V.P. of Government Affairs and
Education
California Internet, L.P. dba GeoLinks
251 Camarillo Ranch Rd.
Camarillo, CA 93012

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