

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



To: Members of the CASF Distribution and Service Lists

From: Selena Huang  
Program Manager, Communications Division  
California Public Utilities Commission

Date: February 1, 2021

Re: Disposition of 2021 Right of First Refusal Submissions and Connect America Fund (CAF) Reports

This letter serves as public notice that the California Public Utilities Commission (CPUC) has reviewed providers' Right of First Refusal (ROFR) filings and reports regarding Connect America Fund (CAF) II deployment, which were submitted to the CPUC on January 15, 2021, as required by Decision [D. 18-12-018](#). This letter describes the rules for each process and how Staff has dispensed with the filings and reports.

**Right of First Refusal**

Pursuant to Pub. Util. Code § 281(f)(4)(A)(i) and, as detailed in [D. 18-12-018](#), the CPUC shall annually offer an existing facility-based broadband provider (existing provider) the opportunity to demonstrate that it will deploy broadband or upgrade existing facilities to a delineated unserved area within 180 days of the existing provider's notice. Existing providers are instructed to submit by January 15 of each year a letter to the Communications Division (CD) Director, copying the CASF Distribution List, expressing its intent to upgrade services within 180 days. The letter must include the following information:

- Area designated for broadband deployment by census block or geospatial file, such as .kmz or shapefile;
- The number of households or locations to be served;
- A commitment to ensure that all households within the area will have the capability to receive minimum speeds; and
- An estimate of the date (within the 180-day statutory requirement) by which the deployment will be completed with service available to the public.

The letter must also include proof that the provider is an existing facility-based provider in the census block(s) for which it claims ROFR, which may come in one of the following forms:

- The company-submitted data during the most recent broadband data collection, or the most recent FCC Form 477 data submission that is publicly available, showing its footprint includes the area in its ROFR claim;

- The company claiming ROFR has a video franchise under the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), the area it claims in the ROFR submission is part of its DIVCA footprint, and it already offers video service in that area;
- The company claiming ROFR is an incumbent local exchange carrier (ILEC) and the area it claims in the ROFR is an unserved area within its wire center region; or
- The company is a wireless internet service provider (WISP) and it has a subscriber in the claimed census block(s).

Staff's determinations for each submission are below.

**The ROFR submission from Spectrum Pacific West, LLC, LP. and Charter Fiberlink CA-CCO, LLC (collectively "Charter"), and Velocity Communications, Inc. are denied.** Charter and Velocity do not have a video franchise under the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) and are not the current internet service provider for the census blocks in this area. Neither Charter nor Velocity meets any of the other requirements.

### **CAF II Reports**

In [D. 18-12-018](#), the CPUC required annually, by January 15, 2021 that incumbent facility-based broadband providers submit a report that details the completed CAF II blocks, the census blocks with locations to which the provider has elected not to build (and therefore may be eligible for CASF funding) and the blocks to which the provider has not determined if it will build.

No providers submitted a CAF II Report.

If you have any questions concerning the determinations by the CPUC's Communications Division, please contact Carlos Jennings at 415-703-3442 or [Carlos.Jennings@cpuc.ca.gov](mailto:Carlos.Jennings@cpuc.ca.gov).