Where is the fiber-optic broadband we paid for?

The pandemic has placed a spotlight on the need for reliable, fast broadband to bridge the digital divide. The telecommunications industry has created a slew of new bills in California to address this issue and lobbyists for the telecom industry have promised our State representatives that they will finally bridge the digital divide. But is this their real intent?

Since the 1990’s, Americans have paid fees on their phone bills that were meant to bring broadband to every American using fiber-optics. A recent court case revealed that the telecom industry siphoned these fees through an accounting scheme, and instead, used these funds to build out their cheaper, more profitable, less regulated wireless infrastructure. By doing this, they actually created today’s digital divide. With these bills, they are again asserting their mantra of “bridging the digital divide,” but their true intent is simply to remove local control. Why? Because they feel it’s too costly for the multi-billion dollar telecom industry to have to go through the local permitting process.

Local governments are best at assessing the unique local conditions of their communities, and wireless carriers have repeatedly demonstrated that they put industry desires over community needs. The Greenlining Institute, a policy, research, organization, and leadership institute working for racial and economic justice, understands this. In 2017 they opposed similar industry-sponsored legislation, SB 649, saying, “Sadly, communications providers have repeatedly demonstrated that they will not make advanced services available to low-income or rural areas unless they are required to do so.” Current proposed laws SB 556 & AB 537 contain no such requirements. Under these bills, it is likely that providers will focus their efforts in higher-income areas. This is because 5G will work with the internet of things (IoT) which requires individuals to purchase expensive plans, luxury items and devices as well as lucrative, costly streaming services.

Recently, the FCC has been given $3.2 billion to distribute among low-income Americans for broadband assistance, giving customers a $50 per month credit toward their wireless plans. But ironically, in order to access these credits, providers are forcing low income subsidy applicants to switch to costlier plans.

The FCC and the courts have all determined that local control is essential to implementing wireless service and both have continued to place the burden of legal remedy on the industry should any disputes arise between them. So the industry has decided to go around them and create hoodwinked state bills full of confusing language meant to assuage State officials. Incorporated in these bills is language that not only removes local control, but shifts expensive legal remedies from the Industry to local governments should any disputes arise, to include safety disputes.

In Oakland, California antenna construction on a senior housing development property was recently shut down because the site developer would not provide the required RF report to the City as the local ordinance requires. The City pressed the site developer to provide this report, which provides proof that they are within the mandated FCC maximum exposure safety levels. Without local control, this safety issue would not have been addressed.
Add to this, that the FCC lacks any meaningful regulatory oversight over personal wireless facilities. This lack of meaningful regulatory oversight is exacerbated by the fact that the FCC has never updated its review of RF radiation levels it deems safe, which has precipitated a pending lawsuit seeking to force the FCC to review these antiquated RF safety standards.

Local governments are citizens’ first and only line of defense against illegally excessive levels of RF radiation and other safety issues surrounding this wireless infrastructure. We need to keep it this way!