



September 15, 2026

The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

The Honorable Rob Bonta
Attorney General of California
1300 I Street
Sacramento, CA 95814

President John Reynolds & Commissioners
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Broadband Equity, Access, and Deployment (BEAD) Program - Condition 50

Dear Governor Newsom, Attorney General Bonta, and CPUC Commissioners,

The undersigned organizations and leaders write to express our serious concerns regarding the federal government’s efforts to preempt California’s net neutrality laws as a condition of accepting Broadband Equity, Access, and Deployment (BEAD) Program funds.

In July, the National Telecommunications and Information Administration (NTIA) finally approved California’s BEAD Final Proposal. This long-awaited decision follows significant changes to the BEAD Program’s terms and conditions, which include “Term 50,” a term that purports to preempt state rate regulation and net neutrality laws for all BEAD subgrantees:

...the Grantee shall commit that it will not enforce any law, regulation, order, contracting requirement, or other enforceable obligation that directly or indirectly regulates the rates, terms, and conditions of broadband internet service, whether on a retail, wholesale, or network basis, or imposes net neutrality rules, open access, or other utility-style rules on

broadband internet service, against a Subgrantee or its affiliates anywhere it provides service within the State (i.e., both BEAD and non-BEAD locations), while that Subgrantee has any subgrant that is still within its period of performance, extended period of performance, or federal interest period. ([p.22](#))

While our organizations recognize the significance of BEAD funding—and the role it will play in advancing critical broadband infrastructure buildout across the State—we strongly stand against allowing for the presumption of preemption of the State’s net neutrality laws in order to accept BEAD funds. In 2018, Senate Bill 822 (Wiener) established some of the strongest net neutrality laws in the country. If California were to roll these laws back, a landmark digital equity victory would be lost. A state that has long prided itself on being at the forefront of technological innovation would no longer be able to offer the open, nondiscriminatory internet access it fought so hard to give residents just a few years ago.

Additionally, **the decision to accept BEAD dollars under Term 50 conditions would set a dangerous precedent for the federal government to use federal funding as a cudgel that forces states in line with its agenda.** BEAD funding is just one of the latest resources the Trump Administration has weaponized to advance its deregulation goals in the telecommunications space. If California were to allow this funding to be used as leverage, there is no telling what other resources the Administration would confidently seek to exploit.

Under the Trump Administration, California has been unafraid to push back against federal government actions to safeguard freedom, safety, and opportunity for all its residents. This is no time to retreat from these principles, which have allowed the State to stand out as a national leader in advancing a free, open internet. **Our organizations encourage the Governor’s Office, the Commission, and the Attorney General’s Office to remain steadfast in the State’s commitment to digital equity, and to defend the hard-won protections that have brought us this far.** Together, we stand ready to support California leadership in defending our State’s values and the progress it has made on closing the digital divide.

Sincerely,

- Shayna Englin, Vice President, Policy & Advocacy, California Community Foundation
- Arnold Sowell Jr., Executive Director, NextGen California
- Mark Toney, Executive Director, The Utility Reform Network (TURN)
- Lindsey Skolnik, Manager, California Alliance for Digital Equity (CADE)
- Natalie Gonzalez, Director, Digital Equity LA
- Chao Jun Liu, Senior Legislative Associate, Electronic Frontier Foundation
- Harold Feld, Senior Vice President, Public Knowledge
- Alicia Benavidez, Director of Legislative Affairs, ACLU California Action
- Paul Goodman, Legal Counsel, Center for Accessible Technology
- Amy Huffman, Policy Director, National Digital Inclusion Alliance

- Jessica Dine, Policy Analyst, Open Technology Institute at New America
- Olivia Wein, Senior Attorney, National Consumer Law Center
- Cristal Mojica, Senior Program Manager, Digital Equity Initiative, Michelson Center for Public Policy
- Patrick Messac, Co-Director, East Bay Broadband Consortium
- Andrew Jay Schwartzman, President, Media Access Project
- Norma E. Fernandez, Chief Executive Officer, Everyone On
- Jason Foster, President & CEO, Destination Crenshaw
- Liliana Aide Monge, Director, Digital Equity, UNITE-LA
- Tracy Rosenberg, Executive Director, Media Alliance
- Jesica Santiago, Policy Coordinator, Latino Equality Alliance
- Christopher Mitchell, Director, Community Broadband Networks, Institute for Local Self-Reliance
- Kevin Miller, Board President, Fresno Coalition for Digital Inclusion
- Veronica Padilla, Executive Director, Pacoima Beautiful
- Haley White, Impact & Outreach Coordinator, Connect the Valley (CtV)
- Sofia Tecpoyotl, Program Coordinator, Health Equity Rising
- Misty L. Franklin, Executive Director of Restore 180
- Joanna French, VP Policy and LA Organizing, Innovate Public Schools
- Elmer Roldan, Executive Director, Communities In Schools of Los Angeles

CC: Ana Maria Johnson, Deputy Executive Director for Broadband & Communications, CPUC
 Maria Ellis, Director for Broadband Initiatives, CPUC
 Brady Borchering, Deputy Legislative Affairs Secretary, Governor's Office
 Randi Michel, Senior Advisor for Technology, Governor's Office
 Viviana Becerra, Chief of Staff, California Department of Justice
 Eleanor Blume, Special Assistant Attorney General, California Department of Justice
 Nicklas Akers, Senior Assistant Attorney General, California Department of Justice
 Christina Arndt, Chief Counsel for Special Litigation, California Department of Justice
 Krista Pfefferkorn, Chief of Staff, Senator Scott Wiener's Office
 Stella Fontus, Legislative Director, Senator Scott Wiener's Office