

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2289 (Boerner) – As Amended April 9, 2026

Policy Committee:	Utilities and Energy	Vote:	13 - 1
	Communications and Conveyance		9 - 0

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill creates a new commission—the Broadband and Digital Equity Commission (Broadband Commission)—to promote ubiquitous and universal broadband adoption and promote a competitive broadband market to advance technological innovation. Relatedly, the bill transfers regulatory authority of several telecommunications programs from the California Public Utilities Commission (CPUC) to the Broadband Commission and prohibits the CPUC from regulating broadband services.

More specifically, among many other things, this bill:

- 1) Establishes the Broadband Commission as an 11-member body—seven appointed by the Governor and confirmed by the Senate, one member appointed by each the Speaker of the Assembly and the Senate Committee on Rules, and one ex officio, nonvoting member appointed by each the Speaker of the Assembly and the Senate Committee on Rules—each of whom is to serve a six year term and represent the state at large.
- 2) Of the Governor’s appointees, requires the appointment to include one member with each, or that is, of the following: (a) background in consumer advocacy in telecommunications or the broadband sector, (b) extensive experience working with, or serving on, nonprofit boards focused on digital equity, closing the digital divide or broadband-related activities, (c) a private internet service provider with more than 1 million customers in California, (d) a private internet service provider with fewer than 1 million customers in California, (e) labor union advocacy and (f) a California Native American tribe.
- 3) Provides for, on July 1, 2028, the dissolution of the California Broadband Council and that the members of the California Broadband Council collectively become a committee of the Broadband Commission, until at least December 31, 2028.
- 4) Establishes the Office of Broadband and Digital Equity (Broadband Office) within the state government and working under the Broadband Commission and tasks the Broadband Office as the centralized state entity for broadband and digital equity activities within the state and the state entity with jurisdiction to establish rules or regulations for broadband internet access service and internet service providers.

**FISCAL EFFECT:**

Costs likely in the tens of millions to hundreds of millions of dollars annually to staff, house and equip the Broadband Commission (General fund or special fund, or both). To some extent, these cost might offset work being done by other state agencies, such as the California Public Utilities Commission (CPUC) and the California Department of Technology (CDT). However, to some extent, costs for activities such as commission or office personnel management will duplicate work being done by other state agencies.

#### COMMENTS:

Currently, regulation of broadband is the responsibility of no single entity. Both the CPUC and CDT administer programs to fund development of broadband infrastructure. The CPUC regulates the rates and terms of service of some internet service providers (ISPs), such as telephone companies, while it approves the franchises, but not the rates, of other ISPs, such as cable companies. According to the author, this regulator setup leaves no one in charge of broadband and, as a result, consumers lose. According to the author:

This bill, alongside changes proposed in a constitutional amendment, will establish a more focused, efficient, and consistent approach to the state's structure for regulating various utilities. By splitting telecommunications and broadband regulation from the CPUC, and vesting those responsibilities with a new agency, the CPUC can continue to focus its attention on the most pressing issues: energy reliability, safety, and affordability. Outside of the CPUC, the Department of Broadband and Digital Equity will enable a focused and efficient regulatory structure for telecommunications and broadband programs.

The bill is supported by AT&T, among others, which contends creation of the Broadband Commission will allow the commission to focus on broadband issues and allow the CPUC to focus on regulation of monopoly utilities.

The bill is opposed by The Utility Reform Network, which advocates before the CPUC. TURN argues:

As drafted, AB 2289 raises more questions than it answers in how it interacts with current and pending regulatory schemes in place in California. As such, TURN is concerned that the bill could undermine critical consumer protections and oversight, and efforts to protect public safety by ensuring reliable communications networks and services and is unclear whether key guardrails to ensure equitable distribution of public funds for broadband deployment will remain intact.

This bill is a companion to ACA 9, by the author of this bill, which proposes a constitutional amendment that, among other things, states the intent of the people to establish, by January 1, 2028, a state governmental entity, separate from the CPUC, to promote ubiquitous and universal broadband infrastructure deployment across the state, increase broadband adoption throughout the state and promote a competitive broadband market to advance technological innovation. ACA 9 is pending consideration by this committee.

This bill is also very similar to AB 693 (Boerner), of this legislative session, which establishes the Department of Broadband and Digital Equity within the Government Operations Agency, as

well as the Broadband and Digital Equity Commission to advise and assist DBDE and the Legislature in its broadband and digital equity activities. AB 693 was held on this committee's suspense file.

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