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SB-825 Local government: public broadband services. (2023-2024)

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Senate Bill No. 825

CHAPTER 186

An act to amend Section 53167 of the Government Code, relating to local government.

[Approved by Governor September 08, 2023. Filed with Secretary of State September 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

SB 825, Limón. Local government: public broadband services.

Existing law prohibits a local agency that is engaged in the provision of broadband internet access service in the state from taking certain actions regarding the accessing of content on the internet by an end user. Existing law defines various terms for these purposes, including defining "local agency" to mean any agency of local government authorized by any other law to provide broadband internet access service, and lists specified categories of local government agencies included in that definition of "local agency."

This bill would add metropolitan planning organizations and regional transportation planning authorities to that list of local government agencies included in the definition of "local agency."

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53167 of the Government Code is amended to read:

53167. For purposes of this article, the following definitions apply:

(a) "Broadband internet access service" means a mass-market retail service provided by a local agency in California by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. "Broadband internet access service" also encompasses any service provided by a local agency in California that provides a functional equivalent of that service or that is used to evade the protections set forth in this article.

(b) "Edge provider" means any individual or entity that provides any content, application, or service over the internet, and any individual or entity that provides a device used for accessing any content, application, or service over the internet to an end user.

(c) "End user" means any individual or entity in California that uses a broadband internet access service that is provided by a local agency.

(d) "Fixed broadband internet access service" means any broadband internet access service that serves end users primarily at fixed endpoints using stationary equipment. Fixed broadband internet access service includes fixed wireless services, including

fixed unlicensed wireless services, and fixed satellite services.

(e) "Local agency" means any agency of local government authorized by any other law to provide broadband internet access service, including the following:

- (1) A city.
- (2) A county, including a county service area.
- (3) A community services district.
- (4) A public utility district.
- (5) A municipal utility district.
- (6) A joint powers authority.
- (7) A local educational agency, as defined in Section 47640 of the Education Code.
- (8) A sovereign tribal government.
- (9) An electrical cooperative, as defined in Section 2776 of the Public Utilities Code.
- (10) A metropolitan planning organization.
- (11) A regional transportation planning authority.

(f) "Mobile broadband internet access service" means any broadband internet access service that serves end users primarily using mobile stations.

(g) "Network management practice" means a practice that has a primarily technical network management justification, but does not include other business practices.

(h) "Paid prioritization" means the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic, including through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, that either:

- (1) Is in exchange for consideration, monetary or otherwise, from a third party.
- (2) Done to benefit an affiliated entity.

(i) "Reasonable network management" means a network management practice that is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband internet access service.