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**AB-353 Communications: broadband internet service providers: affordable home internet service.** (2025-2026)

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AMENDED IN SENATE JULY 03, 2025

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AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 353**

**Introduced by Assembly Member Boerner**

**January 30, 2025**

An act to add Title 15.7 (commencing with Section 3150) to Part 4 of Division 3 of the Civil Code, relating to communications.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 353, as amended, Boerner. Communications: broadband internet service providers: affordable home ~~internet.~~ *internet service.*

Existing law, the Digital Equity Bill of Rights, provides that it is the principle of the state to ensure digital equity for all residents of the state, that residents shall have access to broadband that meets specific requirements, and that it is the policy of the state that, to the extent technically feasible, broadband internet subscribers benefit from equal access to broadband internet service within the service area of a broadband provider.

Existing law, the California Internet Consumer Protection and Net Neutrality Act of 2018, prohibits fixed and mobile internet service providers, as defined, that provide broadband internet access service, as defined, from engaging in specified actions concerning the treatment of internet traffic, including engaging in paid prioritization.

This bill would require every California internet service provider, except as specified, to offer for purchase to eligible households, as defined, within their California service territory affordable home internet ~~service that meets minimum speed requirements.~~ *service, as defined.* The bill would also require every California internet service provider to make commercially reasonable efforts to promote and advertise the availability of affordable home internet service for eligible households, as provided.

Existing law establishes within the Government Operations Agency the Department of Technology, which is supervised by the Director of Technology. Existing law authorizes the director and the department to exercise various powers in creating and managing the information technology policy of the state.

This bill would, starting January 1, 2027, require California internet service providers to annually provide a report to the Department of Technology with specified information related to their affordable home internet service ~~plans and broadband products~~ plans.

This bill would provide that the Public Utilities Commission has no jurisdiction or regulatory authority to implement, enforce, interpret, or oversee any aspect of these provisions, as specified, and would require any administrative or oversight responsibilities to be carried out exclusively by the Department of Technology.

This bill would make its provisions inoperative upon the implementation of a federal or state broadband subscription subsidy program for low income households that meets specified criteria.

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

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

**SECTION 1.** Title 15.7 (commencing with Section 3150) is added to Part 4 of Division 3 of the Civil Code, to read:

### **TITLE 15.7. Affordable Home Internet**

**3150.** This title shall be known, and may be cited, as the California Affordable Home Internet Act of 2025.

**3152.** As used in this title, all of the following definitions apply:

(a) "Affordable home internet service" means an internet service plan or subscription ~~costing no more than fifteen dollars (\$15) per month, inclusive of any recurring taxes and fees~~ that is offered for purchase to eligible households at speeds of at least 50 megabytes per second downstream and 10 megabytes per second upstream at a cost not to exceed fifteen dollars (\$15) per month, not including taxes or other charges imposed by a government entity.

(b) "California internet service provider" means an internet service provider doing business within California.

(c) "California service territory" means any address in California where a California internet service provider offers internet service to residential customers.

~~(e)~~

(d) "Commercial mobile service" means any mobile service that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

~~(f)~~

(e) "Eligible household" means a household within the California internet service provider's California service territory with at least one resident of the household participating in a qualified public assistance program.

~~(e)~~

(f) (1) "Internet service" ~~means "Broadband Internet access service" as defined in Section 3100~~ means a mass-market retail service by wire or radio provided to residential customers in California that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service and digital subscriber line service, regardless of the technology used.

(2) "Internet service" does not include a commercial mobile service or a private mobile service.

~~(f)~~

(g) "Minimum speed requirements" means at least 100 megabits per second downstream and 20 megabits per second upstream and sufficient speed and latency to support distance learning and telehealth services.

~~(g)~~

(h) "Private mobile service" means any mobile service that is not a commercial mobile service or the functional equivalent of a commercial mobile service. The Department of Technology may subsequently modify the definition of "private mobile service" to

avoid conflict with Section 332 of Title 47 of the United States Code or regulations adopted pursuant to that section.

~~(h)~~

*(i)* "Qualified public assistance program" means the Supplemental Security Income/State Supplementary Payment Program under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code, the federal Temporary Assistance for Needy Families (TANF) program under Part A (commencing with Section 401) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.), the CalFresh program established pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code, the state health care program established pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, also known as the Medi-Cal program, or the federal Supplemental Security Income program established under Title XVI of the federal Social Security Act.

**3154.** Every California internet service provider, except those exempt pursuant to Section 3160, shall offer for purchase to eligible households within their California service territory affordable home internet service that meets minimum speed requirements.

**3156.** Every California internet service provider shall make commercially reasonable efforts to promote and advertise the availability of affordable home internet service for eligible households, including, but not limited to, the prominent display of, and enrollment procedures for, that service on its internet website and in any written and commercial promotional materials developed to inform consumers in eligible households.

**3158.** Beginning on January 1, 2027, and annually thereafter, every California internet service provider shall provide a report to the Department of Technology with the following information:

(a) A description of the affordable home internet service plan offered.

(b) The number of households that purchased the ~~service and the number of households that were denied the~~ service.

~~(c) A description of the procedures used to verify the eligibility of customers receiving an affordable home internet service plan.~~

~~(d) A description, including speed and price, of all broadband products offered in the state of California and whether prices are set at a statewide or regional basis.~~

**3160.** The following California internet service providers are exempt from complying with the requirements of Section 3154:

(a) A small independent telephone corporation, as defined in paragraph (6) of subdivision (b) of Section 275.6 of the Public Utilities Code, and its California internet service provider affiliates.

(b) A California internet service provider with less than 50,000 subscribers that primarily serves households for which there are no other California internet service providers offering internet service.

(c) A joint powers authority formed under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

*(d) A California internet service provider that participates in the California lifeline program established pursuant to Section 873.5 of the Public Utilities Code.*

**3162.** (a) Notwithstanding any other law, the Public Utilities Commission shall have no jurisdiction or regulatory authority to implement, enforce, interpret, or oversee any aspect of this title, including, but not limited to, by doing any of the following:

(1) Setting or approving rates or terms for affordable home internet service plans for entities required to comply with this title.

(2) Determining California internet service provider compliance with the requirements of this title.

(3) Investigating, penalizing, or taking enforcement action against a California internet service provider pursuant to this title.

(4) Administering eligibility verification processes.

(5) Requiring California internet service providers to submit tariffs, advice letters, or data for approval under this title.

(b) Any administrative or oversight responsibilities pursuant to this title shall be carried out exclusively by the Department of Technology.

**3164.** This title shall become inoperative upon the implementation of a federal or state broadband subscription subsidy program for low-income households that meets all of the following criteria:

(a) Provides a recurring financial benefit, of fifteen dollars (\$15) or more per month, to low-income households to offset the cost of internet service.

(b) Applies to home internet service plans offering speeds consistent with the minimum speed requirements.

(c) Is supported by sustained public funding.

*(d) Is utilized by all California internet service providers with more than 100,000 customers.*