

Public Safety and Consumer Protection: Why States Should Have Oversight of Broadband

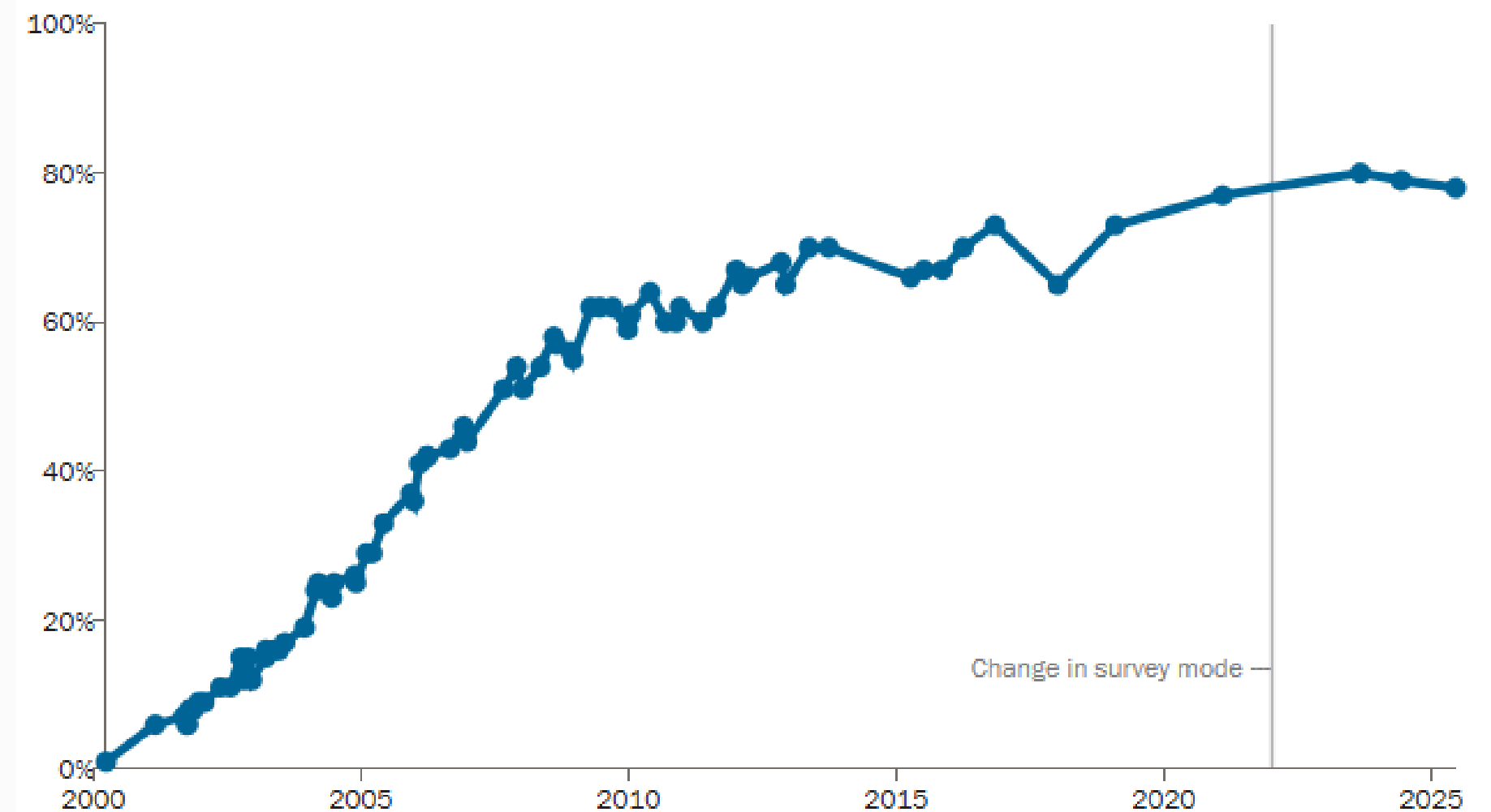
February 2026

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WHY STATES NEED BROADBAND OVERSIGHT

- Decades of deregulation has left consumers unprotected.
- ISPs face very little accountability to their subscribers and workers.
- No carrier of last resort protections → ISPs can abandon customers
- Voice service via broadband (VoIP) has replaced plain old telephone (POTS) service.
- Broadband is a mature, dominant communications service.

% of U.S. adults who say they subscribe to home broadband



PROBLEMS STATE OVERSIGHT CAN ADDRESS

PUBLIC SAFETY & DISASTER RECOVERY

- Rebuilding after disasters often leaves residents with the same outdated networks
- No disclosure on outages during emergencies
- No accountability for backup power during emergencies
- Throttling of public safety

CONSUMER PROTECTION

- Customers left with no wireline option due to DSL abandonment & digital redlining
- Customer outages and service failures generally occur without disclosure or accountability

SUPPORT FOR DEPLOYMENT

- Lack of reliable data on broadband availability, adoption, pricing, and infrastructure

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OVERSIGHT MEANS CWA JOBS

- **Oversight authority allows state utility regulators to:**
 - Take enforcement action on reports of safety hazards to protect the public and utility workers
 - Set minimum worker training standards
- Broadband plant maintenance requires boots on the ground
- Oversight allows CWA to raise workforce concerns with state regulators

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STATES HAVE THE LEGAL AUTHORITY TO REGULATE BROADBAND

- States are not preempted by federal law from regulating broadband
- The Communications Act created two regulatory classifications for broadband and VoIP:
 - Title I - Information service (minimal regulatory oversight)
 - Title II - Telecommunications service (substantial regulatory oversight)
- The FCC has changed its mind several times
- Even if the federal government reasserts authority, states can still regulate as long as they don't conflict with federal law.

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CWA BILL ASSERTS STATE UTILITY REGULATORY AUTHORITY IN SPECIFIC AREAS

- Resiliency
- Public Safety
- Data Collection/Metrics
- Transparency/Consumer Protection
- Audits of infrastructure
- Other areas as needed to ensure access

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FCC MUST CLASSIFY VOIP AS A TELECOMMUNICATIONS SERVICE

- The Federal Communications Act envisions dual federal-state authority and cooperation in the regulation of communications services.
- CWA and consumer advocates are urging the FCC to classify VoIP as a telecommunications service.
- This provides regulators with the ability to exercise oversight of voice service, including 911 outages.
- Action by the FCC is critical now as voice service over copper networks is going away.

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**SCAN TO ADD YOUR NAME TO
CWA'S FCC PETITION.**



OR VISIT: [CWA.ORG/VOIP](https://www.cwa.org/voip)

THE UTILITY REFORM NETWORK (TURN)

TURN is a California-based non-profit consumer advocacy organization that works to ensure affordable, safe, and clean electricity, gas, and telephone services for residential and small business customers.

Phone and broadband are basic needs in our digital era. TURN is committed to ensuring affordable phone and broadband services are available to every resident in California.

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THE LAW OF THE LAND

Communications Act of 1934

Federal law establishes the goal of ensuring rapid, efficient, nationwide communication services that promote public safety and protect life and property.

State Authority Matters

States retain the power to protect public health and safety — including oversight of essential telecommunications services.

Technology Evolves — Safety Must Remain Constant

Networks have changed over time, but the core obligation remains: communications must be reliable, universally available, and capable of supporting public safety — regardless of technology.

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COMMUNICATIONS FAIL WITHOUT POWER

Backup Power Is Essential

Fiber, cable, wireless, and VoIP networks fail without backup power — both in the network and at customer locations.

2017 California Wildfires

Devastating fires killed 48 people. Power outages and network damage led to wireless failures and congestion.

- Many wireless users did not receive alerts.
- Internet service failed.
- Traditional copper landlines continued working.

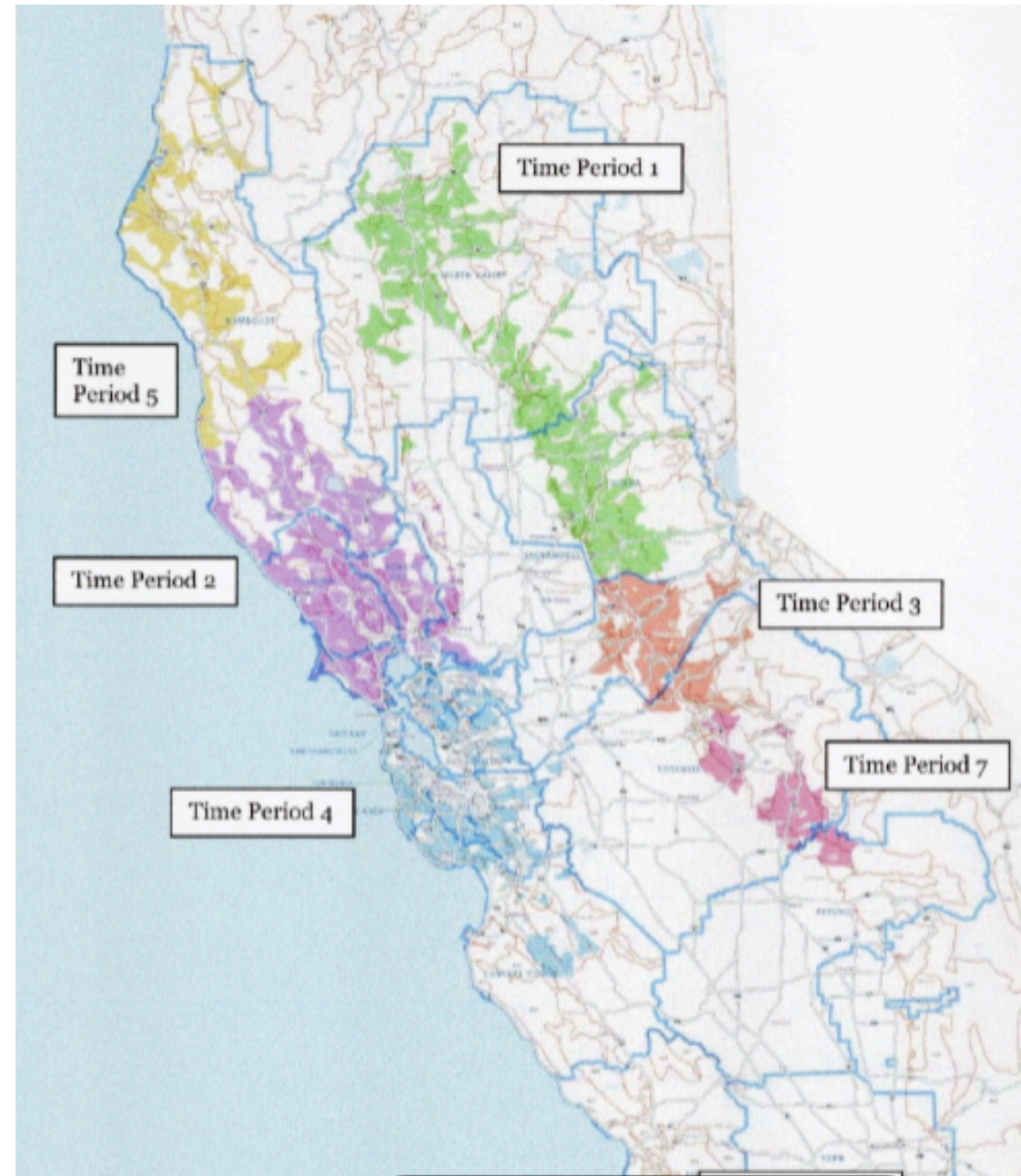
2019 Public Safety Power Shutoffs (PSPS)

PG&E shut off power to over 90,000 customers during extreme fire conditions.

- Rural and urban communities were affected
- Loss of electricity meant loss of communications
- Residents without landlines often did not receive emergency alerts

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MAP OF OCTOBER 26, 29, 2019 PG&E POWER SHUTOFFS



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CALIFORNIA'S NETWORK RESILIENCY ACTION

CPUC Backup Power Requirements

The California Public Utilities Commission requires communications providers in high and moderate fire-risk areas to maintain 72 hours of backup power.

- Applies to fiber, cable, copper, wireless, and VoIP networks.

Accountability Measures

Providers must file annual resiliency reports detailing reliance on commercial power and compliance steps. Waivers are available under certain conditions.

Legal Authority and Industry Response

- CPUC relied on state statutory authority and police powers.
- VoIP deregulation had sunset and was not reinstated by the legislature.
- Cable, wireless, and incumbent carriers argued lack of authority — but none challenged the CPUC in court.

STATES LEADING THE WAY

CALIFORNIA

CWA and allies are participating in the CPUC rulemaking to implement service quality standards for VoIP and broadband, including wireless.

This year, CWA has filed broadband oversight bills in:

- **Arizona**
- **Colorado**
- **Delaware**
- **Maryland**
- **New York**

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WHAT CAN MEMBERS DO TO SUPPORT BILLS IN THEIR STATES?

If you live in AZ, CO, DE, MD, or NY:

Access the Broadband Oversight Toolkit for your state by scanning the QR code or going to the website provided in the chat.

On the toolkit landing page you will find:

- A flyer with a call in line to your legislators.
- A social media graphic.
- An educational flyer.

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TAKE ACTION

DE



CO



AZ



MD



NY



WA



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Q&A

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