



February 1, 2021

Acting Chair Jessica Rosenworcel
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, Docket No. 20-269

Dear Acting Chair Rosenworcel,

We, the undersigned public interest organizations, submit this letter as members of Broadband Connects America (“BCA”), a coalition of diverse national, state-based, and local nonprofit organizations, as well as state agencies, that advocates for policies to promote broadband access in underserved rural areas. We write to express concern with the 2021 Broadband Deployment Report, and seek the expedited launch of a new proceeding for a new report.

The 2021 Broadband Deployment Report found that broadband “is being deployed in a reasonable and timely fashion,” to all Americans even though the COVID-19 pandemic has revealed otherwise, particularly for rural Americans, low-income communities, and communities of color. As we noted in our comments prior to its release, the lack of broadband is preventing engagement in remote work, virtual education, and, in some cases, even putting lives at risk. Rural Americans from across the country have [shared their stories](#). According to Gary Walker of Searsmont, Maine:

- “My family... [is] being left behind the rest of the world. We have NO availability of high-speed internet in our area... Right now we have low-speed internet over the phone line from Consolidated Communications which does not allow us to adequately stream video or Zoom conference calls. This leaves us unable to educate our children at home during this pandemic. Furthermore, my father that lives next door to us has a pacemaker for his heart which has a bedside monitor which is supposed to be hooked up to the internet. Since our internet is so slow his monitor is unable to send messages to a doctor if it detects problems with his heart.”

In part, the blatantly inaccurate results of this report stem from bad data, which you have often



recognized and other Commissioners have cited.¹ Even Congress has mandated that the Commission remedy its mapping protocols.² Any remedy should include collecting data about the price of residential broadband service because cost is one of the most frequently cited reasons that families do not subscribe to broadband.³ Remedies should also include data collection about the quality of service, including the actual speeds that customers experience, and the length and breadth of outages.

These results also stem from an ambiguous definition of what constitutes a “reasonable and timely fashion.” The Commission under Chairman Pai’s leadership used a “progress-based approach” that looked at whether progress is being made and not “whether each and every American is served at this moment.”⁴ However, it’s imperative that each and every American be served so everyone may participate in modern life. Thus, moving forward, we urge the Commission to clearly define “reasonable and timely fashion.”

Finally, these results stem from the Commission's refusal to update its benchmark speeds for broadband since 2015.⁵ 25/3 Mbps service is insufficient for the vast majority of households to participate in remote work, virtual education, telehealth programs, and many other facets of modern life. According to the Commission itself, households require speeds faster than 25/3 Mbps if more than one member of the household is to use a high-demand application (like videoconferencing or streaming HD video).⁶ Even before the pandemic, most households had multiple members simultaneously using these applications. Thus, to account for the reality of how households use the internet, we urge the Commission to increase its benchmark speed to 100/100 Mbps, which will help ensure that households have the speeds they need to meaningfully connect.

In order to spur the “immediate action” required to close the digital divide, we request that the Commission promptly release a new Broadband Deployment Report utilizing accurate data and

¹ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 35 FCC Rcd 8986 (2020); *id.*, 35 FCC Rcd at 9226 (Statement of Commissioner O’Rielly) (“Form 477 data is obviously extremely flawed and problematically applied as a basis for distributing USF funding, as recognized by Congress in the Broadband DATA Act[.]”); *id.*, 35 FCC Rcd at 10108 (Dissenting Statement of Commissioner Geoffrey Starks) (“For too long, consumers, states, cities, and other organizations have called on the FCC to get its broadband data in order.”).

² Broadband Deployment Accuracy and Technology Availability Act, 47 U.S.C. §§ 641-646) (Broadband DATA Act).

³ John B. Horrigan, *Measuring the Gap*, National Digital Inclusion Alliance, (Feb. 2020), https://www.digitalinclusion.org/wp-content/uploads/2020/02/Horrigan_Measuring-the-Gap-v1.1.pdf.

⁴ 2021 *Broadband Deployment Report*, FCC at 4, para. 1.

⁵ 2021 *Broadband Deployment Report*, FCC at 7, para. 1.

⁶ *Household Broadband Guide*, Federal Communications Commission Governmental Affairs Bureau (Feb. 5, 2020) <https://www.fcc.gov/consumers/guides/household-broadband-guide>.



setting a faster benchmark speed.⁷ It should document the reality that broadband is not being deployed to all Americans on a reasonable and timely basis.

As you noted in your dissent, “The job is not done... [and] we have real work to do before we can claim that 100% of this country has access to broadband service.” The Commission can start this work by ensuring that an inaccurate Broadband Deployment Report does not slow action to close the digital divide. Those living in various parts of the country, including rural America, are disproportionately impacted. We are eager to collaborate with the Commission to resolve this disparity.

Sincerely,

Access Humboldt
Akaku Maui Community Media
Benton Institute for Broadband and Society*
Center for Rural Strategies
California Center for Rural Policy
Connecticut Office of State Broadband
ConnectMaine
Institute for Local Self-Reliance
National Consumer Law Center, on behalf of its low-income clients
National Digital Inclusion Alliance
National Hispanic Media Coalition (NHMC)
New America's Open Technology Institute
Next Century Cities
Palmetto Care Connections
Public Knowledge
Rural Community Alliance
Schools, Health & Libraries Broadband (SHLB) Coalition
Together for Hope
Tribal Digital Village Network
X-Lab

⁷ See Section 706(a), Telecommunications Act of 1996, 47 U.S.C. § 1302(a), for the “immediate action” requirement.



*Benton, a non-profit, operating foundation, believes that communication policy – rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities to bridge our divides. Our goal is to bring open, affordable, high capacity and competitive broadband to all people in the U.S. to ensure a thriving democracy. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.