March 11, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Kamala D. Harris
Vice President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: The Biden-Harris Administration's Leadership Could Shape Broadband Access for Decades to Come

Dear President Biden and Vice President Harris,

Next Century Cities, a nonprofit, nonpartisan organization focused on improving access to reliable, affordable, high-quality broadband. Our work supports local officials and community leaders in cities, counties, towns, and villages across the country. In light of the Coronavirus ("COVID-19") pandemic, the need for every resident in the U.S. to have high-speed Internet access has become even more vital for health, safety, and economic prosperity.

Local governments across the country have risen to the challenge of addressing urgent requests for broadband services. In spite of limited resources, they have continued to craft innovative solutions to connect residents who would otherwise be locked out of digital opportunities. The lack of broadband infrastructure is an ongoing concern in hard to reach communities. Where digital infrastructure exists, high cost and economic uncertainty have only contributed to Americans' inability to maintain broadband subscriptions.

While each community has unique connectivity needs and faces its own challenges, there is broad consensus that federal leadership should support ideation and develop resources for local leaders to address persistent digital divides.

In February 2021, Next Century Cities collected feedback from local officials on ways to improve broadband over the next four years. This letter includes several of their submissions. Their words echo sentiments of local leaders nationwide, calling for higher broadband Internet speeds, lower prices, and improved service quality. The Biden-Harris Administration's leadership would not only have an immediate impact on their communities and others but would pave the way for inclusive and equitable broadband policies for years to come.

Many communities have had to pursue nontraditional network models, such as services offered by city and county governments and electric cooperatives, to ensure that residents

in hard to reach areas have Internet access. Even though they provide high quality, low-priced service options and are an essential access point for small competitive providers, nontraditional networks are often excluded from federal funding programs and may face legislative prohibitions in their own states. Supporting existing and prospective municipal networks, as well as other community-based models, would help close connectivity gaps while increasing competition.

Local governments lost billions of dollars in revenue in the first few months of the pandemic as social distancing restrictions cut off tax revenue.[1] These budget shortcomings resulted in government job cuts at a time when communities were already stretching resources to address emerging community health and safety needs. In the absence of a national broadband plan with strong federal leadership, local officials relied on the mercy of donors, philanthropic funders, and private sector partnerships to come up with short-term solutions.

Ensuring that residents have the Internet connections needed for distance learning, telework, healthcare, and government services became one of many exigent demands that some communities had to grapple with for the first time. While some states opened funding opportunities for local governments to implement solutions, others did not. One local official discussed the frustration their community felt when unable to secure funding.

> In New Hampshire, the large telecom providers have a powerful lobby and a stranglehold on our State Legislature and Governor, arguing that NH is well covered by high-speed internet. That is simply not the case. This state refuses to allow municipalities to bond for broadband deployment which is critical if we are going to succeed in extending high speed internet to rural NH.
>
> We desperately need federal matching funds deployed directly to local communities to help fund this buildout without funneling those monies via those state governments who refuse to allow municipalities to take control of their own high-speed internet destiny.

Federal programs need to be offered directly to municipalities, with open eligibility for cities, counties, and other local entities. Further, local officials need flexibility in governing how to use funds in order to address connectivity needs that vary across the country.

Another barrier that stands between communities and valuable funding opportunities is inaccurate mapping and gaps in broadband data collections. These issues have gained national attention over the past several years, leading Congress to pass the Broadband DATA Act. [2] Unfortunately, even with that legislation, the Federal Communications Commission's ("FCC") maps retain serious flaws as evidenced by the Government Accountability Office's report on how the FCC's overstates broadband access on Tribal

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[1] *See e.g.* National Governors Association, *Coalition Letter Advocating For Federal Aid To State And Local Governments* (June 29, 2020), https://www.nga.org/advocacy-communications/letters-nga/coalition-letter-advocating-for-federal-aid-to-state-and-local-governments/; Gerald Young, *10 Common Outcomes of COVID-19 on Local Government Budgets* (Nov. 4, 2020), https://icma.org/blog-posts/10-common-outcomes-covid-19-local-government-budgets.

[2] Broadband Deployment Accuracy and Technological Availability Act, Public Law 116-130 (Mar. 23, 2020).

lands.[3] Those same methods were used as the basis for the 2021 Broadband Deployment Report,[4] which continues to understate the breadth of the digital divide.

Inaccurate mapping creates challenges for people living in states that are largely considered "served" by federal maps. Many residents live in areas where a provider operates in the area, but service is prohibitively expensive or difficult to connect to the individual residence. While some communities have successfully challenged the FCC's findings, countless city and county governments simply do not have the resources to collect broadband access and adoption datapoints on their own.

Our organization highlighted examples of local and state leaders who have taken this issue into their own hands,[5] but without meaningful support from the federal government to improve broadband mapping, many community-led initiatives that reach people living in pockets of the country that do not have service will remain ineligible for state and federal financial support. Even when the maps are improved to accurately depict the availability of broadband infrastructure, it is essential for the federal government to take the lead on collecting broadband pricing information from providers. Pricing data is critical for affordability assessments and will be especially valuable in determining the amount of long-term support needed after the Emergency Broadband Benefit Program expires.[6]

One local official from the State of Washington aptly pointed out that legislation that directs the FCC to collect pricing information as well as more accurate mapping would help address affordability, stating:

> The FCC data collection system (maps and Form 477 entries) is inaccurate and insufficient. Legislation has been passed to improve the mapping – which will ultimately improve access. The FCC has never collected pricing info from providers, though. Having this data will go a long way to helping affordability as well making the ISPs accountable. There are many inequities between rural and urban; price, speeds available, price/speed ratios.

Mapping that overstates infrastructure availability has a direct impact on residents. Those who lack wireline service nearby are limited to wireless alternatives that may be more expensive, less reliable, and subject to restrictive data caps.

> As a resident of a rural town in upstate New York, I have no current wireline option. The incumbent provider will not build to my location even though their equipment is less than a mile away, and there are more than a dozen homes

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[3] *See generally* Government Accountability Office, FCC's Data Overstate on Tribal Lands (Sept. 2018), https://www.gao.gov/assets/700/694386.pdf?utm_campaign=Newsletters&utm_source=sendgrid&utm_medium=email&mc_cid=738f56229d&mc_eid=eb527a594e

[4] Federal Communications Commission, 2021 Broadband Deployment Report, 2 (Jan. 18, 2021), https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf.

[5] *See* Next Century Cities, *Mapping Across America*, https://nextcenturycities.org/mapping/ (last visited Feb. 27, 2021).

[6] *See Emergency Broadband Benefit Program*, Report and Order, FCC 21-29, 60-62 (Feb. 26, 2021), https://docs.fcc.gov/public/attachments/FCC-21-29A1.pdf.

in my neighborhood that are potential customers. I subscribe to fixed wireless service, but with marginal service and onerous data caps that require me to subscribe to multiple lines, with a total monthly bill of $400, and an initial investment in the thousands of dollars for CPE (cell boosters, a load-balancing router, etc.).

There needs to be a universal service mandate imposed on both wireline and wireless providers that force them to provide reliable, affordable service for the privilege of being an incumbent provider. They also need to be obliged to build out sufficient capacity to serve the community's needs without resorting to data caps - which should be prohibited.

Much like the testimonials from dozens of teachers, students, parents and small business owners in upstate New York with similar frustrations,[7] these stories are part of a nationwide chorus to improve broadband availability, affordability, and choice.

Too many Americans remain disconnected from even basic wireline broadband services. As vaccine registrations are largely conducted online, at least 14.5 million people across the country do not have broadband service of any kind.[8] Meanwhile, we work, attend school, bank, shop, and can only access certain government services online, yet countless more still do not have equal access to this public good, making economic and social inequities even worse.[9]

It is also important to note that the current definition of broadband (25 Mbps downstream and 3 Mbps upstream), established by the FCC's 2015 Broadband Progress Report,[10] falls short of the actual speeds needed to support multiple members of a household who must work and learn from home. Technologies, such as cloud computing, remote access, virtual desktop infrastructure, remote access and video conferencing, that were little known or used a few years ago are required on a daily basis today. All depend heavily on a symmetrical communication infrastructure, making the 25/3 Mbps standard obsolete.

Local officials also raised the importance of prioritizing digital equity and inclusion in federal broadband strategies. Nationwide, municipalities have conducted studies to identify which residents still do not have home broadband connections and the underlying causes,

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[7] Press Release, Congressman Paul D. Tonko, Tonko Calls Out FCC For Failure to Secure Broadband Access in Upstate NY (May 11, 2020), https://tonko.house.gov/news/documentsingle.aspx?DocumentID=3050.

[8] *See* Federal Communications Commission, 2021 Broadband Deployment Report, 2 (Jan. 18, 2021), https://docs.fcc.gov/public/attachments/FCC-21-18A1.pdf.

[9] *See* Katrina vanden Heuvel, *America's digital divide is an emergency* (June 23, 2020), https://www.washingtonpost.com/opinions/2020/06/23/americas-digital-divide-is-an-emergency/.

[10] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act,* 2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment (Feb. 4, 2015), https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2015-broadband-progress-report.

recording their findings in digital equity reports.[11] This kind of research has enabled local leaders to develop programs to reach households in need including those related to digital literacy, device distribution, and in some cases home broadband subscriptions.[12]

Local digital equity plans can inform a larger federal strategy aimed at ensuring that everyone has access to digital tools and resources. The National Telecommunications and Information Administration ("NTIA") is a natural fit for this task.

Support from NTIA helped numerous states improve their own broadband mapping after the Great Recession, but that support has since run out.[13] While broadband mapping has largely become the FCC's responsibility since then, in 2018, Congress directed the agency to work in coordination with the FCC and work with state and local governments to leverage third party datasets to improve broadband mapping.[14] By ensuring that those partnerships not only include local governments but also facilitate information sharing between local and state governments, NTIA can play a crucial role in improving information about where broadband infrastructure is available in addition to what policies would enable greater online participation from those who are unable to connect.

In the words of one local leader who advocated for centering digital equity and inclusion in broadband access and adoption strategies:

> The Biden Administration should prioritize ensuring there is fiber reaching to every city and town. Then support the town/city in finding the fastest and most affordable way to get reliable communication infrastructure using different technologies and strategies.
>
> This will save the administration at least 50% of what it is (over)spending at the moment or double the impact, while using the same budget. There is no reason why we cannot achieve 100% digital inclusion and 100% digital equity within the next 2 years. and with affordable connectivity way better than 25/3 Mbps for everyone.

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[11] *See e.g.* City of Kansas City, Missouri, Digital Equity Strategic Plan (2017), https://www.digitalinclusion.org/wp-content/uploads/2020/07/DigitalEquityStrategicPlan.pdf; Saad Bashir, Seattle Information Technology, Digital Equity (2019), https://www.seattle.gov/tech/initiatives/digital-equity; City and County of San Francisco, Digital Equity Strategic Plan (2019), https://sfmohcd.org/sites/default/files/SF_Digital_Equity_Strategic_Plan_2019.pdf.

[12] *See e.g.* National Digital Inclusion Alliance, *Local Government COVID-19 Digital Inclusion Response* https://www.digitalinclusion.org/local-government-covid-19-digital-inclusion-response/ (last visited Feb. 25, 2021).

[13] *See* BroadbandUSA, *State Broadband Initiative*, https://www2.ntia.doc.gov/SBDD (last visited Feb. 25, 2021).

[14] *See* BroadbandUSA, *Resources, National Broadband Availability Map* (June 4, 2020), https://broadbandusa.ntia.doc.gov/map; National Telecommunications and Information Administration, *National Broadband Availability Map*, https://www.ntia.doc.gov/category/national-broadband-availability-map (last visited Feb. 25, 2021).

As you have previously stated, Mr. President, the digital divide has only exacerbated inequities during the pandemic.[15] Setting digital equity as a goal for the next four years would be a critical step towards reducing poverty, improving educational outcomes, advancing public health, boosting civic engagement, and more.

A notable shortcoming of the current broadband marketplace is that small community-based providers often compete with private Internet service providers ("ISPs") for funding, even if they do not ultimately offer competing services in the same community. While local governments do not generally act as content providers, several of the largest private ISPs have consolidated over the past decade. Even in communities that do not have a local entity providing broadband service, the effects of corporate consolidation are hard felt. As one local leader from Illinois phrased it:

> As we evolve technologically to where voice and video are just applications on an IP-based broadband network, there has never been a better time to achieve structural separation between infrastructure and content providers. Much of the undesirable behavior we see today from major broadband providers can be linked to the fact that we have allowed telephone and cable infrastructure companies to also become Internet and original video content providers. We need structural separation as part of federal policy and federal law.
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> Once infrastructure providers are no longer providing Internet and original video content, most of the issues with net neutrality go away. Out of their own economic self-interest, infrastructure providers will provide Internet access and original video content from any and all sources through their "dumb pipes." Competition between infrastructure providers will keep consumer costs for "dumb pipes" low and service quality and bandwidths high. Competition between Internet and original video content providers will keep those prices in check as well. Many years ago, the federal government decided it was bad policy to let movie studios also own movie theaters. That wisdom holds true today.

Your Administration should encourage the Department of Justice and Federal Trade Commission to take a more rigorous approach to analyzing telecommunications mergers and acquisitions, whose consolidation can have disastrous effects on Internet prices and service quality.

These quotes from local leaders reflect concerns that ring true nationwide. Some communities have had to develop their own solutions to ensure that every resident in their area has the tools and services they need to use the Internet for every aspect of their lives. A range of industries that previously did not use the Internet for their services have moved online in ways that will not be easily unwound as in-person happenings resume. Connectivity needs that surged during the pandemic will continue long into the future.

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[15] Press Release, President Joseph Biden, President Biden Announces American Rescue Plan (Jan. 20, 2021), https://www.whitehouse.gov/briefing-room/legislation/2021/01/20/president-biden-announces-american-rescue-plan/.

Finally, it is widely known that Indigenous, Black, Brown, low-income, and rural households are the most disparately impacted by the digital divide. Comments from a local official in a municipality where African Americans, Hispanic Americans, and Asian Americans make up the majority of the population convey the need for ubiquitous broadband access.

> Our underserved citizens desperately need affordable, high quality broadband. We pay the highest prices for lower quality services. The poor, nonwhites, rural citizens, and those who live in small towns and cities, like mine, or on tribal lands have disproportionately worse and more expensive options, if they get services at all.

> Making high speed affordable broadband for every citizen is as critical to our country's future as making electricity available to everyone was in the 1930s. Like the Rural Electrification Administration that brought electricity to rural areas, there should be a broadband access plan that connects every household. Having high speed affordable broadband for every citizen is critical to our country's future.

> As part of your infrastructure plan, President Biden, you should create jobs to build out the country's technology infrastructure. This will improve the economy, lead to even more jobs, and strengthen these United States.

The pandemic has exposed what has been true for several years as more crucial services have moved online — Internet access is a matter of life and death for too many people across the country who are struggling in countless other ways. While communities have taken invaluable first steps to addressing these inequities, leadership from the Biden-Harris Administration plays a decisive role in setting nationwide connectivity as a policy priority. Leveraging the Office of Science and Technology Policy can help realize these goals, providing a touchstone for federal, state, and local broadband policies.

The local officials in our network are eager to work with your team to develop a national broadband agenda. Our network has valuable insights on how federal policies can empower community leaders, those closest to the residents they serve, with the tools they need to expand broadband access. Equally important is your Administration's willingness to set a guiding light towards equal Internet access in which every person in the U.S. has the requisite tools to participate in a digital society. Progress during the next few years will set the stage for a more equitable country and more inclusive economy for decades to come.

Sincerely,

Francella Ochillo
Executive Director
Next Century Cities