



September 18, 2020

Marlene H. Dortch Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

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

Dear Secretary Dortch,

We, the undersigned organizations, submit this letter as members of the Broadband Connects America (BCA) coalition in order to share our concerns regarding the sixteenth broadband deployment report. BCA is a coalition of diverse organizations, including national, state-based, and local nonprofit organizations, as well as state agencies, that advocate for policies to promote broadband access in underserved rural areas.

Despite the Commission's finding in the 2020 Broadband Deployment Report that “for the third consecutive year,” broadband is being deployed to all Americans in a timely fashion, millions of rural Americans know that was not the case then, and will not be the case in 2021.¹ The suggestions below can help ensure that rural Americans have access to this essential service.

I. The Commission’s Data Overstates Broadband Deployment

The Commission's NOI proposes to continue using Form 477 deployment data in its forthcoming Broadband Deployment Report, despite widespread recognition that the data overstates broadband deployment.² According to the Commission itself, the data has “well

¹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 19-285, 2020 Broadband Deployment Report, FCC 20-50, paras. 3 (2020)

² *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, *Sixteenth Broadband Deployment Report Notice*



known” limitations.³ Members of Congress on both sides of the aisle have repeatedly lamented that this data determines an entire census block as served, even if just one household or business in that block has broadband.⁴ Additionally, many complain that the carriers’ self-reported data overstates their coverage, and the speeds available to customers.⁵ In both ways the data severely overestimates the number of people in the U.S. with access to broadband as the FCC currently defines it. By overstating the availability of broadband in the U.S., the Commission overlooks communities who desperately need access to the internet – particularly given the multiple crises our country is facing – and by not accurately describing the breadth of the digital divide, the Commission stifles the solution, by preventing areas that need it from accessing federal funding.

II. The Commission Must Collect Additional Data to Determine Connectivity

of Inquiry, GN Docket No. 20-2969, at 7 (2020) <https://docs.fcc.gov/public/attachments/FCC-20-112A1.pdf> [hereinafter “*NOI*”]

³ *Id.*

⁴ Marguerite Reardon, *Democrats Criticize FCC Broadband Report*, CNET (May 29, 2019), <https://www.cnet.com/news/democrats-criticize-fcc-broadband-report/>; Ryan Johnston, *FCC’s 2020 Broadband Report Touts Progress, but Analyst Say Agency ‘Failed America’*, StateScoop (Apr. 24, 2020), <https://statescoop.com/fccs-2020-broadband-report-touts-progress-analysts-say-failed-america/> (Republican commission, Michael O’Reilly describes method as “extremely flawed”).

⁵ Letter from S. Derek Turner, Research Director, Free Press to Marlene H. Dortch, Secretary, FCC (Mar. 5, 2019), <https://ecfsapi.fcc.gov/file/10306056687881/Free%20Press%20706%20Report%20Form%20477%20Erroneous%20Data%20ex%20parte.pdf>. (BarrierFree reported gigabit internet speeds to entire census blocks when only provided 25 megabit, at best, to few thousand people); *Schumer: New Study Reveals Internet Speed Across NYC & LI Much Slower Than Providers Advertise; Senator Urges Corrective Action be taken by the FCC & Providers*, Charles E. Schumer (Jun. 2, 2019), https://www.schumer.senate.gov/newsroom/press-releases/schumer-new-study-reveals-internet-speed-across-nyc-and-li-much-slower-than-providers-advertise_fcc-records-senator-urges-corrective-action-be-taken-by-the-fcc--providers- (“Schumer [urges] the FCC to conduct a thorough review into the huge disparity between the provider-supplied data and the data generated by specific households... Schumer is calling into question federal policy that allows providers to account for areas where they are not actually providing service.”)



The Commission has also failed to collect other important information that has a direct relationship to the availability of broadband. The cost of broadband is still cited as one of the top reasons that households do not subscribe to broadband.⁶ Additionally, low-income consumers, many of whom live in rural America, are less likely to subscribe to broadband.⁷ If consumers cannot afford broadband, it does not matter if broadband is available, it won't be adopted. The Commission must consider the price of broadband as part of the equation of whether broadband is being deployed universally. Thus, we urge the FCC to collect data about the cost of service, inclusive of fees and equipment rentals.

Further, the Commission has not gathered sufficient information to know whether or not community anchor institutions in rural markets have sufficient broadband capacity. The 2010 National Broadband Plan Goal #4 calls for anchor institutions have gigabit capacity by the year 2020.⁸ Despite this being a clearly defined goal, the FCC does not even collect data regarding anchor institution connectivity, and the Commission's most recent proposal to improve the broadband mapping process also does not require broadband providers to submit such

⁶ Rafi Goldberg, Unplugged: NTIA Survey Finds Some Americans Still Avoid Home Internet Use, NTIA: Blog (Apr. 15, 2019), <https://www.ntia.gov/blog/2019/unplugged-ntia-survey-finds-some-americans-still-avoid-home-internet-use>

⁷ Monica Anderson & Madhumitha Kumar, *Digital Divide Persists Even as Lower-Income Americans Make Gains in Tech Adoption*, Pew Research Center (May 7, 2019), <https://www.pewresearch.org/fact-tank/2019/05/07/digital-divide-persists-even-as-lower-income-americans-make-gains-in-tech-adoption/>

⁸ See National Broadband Plan Executive Summary, page XIII, available at <https://transition.fcc.gov/nationalbroadband-plan/national-broadband-plan-executive-summary.pdf>. (“Goal No. 4: Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.”)



information.⁹ It is impossible for the Commission to conclude that broadband is being deployed to all Americans in a timely fashion until and unless it collects accurate information on anchor institution broadband connectivity.

The stories below, submitted by rural Americans across the country, show how these communities will continue to suffer from the Commission's choice to base their funding on flawed data.

- *"My family has been in the Searsmont area since the 1700's but we are having a tough time now because we are 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. Our children cannot be educated and our seniors are at risk."* - Gary Walker (Searsmont, Maine)
- *"Our census block is reported serv[ed] by both Centurylink and Spectrum. We do not have service. We're also not [Rural Digital Opportunity Fund] eligible because both service a limited number of homes in the block. 900 feet from having 100Mbps broadband."* - Geoff Wiggins (Liberty Township, Ohio).
- *"We live approximately 5 miles from the Oklahoma State Capitol building... I call this area a vortex because... basic services are not available, including broadband Internet services. I think this area was neglected because of the racial makeup of it. However, if you go a mile north, to an affluent suburb of Oklahoma City, called Edmond, all of the services are available including Cox Internet. We have reached out to the City of Oklahoma, our city councilor and Cox Communications directly. We received a quote of \$13,000 from Cox to run the infrastructure for internet to our house, where our two kids (5 and 7) are currently in virtual classrooms all day. My wife also works from home. I was forced to get an office closer to the [Oklahoma City] downtown simply to have good*

⁹ Establishing the Digital Opportunity Data Collection, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket Nos. 19-195, 11-10 (rel. July 17, 2020) ("Order and FNPRM")



quality Internet, which I pay \$200 a month for.” - Cory Miller (Oklahoma City, Oklahoma)

- *“With the pandemic, our only way to keep up with our doctors’ appointments, school, and work is [the internet] - which we can't get here... Several of us work for major corporations in good jobs that happily allow remote work - but require video conferencing - our jobs are in danger if we can't get it soon. We also have people here who run businesses that help with the local economy that will collapse without internet access. I, for one, run a publishing company, and I used to drive to town for [the] internet - [but this is] no longer an option during social distancing.” - Sonny Dean (Prospect Harbor, Maine)*
- *“I see that Spectrum is listed as a provider for our address on Southport but I have tried to get service here for the last 3 years. I was told that we could get service but was given installation costs between \$12,000 and \$16,000, despite telling Spectrum that 19 other families on our one mile road also wanted to sign up. They still have not wired our road.” - Maureen Kinsey (Southport, Maine)*
- *“Consolidated Communications [are] unable to provide DSL to two rental units located... [in a yellow zone on the map]. [One] tenant is [a] professor... teaching remotely who has to drive to Brooksville's Town House to get sufficient service to teach on-line. [Another] unit is not able to be rented due to lack of on-line access.” - Nancy Brown (Brooksville, Maine)*
- *“I am the superintendent of Cascade School District in Washington State. Our district is in a mountainous region and we have many families who do not have internet availability due to geography. This is a great challenge during the coronavirus pandemic, as we do not have a clear solution for these families. When we talk to the local utility company, they tell us that it is difficult to put fiber in mountainous regions where there aren't enough residents to make the investment financially worthwhile. We need immediate help to provide internet in these remote areas, perhaps initially in community Wi-Fi access points, but eventually in every single home. Providing internet access is basically like providing electricity was last century; it's a utility that everyone needs.” - Dr. Tracy Beckendor-Edou (Leavenworth, Washington)*
- *“My family and I are doing the best we can to work from home and home-school our 10-year-old son. I currently have limited satellite internet but it isn't enough for the online video classroom meetings and work conferences that my son and I need to do. I have tried contacting Spectrum to help with running the lines to my house and beyond but they*



tell me that I will need to spend thousands of dollars for them to do so because I live 2000 feet beyond the last house on my road.” - Marcy Gage (Cannan, Maine)

- *“I am a teacher currently struggling to maintain instruction on-line during the Covid-19 crisis. Our internet speed... is at the rate of dial up... My son moved away from Maine because he was unable to work from home due to the internet failure.” - Kathiann Shorey (Sweden, Maine)*
- *“We’ve always had slow and flaky internet in our part of Brooksville (Maine). We pay Consolidated Communications for 15 mbps down and 1 mbps up. But on a typical day, we get less than 3 mbps down and less than 0.7 mbps up. Moreover, our connection drops entirely several times a day. We’ve talked with Consolidated about the problem many times, and its tech people have visited three times in the last three months alone. I commend them for that. But so far, it hasn’t been able to help us. Naturally the problem inside our house is worse now that my wife and I are working from home and need to take part in Zoom calls. We often have to turn off our cameras to reduce the bandwidth we’ll need for teleconferencing.” - Peter Suber (Brooksville, Maine)*

III. A Progress-Based Method of Analysis Undermines the Struggles of Those Who Live in Rural America, Including Low-Income Households and Communities of Color

The Commission proposes to determine whether broadband “is being deployed” to all Americans using a “progress-based approach.”¹⁰ This approach focuses attention on a year-over-year progress metric instead of determining “whether each and every American is served.”¹¹ However, this measure of progress is flawed, and minimizes the struggles of those who live in rural America who are unable to connect in a world that relies on connectivity for nearly every facet of daily life. At this juncture, particularly in light of the COVID-19 pandemic, any gaps in deployment indicate that broadband is not being deployed in a reasonable and timely manner.

A progress-based method of analysis enables the Commission to claim success when millions lack access, which is particularly true for low income households, communities of color

¹⁰ NOI at 7.

¹¹ *Id.*



and those who live in rural America. This problem is compounded by the fact that the FCC is planning to use data that overstates deployment. Analysis stemming from the use of flawed data risks providing the misperception to policymakers and others that the divide is sufficiently narrowing, and thus that there is a less urgent need to address it. With each day that those communities go unconnected, they fall behind in their schooling, risk losing their jobs, and are unable to access telehealth and telemedicine. The Commission should see the gap in access as a failing until each and every community in America is served, as Congress intended.¹²

IV. Rural America Needs Speeds Faster Than 25/3 Mbps

The Commission proposes to maintain its current 25/3 Mbps benchmark speed for fixed broadband. However, this speed is not adequate to meet the needs of rural households today, particularly as the COVID-19 pandemic has led families and multi-generational households to spend more time using high bandwidth applications like simultaneous video conferencing and video streaming. In order to truly be able to keep up with daily activities, rural households need and deserve a 100 Mbps symmetrical speed. Without the 100 Mbps symmetrical standard, most households with two or more persons will not be able to participate in remote work, online education, telehealth and other digital participatory activities in a democratic society, like the 2020 Census.

Even before the COVID-19 pandemic, 25/3 Mbps speeds did not fit the needs of rural households. In households across the nation, multiple family members use the internet across multiple devices, straining their network speed. For example, one family member might be on a

¹² 47 USC §254(b); Public Knowledge, Common Cause & Next Century Cities, *Comments on Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion* (Nov. 22, 2019), <https://www.publicknowledge.org/documents/fcc-706-comments/>



video conference call with work colleagues, while another is attending virtual classes or distance learning, a third streams online videos, and a fourth video chats with friends and family. In order to engage in all of these activities simultaneously, even the FCC itself admits that a speed of 25 Mbps is insufficient.¹³

If speeds of 25/3 were inadequate before the pandemic, they are particularly inadequate now, as households are completely dependent upon high bandwidth applications for almost everything. The pandemic has forced many adults to work from home, and join frequent videoconferences, while children stream virtual classes. In addition, people living in rural America have become particularly reliant upon telemedicine to engage safely with medical professionals and avoid long drives to receive physical or mental healthcare. According to OpenVault, broadband usage during COVID-19 increased by 47% from last year, and upstream consumption is up 56 percent year-over-year.¹⁴ Without significantly faster symmetrical speeds, subscribers will be forced to pick and choose which online activity is the most important, and could forgo work in favor of education, or medical care in favor of work. It is unacceptable to force anyone, regardless of their zip code, to make these choices.

Below, Frances Yates, from Liberty Indiana, explains how fast broadband speeds could benefit her:

- *“I moved to a rural area in East Central Indiana from a major city in Northwest Indiana. I hadn't thought to check about Internet access in 2002 and found the lack [of internet] inconvenient (had to be on campus to teach online, couldn't stream media, etc.) but I*

¹³ Federal Communications Commission, *Household Broadband Guide* (last updated Feb. 5, 2020), <https://www.fcc.gov/research-reports/guides/household-broadband-guide>

¹⁴ OpenVault, *Broadband Insights Report 9* (2020), https://openvault.com/wp-content/uploads/2020/08/Openvault_Q220_DataUsage_OVBI.pdf; BTR Staff, *OpenVault Says Bet on Prolonged Upstream Broadband Spike*, *Broadband Technology Report* (Aug. 13, 2020), <https://www.broadbandtechreport.com/docsis/article/14181598/openvault-says-bet-on-prolonged-upstream-broadband-spike>.



certainly couldn't imagine no improvements 18 years later... [Now I need to] work and educate from home and it's not possible. We pay Hughesnet \$160/month and can't even connect to Zoom meetings with video or access short educational videos. I work at a regional campus of a major university and they had strict rules of who could be on campus during the Pandemic, so from March - July I was extremely limited in what I could accomplish for work from home. There would be so many opportunities for business, work and education options if we could only get sufficient speed connections from where we are and want to live!"

V. Fixed and Mobile Broadband are Not Substitutes

The Commission, as it has in years past, plans to report on those with access to fixed service, those with access to mobile LTE service, those with access to both, and those with access to at least one of the above.¹⁵ This construct continues to reflect the distinctions inherent in these services, which are not substitutes, and the need for different policy approaches to connectivity for fixed and mobile. We, therefore, urge the Commission to maintain this distinction.

For many in rural areas, subscribing only to mobile broadband service is not their preference, it is their only option, and in many cases it is the only service that is available. In other cases, it is the choice of those with limited budgets, who are forced to look at their overall family budget and make a decision between these services. About a quarter of low-income adults, Black households and Latinx households only have a smartphone, and 27 percent of those without fixed broadband in their homes cite cost (of service or computers) as a barrier to their adoption of fixed broadband.¹⁶

¹⁵ NOI at 8-9.

¹⁶ Monica Anderson, *Mobile Technology and Home Broadband*, Pew Research Center (June 13, 2019), <https://www.pewresearch.org/internet/2019/06/13/mobile-technology-and-home-broadband-2019/>.



As the Commission has noted, these services are “not yet functional substitutes for all uses and customer groups.”¹⁷ The pandemic has brought to the forefront stories of students who struggle to do their schoolwork on their mobile devices.¹⁸ In addition, because of data caps frequently associated with mobile LTE plans, many individuals run out of data quickly, and must forgo certain activities to save data. Streaming video is particularly difficult with only a mobile plan because it is such a data intensive activity.

As the stories below show, we should not be satisfied that Americans are served with broadband, when they themselves are not satisfied.

- *“For 12 years companies have said they will bring broadband to this area. Electric co-ops in the surrounding areas are bringing broadband to their customers. My landline company keeps sending advertisements for their Internet service, but they don’t serve this area... My cell phone data and hotspot service goes in and out when I participate in online training, meetings, and webinars.” - Trudy Berry (Green Bay, Virginia)*
- *“I am [a] 40 year old single mother of two boys in grade school. We [purchased an additional mobile line]... to be able to use a hot spot for email... [After ‘binge watching tv’] we received a letter from AT&T saying we had used all of the data we purchased and then some, and we were just starting the billing cycle, furthermore we were about to be suspended for our excess. Surprise!” - Elizabeth Janson (Harborside, Maine)*

¹⁷ NOI at 10.

¹⁸ Brooke Auxier and Monica Anderson, *As Schools Close Due to the Coronavirus, Some U.S. Students Face a Digital ‘Homework Gap,’* Pew Research Center (Mar. 16, 2020), <https://www.pewresearch.org/fact-tank/2020/03/16/as-schools-close-due-to-the-coronavirus-some-u-s-students-face-a-digital-homework-gap/>; Moriah Balingit, *‘A National Crisis’: As Coronavirus Forces Many Schools Online This Fall, Millions of Disconnected Students are Being Left Behind,* Wash. Post (Aug. 16, 2020) (“Maryland resident Haydee Berdejo, 18, does not have high-speed Internet at home in Baltimore and can get online only with a smartphone. When her magnet high school, Baltimore City College, shut down in mid-March, she spent her school days hunched over the phone, where she had difficulty hearing her teachers.”); Arit John, et al., *Teachers Find Many Obstacles as They Try to Keep Kids Learning Amid Coronavirus,* L.A. Times (Mar. 22, 2020), <https://www.latimes.com/california/story/2020-03-22/school-closure-learning-disparities> (“‘She’s trying to look at all this stuff on a tiny cell phone after dinner hours’ Kemmer said. ‘How much is a 9-year-old going to get done?’”).



- *“My internet is comparable to speed, reliability and service that you would find in Venezuela! One day I have slow internet and the next day I don't. Using a cell phone 'hot spot' is not an option as the cell service where I live does not function well either. I live just 12 miles South of a college town of 66,000 in a county with well over 100,000 people.” - Charlene Warner (Mondovi, Wisconsin)*

VI. Conclusion

The stories above are not unique. Millions of people in rural America lack access to broadband service that suits their needs, and the Commission must take action to remedy this issue in the forthcoming Broadband Deployment Report. This can be done by considering whether or not each and every American is served at this moment – instead of using a “progress-based approach” – and whether community anchor institutions have gigabit connectivity as prescribed in the 2010 National Broadband Plan. The FCC should also increase its benchmark speed to a 100/100 symmetrical speed so that households with two or more people can work remotely, take classes online, use telehealth, stream content, and participate digitally in a democratic society. Those living in rural America are disproportionately impacted by the digital divide, and it is critical for the Commission take action to remedy this gap in universal service.

Sincerely,

Access Humboldt
Benton Institute for Broadband & Society*
California Center for Rural Policy
ConnectMaine
Institute for Local Self-Reliance
National Hispanic Media Coalition
National League of Cities (NLC)
Next Century Cities
Public Knowledge
Schools, Health & Libraries Broadband (SHLB) Coalition
State of Connecticut Office of Consumer Counsel
X-Lab



*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.