

May 4, 2020



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

**Re: Connectivity Questions and Concerns from Local Officials**

Dear Ms. Dortch:

Next Century Cities is a nonprofit 501(c)(3) coalition comprised of over 200 member municipalities across the United States that works to bring fast, affordable, and reliable broadband to residents. We represent local elected officials and their appointees, advocating for telecommunications policies that support high-speed connectivity in every community.

On April 30, 2020, Francella Ochillo, Ryan Johnston, Lukas Pietrzak, and Brittany-Rae Gregory on behalf of Next Century Cities; Kevin Pisachich on behalf of Oxnard, California; Mayor Jill Boudreau on behalf of Mount Vernon, Washington; Dr. dt ogilvie on behalf of Rochester, New York; Denise Riedl on behalf of South Bend, Indiana; Ricky Santiago on behalf of Louisville, Kentucky; Evan Feinman on behalf of the Office of Governor Ralph Northam; Emily Schuh on behalf of Anacortes, Washington; Commissioner Adrian Hayes-Santos on behalf of the Gainesville, Florida; other local officials and allied organizations participated in a video conference call with Chairman Ajit Pai's Policy Advisor, Evan Swartrauber, and Public Safety and Consumer Protection Advisor, Zenji Nakazawa. Local officials shared network and performance updates for their respective communities. Minimum broadband speeds, infrastructure build-out, distance learning, municipal network models, and broadband mapping data resurfaced throughout the meeting.

There was consensus that the coronavirus (COVID-19) pandemic has shown the critical part that broadband plays in keeping Americans across the country connected. In the words of Denise Riedl, Chief Information Officer of **South Bend, Indiana**, local officials have been able to “develop band-aid solutions but are struggling with long-term market failure.” The Commission plays an essential role in crafting and promoting policies that will help bring unserved Americans online as well as working to bolster networks serving some of the country's most vulnerable populations.

An issue that remains a top-line priority among our member cities is the struggle to support students in distance learning programs. Dr. dt Ogilvie, Senior Advisor to Mayor Lovely Warren highlighted that in **Rochester, New York**, 11% of African American students do not have access to a computer or smartphone at home compared to 8% of Hispanic or 6% of White counterparts. She continued explaining a new initiative that Rochester is undertaking to put both technology and connectivity solutions within reach



of their students. Additionally, Ricky Santiago, Innovation Programs Manager in **Louisville, Kentucky** noted that current distance learning programs may be useful in the short-term but will be unsustainable if remote learning continues into the fall. Many families in Louisville need more than one device or hotspot to comply with distance learning mandates, and current programs are not set up to handle those eventualities.

Mr. Santiago also emphasized that the Commission's requirements under the Lifeline program may exclude those who need it most saying:

The FCC requirement of ISP for low-cost internet is very limiting. If a family makes just above the threshold for SNAP or does not have the family dynamic of a child on free or reduced lunch, or an elderly on Supplemental Security Income, these families do not qualify for low income plans, but are also priced out of the market. A tiered approach would be better suited for these times and beyond.

The Commission should strive to connect those who need it the most, and to keep connected those who may currently have service but struggle to maintain broadband subscriptions.

Broadband is also essential to the economic viability of our member communities. For example, 80% of surveyed businesses in **Oxnard, California**, stated that broadband was critical to their business operations, and 81% of surveyed businesses stated that fast inexpensive broadband was required for them to stay and grow in their community. As the digital divide widens, the lack of reliable and affordable broadband is not only affecting students and healthcare workers, but it is potentially harming the economic future of underserved populations in the City of Oxnard.

Members shared accounts of when internet service providers (ISPs) did not have the ability or the will to bring service to their communities, the municipality took it upon themselves to create their own networks or work with local providers to connect their citizens. Mayor Jill Boudreau of **Mount Vernon, Washington** explained how their municipal network began as a way to guarantee their government and essential service buildings remained connected. From there, the City worked to connect businesses and households through public-private partnerships. Similarly, Emily Schuh, the Director of Administrative Services for **Anacortes, Washington**, explained how the municipal network run by the city is well on its way to providing fiber to premises services for up to 7,500 homes by the end of 2020. Next Century Cities recognizes that while municipal networks may see success in some areas, they are not the silver bullet to closing the digital divide. It is imperative that the Commission work with local leaders to determine which network model would serve them the best. The Commission should seek to craft policies that support local governments' ability to choose the network infrastructure solutions that suit their communities.

As the Commission continues to make strides in expanding the wireless connectivity solutions that are available, it must also continue to bolster wireline deployment. Even



though wireless capability is invaluable, it is not a substitute for fixed wireline networks. Our members raised concerns about infrastructure deployment. The City of Oxnard noted that the local exchange carrier providing service to their community is struggling and does not have the ability to expand its network to support the community. Ms. Riedl noted that South Bend continues to have portions of its community reliant on DSL and fiber deployment is nonexistent outside of high-income areas. The City of South Bend recognizes the steps providers have taken to improve access, but capacity remains an issue for their community. Furthermore, Commissioner Adrian Hayes-Santos from **Gainesville, Florida**, noted that their residents pay some of the highest prices for broadband in their state. He explained that Gainesville has only one internet service provider that serves a majority of the population. City leaders view infrastructure development as the key to connecting the portions of the community that are not able to connect to the single ISP and, in turn, for increasing competition.

Several local officials stated that the national minimum broadband speeds are not sufficient to satisfy the current demands placed on residential networks. The coronavirus health crisis has placed unprecedented demands on telework, distance learning, and telehealth services, stalling slow connections in some of our member cities and reducing the speeds of others. Ms. Riedl urged the Commission to consider raising the minimum standards, stating that the residents of South Bend do not see the current minimum speeds reflected in their service. In South Bend's view, an increase would force providers to provide faster broadband speeds while reducing the strain on consumers. Residents should be able to use higher bandwidth applications without fear their connections will not sustain prolonged use. Furthermore, as Mr. Pisacich of the City of Oxnard stated, standard speeds "are not going to cut it for us. ... We cannot be competitive, socially and economically, without high-speed access." At minimum, the profound impact that COVID-19 has had on networks nationwide warrants a pause and study to investigate whether the 25 Mbps download and 3 Mbps upload standard is still adequate. Local leaders are calling for an update, the Commission has the ability and the duty to respond.

Finally, our members asked the Commission to clarify definitions of rural and urban areas for the purposes of obtaining funds for broadband deployment. Mr. Pisacich noted that the City of Oxnard does not meet the definition of an urban or rural area and therefore cannot utilize funding programs from the Commission or the United States Department of Agriculture (USDA). These concerns were echoed by Ms. Riedl and Commissioner Hayes-Santos. Ms. Riedl added that the people of South Bend have been "suffering in ways the data doesn't show, it is a serious issue when you have so little connectivity but don't meet the USDA or FCC definition for rural or unserved." Commissioner Hayes-Santos noted that under current definitions citizens in Gainesville may appear to be served on current maps but may have subpar service or no service at all.

Local officials who are addressing connectivity problems and impacted citizens every day appreciated the opportunity to share their community's perspective with Chairman Pai's office. These leaders look forward to working with the Commission to develop policies that improve digital outcomes for their residents.



Respectfully submitted,

/s/ Francella Ochillo

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/s/ Ryan Johnston

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cc: Evan Swarztrauber

cc: Zenji Nakazawa

