

July 16, 2021



**VIA ELECTRONIC SUBMISSION**

The Honorable Janet Yellen  
Secretary  
U.S. Department of Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220

RE: *Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule Comments*

Dear Secretary Yellen:

Next Century Cities (“NCC”)<sup>1</sup> submits these comments on the Interim Final Rule (“IFR”) implementing the Coronavirus State and Local Fiscal Recovery Fund (“SLFRF”).<sup>2</sup> NCC members are municipalities, towns, cities, villages, and counties across the country that vary widely in size and shape. However, there is one thing on which they all agree – high-speed Internet access is necessary for their community’s well-being.

The IFR highlights that, as a result of the COVID-19 public health emergency, universally available, high-speed, reliable, and affordable broadband coverage became a necessity. Communities across the nation now rely on the Internet more than ever for school, work, and to receive healthcare.<sup>3</sup> The SLFRF will provide critical resources for communities to invest in the broadband infrastructure they need to connect households that continue to struggle with affordable and reliable broadband. NCC urges the Department of the Treasury (“Treasury” or “Department”) to structure its final rule with the flexibility required for communities to identify and adequately address persistent connectivity gaps.

**1. The Treasury’s Rules and Procedures Must Be Aimed at Giving Communities the Confidence and Flexibility to Improve Broadband Connectivity in Their Communities.**

Setting 100 Mbps as the target for new broadband networks reflects the escalating residential and business needs of Internet users. It is also important to note that while

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<sup>1</sup> Next Century Cities is a nonprofit and nonpartisan 501(c)(3) coalition of over 200 member municipalities that works with local leaders to provide reliable and affordable broadband access in every community while helping others realize the economic, societal, and public health benefits of high-speed connectivity.

<sup>2</sup> See generally, Interim Final Rule to Implement the Coronavirus State and Local Fiscal Recovery Funds, 86 Fed. Reg. 26,786 (May 17, 2021) (to be codified at 31 C.F.R. pt. 35) (hereinafter IFR).

<sup>3</sup> IFR at 69.



residents may have access to service that is called broadband in advertisements, actual service speeds delivered may fall short of the current broadband benchmark and is not sufficient for daily access needs, especially in light of the pandemic.

As households routinely have multiple individuals who rely on teleconferencing capabilities and other high-bandwidth applications, adequate upload speeds have become equally important as download speeds. Higher symmetrical download and upload speeds are critical to meeting household needs, increasing health and economic opportunities, and ensuring that historically disadvantaged populations can participate in an online ecosystem.

Additionally, the final rules must clarify the differences between unserved and underserved communities. This distinction is critical as each presents unique challenges to the communities affected. Simply claiming that investment in broadband services will fix both issues simultaneously does nothing to address the nuances each situation presents. Furthermore, the current draft language overlooks scenarios in which communities with citywide access to 25/3 Mbps may wish to use SLFRF awards to provide faster and more equitable service to businesses and residents.

Similarly, the Treasury must provide a detailed definition of the situations in which services are “reliably” provided under the IFR. If left as is, this term could prove to be a disincentive for communities to use SLFRF money to deploy broadband. Federal broadband maps are known to overstate broadband availability, and local governments may have their own understanding of where coverage gaps persist. Since SLFRF funds were appropriated to address these gaps, the Treasury should allow municipalities to make an independent determination about whether their community is reliably served.

The Treasury should consult local officials to ensure the effectiveness of future funding programs. Local governments have a clear view of the challenges their communities face. Providing local leaders with a forum to share and elevate community-level challenges can help to inform federal funding strategies and increase the prospect of limited resources getting to the communities with the greatest need.

Further, local officials are keenly aware of how policies will impact or overlook their communities. Including localities in the ideation and planning steps of the policymaking process will unearth blind spots as well as the unintended consequences that policy proposals, including those contained in this IFR, may create.

The SLFRF presents a unique opportunity for communities to address long-standing broadband deployment gaps, as Congress intended. The Treasury must establish rules and



procedures that give communities confidence and flexibility in using SLFRF awards to best deploy broadband to their communities.

## **2. Current Minimum Broadband Speed Standards Are Not Adequate to Meet Community Needs.**

The Treasury seeks comments on the advantages and disadvantages of setting minimum symmetrical download and upload speeds of 100 Mbps. The Department itself identified a 100 symmetrical standard as a nationwide target for new broadband service deployment.<sup>4</sup> In addition, the Treasury recognizes that growing demand has quickly outpaced infrastructure capacity and will likely continue to do so.<sup>5</sup> Final rules should set a 100 symmetrical target standard and support community projects that address broadband adoption.

### **a. Household Speed Demands Have Increased as a Result of the Pandemic.**

As households continue to work from home, take online classes, and utilize telehealth programs for primary care, faster speeds are necessary. Without faster speeds, consumers must make the impossible choice between which family members can distance learn, telework, or attend telehealth appointments at the same time. Symmetrical broadband speeds are important for various household members to be able to consistently engage in all of these activities at once. Broadband usage during COVID-19 has increased by 47 percent from last year, and upstream consumption is up 56 percent year-over-year.<sup>6</sup>

NTIA estimated that, in 2019, nearly one-third of employed Americans used the Internet to work remotely.<sup>7</sup> In April 2020, the Brookings Institute estimated that about half of working adults were working from home.<sup>8</sup> Increasing numbers of remote workers require

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<sup>4</sup> IFR at 71.

<sup>5</sup> *Id.*

<sup>6</sup> OpenVault, Broadband Insights Report, 9 (2020), [https://openvault.com/wpcontent/uploads/2020/08/Openvault\\_Q220\\_DataUsage\\_OVBI.pdf](https://openvault.com/wpcontent/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-onprolonged-upstream-broadband-spike>.

<sup>7</sup> Rafi Goldberg, *Nearly a Third of American Employees Worked Remotely in 2019, NTIA Data Shows*, National Telecommunications and Information Administration (Sep. 3, 2020), <https://www.ntia.gov/blog/2020/nearly-third-american-employees-worked-remotely-2019-ntiadata-show>.

<sup>8</sup> Katherine Guyot & Isabel V. Sawhill, *Telecommuting will likely continue long after the pandemic*, Brookings (Apr. 6, 2020), <https://www.brookings.edu/blog/upfront/2020/04/06/telecommuting-will-likely-continue-long-after-the-pandemic>.



an increase in the available upload bandwidth. For example, the number of monthly active users on Zoom’s teleconferencing platform increased 4,700 percent from 2019 to 2020.<sup>9</sup>

Meanwhile, the FCC's website explains that a household operating 3 or 4 devices with high-demand applications running at the same time requires "advanced service."<sup>10</sup> "Advanced service" is defined as devices requiring more than 25 Mbps download to operate.<sup>11</sup> In essence, the FCC concedes that the 25/3 standard is an outdated speed threshold. Continuing only to require providers to deploy outdated standards will ensure that new networks are obsolete as soon as they are activated.

Though work from home for many began as a safety measure, Internet access remains critically important to maintain or search for employment. An estimated 37% of work can be done entirely from home, and those jobs are among the highest paid, accounting for 46% of all U.S. wages.<sup>12</sup> Numerous employers, particularly in the technology sector, have announced that remote work will continue in perpetuity at least part of the time.<sup>13</sup>

Recently, Austin, Texas, moved from level 2 to level 3 on the City’s COVID-19 Risk-Based Chart. This increase in level places more restrictions on travel, dining, shopping, and indoor gatherings, which signifies that the threat of COVID-19 is far from over.<sup>14</sup> While the transition to online life was seamless for many of Austin’s residents, portions of its most vulnerable populations did not have access to essential services due to lack of speed and strength of their Internet connection.<sup>15</sup> As Khotan Harmon, Digital Inclusion Fellow for the City of Austin noted, “[h]aving a 100 Mbps symmetrical connection for *all* residents in Austin, regardless of their zip code, would help solve one of the key challenges of digital inclusion.”

Ms. Harmon also highlighted that the necessity for faster speeds extends beyond the pandemic. “Austin was also hit hard by the February 2021 winter storm, which made it very difficult for residents to leave their homes. All essential activities shifted online. The

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<sup>9</sup> Jordan Novet, *Zoom Shares Soar after Revenue more than Quadruples from Last Year*, CNBC (Aug. 31, 2020), <https://www.cnbc.com/2020/08/31/zoom-zm-earnings-q2-2021.html>.

<sup>10</sup> Federal Communications Commission, *Household Broadband Guide*, <https://www.fcc.gov/consumers/guides/household-broadband-guide> (last visited July 8, 2021).

<sup>11</sup> *Id.*

<sup>12</sup> Jonathan Dingel & Brent Neiman, *How Many Jobs Can be Done at Home?* (June 19, 2020), <https://bfi.uchicago.edu/working-paper/how-many-jobs-can-be-done-at-home/>.

<sup>13</sup> *See id.*

<sup>14</sup> Billy Gates, *APH moves area back to Stage 3 of COVID-19 risk-based guidelines*, KXAN (Jul 15, 2021), <https://www.kxan.com/news/coronavirus/aph-to-discuss-rising-covid-19-cases-delta-variant-arrival-in-travis-county-at-9-a-m-thursday/>.

<sup>15</sup> Emma Freer, *Parts of North and Southeast Austin left without internet access at crucial time*, Austonia (June 17, 2021), <https://austonia.com/austin-broadband-access>.



need for reliable, high-speed Internet connectivity became even more apparent as a safety measure at that time.”

### **b. High-Speed Broadband Connections Are a Critical Component of Economic Vitality.**

For residents whose employment depends on reliable broadband connections, in addition to others who are waiting to take advantage of online training programs, diagnostic telehealth, online government services, and more, slow and interrupted connections may be functionally equivalent to no connection at all.

At a time when communities are searching for easy ways to attract new residents and businesses, high-speed Internet access is essential for its economic viability. Reliable home Internet access has become a door for residents to have new avenues to economic and educational opportunities, life-saving healthcare, and civic participation. What's more, ubiquitous broadband access and high adoption rates help to ensure that residents are able to contribute to, rather than solely consume in, the digital ecosystem.

Ambitious speed goals do not only benefit household residents, but it is also essential for communities to maintain and attract business residents as well. The Government Accountability Office released a report finding that small businesses need speeds higher than 25/3 Mbps in order to run effectively.<sup>16</sup> The report also found that in setting the 25/3 benchmark, the FCC did not account for small business needs.<sup>17</sup> Local officials are recognizing that businesses residents need robust broadband connectivity in order to be stimulate job creation and revenue growth in local economies.

For example, NCC member municipality East Liverpool, Ohio, is in the process of determining how it can invest funds to build out new broadband infrastructure to attract new residents. Mayor Gregory Bricker highlighted that while the community is considered served, the lack of high-speed Internet service offerings is directly related to population loss. Additionally, in Lafayette County, Kentucky, low population density has dissuaded incumbent service providers from investing in new broadband infrastructure. A 2017 study showed that while some of the largest farms in Lafayette County pay for leased lines, many farms and business in rural parts of the County continue to use dial-up connections.<sup>18</sup> This

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<sup>16</sup> See generally Gov't Accountability Off., FCC Should Analyze Small Business Speed Needs, GAO-21-494 (2021), <https://www.gao.gov/assets/gao-21-494.pdf>.

<sup>17</sup> *Id.*, 22-23.

<sup>18</sup> Columbia Telecommunications Corporation, Strategies Analysis of Broadband Opportunities in Fayette County 2-3 (2017).



lack of connectivity proves a disincentive for consumers to relocate to this area, perpetuating the cycle of disinvestment and digital divides.<sup>19</sup>

Reliable, affordable, and high-speed home Internet enables residents to age in place, remaining in their communities through education, careers, and into retirement. Because symmetrical speeds are important for telecommuting applications, PC Magazine considered Gigabit Internet availability as the most important factor when ranking the best work from home cities for 2021.<sup>20</sup> The number one city for remote work was Chattanooga, Tennessee, which deployed a citywide fiber network in 2010, and Fort Collins, Colorado, where local leaders began developing a municipal fiber network in 2017, also made the list.<sup>21</sup> For older residents and those living with disabilities, technology can improve older residents' quality of life and allow them to live independently without requiring them to move to a caretaker's home or an assisted living facility.<sup>22</sup> Internet access and adoption are central to harnessing the full benefits of those opportunities.<sup>23</sup>

The benefits of requiring providers to meet a higher 100/100 minimum speed standard ensure that localities across the country have the tools to connect their neighbors at competitive speeds. When rural and mid-sized areas have robust, high-speed connectivity that is comparable to their urban counterparts, residents will be confident in moving to suburban and rural communities.

Putting SLFRF money to the most effective use requires the Treasury to incentivize network deployment at speeds that meet foreseeable consumer needs. To that end, the IFR should support efforts for communities to improve existing infrastructure if necessary.

As Senator Wyden highlighted in his letter, "To assume that communities with speeds at or above 25/3 Mbps are adequately served . . . would be severely misguided, and it ignores the reality on the ground for American students, working families, and businesses."<sup>24</sup> Setting the minimum required speeds for the program at 100 Mbps symmetrical provides communities in unserved and underserved areas the same ability to utilize multiple high-

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<sup>19</sup> *Id.*

<sup>20</sup> Sascha Segan & Kim Key, *The Best Work From Home Cities for 2021* (Feb. 9, 2021), <https://www.pcmag.com/news/the-best-work-from-home-cities-for-2021>.

<sup>21</sup> *Id.*

<sup>22</sup> See generally Shengzhi Wang, et al., *Technology to Support Aging in Place: Older Adults' Perspectives* (April 2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6627975/>.

<sup>23</sup> *Id.*

<sup>24</sup> Letter from Senator Ron Wyden, Chairman, Senate Committee on Finance, to Secretary Janet Yellen, Secretary of the Treasury, U.S. Dept. of the Treasury (May 25, 2021), <https://www.wyden.senate.gov/imo/media/doc/052521%20RW%20Broadband%20Letter%20to%20Treasury.pdf>.



bandwidth applications that Americans with affordable, reliable broadband connections take for granted.

Considering that the overarching goal is to connect the most unconnected communities, the Treasury should embrace ambitious objectives including a new higher standard for broadband.

### **3. The Treasury Must Clarify IFR Language.**

Ensuring that communities are confident in their ability to spend SLFRF money on broadband deployment should be a central goal for the Treasury. Making funding available is only one step in the process to enabling communities to address unique broadband challenges. Accordingly, several sections of the IFR need clarity to ensure that municipal leaders have the information and assurance needed to assign Treasury funds without incurring risk.

#### **a. Unserved and Underserved Areas Have Significantly Different Needs, a Fact That Should Be Documented in the Interim Final Rule.**

The Treasury defines unserved and underserved households, for the purposes of the SLFRF, as “those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps upload speed.”<sup>25</sup> This definition does not differentiate between the two and fails to consider the widely differing challenges that come from being either unserved or underserved.

The *ability to connect* does not ensure that a resident *can* connect. In some communities, there is an exigent need for new infrastructure to connect unserved households. In other areas, however, existing infrastructure needs to be bolstered or service made affordable to meet the needs of underserved populations. Baltimore, Maryland, provides a great example. The Mayor’s office highlighted:

Providers would have us believe that there is not an infrastructure problem because ‘they can deliver 1 Gbps service to every address today.’ We know that in reality there are parts of Baltimore that those providers have not/will not run service to. We also know that 50% of the City school kids (40,000

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<sup>25</sup> Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions, U.S. Dept. of the Treasury, 24 (June 24, 2021), <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.



kids) lack quality fixed access at home. If that isn't the definition of underserved, then what is?

Several of our member municipalities in New York have similar concerns about their community's perpetual status as unserved or underserved. One local official pointed out that in their community of over 200,000 people, broadband access remains under 40%. The disparity between connected and unconnected follows the east and west side of their city's Main Street. The more impoverished communities on the east side are facing greater connectivity challenges than those on west.<sup>26</sup>

One of the highest barriers to broadband adoption in underserved communities is cost.<sup>27</sup> In 2019, the Pew Research Center found that 44 percent of households with incomes less than \$30,000 do not have at home broadband. This compares to 19 percent for households making between \$30,000 and \$99,999 and only 6 percent for households with incomes above \$100,000.<sup>28</sup> The cost problem is compounded as broadband speeds increase. BroadbandNow found that while Internet speeds increased in 2019, so too did broadband prices. Overall, 62 percent of plans below \$60 per month increased to above \$60 per month between Q2 and Q3 of 2019.<sup>29</sup>

Commenters in the docket agree on the importance of including affordability into funding standards. Local governments have rightly noted that, even though the Treasury cites an indisputable need for affordable service in the IFR, it is silent on what affordability factors should be used to determine whether a household is unserved or underserved.<sup>30</sup> Considering that affordability is a measuring need and a key to increasing adoption, the Treasury should provide clear guidance on what affordability metrics should be used to identify which areas need investments. The IFR must unequivocally declare that SLFRF grant money can be used for both access and affordability programs.

<sup>26</sup> Letter from Next Century Cities, to Andrew M. Cuomo, Governor, New York (July 31, 2020), <https://nextcenturycities.org/wp-content/uploads/Memo-of-Recommendations-to-NYS-Commission-updated-08.04.20.pdf>.

<sup>27</sup> See Rani Molla, *More than 60 Million Urban Americans don't have Access to or can't Afford Broadband Internet*, Vox (June 20, 2017), <https://www.vox.com/2017/6/20/15839626/disparitybetween-urban-rural-internet-access-major-economic>.

<sup>28</sup> See 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-lowerincome-americans-make-gains-in-tech-adoption/>.

<sup>29</sup> See Julia Tanberk, *The State of Broadband in America*, Q3 2019, BroadbandNow (Oct. 23, 2019), <https://broadbandnow.com/research/q3-broadband-report-2019>.

<sup>30</sup> Comment from Boston, Chicago, Los Angeles, Washington, Montgomery County, MD; U.S. Conference of Mayor; TCCFUI on Interim Final Rule on Broadband Use Answers to Questions 22 through 26, June 16, 2021, <https://www.regulations.gov/comment/TREAS-DO-2021-0008-0139>.



Implementing new definitions that separate unserved and underserved communities will provide communities with flexibility and assurances needed to assign SLFRF funding to specific connectivity challenges.

**b. “Reliably” Connected to Internet Access Is a Subjective Term That Will Inevitably Lead to Confusion.**

The Treasury uses the term “reliably” in its definition of unserved or underserved. However, within the text of the IFR the Treasury does not provide a concrete definition of what it means.<sup>31</sup> On June 24, 2021, the Treasury released a Frequently Asked Questions (“FAQ”) document that provides further explanation of the “reliably” term, stating that “reliably” was intentionally left undefined. According to the Treasury, the lack of specificity is designed to give recipients significant discretion in assessing access and speed thresholds.<sup>32</sup>

The FAQ also noted that communities can use any available data they deem relevant to determine whether users actually receive service at all times.<sup>33</sup> However, when local and state governments face ambiguity in how funding may be spent, it slows down decision-making and partnership solicitation. This is evidenced by the challenges that some cities faced when awarded CARES Act funding.

A lack of clarity in the federal and state limitation on spending creates barriers to local governments expeditiously putting the funding to its best use. Local officials in states that did not provide as much guidance as others struggled to determine whether CARES funds could be used for valuable broadband projects. As Alaska State Representative Chris Tuck noted when discussing CARES act funding, “[t]he Last [thing] we want to happen is to owe the federal government this money back.”<sup>34</sup> His comments illustrate serious concerns in risk-averse communities.

Additionally, many county leaders in Pennsylvania did not pursue CARES act funding as a result of concern that their broadband challenges could not be interpreted as COVID-related issues.<sup>35</sup> Silas Chamberlin, vice president of economic and community

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<sup>31</sup> See IFR at 75.

<sup>32</sup> See Department of the Treasury, State and Local Fiscal Recovery Funds Frequently Asked Questions, 25 (June 24, 2021), <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>.

<sup>33</sup> *Id.*

<sup>34</sup> See Jacob Tesneck, *CARES Act money will go to local governments, and may not make up for budget vetos* (Apr. 22, 2020), <https://www.alaskapublic.org/2020/04/22/cares-act-money-will-go-to-local-governments-and-may-not-make-up-for-budget-vetoes/>.

<sup>35</sup> See Jed Pressgrove, *CARES Money for Broadband: Insights Gained from County Projects* (Feb. 02, 2021), <https://www.govtech.com/network/cares-money-for-broadband-insights-gained-from-county-projects.html>.



development of the York County Economic Alliance highlighted, “when you really started digging into the requirements and the timeline and everything, I think it made a lot of communities gun-shy about taking it on ... I think you saw very local interpretations of what you could and couldn’t do.”<sup>36</sup>

Communities in the greatest need of Treasury funding are also the least likely to have resources available for subsequent remedies. The situation is no different here. Communities like Dodge County, Wisconsin have already flagged concerns with ambiguity, signaling that if restrictions are too strict, they may send the funding back rather than spending it.<sup>37</sup> Ultimately, the entire community suffers.

### **c. Treasury Funding Should Include a Carve Out for Wireless Networks that Increase Broadband Adoption.**

The Treasury proposes prioritizing projects that deliver last-mile connections as well as those owned and operated by municipalities, cooperatives, and other nonprofit entities. Indeed, these priorities are important, but some communities remain restricted by state legislation that inhibits their ability to provide service directly. Communities both in restrictive and non-restrictive states are using wireless networks to ensure that residents who cannot otherwise afford service have a home Internet connection.

There are currently 17 states that have restrictive legislation against municipal broadband networks in the United States.<sup>38</sup> These state restrictions include restrictions and hindrances to municipalities providing the selling broadband service to its residents.<sup>39</sup> Because of these laws, building new networks may be difficult or impractical for some communities. Particularly in communities experiencing high poverty rates, residents benefit from wireless network models that allow local governments and nonprofit partners to provide service at little or no cost.

Several communities have taken to providing free wireless Internet access to their residents in order to allow them to connect. For example, San Antonio, Texas, used \$27 million in CARES act funding to provide wireless broadband to students in the 50 neighborhoods

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<sup>36</sup> *Id.*

<sup>37</sup> Kthomas-at-capitalnewspapers-com, *County expects \$17 million American Rescue Plan Act funds* (April 8, 2021), [https://www.wiscnews.com/bdc/news/local/county-expects-17-million-american-rescue-plan-act-funds/article\\_b85ff552-2bed-5291-a51e-81760f18654b.html](https://www.wiscnews.com/bdc/news/local/county-expects-17-million-american-rescue-plan-act-funds/article_b85ff552-2bed-5291-a51e-81760f18654b.html).

<sup>38</sup> See Tyler Cooper, *Municipal Broadband Is Restricted in 18 States Across the U.S. In 2021*, BroadbandNow (May 3, 2021), <https://broadbandnow.com/report/municipal-broadband-roadblocks/>.

<sup>39</sup> *Id.*



with the highest need.<sup>40</sup> The new project utilizes wireless networks coupled with the City’s unused dark fiber. The newly activated fiber will make school district networks available to students outside of the school building. Craig Hopkins, San Antonio’s Chief Information Officer, highlighted “[t]o do schoolwork, and especially to attend classes via videoconference during school shutdowns, students need high-speed broadband-level connections better than those on many phones.”<sup>41</sup>

Additionally, even in states that do not restrict municipal broadband have invested in free public wireless networks, providing service to residents who cannot afford it. Arizona State University is piloting a program in Phoenix that provides millimeter-wave wireless Internet to households in the line of sight of schools in a district where 35% of students do not have service.<sup>42</sup> The service is more reliable than the wireless hotspots schools in the district distributed last year. This provides students whose families were unable to subscribe to a home broadband service with the vital Internet access they need for distance learning.<sup>43</sup>

Mesh networks are filling broadband adoption gaps across the country. In New York City, community volunteers have been building NYC Mesh to ensure that residents have secure, high-speed, reliable Internet for several years before the pandemic.<sup>44</sup> The City of San Rafael, California, built a mesh network after the pandemic revealed that students living in the most densely populated, low-income neighborhoods did not have a home broadband subscription.<sup>45</sup>

Less expensive than fully wireline networks and easily deployable, mesh networks provide lower latency than satellite connections, and do not depend on mobile infrastructure as hotspots do.<sup>46</sup> These advantages make the technology well-suited for addressing gaps in Internet adoption for households that may never be able to afford or consistently maintain a broadband subscription. The Treasury must clearly state that SLFRF money is available for municipalities to build out and run wireless and mesh networks to address connectivity gaps in their communities.

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<sup>40</sup> Alia Malik, *San Antonio will leverage traffic lights to expand fiber network for students*, San Antonio Express (July 24, 2021), <https://www.expressnews.com/news/education/article/San-Antonio-will-leverage-traffic-lights-to-15432156.php#:~:text=The%20city%20of%20San%20Antonio,the%20city's%20chief%20information%20officer>.

<sup>41</sup> *Id.*

<sup>42</sup> Aydali Campa, *These kids living close to school get reliable internet after months without it* (May 12, 2021), [https://www.azcentral.com/story/news/2021/05/12/asu-isaac-school-district-partner-bring-reliable-internet-access-families/7352011002/?mc\\_cid=043e26a95e&mc\\_eid=81c1b38574](https://www.azcentral.com/story/news/2021/05/12/asu-isaac-school-district-partner-bring-reliable-internet-access-families/7352011002/?mc_cid=043e26a95e&mc_eid=81c1b38574).

<sup>43</sup> *Id.*

<sup>44</sup> NYC Mesh, <https://www.nycmesh.net/> (last visited July 8, 2021).

<sup>45</sup> Zack Quaintance, *How San Rafael, Calif., Built a Wi-Fi Network During a Pandemic* (June 17, 2020), <https://www.govtech.com/network/how-san-rafael-calif-built-a-wi-fi-network-during-a-pandemic.html>.

<sup>46</sup> See Daniela Perdomo, *Mesh Networks Can Connect Us During Disasters* (Nov. 12, 2020), <https://www.govtech.com/em/safety/mesh-networks-can-connect-us-during-disasters-commentary.html>.



Wireless Internet service may not reach the same speed thresholds as a solely wired connection. The Treasury proposes an impracticability standard for supporting networks below a target speed. Some communities opt for wireless networks not because building wireline service to residents is physically impractical, but because they better serve the needs of residents who have historically struggled with connectivity. Without accommodations for these networks, those families may remain disconnected from an essential service.

Therefore, the Treasury should make certain that communities can use SLFRF dollars to deploy wireless and mesh networks. Communities deploying these networks need greater flexibility concerning service speeds. Rule clarification would give risk averse municipalities the confidence to undertake wireless or mesh network projects like those in San Antonio, Phoenix, New York City, and San Rafael. Funding goals should support broadband access and adoption programs to suit a community's needs.

#### **4. The Treasury Must Consult and Collaborate with Local Officials to Ensure the Success of the SLFRF.**

The successful implementation of any funding opportunity requires the Treasury to forge partnerships with the states and municipalities that will receive the funding. The SLFRF has the potential to be used to connect many of the nation's unserved and underserved communities.

Through our work, Next Century Cities understands that no one size fits all solutions to the digital divide. There are countless local options available to address specific community barriers. To better assist communities in meeting their deployment needs, the Treasury should partner with municipal governments, anchor institutions, advocates, and community leaders to further the goals of the SLFRF. Local governments have a vested interest in connecting the parts of their communities that federal and state governments cannot reach. However, they are often noticeably absent from federal policy discussions, even when the debated policies directly affect them.

Beyond this proceeding, the Treasury should consider creating as many avenues for feedback and discussion as possible. Local leaders have key insights on how to improve SLFRF policy proposals in addition to promoting efficient and effective use of other broadband funding programs.



## **5. The IFR Must Be Aimed Directly at Addressing Community Needs and Reflect Community-Level Perspectives.**

COVID-19 transformed Internet connectivity into a must have resource for every resident in every community. Throughout the pandemic, people who did not have access to reliable, affordable broadband often faced insurmountable obstacles. The SLFRF is one more option for communities to fully connect their residents with jobs, healthcare, education, and each other. However, the Treasury must ensure that funding will adequately meet community needs.

Minimum broadband speeds must reflect the demands that have been placed on contemporary networks. Requiring new broadband infrastructure to be built with minimum speeds of 100 Mbps symmetrical reflects ever increasing needs. The Treasury has also highlighted the benefits of higher symmetrical speed standards. Building new networks at the outdated 25/3 Mbps standard ensures that new networks are obsolete as soon as they are completed.

The Treasury must also clarify the IFR to give communities the confidence that they will be able to put SLFRF funding to the best uses for their community. Specifically, highlighting the difference between unserved and underserved communities and the different challenges that accompany each. Combining these terms into one definition runs the risk of failing to address broadband adoption challenges in favor of singularly focusing on broadband deployment. Additionally, clarifying and adding specificity to the Treasury's definition of "reliably" will give communities more confidence in utilizing SLFRF funding.

Finally, the Treasury should engage with local officials as thought partners. Doing so will give the Treasury essential insight into unique, local challenges that hamper broadband deployment in communities nationwide. A better understanding of ongoing digital divides will improve policy remedies and funding programs in the future.

Respectfully Submitted,

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