April 3, 2020

Chairman Ajit V. Pai
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Local Officials Explain Why Broadband Has Been Essential For Emergency
            Response Efforts and Urge the Commission to Coordinate With Local
            Leadership on Broadband Deployment Strategies**

Dear Chairman Pai, Commissioners O'Rielly, Carr, Rosenworcel, and Starks:

Next Century Cities is a coalition of municipalities that are committed to ensuring that every resident has access to broadband. Our membership includes mayors, local elected officials, and their appointees that represent over 200 cities, towns, and counties across the United States. While local leaders are consumed with emergency response plans, they remain focused on working towards universal broadband access.

Containment efforts around the coronavirus ("COVID-19") threat have triggered a once unimaginable series of events. As almost all Americans have been impacted, most required to work and learn from their homes, the need for affordable and reliable connectivity is more urgent than ever. Julia Griffin, a town manager in New Hampshire, shared the impact on residents in unserved or woefully underserved communities. "As soon as the statewide closure was announced by our Governor, my phone and email blew up with queries from Hanover residents wondering what the Town could do to improve or provide broadband services." This crisis is an opportunity for the Federal Communications Commission ("FCC" or "Commission") to work with local officials to expand and improve networks already in place, while adopting new aggressive strategies to accelerate broadband deployment.

Local leaders continue to be confronted with illustrations of why reliable broadband access is critical for their residents in the age of COVID-19. While the FCC and Congress are working to ensure that Americans have access to high-speed connectivity, we can and need to do more. As Commissioner Starks noted, "[f]or the first time ever in responding to an emergency pandemic, Americans will rely on the internet

extensively for an indeterminate amount of time."[1] Given the critical nature of online services, such as remote learning and telemedicine programs, we need to ensure that every resident in every community has an opportunity to function during this emergency and thrive in the post-COVID-19 landscape.

School closures continue across the country. Broadband access allows educators to transition to online teaching formats, guaranteeing students ongoing opportunities to learn. Before this emergency, approximately one-fifth of students could not finish assignments at home because of a lack of reliable connectivity.[2] While their households may have access to cellular networks, mobile connections may not be suitable for online learning platforms and are not a substitute for fixed broadband connections. According to a Michigan State University study, students who are limited to cell phones as a means to get online outside of school experience as large, or larger, gaps in performance than those with reliable connections at home.[3] Further, over three million households with school age children did not have access to reliable broadband access at all.[4] School and library closings have only created additional obstacles for students who were already struggling to compete.

In the words of Aldona Valicenti, the Chief Information Officer of Lexington Fayette Urban County Government, "Our universities and schools are continuing education even with empty classrooms. We can do that because we have broadband. Many unserved and underserved areas cannot take part. This is an urgent wakeup call for the entire nation." Reducing the disparate impact on students without internet access has always been a priority for local leaders. Finding connectivity solutions for students in need must remain a top priority for the Commission as well.

Supporting telemedicine is equally important as we combat this public health crisis. Reliable broadband continues to be essential for connecting patients with their doctors, especially in rural areas where the closest clinic is often a significant distance from a patient's home. The FCC is to be commended for recent actions such as waiving

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[1] Commissioner Geoffrey Starks, To Fight Coronavirus, Millions More Americans Need Internet Access (Mar. 19, 2020), https://www.nytimes.com/2020/03/19/opinion/internet-broadband-coronavirus.html.

[2] *See* Monica Anderson and Andrew Perrin, Nearly one-in-five teens can't always finish their homework because of the digital divide (Oct. 26, 2018), https://www.pewresearch.org/fact-tank/2018/10/26/nearly-one-in-five-teens-cant-always-finish-their-homework-because-of-the-digital-divide/.

[3] Keith N. Hampton et al., Quello Center, Michigan State University, Broadband and Student Performance Gaps 5 (2020).

[4] *See* Laura Fishbane and Andie Tomer, As classes move online during COVID-19, what are disconnected students to do? (Mar. 20, 2020), https://www.brookings.edu/blog/the-avenue/2020/03/20/as-classes-move-online-during-covid-19-what-are-disconnected-students-to-do/.

E-Rate rules and extending deadlines for the Rural Healthcare Program.[5] Chairman Pai rightly stated that telehealth will play an increasingly important role in emergency response efforts as the CDC has recommended that patients who believe they are exhibiting symptoms use voice or video chat options to reach out to their healthcare providers to reduce the spread of COVID-19.

Recently the Senate passed the Coronavirus Aid, Relief and Economic Security (CARES) Act, which provides 200 million dollars to the FCC to bolster telehealth and telemedicine.[6] The Bill also provides 25 million dollars to the Rural Utilities Service for telemedicine and distance learning services in rural areas.[7] notably, the legislation is silent on how specifically the FCC is to use these funds to keep America connected.

Funds from the Senate bill should immediately be used to expand the E-Rate program, allowing schools and libraries to purchase hotspots and loan those devices to Americans of all ages who do not have internet access at home. Turning to the long-term goal of achieving ubiquitous broadband connectivity, the Commission should consider ways to strengthen and expand Lifeline, a program designed for emergency relief. It is the only federal telecommunications subsidy that helps low-income families to stay connected. Most importantly, the Commission should invest into building robust wireline networks which remain the back-bone of wireless connectivity.

At a time when patients in need of non-emergency care are being turned away from healthcare facilities to conserve resources for COVID-19 patients, telemedicine may be the only alternative. Local officials can attest that telemedicine initiatives depend on reliable broadband networks. Building reliable networks that reach communities in remote places requires federal policies that support local solutions. Naturally, the Commission should be supportive of municipal broadband networks, electric cooperatives, telephone cooperatives, and wireless internet service providers that connect unserved and underserved communities which the federal government cannot reach.

Importantly, municipal networks have helped residents to stay employed, access virtual classrooms, and benefit from telemedicine during this national emergency. According to Mayor Sean Coletti:

> The City of Ammon's fiber optic utility made it possible for residents to stay at home while continuing to attend school, work, conduct business, and receive medical treatment. Ammon is home to hundreds of employees of the Idaho National Laboratory. The Lab serves as one of the nation's premier nuclear research facilities and the fifth largest employer in the state. On March 17th, the

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[5] Press Release, FCC, FCC Waives Rural Health Care And E-rate Program Gift Rules To Promote Connectivity For Hospitals And Students During Coronavirus Pandemic (Mar. 18, 2020), https://docs.fcc.gov/public/attachments/DOC-363137A1.pdf.

[6] Coronavirus Aid, Relief and Economic Security Act, H.R. 748, 116th Cong. p. 670 (2020).

[7] *Id*. at 613.

Lab encouraged employees to work from home if possible and transitioned to 'minimum-safe plus' status on March 26th. Lab employees have found it seamless to convert to working from home with Ammon Fiber and the City is proud to play such a key role in keeping essential facilities like the INL operational.

The Broadband Deployment Advisory Committee ("BDAC") has advised the Commission on the importance of municipal networks. In its December 2018 draft of the State Model Code for Accelerating Broadband Infrastructure Deployment and Investment the committee stated that disadvantages to unserved and underserved communities extend far beyond health and education.[8] The lack of broadband in rural areas exacerbates and accelerates the ever-deepening cycle of economic and quality of life gaps between urban and rural residents.[9] The BDAC recommends that, in such cases, municipal leaders have an obligation to identify a strategy by which their constituents will have access to broadband services and the opportunities that therefore result.[10]

It is also worth noting that BDAC's draft model code does not allow state government enforcement agencies to deny a municipality's choice to build out its own network.[11] Federal and state policies should offer complementary support for local connectivity solutions and should not compete with one another. Accordingly, both should promote municipal network, electric cooperative, and telephone cooperative models that are able to provide high-speed access at low prices in otherwise unserved or underserved communities. Local network models feature high-adoption rates which contribute to economic mobility, upticks in educational outcomes, and improved community health. Further, as Mayor Jill Boudreau explains, Mount Vernon's municipal broadband network has also allowed the city to maintain operability for its residents during the COVID-19 shutdown in Washington.

> During the COVID-19 pandemic, we rely on video conferencing, completely online building permitting, online bill pay, and electronic resources in our public library just to name a few examples. The reliability and security of an institutional network has not only kept City functions operating, but our hospital, 911 center, and County government working at full capacity.

The FCC's advisory committees would benefit from local perspectives. Local officials have the clearest view of what their communities need, yet they are noticeably absent from FCC advisory committees. Still, they would like to work with the Commission on brainstorming new ways to expand deployment and improve current

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[8] Broadband Deployment Advisory Committee, Federal Communications, Draft State Model Code for Accelerating Broadband Infrastructure Deployment and Investment at page 48 (2018) *available at* https://www.fcc.gov/sites/default/files/bdac-12-06-2018-model-code-for-states-approved-rec.pdf.

[9] *Id*.

[10] *Id.*

[11] *Id.* at 50.

infrastructure. For example, local officials have valuable insights on ways to improve One-Touch Make Ready or "dig once policies." They also have expertise in assessing what resources are available and challenges associated with building out existing infrastructure. Collaboration is not only integral for current response efforts, but directly related to preparedness for the next pandemic.

Additionally, as we have discussed in previous filings,[12] the Commission should revise its definition of broadband by increasing minimum speeds. Oftentimes a slow connection is functionally equivalent to no connection at all. Increasing benchmark speeds is not only useful, but necessary for baseline functionality when households are required to work and learn from home. The current minimums were not designed to accommodate, for example, completing online educational classes, video conferencing applications, and other daily digital functions concurrently. As more households rely on broadband for an increasing number of high-bandwidth applications, such as internet of things devices, faster broadband speeds are required.[13] Simply, increasing the minimum speeds would increase efficiency for consumers while reflecting the increased demand placed on networks writ large.

Most internet service providers ("ISPs") have been offering speeds in excess of the national standard. For example, in the first half of 2017, six of the seven U.S. internet service provider's speeds exceeded 25Mbps including Comcast's speeds which measured above 65Mbps.[14] The Commission's own Measuring Broadband America Report notes that the median download speed in September of 2017 was 72Mbps.[15] Given that ISPs are advertising faster speeds, and have the capacity to roll out speeds of up to 1 Gbps, increasing the national standard would help ease the emergency needs while simultaneously reflecting the capabilities of current broadband technologies. For small providers that may lack the resources to comply, the FCC could work with those carriers to increase interconnection capability and identify exceptions as necessary.

We strongly urge the Commission to work with local officials – within and beyond our coalition – to develop lasting connectivity solutions. Local leaders have the expertise and a vested interest in building networks communities that federal and state governments are unable to reach. They can also provide valuable insights on how the agency's policies trickle down to local networks.

> Respectfully submitted,
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> Next Century Cities

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[12] *See* Comments of Public Knowledge, Next Century Cities, and Common Cause, GN Docket No. 19-285 at 2-8 (Nov. 22, 2019) (NCC Comments); *See also* Reply Comments of Public Knowledge, Next Century Cities, and Common Cause, GN Docket No. 19-285 at 1-4 (Dec. 9, 2019) (NCC Reply Comments).

[13] NCC Comments at 6-7.

[14] *Id*. at 7.

[15] *Id*. at 8