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April 23, 2021

The Honorable Michael Doyle, Chairman
The Honorable Robert Latta, Ranking Member
Subcommittee on Communications and Technology
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Doyle and Ranking Member Latta:

The National League of Cities is pleased to provide this letter for the record on a topic critical to the nation's more than 19,000 cities, towns and villages of all sizes: broadband equity. City leaders are eager to work with the Subcommittee on closing the digital divide and addressing the inequities that have disproportionately burdened some communities more than others. Thank you for giving this issue the attention it deserves.

There is no silver bullet for closing the digital divide, but there are many ways Congress and cities can partner to build locally-driven broadband solutions from the ground up. The approach America has taken so far to broadband has not worked: too many American households and businesses remain cut off from reliable internet access, either because of a lack of infrastructure or because of outdated, inequitably distributed, or unaffordable options. These challenges echo and amplify the existing inequities faced by communities of color and low-income families in particular.

Support Broadband Infrastructure Investments in Both Rural and Urban Places

Congress has focused a great deal of attention in recent years on the rural digital divide, and for good reason – residents in rural areas are significantly less likely to have broadband access than their urban counterparts. Programs such as the U.S. Department of Agriculture's ReConnect grant and loan fund are critical ways to support remote communities in desperate need of infrastructure investment, and Congress should continue to fund and hold accountable these rural-focused programs.

However, lack of broadband access is not strictly a rural issue – particularly when probing deeper than the Federal Communications Commission's Form 477 data. According to the most recent American Community Survey data, most Americans without broadband at home

live in urban and suburban areas.¹ This persists for a variety of reasons. In some cases, residents have been faced by “digital redlining” from incumbent providers who cherry-picked the most profitable neighborhoods for investment.² In other cases, infrastructure has not been maintained and upgraded to keep up with the rising demand for higher bandwidth and upload speeds than the outdated federal 25/3Mbps standard.

And in far too many places, the available fixed service broadband options, regardless of service quality, are unaffordable for families. In many cases, these households rely solely on a smartphone for connectivity. Nonwhite households, rural households, and lower-income households are significantly likelier to report relying solely on a mobile device for broadband – and were disproportionately disadvantaged during the pandemic when activities from participating in school to securing a COVID-19 vaccine appointment shifted online.³ Mobile service is critical, but not interchangeable, with fixed in-home broadband connections. While by some measures, these households may be “served,” a household with outdated DSL service or reliant on a smartphone for their computing and connectivity needs cannot in any meaningful sense be considered fully connected.

Empower Local Leadership and Local Decisions

Because the nature of the digital divide is different in every community, the solutions to it must also be uniquely tailored by community. Congress must actively partner with cities, towns and villages to ensure that federal broadband infrastructure and digital equity efforts meet local needs and empower local decision-making. Nobody is more intimately familiar with the local landscape, or more eager to reap the benefits of connectivity, than city leaders.

Partnering with local leaders on solutions means removing legal obstacles to community broadband. Community broadband is not the solution to every city’s connectivity challenges, but in half of all states, it is not even an option. In places where they have been allowed, community broadband networks have provided excellent, affordable service, often in places that would otherwise have been passed because of their unprofitable location. States with restrictions on community broadband see a direct hit to connectivity – broadband availability rates are roughly three percent lower than in their less-restrictive peers.⁴ Models ranging from fully public broadband utilities, to co-ops, public-private partnerships, and open access networks have found success in communities across the country. When communities are

¹ Brookings, “Digital prosperity: How broadband can deliver health and equity to all communities.” February 27, 2020. <https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/>

² National Digital Inclusion Alliance, “AT&T’s Digital Redlining Of Cleveland.” March 10, 2017. <https://www.digitalinclusion.org/blog/2017/03/10/atts-digital-redlining-of-cleveland/>

³ Pew Research Center, “Smartphones help blacks, Hispanics bridge some – but not all – digital gaps with whites.” August 20, 2019. <https://www.pewresearch.org/fact-tank/2019/08/20/smartphones-help-blacks-hispanics-bridge-some-but-not-all-digital-gaps-with-whites/>

⁴ Whitacre, Brian and Gallardo, Robert. “State broadband policy: Impacts on availability.” *Telecommunications Policy*, October 2020. <https://doi.org/10.1016/j.telpol.2020.102025>

willing and able to put their own skin in the game and invest in their own broadband futures, they should be permitted to do so, without state interference.

Further, Congress must roll back federal and state limitations on cable franchise agreements and restrictions on local management of wireless infrastructure on municipal property. These limitations have harmed the ability of local governments to make direct investments, conduct holistic planning for connectivity needs, and hold providers accountable. Nearly a third of Americans who have broadband access do so via cable technology⁵ – which is only so ubiquitous because of the comprehensive buildout requirements negotiated in decades past by local governments. These negotiations between local governments and telecommunications companies have been a critical tool for protecting residents and consumers and must be restored.

Supporting local decision-making also means ensuring that local governments are eligible participants in current and future federal broadband infrastructure and digital inclusion programs. Most federal broadband infrastructure funds have been designed to support and incentivize traditional internet service providers, with local governments having very little say about where or how federal broadband funds are directed. Even very recent programs, such as the Emergency Broadband Benefit and Emergency Connectivity Fund, have cut out local governments from direct participation. Cities, towns and villages must be able to access federal programs to support digital inclusion capacity-building, planning, skills training, affordability programs, and construction of physical infrastructure.

Improve Federal Programs to Focus on Equity

Finally, Congress should take this opportunity to make longer-term changes to key federal programs and definitions so that federal investments are stronger and more equitable for the future and meet current and anticipated technological needs. These changes must include the establishment of a permanent broadband benefit and updating broadband data collection to 21st-century standards.

The Emergency Broadband Benefit has the potential to be a game-changer for eligible households. Local governments are eager to help these families enroll and gain access to home computers and affordable broadband. However, NLC remains concerned about what will happen to those households when the pandemic emergency concludes, and the benefit runs out or expires. Even as schools and public buildings begin to reopen, the need for home connectivity will remain. Our residents deserve a permanent program that recognizes the essential nature of broadband and does not cannibalize existing Lifeline phone service support.

Congress must also prioritize ensuring that leaders at all levels of government have access to quality, granular data about broadband availability that enables them to plan accurately

⁵ NCTA — The Internet & Television Association, “Broadband Facts and Stats.” <https://www.ncta.com/broadband-facts>

and effectively and maximize the value of infrastructure investments. While laudable efforts are being made to gradually improve federal maps, communities cannot wait indefinitely for map data that clearly shows on a street level what broadband service is available, at what speeds, and at what cost to residents. Without that information, local leaders are unable to clearly identify inequities, effectively target investments for the future, or hold providers and programs accountable to their commitments.

Congress Must Partner with Cities, Towns and Villages on Our Broadband Future

Our communities have learned and continue to learn critical lessons during the COVID-19 pandemic. Leaders at every level of government, along with private and nonprofit leaders, worked furiously throughout the pandemic to connect families with emergency solutions, such as mobile hotspots, donated devices, and public wi-fi access points in parks. However, these are temporary measures, and more work needs to be done to address the root causes behind the digital divide. NLC encourages Congress to build on the groundwork laid by local leaders to ensure that federal solutions uplift sustainable, locally led solutions. America's cities, towns and villages look forward to partnering to develop a broadband plan that promotes equity and places our nation on a firm footing for the digital future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clarence E. Anthony', with a long horizontal flourish extending to the right.

Clarence E. Anthony
CEO & Executive Director
National League of Cities