

Documents for the record – “Oversight of President Biden’s Broadband Takeover”

Minority

1. OpEd by Judd Hinkle re Broadband for Tribal Communities, November 20, 2023
2. Comments submitted to the FCC by the Coalition of Rural Wireless Carriers re 5G for Rural America, November 21, 2023
3. Letter from Council Delegate Amber Kanazbah Crotty, 25th Navajo Nation Council re ACP, November 28, 2023
4. American Experiences Survey Report by Consumer Reports re Broadband, November 2023
5. Press Release from National Urban League and National Action Network re Digital Discrimination, November 17, 2023
6. Article from Broadband Breakfast re BEAD and ACP, November 15, 2023
7. Washington Post OpEd re Net Neutrality, October 28, 2023



ARIZONA

ECONOMY

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COMMENTARY

We want to help more tribal communities get connected, but we need Congress to act

| JUDD HINKLE

NOVEMBER 20, 2023 1:26 PM



Image via Getty Images

Today, school-aged children on local tribal lands are boarding buses to and from school with an internet connection that allows them to do their homework and make productive use of the four-hour roundtrip commute. For many, this is the first reliable internet connection they've ever had, and it's key to closing the homework gap in our region.

For more than 25 years, Cellular One has been working hard to solve problems such as this and ensure everyone across the Four Corners region has access to a reliable, secure, wireless connection.

When we started, less than 40% of households on tribal lands had a phone connection of any kind, wired or wireless. Today that number has grown to more than 90%. We're especially proud of the work we've done to connect our local students – Cellular One's network supports 90 tribal schools, and we are the largest last-mile provider for the Bureau of Indian Education.



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Over the past few decades, this progress has been aided by smart government programs. Those include the Emergency Connectivity Fund (ECF), a pandemic era program which helped schools and libraries provide access to connectivity and devices to their students to use at home, and the Affordable Connectivity Program (ACP), which provides monthly discounts on wired or wireless service up to \$30 to low-income households and up to \$75 to eligible households on qualified tribal lands.

The ECF was a huge help getting students connected during the pandemic, enabling schools and libraries to distribute free hotspot devices to those in need. Today, the ACP is keeping those students connected so they can do their homework on those long bus rides and at home, providing a subsidy that 40,000 of our customers are applying to their wireless bill for cellphones, hotspots, and more.

These programs have had a big impact, but they aren't enough. To get and keep all Americans connected, the government must build out these programs and pursue additional smart policies, such as fully funding and extending the ACP and ensuring that America's mobile networks have the spectrum needed to expand access and meet demand.

Spectrum refers to the invisible airwaves that carry wireless communications. Since 1987, Congress had allowed the Federal Communications Commission to auction spectrum, enabling carriers to build the foundation of wireless service. Auctions have been particularly important to smaller, regional carriers like us,

enabling competition with the bigger providers and helping us bring enhanced coverage and service to our community.

But in March, Congress let the FCC's authority to auction spectrum expire. Without a steady stream of spectrum, progress throughout the nation will be halted, and rural and tribal communities will bear the brunt of this change.

This will constrain our ability to expand coverage, and it means that customers across the regions we serve won't experience the faster speeds, enhanced coverage, and innovative apps and services that will run on tomorrow's networks. And in this digital era, that can really hurt our students, our local economy, and the future of this region.

If anyone doubts the importance of wireless service to rural and tribal lands, they need only look at how communities respond when service expands. New towers built on our tribal lands are often welcomed with blessing ceremonies.

A recent blessing ceremony at the tower site in New Mexico was led by Medicine Man Herbert Harvey to celebrate the expansion of LTE voice and mobile broadband coverage to the Beclabito, Cottonwood Circle, and Star Lake communities and important travel corridors, including Highway 64 between Shiprock and Kayenta.

It's easy to see why these towers and the new coverage and capacity they bring are such a blessing to the communities we serve. The connectivity they provide is giving our students access to the internet to do their homework at home and on the bus, helping folks in our communities start and expand their businesses, allowing residents in our area to make virtual visits to doctors that may be located hours away, and providing our public safety officials with more tools and touchpoints to help individuals facing emergencies in remote and rural locations.

We're proud of how we've helped our communities get and stay connected, and we want to continue offering the area's best cell service and network. But to get there, we need Congress to reauthorize the FCC to hold these important spectrum auctions, and federal stakeholders to work together to allocate more spectrum for wireless providers to license to support the evolution of our networks and needs of our customers.

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JUDD HINKLE

Judd Hinkle is CEO of Smith Bagley, Inc. (DBA Cellular One). He has over 20 years of telecommunications experience in both international and domestic telecom operations and leadership. Under Mr. Hinkle's leadership since 2014, Smith Bagley has embraced cutting-edge technologies, adapted to changing market dynamics, and continued to forge strong partnerships with the Native American nations the Cellular One network serves.

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INSIGHTFUL. INVESTIGATIVE. INDEPENDENT.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Establishing a 5G Fund for Rural America)	GN Docket No. 20-32
)	
)	

REPLY COMMENTS OF COALITION OF RURAL WIRELESS CARRIERS

The Coalition of Rural Wireless Carriers (“CRWC”), by counsel, hereby submits these Reply Comments, in response to the Further Notice of Proposed Rulemaking adopted by the Commission in the above-captioned docket.¹

I. To Increase Efficient Use of Scarce Government Funding, 5G Fund Support Should Leverage Fiber Projects Constructed With BEAD Program Support

In its comments, CRWC explained that 5G Fund support would be distributed more efficiently if the Commission allows BEAD Program support to lead, so that new BEAD-funded fiber can be used to connect towers built with 5G Fund support, and to increase capacity at existing towers currently using microwave backhaul. Other commenters agree.

T-Mobile pointed out that NTIA’s Notice of Funding Opportunity for the BEAD Program contemplates that BEAD deployments will “support the development of 5G, successor wireless

¹ *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Further Notice of Proposed Rulemaking, FCC 23-74, (Sept. 22, 2023) (“*Further Notice*”).

technologies, and other advanced services,”² and urges the Commission to “maximize the impact of the 5G Fund and minimize inefficient overbuilding by holding the 5G Fund Phase I Auction after pending wireless industry developments have been resolved.”³

Likewise, Verizon anticipates an auction in 2025 or later, when the BDC maps:

will also reflect the initial impact of grants from the Broadband Equity, Access, and Deployment (BEAD) program, Middle Mile Grant Program, and other government infrastructure programs for the deployment of towers, fiber, and other infrastructure that may help to support expanded rural mobile broadband coverage.⁴

Scarce public resources must be invested efficiently to expand both fixed and mobile broadband to the greatest extent possible. Given that fiber connections to towers are needed to deliver high-quality mobile broadband services, it makes sense to use BEAD funds to build underlying fiber networks first, and then leverage those investments to deliver mobile broadband. The less 5G Fund support used to invest in fiber, the farther the fund will stretch.

In sum, the most likely path to investing 5G Fund support efficiently and minimizing the opportunity for overbuilding is to improve mobile BDC mapping data and allow the BEAD Program and related projects to deploy substantial fiber resources to rural America that can be leveraged by 5G Fund awardees.

² See NTIA, Notice of Funding Opportunity: Broadband Equity, Access, and Deployment Program at 42 (May 2022), <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> (quoting Infrastructure Act § 60102(a)(1)(I)).

³ T-Mobile Comments at p. 7.

⁴ Verizon Comments at pp. 4-5.

II. Commenters Focused on Rural America Support CRWC’s Proposal That Any Area Lacking 35/3 Mbps Should be Eligible for 5G Fund Support.

In its comments, CRWC urged the Commission to follow its Congressional directive that every American living in a rural area deserves to have access to services that are reasonably comparable to those in urban areas.⁵ Under the current proposal, areas served by a mobile broadband carrier providing speeds just above the 7/1 Mbps with 5G eligibility threshold will receive no universal service investments. In such areas, the digital divide will likely be wider in ten years than it is today. Accordingly, any area currently lacking mobile broadband at a median download speed of 35 Mbps and upload speed of 3 Mbps, with 90% cell edge reliability, with no more than 100 milliseconds (“ms”) of latency, should be made eligible for 5G Fund support. Commenters focused on serving rural Americans agree.⁶

Setting an eligibility threshold at 7/1 Mbps with 5G technology is not sufficiently ambitious. Indeed, a policy choice to leave behind areas just above the proposed 7/1 Mbps threshold risks frustrating the Congressional and Commission goal of promoting digital equity and inclusion.⁷ Congress has expressed the sense that “achieving digital equity for all people of the United States requires additional and sustained investment and research efforts.”⁸ It is axiomatic that without access, there can be no equity or inclusion. CRWC again urges the

⁵ See 47 U.S.C. § 254(b)(3).

⁶ See AST & Science Comments at p. 13; CCA Comments at p. 8; RWA Comments at p. 3; UScellular Comments at pp. 26-29.

⁷ See 47 U.S.C. § 1721(10) defining digital equity as “the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.”

⁸ See 47 U.S.C. §1722(3).

Commission to, in the words of Chairwoman Rosenworcel, “set bigger goals in order to get big things done.”⁹

Finally, the Commission should not assume that areas currently being served by 4G LTE networks will receive 5G-level services without the benefit of some form of high-cost support, including on remote Tribal lands. In CRWC’s experience, few carriers have extended high-quality 5G services out beyond the main towns and highways in rural America, and in large parts of the country there is no profitable business model to do so in the foreseeable future. The Commission’s most recent BDC mapping data bear this out and most commenters who weighed in agree with this assessment.¹⁰ Accordingly, if the Commission concludes that it cannot adopt CRWC’s policy prescriptions, it is critical that the Commission reject the 4G LTE eligibility threshold set forth in the *5G Fund Order*, which would cripple the 5G Fund by blocking from eligibility any area having unsubsidized 4G LTE service and set rural America back.

III. The Commission Should Adopt an Opt-In Transitional Support Mechanism to Preserve and Expand Services in Remote High-Cost Areas.

In its comments, CRWC advocated for preserving legacy high-cost support in areas with less than 100 people per square mile, with performance and accountability measures to accelerate 5G infrastructure investment and support the ongoing provision and maintenance of

⁹ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Seventeenth Section 706 Report Notice of Inquiry, FCC 23-89, GN Docket No. 22-270 (Nov. 1, 2023) at p. 30, accessed at <https://docs.fcc.gov/public/attachments/FCC-23-89A1.pdf>.

¹⁰ AST Comments at pp. 12-13; CCA Comments at p. 6; RWA Comments at pp. 2-3; UScellular Comments at pp. 29-34.

service in areas that have historically lacked access to services that are reasonably comparable to those in urban areas.¹¹

RWA and NTCA suggested similar plans, allowing carriers to opt-in to model support for mobile broadband, removing them from the 5G Fund auction.¹² Like CRWC's proposal, RWA's plan would target support to improving and preserving high-cost and difficult to serve areas, without regard to the size of the carrier providing service. NTCA's plan, by contrast, would offer model support only to small carriers, irrespective of community needs.¹³

All high-cost support mechanisms should focus on the communities that need investment, not on the size of the carrier providing service. If a remote area is difficult to serve and rural citizens depend on an existing carrier for mobile coverage and broadband access, the Commission must support the area, irrespective of the size of the carrier. For example, large price cap carriers have drawn legacy high-cost support and Connect America Fund support when serving remote areas. This has been a foundational universal service principle flowing directly from the 1996 Act and affirmed in the courts.¹⁴

In its comments, CRWC advocated for the adoption of an opt-in mechanism that would allow legacy high-cost support carriers serving high-cost areas to retain all or a portion of their legacy support in exchange for accelerating investment in 5G networks and maintaining service

¹¹ See *also* UScellular Comments at pp. 37-41.

¹² RWA Comments at p. 11-12.

¹³ NTCA Comments at pp. 3-6.

¹⁴ 47 U.S.C. § 254(b)(3); *Alenco Communications, Inc. v. FCC*, 201 F.3d 608, 621 (5th Cir. 2000) ("The purpose of universal service is to benefit the customer, not the carrier.").

for ten years. In furtherance of this plan, CRWC has attached as Exhibit 1 a proposed revision to Section 54.307 of the Commission's rules. CRWC's proposed rule change would not exclude any carrier currently operating facilities in eligible high-cost areas and is intended to prevent instances of decommissioning of network equipment previously built with high-cost support.

In many rural areas, CRWC members are operating towers that do not generate sufficient revenues to meet their ongoing operating and capital maintenance needs, making future upgrades difficult at best. CRWC members have observed that when unsubsidized carriers acquire a supported carrier, some towers in remote areas are decommissioned.

CRWC's proposal can be summarized as follows:

- A legacy support carrier should be given the option to submit a plan to use all or a portion of its legacy high-cost support to build and maintain 5G services within its existing ETC service area where the population is less than 100 people per square mile (or 50 people per square mile on Tribal lands). A carrier is in the best position to know where it can build out 5G service with available support.
- The carrier must commit to provide 5G service at qualifying performance standards to 100% of the area it commits to serve within five years, and maintain service at that standard for ten years.
- The Commission controls whether proposed plans are approved.
- Support would be provided on a monthly basis.
- Grant areas would be removed from the 5G Fund auction.
- Carriers must submit periodic progress reports and submit to accountability measures similar to those of other 5G Fund grantees.

Under CRWC's proposed opt-in rule, a carrier could demonstrate the need to retain legacy high-cost support, continue to serve the areas currently covered, while still competing for 5G Fund support to serve nearby eligible areas. CRWC urges the Commission to adopt its

proposed opt-in rule to accelerate 5G roll-outs in areas where carriers have already been investing legacy high-cost support.

IV. The Consolidated Appropriations Act Requires that Legacy High-Cost Support be Phased Down When 5G Fund Support Commences.

Under the Consolidated Appropriations Act, the phase down of legacy high-cost support can only begin when support under the new 5G Fund mechanism commences. No commenter disagreed with CRWC’s advocacy on this point.¹⁵ 5G Fund support will not commence at the time of a public notice announcing auction winners, but instead will commence following the Commission’s public notices announcing awards of support to those auction winners submitting acceptable long-form applications, associated certifications and documentation. The Commission must follow Congress’ directive that legacy support be phased down only after 5G Fund support commences.

V. Accurate Mapping Data and a Robust Factual Record Should be Used to Determine the 5G Fund Budget.

Commenters agreed with CRWC that the only evidence in the record regarding the cost of upgrading rural America’s 5G coverage and throughput to an acceptable level is a two year old study from CostQuest Associates.¹⁶ In 2020, the Commission established a \$9 billion “budget” without the benefit of any record evidence as to whether that number was sufficient

¹⁵ See, e.g., CCA Comments at p. 24; RWA Comments at p. 10.

¹⁶ See AST & Science Comments at p. 5; CCA Comments at pp. 16-21; RWA Comments at p. 7; UScellular Comments at p. 24.

to meet Congressional objectives, a decision criticized by then-Commissioner Rosenworcel and Commissioner Starks.¹⁷

CCA agrees that the Commission needs to use accurate and current data to establish a budget before it moves forward with an auction.¹⁸ Indeed, the Commission has set out to develop more accurate mobile BDC mapping data for the express purpose of determining where the broadband is, and is not.¹⁹ It now only makes sense to set a budget based on those maps, when they are deemed to be sufficiently accurate.²⁰

Other commenters raise a fair point that increasing the 5G Fund budget could increase the universal service contribution factor.²¹ That however, should not stop the Commission from measuring what's needed to fulfill perhaps the most important of the seven intelligible universal principles that Congress established -- that both information and telecommunications services in rural areas should be "reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas."²²

¹⁷ *Establishing a 5G Fund for Rural America*, GN Docket No. 20-23, Report and Order, 35 FCC Rcd 12174 (2020) accessed at <https://www.fcc.gov/edocs/search-results?t=quick&fccdaNo=20-150> (Separate Statements of Commissioner Jessica Rosenworcel and Commissioner Geoffrey Starks).

¹⁸ CCA Comments at pp. 15-16.

¹⁹ CTIA Comments at p. 4; UScellular Comments at pp. 21-22. CRWC suggests two iterations of the mobile broadband map that have been subject to a robust challenge process and supported with crowdsourced data will be needed.

²⁰ CCA Comments at p. 16; AST & Science Comments at p. 2.

²¹ AT&T Comments at pp. 2-4; Verizon Comments at p. 6.

²² 47 U.S.C. §254(b)(3).

Once the Commission establishes how much total funding and support are needed to close the mobile gap in rural America, solutions can be explored, including for example, reform of the FCC’s contribution mechanism or a one-time Congressional appropriation. If the Commission concludes that the tools it has been given by Congress will not produce a sustainable solution, it may ask Congress for direction as to how best to proceed.²³ What the Commission must avoid is moving forward with an ill-defined auction budget that would contravene the specific Congressional directive that there be “predictable and sufficient Federal and State mechanism to preserve and advance universal service.”²⁴

* * * * *

²³ For example, a report to Congress stating that additional support is needed to fulfill 5G Fund objectives may drive Congress to finish work on the “Lowering Broadband Costs for Consumers Act of 2023,” a bill introduced last week that would reform the universal service contribution mechanism. See [LBCCA 2023.pdf - Google Drive](#).

²⁴ 47 U.S.C. § 254(b)(5).

VI. CONCLUSION.

CRWC thanks the Commission for the opportunity to present these policy proposals which will preserve high-quality mobile wireless coverage and broadband services in rural America.

Respectfully submitted,

COALITION OF RURAL WIRELESS CARRIERS

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November 21, 2023

Exhibit 1

Proposed Amendment to 47 C.F.R. § 54.307

Title 47 – Telecommunication

Chapter I – Federal Communications Commission

Subchapter B – Common Carrier Services

Part 54 – Universal Service

Subpart D – Universal Service Support for High Cost Areas

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, 1601–1609, and 1752, unless otherwise noted.

Source: 62 FR 32948, June 17, 1997, unless otherwise noted.

§ 54.307 Support to a competitive eligible telecommunications carrier.

- (a) *Calculation of support.* A competitive eligible telecommunications carrier shall receive universal service support to the extent that the competitive eligible telecommunications carrier captures the subscriber lines of an incumbent local exchange carrier (LEC) or serves new subscriber lines in the incumbent LEC's service area.
 - (1) A competitive eligible telecommunications carrier serving loops in the service area of a rural incumbent local exchange carrier, as that term is defined in § 54.5 of this chapter, shall receive support for each line it serves in a particular service area based on the support the incumbent LEC would receive for each such line, disaggregated by cost zone if disaggregation zones have been established within the service area pursuant to § 54.315 of this subpart. A competitive eligible telecommunications carrier serving loops in the service area of a non-rural incumbent local exchange carrier shall receive support for each line it serves in a particular wire center based on the support the incumbent LEC would receive for each such line. A competitive eligible telecommunications carrier serving loops in the service area of a rate-of-return carrier shall be eligible to receive Interstate Common Line Support for each line it serves in the service area in accordance with the formula in § 54.901.
 - (2) A competitive eligible telecommunications carrier that uses switching purchased as unbundled network elements pursuant to § 51.307 of this chapter to provide the supported services shall receive the lesser of the unbundled network element price for switching or the per-line DEM support of the incumbent LEC, if any. A competitive eligible telecommunications carrier that uses loops purchased as unbundled network elements pursuant to § 51.307 of this chapter to provide the supported services shall receive the lesser of the unbundled network element price for the loop or the incumbent LEC's per-line payment from the high-cost loop support, LTS, and Interstate Common Line Support mechanisms, if any. The incumbent LEC providing nondiscriminatory access to unbundled network elements to such competitive eligible telecommunications carrier shall receive the difference between the level of universal service support provided to the competitive eligible telecommunications carrier and the per-customer level of support that the incumbent LEC would have received.
 - (3) A competitive eligible telecommunications carrier that provides the supported services using neither unbundled network elements purchased pursuant to § 51.307 of this chapter nor wholesale service purchased pursuant to section 251(c)(4) of the Act will receive the full amount of universal service support that the incumbent LEC would have received for that customer.

- (b) In order to receive support pursuant to this subpart, a competitive eligible telecommunications carrier must report to the Administrator the number of working loops it serves in a service area pursuant to the schedule set forth in paragraph (c) of this section. For a competitive eligible telecommunications carrier serving loops in the service area of a rural incumbent local exchange carrier, as that term is defined in § 54.5, the carrier must report, by customer class, the number of working loops it serves in the service area, disaggregated by cost zone if disaggregation zones have been established within the service area pursuant to § 54.315. For a competitive eligible telecommunications carrier serving loops in the service area of a non-rural telephone company, the carrier must report the number of working loops it serves in the service area, by customer class if the non-rural telephone company receives Interstate Common Line Support pursuant to § 54.901 and by disaggregation zone if disaggregation zones have been established within the service area pursuant to § 54.315 of this subpart, and the number of working loops it serves in each wire center in the service area. For universal service support purposes, working loops are defined as the number of working Exchange Line C&WF loops used jointly for exchange and message telecommunications service, including C&WF subscriber lines associated with pay telephones in C&WF Category 1, but excluding WATS closed end access and TWX service. Competitive eligible telecommunications carriers providing mobile wireless service in an incumbent LEC's service area shall use the customer's billing address for purposes of identifying the service location of a mobile wireless customer in a service area.
- (c) A competitive eligible telecommunications carrier must submit the data required pursuant to paragraph (b) of this section according to the schedule.
- (1) No later than July 31st of each year, submit data as of December 31st of the previous calendar year;
 - (2) No later than September 30th of each year, submit data as of March 31st of the existing calendar year;
 - (3) No later than December 30th of each year, submit data as of June 30th of the existing calendar year;
 - (4) No later than March 30th of each year, submit data as of September 30th of the previous calendar year.
- (d) *Newly designated eligible telecommunications carriers.* Notwithstanding the deadlines in paragraph (c) of this section, a carrier shall be eligible to receive support as of the effective date of its designation as an eligible telecommunications carrier under section 214(e)(2) or (e)(6), provided that it submits the data required pursuant to paragraph (b) of this section within 60 days of that effective date. Thereafter, the eligible telecommunications carrier must submit the data required in paragraph (b) of this section pursuant to the schedule in paragraph (c) of this section.
- (e) *Support Beginning January 1, 2012.* Competitive eligible telecommunications carriers will, beginning January 1, 2012, receive support based on the methodology described in this paragraph and not based on paragraph (a) of this section.
- (1) *Baseline Support Amount.* Each competitive eligible telecommunication carrier will have a "baseline support amount" equal to its total 2011 support in a given study area, or an amount equal to \$3,000 times the number of reported lines for 2011, whichever is lower. Each competitive eligible telecommunications carrier will have a "monthly baseline support amount" equal to its baseline support amount divided by twelve.
 - (i) "Total 2011 support" is the amount of support disbursed to a competitive eligible telecommunication carrier for 2011, without regard to prior period adjustments related to years other than 2011 and as determined by the Administrator on January 31, 2012.

(ii) For the purpose of calculating the \$3,000 per line limit, the average of lines reported by a competitive eligible telecommunication carrier pursuant to line count filings required for December 31, 2010, and December 31, 2011 shall be used. The \$3,000 per line limit shall be applied to support amounts determined for each incumbent study area served by the competitive eligible telecommunications carrier.

(2) *Monthly support amounts.* Competitive eligible telecommunications carriers shall receive the following support amounts, except as provided in paragraphs (e)(3) through (8) of this section.

(i) From January 1, 2012, to June 30, 2012, each competitive eligible telecommunications carrier shall receive its monthly baseline support amount each month.

(ii) From July 1, 2012 to June 30, 2013, each competitive eligible telecommunications carrier shall receive 80 percent of its monthly baseline support amount each month.

(iii) Beginning July 1, 2013, each competitive eligible telecommunications carrier shall receive 60 percent of its monthly baseline support amount each month.

(3) *Delayed Phase Down for Remote Areas in Alaska.* Certain competitive eligible telecommunications carriers serving remote areas in Alaska shall have their support phased down on a later schedule than that described in paragraph (e)(2) of this section.

(i) *Remote Areas in Alaska.* For the purpose of this paragraph, "remote areas in Alaska" includes all of Alaska except;

(A) The ACS-Anchorage incumbent study area;

(B) The ACS-Juneau incumbent study area;

(C) The fairbankszone1 disaggregation zone in the ACS-Fairbanks incumbent study area; and

(D) The Chugiak 1 and 2 and Eagle River 1 and 2 disaggregation zones of the Matanuska Telephone Association incumbent study area.

(ii) *Carriers Subject to Delayed Phase Down.* A competitive eligible telecommunications carrier shall be subject to the delayed phase down described in paragraph (e)(3) of this section to the extent that it serves remote areas in Alaska, and it certified that it served covered locations in its September 30, 2011, filing of line counts with the Administrator. To the extent a competitive eligible telecommunications carrier serving Alaska is not subject to the delayed phase down, it will be subject to the phase down of support on the schedule described in paragraph (e)(2) of this section.

(iii) *Baseline for Delayed Phase Down.* For purpose of the delayed phase down for remote areas in Alaska, the baseline amount for each competitive eligible telecommunications carrier subject to the delayed phase down shall be the annualized monthly support amount received for June 2014 or the last full month prior to the implementation of Mobility Fund Phase II, whichever is later.

(iv) *Monthly Support Amounts.* Competitive eligible telecommunications carriers subject to the delayed phase down for remote areas in Alaska shall receive the following support amounts, except as provided in paragraphs (e)(4) through (e)(6) of this section.

(A) From July 1, 2014 to June 30, 2015, each competitive eligible telecommunications carrier shall receive 80 percent of its monthly baseline support amount each month.

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- (B) From July 1, 2015, to June 30, 2016, each competitive eligible telecommunications carrier shall receive 60 percent of its monthly baseline support amount each month.
 - (C) From July 1, 2016, to June 30, 2017, each competitive eligible telecommunications carrier shall receive 40 percent of its monthly baseline support amount each month.
 - (D) From July 1, 2017, to June 30, 2018, each competitive eligible telecommunications carrier shall receive 20 percent of its monthly baseline support amount each month.
 - (E) Beginning July 1, 2018, no competitive eligible telecommunications carrier serving remote areas in Alaska shall receive universal service support pursuant to this section.
- (v) *Interim Support for Remote Areas in Alaska.* From January 1, 2012, until June 30, 2014 or the last full month prior to the implementation of Mobility Fund Phase II, whichever is later, competitive eligible telecommunications carriers subject to the delayed phase down for remote areas in Alaska shall continue to receive the support, as calculated by the Administrator, that each competitive telecommunications carrier would have received under the frozen per-line support amount as of December 31, 2011 capped at \$3,000 per year, provided that the total amount of support for all such competitive eligible telecommunications carriers shall be capped pursuant to paragraph (e)(3)(v)(A) of this section.
- (A) *Cap Amount.* The total amount of support available on an annual basis for competitive eligible telecommunications carriers subject to the delayed phase down for remote areas in Alaska shall be equal to the sum of “total 2011 support,” as defined in paragraph (e)(1)(i) of this section, received by all competitive eligible telecommunications carriers subject to the delayed phase down for serving remote areas in Alaska.
 - (B) *Reduction Factor.* To effectuate the cap, the Administrator shall apply a reduction factor as necessary to the support that would otherwise be received by all competitive eligible telecommunications carriers serving remote areas in Alaska subject to the delayed phase down. The reduction factor will be calculated by dividing the total amount of support available amount by the total support amount calculated for those carriers in the absence of the cap.
- (4) *Further reductions.* If a competitive eligible telecommunications carrier ceases to provide services to high-cost areas it had previously served, the Commission may reduce its baseline support amount.
- (5) *Eligibility for interim support before 5G Fund Phase I auction.* Beginning the first day of the month following the effective date of the Report and Order, FCC 20–150, a competitive eligible telecommunications carrier that receives support pursuant to paragraph (a) or (e)(2) of this section shall no longer receive such support and shall instead receive support as described in this paragraph.
- (i) A competitive eligible telecommunications carrier that is not a mobile competitive eligible telecommunications carrier, as that term is defined in § 54.5, shall no longer receive monthly baseline support.
 - (ii) Until the first day of the month following the release of a public notice by the Office of Economics and Analytics and Wireline Competition Bureau announcing the final areas eligible for support in the 5G Fund Phase I auction:

- (A) A mobile competitive eligible telecommunications carrier that receives support pursuant to paragraph (a) of this section shall receive “monthly baseline support” in an amount equal to one-twelfth ($\frac{1}{12}$) of its total support received for the preceding 12-month period.
- (B) A mobile competitive eligible telecommunications carrier that receives support pursuant to paragraph (e)(2) of this section shall receive support at the same level described in paragraph (e)(2)(iii) of this section.
- (iii) Beginning the first day of the month following the release of a public notice by the Office of Economics and Analytics and Wireline Competition Bureau announcing the final areas eligible for support in the 5G Fund Phase I auction and until the first day of the month following release of a public notice announcing the close of the 5G Fund Phase I auction, a mobile competitive eligible telecommunications carrier that receives support pursuant to paragraph (e)(5)(ii) of this section for any such eligible area shall receive an adjusted, disaggregated amount of monthly support for that area, which shall be calculated by multiplying the monthly support level described in paragraph (e)(5)(ii) of this section by the areal percentage of the eligible portion of the competitive eligible telecommunications carrier's service area, weighted by applying the 5G Fund adjustment factor methodology and values adopted by the Office of Economics and Analytics and Wireline Competition Bureau and announced in a public notice.
- (iv) Beginning the first day of the month following the release of a public notice by the Office of Economics and Analytics and Wireline Competition Bureau announcing the final areas eligible for support in the 5G Fund Phase I auction, a mobile competitive eligible telecommunications carrier that receives support pursuant paragraph (e)(5)(ii) of this section for any ineligible area shall receive an adjusted, disaggregated amount of monthly support for that area, which shall be calculated by multiplying the monthly support level described in paragraph (e)(5)(ii) of this section by the areal percentage of the ineligible portion of the competitive eligible telecommunications carrier's service area, weighted by applying the 5G Fund adjustment factor methodology and values adopted by the Office of Economics and Analytics and Wireline Competition Bureau and announced in a public notice, and reduced as follows:
 - (A) For the first 12 months, each mobile competitive eligible telecommunications carrier shall receive monthly support that is two-thirds ($\frac{2}{3}$) of the level described in paragraph (e)(5)(iv) of this section for the ineligible area.
 - (B) For 12 months starting the first day of the month following the period described in paragraph (e)(5)(iv)(A) of this section, each mobile competitive eligible telecommunications carrier shall receive monthly support that is one-third ($\frac{1}{3}$) of the level described in paragraphs (e)(5)(iv) of this section for the ineligible area.
 - (C) Following the period described in paragraph (e)(5)(iv)(B) of this section, no mobile competitive eligible telecommunications carrier shall receive monthly support for any ineligible area pursuant to this section.

(6) Optional Supplemental 5G Plan for Legacy High-Cost Competitive ETCs.

(i) Notwithstanding paragraph (e)(5) of this section, a mobile legacy high-cost recipient that receives monthly support pursuant to § 54.307(e)(2)(iii) shall, as directed by the Wireline Competition Bureau, have the option to submit for approval a “Supplemental 5G Plan” to use all or a portion of its legacy high-cost support to build and maintain 5G services within its existing ETC service area where the population (based on 2020 U.S. Census Data) is less than 100 people per square mile in non-Tribal lands and less than 50 people per square mile on Tribal lands (the

“5G Area”).

(ii) The carrier may define all or any part of its qualifying existing ETC service area as 5G Area using a map depicting resolution-9 H3 hexagons (hex-9s);

(iii) Throughout 100% of the defined 5G Area, the carrier shall commit to improve its network to meet the performance standards required of 5G Fund auction winners and maintain such service for a period of ten years. The carrier shall receive an annual amount of support that the Commission deems necessary to meet the performance standards, not to exceed the annual amount of frozen high-cost support provided to the carrier for calendar year 2023.

(iv) The carrier shall submit for approval a plan that includes projected capital expenses, operations expenses, and maintenance capital expenses needed to build and maintain the proposed 5G Area network. Where there is more than one ETC designated and receiving frozen high-cost support, overlapping carriers may coordinate to eliminate overlap areas.

(v) The Commission may approve, reject, or request additional information to assist carriers in providing acceptable plans and resolving overlaps.

(vi) Carriers awarded support under the Supplemental 5G Plan must, within five years, complete the proposed construction and offer commercial 5G service throughout the awarded 5G Area and meet the requirements set forth at § 54.322(d)(1-3), (e), (f), and (g). Carriers with an approved Supplemental 5G Plan shall be exempt from § 54.307(e)(5)(iii) and (iv).

(vii) Support provided under the Supplemental 5G Plan will be disbursed on a monthly basis to a recipient for ten (10) years following the date on which it is authorized to receive support.

(viii) The Commission shall remove from the 5G Fund Auction any 5G Areas where support is awarded.

(ix) Until construction is completed, carriers shall submit an annual progress report detailing work done to date to construct the proposed facilities, consistent with the requirements set forth in § 54.322(i) and shall be subject to the noncompliance measures set forth in § 54.322(k).

(x) Within 90 days of the fifth anniversary of an award, the carrier shall submit a final progress report, including performance testing and other submissions required of 5G Fund auction winners, demonstrating the completion of construction. The Commission shall deduct from future payments an amount of support equal to the percentage of 5G Area that does not meet the requirements set forth at § 54.322(d)(1-3), and such area shall be made eligible for any future 5G Fund auction or other mechanism for awarding support to such areas.

(7) Eligibility for support after 5G Fund Phase I auction.

- (i) Notwithstanding the schedule described in paragraph (e)(5)(iii) of this section, a mobile competitive eligible telecommunications carrier that receives monthly support pursuant to paragraph (e)(5)(iii) of this section and is a winning bidder in the 5G Fund Phase I auction shall continue to receive support at the same level it was receiving support for such area at the time**

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of the release of a public notice announcing the close of the 5G Fund Phase I auction until such time as the Office of Economics and Analytics and Wireline Competition Bureau determine whether or not to authorize the carrier to receive 5G Fund Phase I support.

- (A) Upon the Office of Economics and Analytics and Wireline Competition Bureau's release of a public notice approving a mobile competitive eligible telecommunications carrier's application for support submitted pursuant to § 54.1014(b) and authorizing the carrier to receive 5G Fund Phase I support, the carrier shall no longer receive support at the level of monthly support described in paragraph (e)(5)(iii) of this section for such area. Thereafter, the carrier shall receive monthly support in the amount of its 5G Fund Phase I winning bid pursuant to § 54.1017, provided that the Administrator shall decrease the amount of the carrier's support to the extent necessary to account for any support the carrier received during the period between the close of the 5G Fund Phase I auction and the release of the public notice authorizing the carrier to receive 5G Fund Phase I support.
 - (B) A mobile competitive eligible telecommunications carrier that is a winning bidder in the 5G Fund Phase I auction but is not subsequently authorized to receive 5G Fund Phase I support shall no longer receive support at the level of monthly support described in paragraph (e)(5)(iii) of this section for such area following the determination not to authorize the carrier for 5G Fund Phase I support. Thereafter, the carrier shall receive monthly support as set forth in paragraph (e)(7)(iv) of this section for such area, provided that the Administrator shall decrease the amount of the carrier's support to the extent necessary to account for any support the carrier received during the period between the close of the 5G Fund Phase I auction and the Office of Economics and Analytics and Wireline Competition Bureau's authorization determination.
- (ii) A mobile competitive eligible telecommunications carrier that does not receive monthly support pursuant to this section and is a winning bidder in the 5G Fund Phase I auction shall receive monthly support pursuant to § 54.1017.
 - (iii) A mobile eligible telecommunications carrier that receives monthly support pursuant to paragraph (e)(5)(iii) of this section for an area for which support is not won in the 5G Fund Phase I auction shall continue to receive support at the level of monthly support described in paragraph (e)(5)(iii) of this section provided that it is the carrier receiving the minimum level of sustainable support for the area, but for no more than 60 months from the first day of the month following the release of a public notice by the Office of Economics and Analytics and Wireline Competition Bureau announcing the close of the 5G Fund Phase I auction. The "minimum level of sustainable support" is the lowest monthly support received by a mobile competitive eligible telecommunications carrier for the area that has deployed the highest level of technology (e.g., 5G) within the state encompassing the area.
 - (iv) All other mobile competitive eligible telecommunications carriers that receive monthly support pursuant to paragraph (e)(5)(iii) of this section for eligible areas shall instead receive the following monthly support amounts for such areas:
 - (A) For 12 months starting the first day of the month following release of a public notice announcing the close of the 5G Fund Phase I auction, each mobile competitive eligible telecommunications carrier shall receive monthly support that is two-thirds ($\frac{2}{3}$) of the level described in paragraph (e)(5)(iii) of this section for the area.

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(B) For 12 months starting the month following the period described in paragraph (e)(6)(iv)(A) of this section, each mobile competitive eligible telecommunications carrier shall receive monthly support that is one-third ($\frac{1}{3}$) of the level described in paragraph (e)(5)(iii) of this section for the area.

(C) Following the period described in paragraph (e)(7)(iv)(B) of this section, no mobile competitive eligible telecommunications carrier shall receive monthly support for the area pursuant to this section.

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(8) Eligibility for support after 5G Fund Phase II auction.

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(i) Notwithstanding the schedule described in paragraphs (e)(7)(iii) or (iv) of this section, a mobile competitive eligible telecommunications carrier that receives monthly support pursuant to paragraphs (e)(7)(iii) or (iv) of this section, as applicable, and is a winning bidder in the 5G Fund Phase II auction shall receive support at the same level it was receiving support for such area at the time of the release of a public notice announcing the close of the 5G Fund Phase II auction until such time as the Office of Economics and Analytics and Wireline Competition Bureau determine whether or not to authorize the carrier to receive 5G Fund Phase II support.

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(A) Upon the Office of Economics and Analytics and Wireline Competition Bureau's release of a public notice approving a mobile competitive eligible telecommunications carrier's application for support submitted pursuant to § 54.1014(b) and authorizing the carrier to receive 5G Fund Phase II support, the carrier shall no longer receive support at the level of monthly support pursuant to this section for such area. Thereafter, the carrier shall receive monthly support in the amount of its 5G Fund Phase II winning bid pursuant to § 54.1017, provided that the Administrator shall decrease the amount of the carrier's support to the extent necessary to account for any support the carrier received during the period between the close of the 5G Fund Phase II auction and the release of the public notice authorizing the carrier to receive 5G Fund Phase II support.

(B) A mobile competitive eligible telecommunications carrier that is a winning bidder in the 5G Fund Phase II auction but is not subsequently authorized to receive 5G Fund Phase II support shall no longer receive support at the level of monthly support pursuant to paragraph (e)(6)(iii) or (iv) of this section for such area, as applicable, following the determination not to authorize the carrier for 5G Fund Phase II support. Thereafter, the carrier shall receive monthly support as set forth in paragraphs (e)(8)(iv) or (v) of this section for such area, as applicable, provided that the Administrator shall decrease the amount of the carrier's support to the extent necessary to account for any support received during the period between the close of the 5G Fund Phase II auction and the Office of Economics and Analytics and Wireline Competition Bureau's authorization determination.

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(ii) A mobile competitive eligible telecommunications carrier that does not receive monthly support pursuant to this section and is a winning bidder in the 5G Fund Phase II auction shall receive monthly support pursuant to § 54.1017.

(iii) A mobile competitive eligible telecommunications carrier that receives monthly support pursuant to paragraph (e)(7)(iii) of this section for an area for which support is not won in the 5G Fund Phase II auction shall continue to receive support for that area as described in paragraph (e)(7)(iii) of this section.

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(iv) A mobile competitive eligible telecommunications carrier that receives monthly support pursuant to paragraph (e)(7)(iii) of this section for an area for which support is won in the 5G Fund Phase II auction and for which the carrier is not the winning bidder shall receive the following monthly support amounts for such areas:

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(A) For 12 months starting the first day of the month following release of a public notice announcing the close of the 5G Fund Phase II auction, the mobile competitive eligible telecommunications carrier shall receive monthly support that is two-thirds ($\frac{2}{3}$) of the level described in paragraph (e)(7)(iii) of this section for the area.

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(B) For 12 months starting the month following the period described in paragraph (e)(7)(iv)(A) of this section, the mobile competitive eligible telecommunications carrier shall receive monthly support that is one-third ($\frac{1}{3}$) of the level described in paragraph (e)(6)(iii) of this section for the area.

(C) Following the period described in paragraph (e)(8)(iv)(B) of this section, the mobile competitive eligible telecommunications carrier shall not receive monthly support for the area pursuant to this section.

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(v) All other mobile competitive eligible telecommunications carriers that receive monthly support pursuant to paragraph (e)(7)(iv) of this section for an area shall continue to receive support for the area pursuant to that paragraph.

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~~9~~ **Line Count Filings.** Competitive eligible telecommunications carriers, except those subject to the delayed phase down described in paragraph (e)(3) of this section, shall no longer be required to file line counts beginning January 1, 2012. Competitive eligible telecommunications carriers subject to the delayed phase down described in paragraph (e)(3) of this section shall no longer be required to file line counts beginning July 1, 2014, or the date after the first line count filing following the implementation of Mobility Fund Phase II, whichever is later.

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~~10~~ **Eligibility for support after Connect America Phase II auction.** Starting the first day of the month following the first authorization of Connect America Phase II auction support nationwide, fixed competitive eligible telecommunications carriers shall have the option of receiving support pursuant to paragraph (e)(2)(iii) of this section as described in the following paragraphs (e)(10)(i) through (iv):

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(i) For 12 months following the first authorization of Connect America Phase II auction support nationwide, each fixed competitive eligible telecommunications carrier shall receive two-thirds ($\frac{2}{3}$) of the carrier's total support pursuant to paragraph (e)(2)(iii) of this section.

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(ii) For 12 months starting the month following the period described in paragraph (e)(10)(i) of this section, each fixed competitive eligible telecommunications carrier shall receive one-third ($\frac{1}{3}$) of the carrier's total support pursuant to paragraph (e)(2)(iii) of this section.

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(iii) Following the period described in paragraph (e)(10)(ii) of this section, no fixed competitive eligible telecommunications carrier shall receive any support pursuant to paragraph (e)(2)(iii) of this section.

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(iv) Notwithstanding the foregoing schedule, the phase-down of support below the level described in paragraph (e)(2)(iii) of this section shall be subject to the restrictions in Consolidated Appropriations Act, 2016, Public Law 114-113, Div. E, Title VI, section 631, 129 Stat. 2242, 2470 (2015), unless and until such restrictions are no longer in effect.

[62 FR 32948, June 17, 1997, as amended at 63 FR 2128, Jan. 13, 1998; 64 FR 67431, Dec. 1, 1999; 65 FR 26516, May 8, 2000; 66 FR 30087, June 5, 2001; 66 FR 59726, Nov. 30, 2001; 68 FR 31623, May 28, 2003; 69 FR 34602, June 22, 2004; 70 FR 29979, May 25, 2005; 76 FR 73871, Nov. 29, 2011; 77 FR 14302, Mar. 9, 2012; 77 FR 30913, May 24, 2012; 77 FR 52618, Aug. 30, 2012; 82 FR 15449, Mar. 28, 2017; 84 FR 8623, Mar. 11, 2019; 85 FR 75817, Nov. 25, 2020]



Crystalayne Curley
25th Navajo Council,
Speaker

Amber Kanazbah Crotty

Council Delegate

25th Navajo Nation Council

Beclabito | Cove | Gadi'i'áhi/To'Koi | Red Valley
Tooh Haltsooi | Toadlena/Two Grey Hills | Tsé Ahnáozi't'i'i



COMMITTEES
Budget Finance, Member

November 28, 2023

White House Office of Science and Technology Policy
Danae Wilson, Assistant Director for Internet Access
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, Washington, D.C. 20504

Ya'at'eeh Ms. Wilson,

I serve seven Navajo districts as their delegate on the Navajo Nation Tribal Council. **Today I feel compelled to reach out to you about the importance of the Affordable Connectivity Program (ACP)**, which provides monthly discounts on wired or wireless service to eligible households on qualified tribal lands.

During some of the darkest days of COVID, the Emergency Broadband Program—the predecessor of ACP—was utilized by over 40,000 Tribal members on Navajo to obtain free Internet services.

Today, even more of our Navajo families utilize and heavily rely on their ACP benefit for reliable Internet access. It would be tragic if this program was discontinued. Our kids and college students use their Internet provided through ACP to attend school remotely. Many of our Tribal members who live far distances from healthcare resources rely upon the telehealth services that the Internet makes possible.

Like many Americans today, more and more of our community members are finding remote work opportunities. It goes without saying that these employment opportunities would not be feasible without reliable Internet access.

To ensure Digital Equity for our Tribal communities in America, I ask that the Federal government remain committed to building out critical programs like ACP and pursue additional smart digital inclusion policies.

Fully funding and extending the ACP and ensuring that America's mobile networks—including regional carriers—have the spectrum and other resources needed to expand access and meet demand in rural communities is critical.

Ahéhee'

AMBER KANAZBAH CROTTY Council Delegate, 25th Navajo Nation Council
(Beclabito, Cove, Gad Ii'áhi/ Tóko'i, Red Valley, Tooh Haltsooi,
Toadlena/ Two Grey Hills, Tsé Ahnáozi't'i'i)
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October 2023

**Food Labels, Pillows, Broadband,
Refrigerator Water and Ice Dispensers,
Credit Reports**

American Experiences Survey:

A Nationally Representative Multi-Mode Survey

Prepared by CR Survey Research Department

November 2023

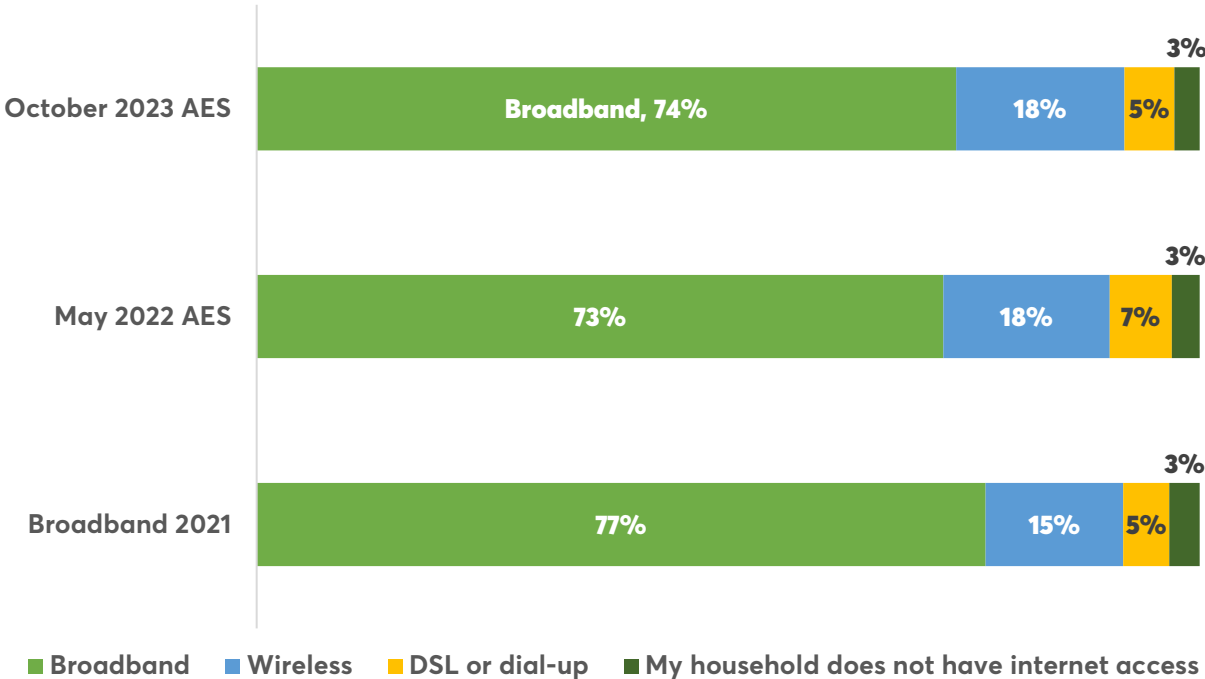


BROADBAND

This section takes a pulse on Americans' relationship with their home internet service. Several of these questions have been repeated at various points since 2021, which allows us to observe trends over time.

The percentage of Americans with broadband service at home is virtually unchanged since we last asked this question in May 2022. About three-quarters (74%) of Americans have broadband, 18% have only wireless service such as through a smartphone data plan, 5% have DSL or dial-up internet service, and 3% do not have internet access at home.

Which, if any, of the following services does your household use to access the internet?



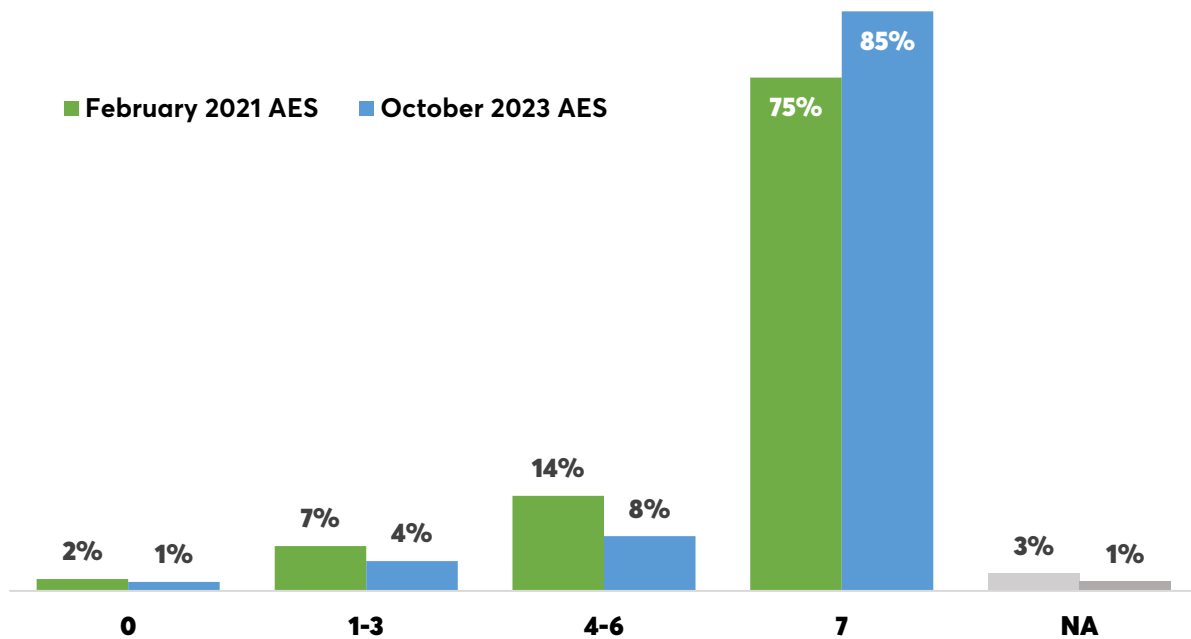
Base: All respondents
Please see tabs for full wording of this question

85%

**rely on the internet
7 days a week**

Most Americans rely on the internet every day. The percentage of people who rely on the internet seven days a week appears to have increased by ten percentage points since we last asked about it, from 75% in February 2021 to 85% in October 2023.

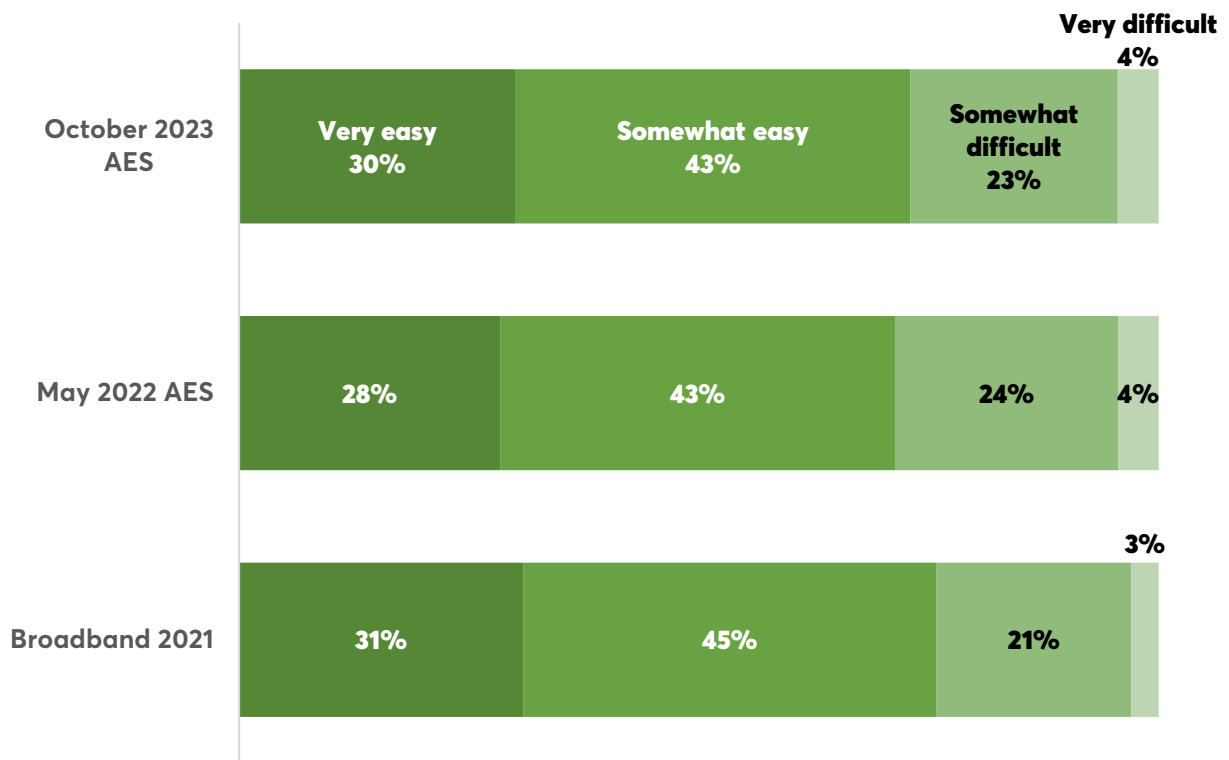
In general, how many days a week do you rely on the internet?



Base: All respondents
Please see tabs for full wording of this question

Next, we asked broadband users how easy they found it to afford their monthly internet costs. We see no meaningful change in this question since 2021, with 30% finding it very easy, 43% finding it somewhat easy, 23% finding it somewhat difficult, and 4% finding it very difficult to afford their internet costs.

How easy or difficult is it for you to afford your monthly internet costs?



Base: Respondents who have broadband internet at home
Please see tabs for full wording of this question

In the May 2023 AES and 2021 Broadband Survey, this item showed to all respondents whose households had broadband internet access. In October 2023, people whose households have broadband but do not personally use the internet did not see the item. However, this is a vanishingly small percentage, so the trend is still reliable.

How much do Americans pay for their broadband service? About half (52%) pay under \$75 per month, 42% pay \$75 a month or more, and 6% are unsure. This is not meaningfully different from the last time we asked this question in 2021.

Approximately how much do you currently pay per month (including taxes and fees) for your internet service?

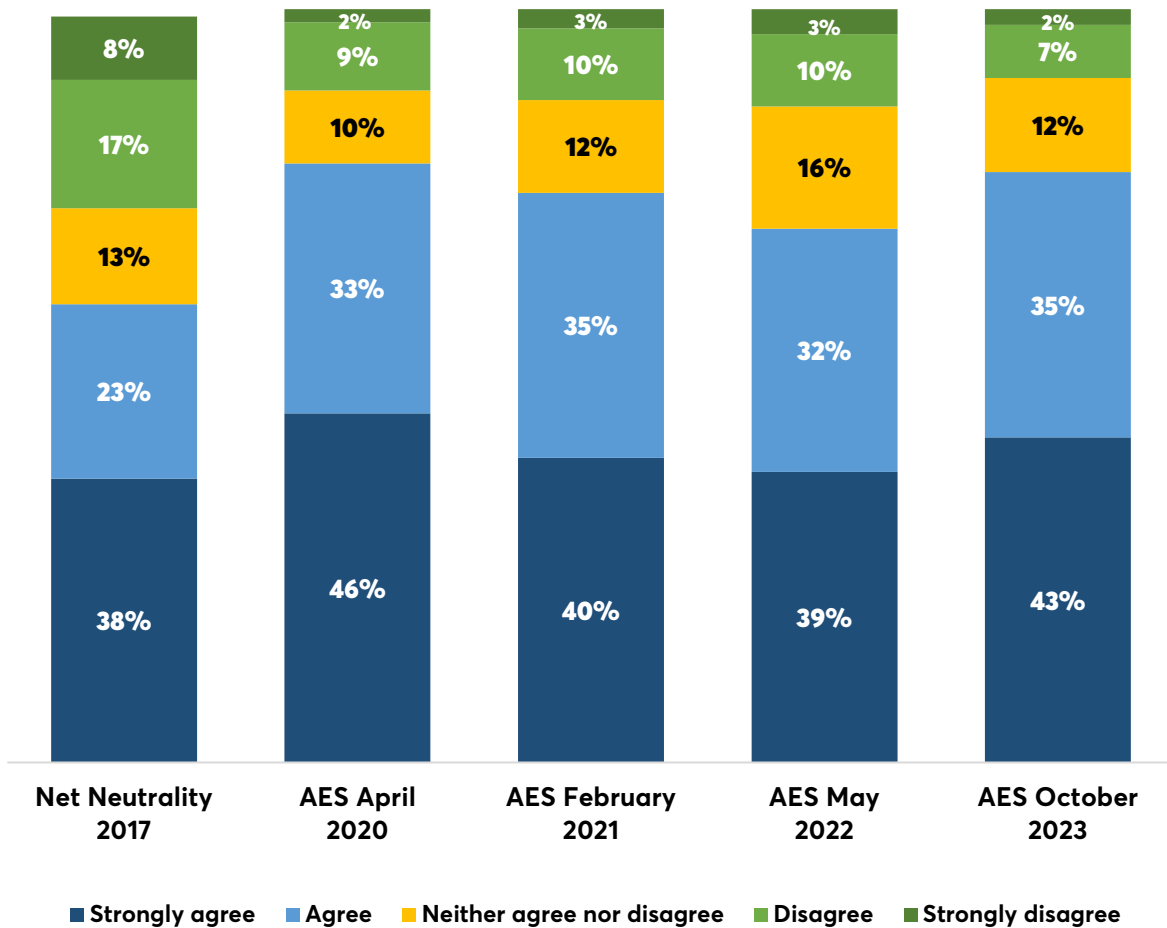


Base: Respondents who have broadband internet at home
Please see tabs for full wording of this question

For six years now, CR has been tracking how Americans feel about the importance of internet service as a needed household utility. So far, Americans' opinions on this issue have stayed roughly consistent over time, especially since 2020. In the present survey, **78% agree or strongly agree that internet service is as important as water or electricity**; 12% neither agree nor disagree, and 9% disagree or strongly disagree.

To what extent do you agree or disagree with the following statement?

Internet service is as important as electricity or water service in today's world.



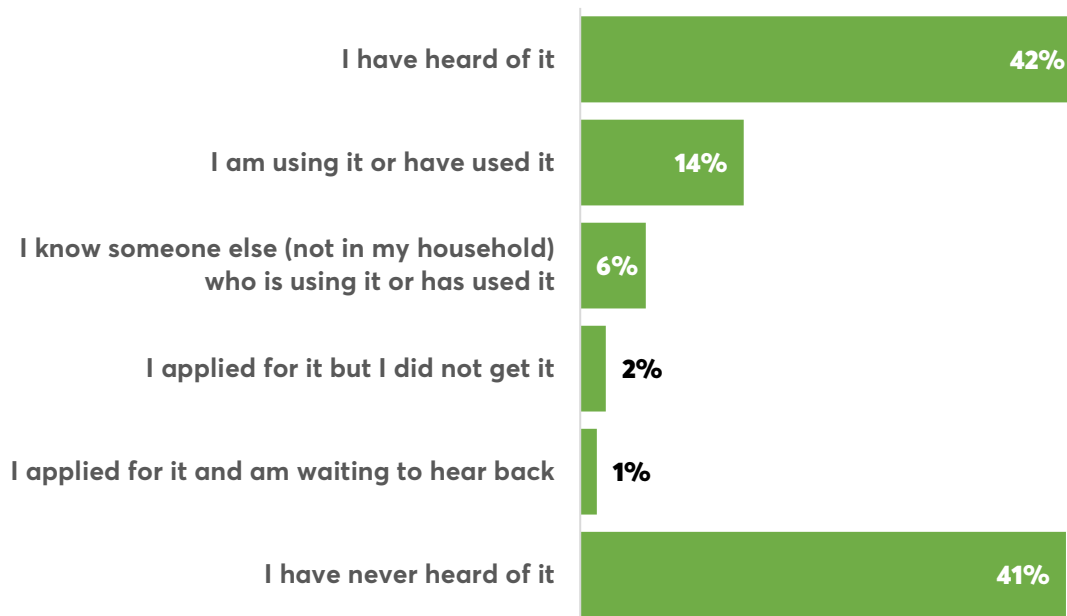
Base: All respondents

To conclude this section, we asked a question about the federal **Affordability Connectivity Program**, which offers assistance to households in affording broadband internet service. We wanted to learn about Americans' **awareness and usage** of this benefit program. **Four in ten (42%) had heard of the program and roughly the same percentage (41%) had not heard of it before.**

Fourteen percent are current or former participants in the program, and six percent know someone else who is a current or former participant. A total of 4%¹ applied for the program and either are still waiting to hear back or were not accepted into the program.

The federal government offers assistance through the Affordable Connectivity Program that provides a discount toward monthly internet service for eligible households.

Before taking this survey, how familiar were you with the Affordability Connectivity Program, if at all?



Base: All respondents
Respondents could select multiple responses

¹ Numbers may not appear to sum due to rounding.

METHODOLOGY

This multi-mode survey was fielded by NORC at the University of Chicago using a nationally representative sample. The survey was conducted from October 6 – 16, 2023. Interviews were conducted in English ($n = 1,981$) and in Spanish ($n = 106$), and were administered both online ($n = 1,974$) and by phone ($n = 113$).

A general population sample of U.S adults age 18 and older was selected from NORC's AmeriSpeak® Panel for this study. Funded and operated by NORC at the University of Chicago, AmeriSpeak® is a probability-based panel designed to be representative of the US household population. Randomly selected US households are sampled using area probability and address-based sampling, with a known, non-zero probability of selection from the NORC National Sample Frame. These sampled households are then contacted by US mail, telephone, and field interviewers (face to face). The panel provides sample coverage of approximately 97% of the U.S. household population. Those excluded from the sample include people with P.O. Box only addresses, some addresses not listed in the USPS Delivery Sequence File, and some newly constructed dwellings. While most AmeriSpeak households participate in surveys by web, non-internet households can participate in AmeriSpeak surveys by telephone. Households without conventional internet access but having web access via smartphones are allowed to participate in AmeriSpeak surveys by web. AmeriSpeak panelists participate in NORC studies or studies conducted by NORC on behalf of governmental agencies, academic researchers, and media and commercial organizations.

In total NORC collected 2,087 interviews. The margin of error for the sample of 2,087 is +/- 2.76 at the 95% confidence level. Smaller subgroups will have larger error margins. Web-mode panelists were offered the cash equivalent of \$3 for completing the survey. Phone-mode panelists were offered the equivalent of \$5.

Final data are weighted by age, gender, race/Hispanic ethnicity, housing tenure, telephone status, education, and Census Division to be proportionally representative of the U.S. adult population. Key demographic characteristics (after weighting is applied) of this sample are presented below:

- 52% female
- Median age of 47 years old
- 61% white, non-Hispanic
- 36% 4-year college graduates
- 59% have a household income of \$50,000 or more



FOR IMMEDIATE RELEASE

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NATIONAL URBAN LEAGUE PRESIDENT AND CEO MARC H. MORIAL AND NATIONAL ACTION NETWORK FOUNDER AND PRESIDENT REV. AL SHARPTON COMMEND FCC'S VOTE TO PREVENT AND ELIMINATE DIGITAL DISCRIMINATION

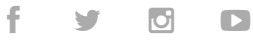
WASHINGTON, D.C. (November 17, 2023) – National Urban League President and CEO Marc H. Morial and National Action Network Founder and President Rev. Al Sharpton today issued the following statement in response to the Federal Communication Commission's vote to adopt rules to prevent and eliminate digital discrimination of access to broadband services based on income level, race, ethnicity, color, religion, or national origin:

"Two years ago, Congress passed the Bipartisan Infrastructure Law, which makes significant investments to close the digital divide and aligns with many of the recommendations outlined in the National Urban League's Lewis Latimer Plan for Digital Equity and Inclusion. Congress said that 'the digital divide disproportionately affects communities of color, lower-income areas, and rural areas, and the benefits of broadband should be broadly enjoyed by all' and the FCC's rules to prevent and eliminate digital discrimination move the nation closer to the goal of equitably closing digital divide in America.

"As legacy civil rights organizations who represent Black and other historically underserved communities, we have seen how the lack of inclusive and equitable policies have created barriers to accessing broadband which have hindered our communities' ability to fully participate in an increasingly interconnected world. This vote by the FCC will place us on the course of ensuring all experience the social and economic benefits of high-speed internet access.

"Our organizations tirelessly advocated for both disparate impact and disparate treatment to be included in the definition of digital discrimination, for the Commission to explore paths for ISPs to create an internal compliance process to ensure that nondiscrimination principles are at the core of their business practices, and for the complaint process to be accessible so that it benefits consumers and not just well-resourced institutions, all of which were ultimately reflected in the FCC's Report and Order and Further Notice of Proposed Rulemaking on Wednesday.

“We commend FCC Chairwoman Jessica Rosenworcel for her continued engagement and thought partnership with the civil rights community in the fight for digital equity. We are also thankful for the leadership of FCC Commissioner Geoffrey Starks who has been a consistent leader, including in this proceeding, on issues that matter to communities of color and who made recommendations that the Commission extend deliberations about the establishment of an Office of Civil Rights, which has been a longtime advocacy goal for our community.”



BROADBAND BREAKFAST

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EXPERT OPINION

Ryan Johnston: What Happens to BEAD Without the Affordable Connectivity Program?

We'd be building broadband to no one without the ACP. The ACP extends every BEAD dollar further.



Published 2 weeks ago on November 15, 2023

By **Broadband Breakfast Staff**



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BROADB
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**BroadbandNow: Int
research on the dig**

The author of this Expert Opinion is Ryan Johnston, senior policy counsel at Next Century Cities

Congress dedicated more than \$42 billion to help states and companies build out broadband networks to all Americans. This program, called the Broadband Equity, Access, and Deployment Program, marked a crucial step towards bridging the digital divide in our nation. But this program will fail if Congress doesn't renew the Affordable Connectivity Program that states are relying on to connect low-income Americans.

Bipartisan legislation from Congress made it clear that states needed to offer a low-cost broadband plan to residents to qualify for BEAD funding. For the uninitiated, the ACP is a \$30-a-month subsidy that an eligible consumer can use towards any broadband plan a participating service provider offers.

In fact, many providers have started offering broadband plans at a \$30 price point so the effective cost of broadband to the consumer is zero. Using ACP is an easy way for ISPs to meet the affordability requirement, a “short-hand” of sorts for them to offer affordable plans using an existing – and successful – model.

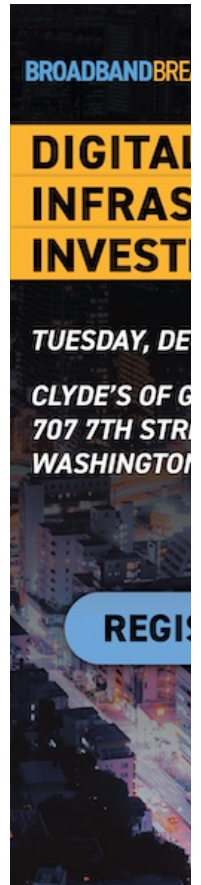


However, the ACP is expected to exhaust its funding in the first half of next year, leaving a potentially disastrous scenario for families who may have little savings or discretionary income. Ultimately allowing the ACP to end leaves a crucial question unanswered: what good are networks if people cannot afford to connect to them?

During a congressional oversight hearing in May, National Telecommunications and Information Agency Administrator **Alan Davidson** explained to Members of Congress that the BEAD program will be negatively impacted if continued funding for the ACP is not found. He emphasized that for low-income rural Americans, the ACP is the lifeline ensuring they can afford to access the internet. Without it, some providers may hesitate to deploy in rural areas over fear that the investment will be unsustainable. Subscriber concerns may prove to be a limiting factor on which rural areas are served.

The ACP extends every BEAD dollar further. A study conducted by Common Sense Media found that the ACP could reduce the BEAD subsidy needed to incentivize providers to build in rural areas by up to 25% per year. According to the study, ACP reduces the per-household subsidy required to incentivize ISP investment by \$500. Simply put, ACP improves the economic case because it 1) effectively lowers the cost of service, 2) creates a customer base with less churn, and 3) makes subscribers easier to acquire because of the massive public and private investment in raising awareness for the program.

But if the ACP is allowed to end, the federal government could end up overspending on every broadband deployment made through BEAD. This ultimately means BEAD networks will fail to connect millions of Americans.



Save the
time to

Extend
Service
Positro





The ACP is more than a simple affordability program; for over 21 million households; it's a gateway to our ever-increasing digital society. Without it, millions of Americans will be unable to see doctors, visit with family, shop, and engage with their communities online. At the same time, the ACP plays a significant role in future infrastructure deployment. Allowing the ACP to end all but ensures that millions will be disconnected and future funding dollars won't go the distance to close the digital divide.

Ryan Johnston is senior policy counsel at Next Century Cities. He is responsible for NCC's federal policy portfolio, building and maintaining relationships with Federal Commissions Commission officials, members of Congress and staff, and public interest allies. Working with various federal agencies, Ryan submits filings on behalf of NCC members on technology and telecommunications related issues that impact the digital divide such as broadband data mapping, benchmark speeds, spectrum policy, content moderation, privacy, and others. This piece is exclusive to Broadband Breakfast.

Broadband Breakfast accepts commentary from informed observers of the broadband scene. Please send pieces to commentary@breakfast.media. The views expressed in Expert Opinion pieces do not necessarily reflect the views of Broadband Breakfast and Breakfast Media LLC.

What else do you want to know? What questions would you like answered?

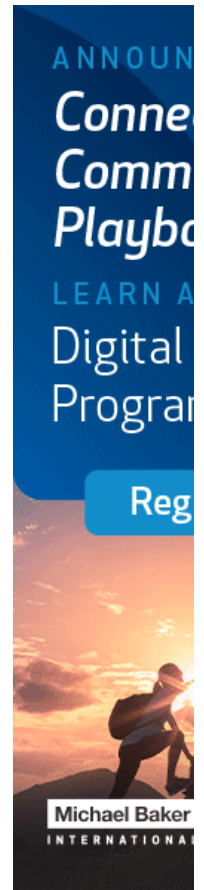
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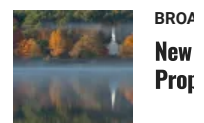
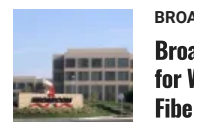
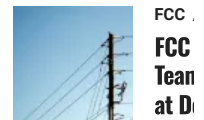
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EXPERT OPINION

Kate Forscey: National Security and Global Success Depend Upon Prioritizing Telecom Funding

The Affordable Connectivity Program and the Rip-and-Replace program are both central funding needs for the industry.



Published 1 week ago on November 21, 2023

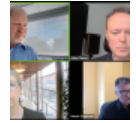
By **Broadband Breakfast Staff**



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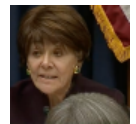
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The author of this Expert Opinion is Kate Forscey, contributing fellow for the Digital Progress Institute

With the government now funded into the new year, it's time for Congress to take another look at its broader priorities, especially when it comes to the race with China for dominance in next-generation technologies. Whether it's AI or cloud computing or virtual reality, if the United States is to remain competitive, we need to make secure and effective communications a priority. This means finally connecting all Americans to high-speed broadband and ensuring that our connectivity cannot be undermined by foreign adversaries.

Two popular programs are central to this goal: the Affordable Connectivity Program and the Rip-and-Replace program. Both of these programs have tremendous bipartisan, bicameral support, but both have been underfunded and now risk dying on the vine. Congress has the

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ARTIFICIAL INTELLIGENCE

Will Rinehart: Unpacking the Executive Order on Artificial Intelligence

Most are underweighting the legal challenges and problems to rule of law.



Published 2 weeks ago on November 15, 2023

By **Broadband Breakfast Staff** 



The author of this Expert Opinion is Will Rinehart, senior research fellow at the Center for Growth and Opportunity

If police are working on an investigation and want to tap your phone lines, they'll effectively need to get a warrant. They will also need to get a warrant to search your home, your business, and your mail.

But if they want to access your email, all they need is just to wait for 180 days.

Because of a 1986 law called the Electronic Communications Privacy Act, people using third-party email providers, like Gmail, only get 180 days of warrant protection. It's an odd quirk of the law that only exists because no one in 1986 could imagine holding onto emails longer than 180 days. There simply wasn't space for it back then!¹

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DIGITAL INCLUSION

Drew Clark: We Need Humans to Make Digital Inclusion Work

A core component of Americans – about 20 percent – are not connected to the benefits of better broadband.



Published 2 weeks ago on November 14, 2023

By **Drew Clark** 



The author of this Expert Opinion is Drew Clark, Editor and Publisher of Broadband Breakfast

Humans still matter.

In the age of digital automation and personalized AI agents, this simple truth may be the most surprising fact of the burgeoning movement for digital navigators.

Today (and tomorrow), we're excited to be a part of the Connect20 Summit here in Washington and online. Together with **Network:On** and the **National Digital Inclusion Alliance**, **Broadband Breakfast** has helped to gather the key leaders in this space for this free event here in Washington.

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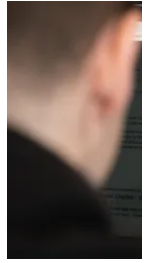
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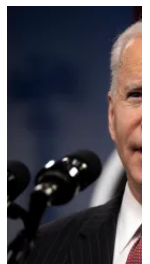
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ABOUT FREE WEBCASTS MEMBERSHIP INFRASTRUCTURE BROADBAND'S IMPACT BIG TECH EXPERT OPINION SPECIAL EVENTS

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Washington Post Opinion

Finally, some rules for the internet

By the [Editorial Board](#)

October 28, 2023 at 8:00 a.m. EDT

Federal Communications Commission Chairwoman Jessica Rosenworcel during a Senate hearing on Capitol Hill on Sept. 19. (Matt McClain/The Washington Post)

Net neutrality has become the Washington equivalent of a Hollywood franchise: As if the sequel to the sequel weren't enough, another installment of the debate over rules for the internet's roads arrived this month. This time, however, there's a plot twist.

Net neutrality, short for network neutrality, comes down to three core rules — no blocking, no throttling and no paid prioritization. That means basically what it sounds like. Internet service providers such as Comcast and Verizon should treat all traffic the same. Yet, as simple as this principle sounds, the Federal Communications Commission has struggled for decades to put it into practice, amid a ferocious debate in which each side treats FCC regulation, or the lack thereof, as an existential threat.

As with practically everything in Washington, this debate has become partisan. The agency's biggest obstacle is its limited authority to regulate unless broadband is considered a “common carrier” under the Telecommunications Act of 1996. The FCC under President Barack Obama moved to reclassify broadband so it could regulate broadband companies; the FCC under President Donald Trump reversed the change. Dismayed advocates warned the world that, without the protections in place, the internet would break.

You'll never guess what happened next: nothing. Or, at least, almost nothing. The internet did not break, and internet service providers for the most part did not block and they did not throttle. All the same, today's FCC, under Chairwoman Jessica Rosenworcel, has just moved to reclassify broadband. The interesting part is that her strongest argument doesn't have much to do with net neutrality, but with some of the other benefits the country could see from having a federal watchdog keeping an eye on the broadband business.

A formal federal prohibition on blocking and throttling is unlikely to have any major effect on the broadband industry in either direction; the net neutrality naysayers claiming that companies will stop investing in internet infrastructure if they are regulated are exaggerating just as much as the net neutrality boosters who foretold the web's demise without strong net neutrality rules. Substantial consequences have only become less likely as high-speed bandwidth has become less limited.

What, exactly, net neutrality rules look like matters less than that there are meaningful rules for broadband more generally. Broadband is an essential service. The coronavirus pandemic proved that much by forcing students and workers to rely on their WiFi connections to learn and to earn a living — and, worse, by consigning those without reliable connections to camp out at public

libraries or in parking lots to log on. Yet there isn't a single government agency with sufficient authority to oversee this vital tool.

Asserting federal authority over broadband would empower regulation of any blocking, throttling or anti-competitive paid traffic prioritization that they might engage in. But it could also help ensure the safety and security of U.S. networks. The FCC has, on national security grounds, removed authorization for companies affiliated with adversary states, such as China's Huawei, from participating in U.S. telecommunications markets. The agency can do this for phone carriers. But it *can't* do it for broadband, because it isn't allowed to.

Or consider public safety during a crisis. The FCC doesn't have the ability to access the data it needs to know when and where there are broadband outages — much less the ability to do anything about those outages if they are identified. Similarly, it can't impose requirements for network resiliency to help prevent those outages from occurring in the first place — during, say, a natural disaster or a cyberattack. The agency has ample power to police the types of services that are becoming less relevant in American life, such as landline telephones, and little power to police those that are becoming more important every day.

The Telecommunications Act's complex, archaic classification scheme has never been well-suited to the modern internet. How could it be, when in 1996 the narrow swath of American society that could get online at all had to dial up? Ideally, Congress would write a new law for a new era. And, ideally, lawmakers would also consider other elements of the internet technology industry that define Americans' online experience, including app stores, social media sites and more. In the less-than-ideal present, however, the FCC is the only body proposing any version of internet governance. It would be better than nothing.