

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Inquiry Concerning Deployment of Advanced)	GN Docket No. 18-238
Telecommunications Capability to All)	
Americans in a Reasonable and Timely Fashion)	

REPLY COMMENTS OF COMCAST CORPORATION

WILLKIE FARR & GALLAGHER LLP
1875 K Street, NW
Washington, DC 20006

Attorneys for Comcast Corporation

Kathryn A. Zachem
David M. Don
Beth A. Choroser
Regulatory Affairs

Francis M. Buono
Ryan G. Wallach
Legal Regulatory Affairs

COMCAST CORPORATION

300 New Jersey Avenue, N.W.
Suite 700
Washington, DC 20001

October 1, 2018

TABLE OF CONTENTS

I.	INTRODUCTION AND SUMMARY.....	1
II.	THE COMMISSION SHOULD CONTINUE TO FOCUS ITS SECTION 706 INQUIRY ON THE <i>PROGRESS</i> OF DEPLOYMENT	2
III.	THE COMMISSION SHOULD CONTINUE TO FIND THAT PROGRESS ON DEPLOYMENT OF ADVANCED TELECOMMUNICATIONS CAPABILITY IS REASONABLE AND TIMELY	6
IV.	CRITICISM OF BROADBAND SERVICE OFFERINGS IS UNFOUNDED AND SHOULD NOT CHANGE THE COMMISSION’S BROADBAND DEPLOYMENT FINDING	10
V.	CONCLUSION	15

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Inquiry Concerning Deployment of Advanced) GN Docket No. 18-238
Telecommunications Capability to All)
Americans in a Reasonable and Timely Fashion)

REPLY COMMENTS OF COMCAST CORPORATION

Comcast Corporation (“Comcast”) hereby replies to the comments filed in response to the *Fourteenth Broadband Deployment Notice of Inquiry* adopted by the Federal Communications Commission (“Commission”) in the above-referenced docket.¹ The record strongly supports the Commission’s progress-based approach to analyzing deployment and confirms that advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.

I. INTRODUCTION AND SUMMARY

As the Commission concluded in its *2018 Broadband Deployment Report*,² the record here leaves little doubt that advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion within the meaning of Section 706.³ There also is broad agreement that the *Notice* proposes reasonable benchmarks and a sound analytical

¹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, Fourteenth Broadband Deployment Notice of Inquiry, FCC 18-119 (Aug. 9, 2018) (“*706 NOI*” or “*Notice*”). Unless otherwise noted, all references to Comments in this reply are to those filed in GN Docket No. 18-238 on September 17, 2018.

² *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 17-199, 2018 Broadband Deployment Report, 33 FCC Rcd 1660 (2018) (“*2018 Report*”).

³ 47 U.S.C. § 1302(b) (“*Section 706*”).

framework to continue measuring the progress of broadband deployment consistent with the Commission's statutory mandates. As multiple commenters attest, the Commission's reinstatement of light-touch regulatory policies has helped remove barriers to investment in, and deployment of, advanced telecommunications capability.

Although some commenters continue to urge adoption of an unjustified broadband speed benchmark for the Commission's Section 706 analysis, or insist that Section 706 requires ubiquitous broadband adoption on arbitrarily defined terms, these commenters ignore today's marketplace realities and record evidence of significant and ongoing progress in broadband deployment. Other commenters criticize the broadband service offerings of Internet service providers ("ISPs") by, for example, complaining that ISPs' pricing structures incentivize customers to purchase faster speeds. But these meritless criticisms should not alter the Commission's conclusion that progress on broadband deployment continues to be reasonable and timely. Below Comcast highlights its continued success in promoting access to broadband for all Americans, particularly through its Internet Essentials program for low-income households, as well as other notable industry developments. Ultimately, the record in response to the *Notice* supports another affirmative determination under Section 706, and Comcast looks forward to working with the Commission toward additional progress in the coming years.

II. THE COMMISSION SHOULD CONTINUE TO FOCUS ITS SECTION 706 INQUIRY ON THE *PROGRESS* OF DEPLOYMENT

With its *2018 Report*, the Commission corrected past mistakes – i.e., focusing certain prior reports solely on the myopic and static question of whether broadband has been deployed to every American at a particular moment – by adopting a principled framework supported by the statute to objectively measure progress in the deployment of advanced telecommunications capability without advancing a preordained regulatory agenda. The *2018 Report's* conclusion

that such deployment is reasonable and timely accurately reflects the wide range of high-speed Internet offerings available to – and used by – today’s consumers, as well as compelling evidence that ISPs are investing and competing aggressively to bring higher data speeds and more robust service offerings to households nationwide.⁴ As Comcast stated last year, “transforming the Section 706 Report into a reliable and timely instrument focused predominately on monitoring and providing useful information on the incremental *progress* of broadband deployment would be much more valuable than the results-oriented and agenda-driven exercise engaged in by the previous Commission.”⁵ The same holds true today.

The progress-based analysis employed in the *2018 Report* and proposed in the *Notice* is consistent with the text of Section 706, which directs the Commission to “initiate a notice of inquiry concerning the availability of advanced telecommunications capability to all Americans” and “determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”⁶ As the *2018 Report* aptly concluded, “[t]he use of the present progressive tense—‘is being deployed’—as well as the language requiring an evaluation of whether that deployment is ‘reasonable and timely’ indicates that Congress intended that the Commission evaluate the current state of deployment to all Americans, not a rigid requirement that each and every American be served *at this moment*.”⁷

There is no statutory basis for claims that Section 706 “was not intended to focus on existing deployments or on carriers, but to measure the overall availability of broadband to all

⁴ See *2018 Report* ¶ 6.

⁵ Reply Comments of Comcast Corporation, GN Docket No. 17-199, at 1-2 (Oct. 6, 2017).

⁶ 47 U.S.C. § 1302(b); see also *Notice* ¶ 2 (initiating the Commission’s “next annual assessment of the ‘availability of advanced telecommunications capability to all Americans in a reasonable and timely fashion’”).

⁷ *2018 Report* ¶ 11.

Americans,”⁸ or that the Commission’s determination should be based on “the raw number of Americans with and without broadband connections.”⁹ Instead, the relevant inquiry “is clearly a question of progress over time”¹⁰ that asks whether progress toward ubiquitous broadband deployment “is continuing at a constant, accelerating or slowing pace.”¹¹ Similarly, the Commission should continue to focus its Section 706 inquiry on evaluating the “availability” and “deployment” of advanced telecommunications capability, not on the collection of complex quality-of-service data premised on the use of broadband for specific applications within a broad statutory definition.¹²

Consistent with these goals, the Commission should retain the 25 Mbps downstream/3 Mbps upstream (“25/3”) benchmark for “advanced telecommunications capability” that informed its recent Section 706 inquiries. While the 25/3 standard may well have been “on the upper end of reasonableness” when first proposed,¹³ commenters recognize that “there is prudence in maintaining a stable benchmark . . . over the course of several years so that deployment progress

⁸ Common Cause and Public Knowledge Comments at 15.

⁹ New America’s Open Technology Institute (“OTI”) Comments at 16.

¹⁰ American Cable Association (“ACA”) Comments at 7; *see also* AT&T Comments at 1 (agreeing that a progress-based approach is “most consistent with the language of [S]ection 706”).

¹¹ ADTRAN Comments at 4; *see also id.* (“Congress wanted the Commission to evaluate the progress towards universal availability of broadband services, not simply whether it had been achieved.”).

¹² *See* 47 U.S.C. § 1302(d)(1) (“The term ‘advanced telecommunications capability’ is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.”).

¹³ ADTRAN Comments at 1.

can be measured consistently from year to year.”¹⁴ In contrast, “[s]udden significant changes would be indicators of agency arbitrariness and manipulation and likely would distract from the real-world facts about deployment progress that are the concern of Section 706.”¹⁵

As in past years, the Commission should also “continue its practice of examining deployment of other speed thresholds in addition to the 25/3 benchmark – that is, both higher and lower speeds.”¹⁶ The record belies claims that the Commission should not even assess broadband deployment at speeds below 25/3.¹⁷ As NCTA observes, “Internet access services below the 25/3 threshold provide important capabilities to consumers, including the ability to perform critical functions on multiple devices, such as doing homework, submitting job applications, and using streaming video services.”¹⁸ And as ACA notes, 10/1 Mbps “can support a broad array of popular online activities that provide considerable value to users,” and “[c]ontinuing to report on deployment at this speed tier will thus allow the Commission to

¹⁴ ACA Comments at 8; *see also* ITTA Comments at 4 (noting that “[w]ith 25/3 Mbps currently being routinely used as a benchmark for fixed broadband in the universal service context, raising the benchmark to a new level is not advisable”).

¹⁵ Free State Foundation Comments at 8.

¹⁶ NCTA Comments at 3; *see also* Free State Foundation Comments at 6 (“[F]or purposes of presenting a fuller picture of deployment progress, the forthcoming report should again present deployment figures for 25 Mbps/3 Mbps, 10 Mbps/1 Mbps, and 50 Mbps/5 Mbps speed tiers for fixed services, as well as 5 Mbps/1 Mbps and 10 Mbps/3 Mbps speed tiers for mobile LTE.”).

¹⁷ *See* OTI Comments at 20 (arguing that “households generally require at least 25 Mbps download capacity to facilitate stable Internet access for multiple devices simultaneously”); Central Coast Broadband Consortium (“CCBC”) Comments at 2 (arguing that “100 Mbps download and 20 Mbps upload speeds is the minimum broadband service level that will meet . . . economic, educational and quality of life goals”); Power & Communication Contractors Association (“PCCA”) Comments at 1-2 (arguing that “[c]onsumer demand for faster upstream and downstream speeds already indicates that [25/3] speeds are obsolete”); INCOMPAS Comments at 4 (arguing that “1 Gig is the present and the future”).

¹⁸ NCTA Comments at 3-4.

present an appropriately nuanced picture of the broadband deployment landscape.”¹⁹ The Commission cannot ignore this objective data and actual consumer experience by disregarding these competitive broadband options. Likewise, the Commission should continue to track progress in deployment of speeds above the 25/3 threshold, including the gigabit service offerings that Comcast and other ISPs are rapidly rolling out.²⁰

III. THE COMMISSION SHOULD CONTINUE TO FIND THAT PROGRESS ON DEPLOYMENT OF ADVANCED TELECOMMUNICATIONS CAPABILITY IS REASONABLE AND TIMELY

The record provides strong support for finding that progress on the deployment of advanced telecommunications capability has been reasonable and timely. The record makes clear that “substantial investments in next-generation fixed and mobile broadband networks have provided U.S. consumers with access to an ever-growing array of innovative and high-quality services.”²¹ In addition, “[i]nvestment in broadband is growing due in part to measures the Commission has taken to set a light-touch regulatory framework, ease burdens on infrastructure deployment, and promote rural broadband.”²²

¹⁹ ACA Comments at 8.

²⁰ See NCTA Comments at 4 (“The Commission also should report on the significant progress that is being made in the deployment of services that offer gigabit speeds.”).

²¹ Verizon Comments at 1; *see also* AT&T Comments at 5 (“In sum, both fixed and mobile providers continue to deploy networks that will deliver speeds to enable Americans to access advanced telecommunications for the foreseeable future.”); CTIA Comments at 1 (“By any rational measure, the Commission should find that the deployment of advanced telecommunications capabilities by mobile wireless providers is reasonable and timely.”).

²² USTelecom Comments at 2; *see also* ACA Comments at 5 (“[T]he Commission’s pursuit of a regulatory agenda that minimizes the costs and burdens of deployment is a major factor that has driven and continues to drive ACA members’ substantial broadband investments.”); ADTRAN Comments at 7-8 (arguing that the U.S. is “rapidly trending” in the direction of reasonable and timely broadband deployment, due in part to the repeal of Title II regulation of BIAS and other pro-deployment regulatory policies).

Comcast offers 25/3 broadband speeds across nearly its entire footprint, reaching more than 35% of the U.S. population as of June 2017.²³ More broadly, FCC data as of June 30, 2017 show that 93% of Americans had access to fixed terrestrial broadband (i.e., excluding satellite) at speeds of at least 25/3 Mbps.²⁴ And USTelecom estimates that U.S. broadband providers “have invested between \$72 and \$74 billion in network infrastructure in 2017, compared to \$70.6 billion in 2016, showing at least an increase of nearly \$1.5 billion.”²⁵ All of these developments support a finding that progress in the deployment of advanced telecommunications capability has been reasonable and timely. Suggestions to the contrary – e.g., because “[b]roadband use and adoption continue[] below optimal levels,”²⁶ or because natural disasters have affected communications infrastructure in certain areas²⁷ – are inapposite and do not change the fact that

²³ See FCC National Broadband Map, Fixed Broadband Deployment, Service Provider Details, <https://broadbandmap.fcc.gov/#/provider-detail?version=jun2017&direction=d&hoconums=130317>.

²⁴ FCC National Broadband Map, Fixed Broadband Deployment, Number of Fixed Residential Broadband Providers, https://broadbandmap.fcc.gov/#/area-summary?version=jun2017&type=nation&geoid=0&tech=acfosw&speed=25_3. With satellite included, nearly 100% of Americans had access to fixed broadband at speeds of at least 25/3 Mbps. *Id.*; see also Free State Foundation Comments at 5 (discussing same data); USTelecom Comments at 2 (“[F]ixed broadband infrastructure is widely deployed: 96% of households have at least one wired broadband option; 98% if fixed wireless is included; and nearly the entire country if satellite is included.”).

²⁵ USTelecom Comments at 3.

²⁶ Communications Workers of America (“CWA”) Comments at 2; see also OTI Comments at 1 (arguing that the affirmative finding in the *2018 Report* “glossed over the 24 million Americans who still lack any option for high-speed broadband”).

²⁷ See Free Press Comments at 4-5 (urging the FCC to “examine disparities to determine what effect the 2017 hurricanes season had on gaps in coverage”); Common Cause and Public Knowledge Comments at 19 (arguing that “any area that no longer has infrastructure because of flooding or wildfire or other disaster should not be considered served until service is actually restored”).

the data unambiguously show significant progress in broadband deployment and fulfillment of statutory goals.

More generally, despite the progress ISPs have made in deploying broadband to the vast majority of Americans, certain commenters seek to belittle those accomplishments and move the goalposts. Some commenters continue to propose aspirational benchmarks for “advanced telecommunications capability” based on hypothetical projections that bear little resemblance to many consumers’ current needs.²⁸ Notably, there is no clear consensus among these prognosticators as to what speed thresholds or other performance metrics would be adequately ambitious to meet future demands, underscoring the arbitrary nature of these predictions.²⁹ As Free State Foundation correctly observes, the annual Section 706 inquiry “was not intended to be an exercise of the agency’s imagination of what the future would be like if the FCC had unfettered powers and unlimited resources to shape the course of broadband deployment.”³⁰

²⁸ See Common Cause and Public Knowledge Comments at 6-7 (discussing “high bandwidth applications of broadband . . . such as online video game distribution and the cloud storage market,” as well as video conferencing, telemedicine, and Internet of Things devices); INCOMPAS Comments at 6 (discussing impacts in “the healthcare industry, manufacturing, agriculture, and retail, among many others”); OTI Comments at 31 (“For a typical household with multiple devices accessing broadband simultaneously, 15 or 25 Mbps is not enough for 4K streaming.”); PCCA Comments at 2 (advocating a 100/100 Mbps benchmark to “meet demand for the simultaneous use of multiple mobile devices in businesses, schools, hospitals, first responders, and American homes today and into the future”).

²⁹ Compare INCOMPAS Comments at 3 (“The FCC should adopt 1 Gig as the fixed broadband standard for the nation.”) with Common Cause and Public Knowledge Comments at 6 (urging the Commission “to update its benchmark speed from 25 Mbps to 100 Mbps downstream”); OTI Comments at 30-32 (applauding Commissioner Rosenworcel’s recommendation for a 100 Mbps downstream standard but further arguing that the Commission “should move toward a symmetrical throughput benchmark that prioritizes download and upload throughput”); CCBC Comments at 2 (“The minimum acceptable broadband speed . . . is 100 Mbps download and 20 Mbps upload.”); and PCCA Comments at 2 (proposing a “future proof” benchmark of 100/100 Mbps).

³⁰ Free State Foundation Comments at 7.

Instead, “the Commission’s adoption of broadband speed benchmarks should be based on capabilities needed to support online services and applications that enjoy relatively wide everyday use by consumers.”³¹ There is no statutory basis for the claim that Section 706 mandates “a forward-looking approach to broadband deployment . . . based on projected future needs from emerging patterns of business use and behavior and with reference to speeds and prices available in other countries.”³²

To be sure, Comcast shares Commissioner Rosenworcel’s desire to be “audacious” and “bold” in envisioning broadband connectivity “for full participation in the digital age.”³³ But Comcast disagrees with commenters that suggest that millions of Americans who already participate in a wide range of online activities (including job applications, email, e-commerce, social media, homework, and streaming video) actually lack “advanced telecommunications capability” because their existing broadband options do not meet an aspirational broadband speed threshold. For example, the Central Coast Broadband Consortium (“CCBC”) argues that, “[b]ased on a standard of 100 [Mbps] download and 20 [Mbps] upload, the vast majority of the [Central Coast] region is unserved, in both highly and less densely populated census blocks,” and that “only 38% of the region would be served on a population basis.”³⁴ But such dire characterizations serve little useful purpose – other than to illustrate how moving the goalposts in the Commission’s Section 706 inquiry can lead to vastly different conclusions without any change in the services actually offered to consumers. Consistent with its statutory mandates, the

³¹ *Id.*

³² Common Cause and Public Knowledge Comments at 4.

³³ *Notice*, Dissenting Statement of Commissioner Jessica Rosenworcel.

³⁴ CCBC Comments at 6, 14.

Commission should monitor where broadband is “deployed” and “availab[le],” not where available services may or may not be adequate for future uses.³⁵

Finally, although the industry continues to make tremendous strides in delivering high-quality broadband to the overwhelming majority of Americans, more work is needed to facilitate robust broadband deployment in the remaining areas where it is not available, especially in rural areas where the population density and resulting economics make broadband much more challenging to deploy.³⁶ However, these ongoing challenges do not compel a conclusion that deployment of “advanced telecommunications capability” is *not* progressing on a reasonable and timely basis. Instead, they simply reaffirm the importance of appropriately targeted efforts to facilitate broadband deployment in areas where private investment or existing deployment subsidies have not yet made it a reality.³⁷

IV. CRITICISM OF BROADBAND SERVICE OFFERINGS IS UNFOUNDED AND SHOULD NOT CHANGE THE COMMISSION’S BROADBAND DEPLOYMENT FINDING

Despite growing investment in broadband deployment and consistently increasing data speeds, a few parties continue to argue that the United States “occupies a low-ranking position in

³⁵ Elsewhere in its comments, CCBC asserts that “service providers are willing to provide broadband service on a spot basis virtually anywhere in our region, for a price,” underscoring that the real issue in this example is not “deployment” of broadband, but whether the services that are available meet subjective judgments of adequacy. *See* CCBC Comments at 2.

³⁶ *See Notice* ¶ 4 (“Although the *2018 Report* concluded that advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the Commission also found that too many Americans remain unable to access high-speed broadband and that, absent universal deployment, we must continue our efforts to close the digital divide.”).

³⁷ *See* ACA Comments at 2 (“Where a business case for private investment alone still cannot be made, the Commission’s [universal service] programs . . . have driven new deployments.”); USTelecom Comments at 5 (“The primary program fueling rural broadband deployment today is the FCC’s Connect America Fund”).

international rankings of broadband capabilities,”³⁸ or “is falling behind other nations in terms of broadband speeds.”³⁹ Others urge the Commission to focus its inquiry on specific technologies, such as fiber-to-the-home, in response to “ever-increasing demand for a superior experience from traditional broadband service.”⁴⁰ To the extent these comments suggest that ISPs in the U.S. are not competing to offer world-class broadband service, including ultra-fast gigabit speeds, Comcast respectfully disagrees.

Comcast has increased available broadband speeds 17 times in 17 years and now offers gigabit service across nearly its entire footprint.⁴¹ Nationwide, NCTA projects that at least 70% to 75% of American households will have access to cable gigabit services by the end of 2018, a “remarkably fast deployment given that there was no meaningful deployment of such technology only a few years ago.”⁴² Others concur that “all the major fixed providers” now offer variations of gigabit service,⁴³ and that high-speed fiber-based services “face[] competition nearly

³⁸ Common Cause and Public Knowledge Comments at 7.

³⁹ CWA Comments at 3.

⁴⁰ See Fiber Broadband Association Comments at 2 (urging the Commission to “focus its assessment on progress in deployment of all-fiber connectivity”).

⁴¹ See Press Release, *Comcast Increases Internet Speeds For Most Customers From Maine Through Virginia* (March 6, 2018) (noting that “[w]e’ve increased speeds 17 times in the last 17 years, and continue to invest to deliver a fast, innovative and reliable experience in and out of the home,” and that gigabit speeds are “set to reach almost all areas [in Comcast’s footprint] by the end of the year”).

⁴² NCTA Comments at 2. As NCTA observes, “[o]ne of the persistent challenges faced by the Commission in assessing the status of broadband deployment is the significant lag time between the collection of data from broadband providers and the release of compiled data to the public, and the resulting understatement in reported deployment levels.” Consequently, although cable operators invested over \$20 billion in new facilities in 2017 and are on track for similar levels in 2018, the Commission’s most recent public release of broadband data may not reflect the results of those investments, including the proliferation of gigabit service. See *id.* at 1-2.

⁴³ AT&T Comments at 2; see also ACA Comments at 3-4 (listing gigabit service offerings by smaller cable ISPs in rural areas).

everywhere [they are] deployed, including from cable providers offering gigabit service to a large and growing number of homes.”⁴⁴ It is clear from this record that U.S. consumers have high-speed data options that are world-class and more than adequate for a wide range of Internet applications.⁴⁵

The National Digital Inclusion Alliance (“NDIA”) faults ISPs for so-called “tier flattening,” which it describes as “eliminat[ing] cheaper rate tiers for low and mid-speed Internet access, except at the very slowest levels,” while “charg[ing] essentially identical monthly prices . . . for home wireline broadband connections at almost any speed up to 100/100 Mbps fiber service.”⁴⁶ In essence, NDIA claims that ISPs are phasing out slower service at lower prices in favor of higher speeds at higher price points, which allegedly widens the digital divide because “\$65 a month for any kind of Internet access, slow or fast, is not a sustainable expense.”⁴⁷ This has it exactly backwards from the standpoint of the Section 706 analysis. The undisputed trend toward faster speed tiers *supports* a finding that deployment of advanced communications capability has been reasonable and timely. As noted above, Comcast and other ISPs have continued to improve the quality of their networks and increase broadband speeds, all of which

⁴⁴ Verizon Comments at 1-2.

⁴⁵ For example, 80% of European Union households had access to 30 Mbps downstream from a fixed provider in 2017, while 93% of the U.S. population had access to 25/3 Mbps from a fixed terrestrial provider (not including satellite) as of June 30, 2017. And only 58% of EU households had access to 100 Mbps from a fixed provider, while 83% of the U.S. population had access to 100/10 Mbps from a fixed provider (not including satellite). *Compare* European Commission, *2018 Digital Economy and Society Index Report - Connectivity* (May 14, 2018), at 3, http://ec.europa.eu/information_society/newsroom/image/document/2018-20/1_desi_report_connectivity_DFB52691-EF07-642E-28344441CE0FCBD1_52245.pdf, with FCC National Broadband Map, Fixed Broadband Deployment, Number of Fixed Residential Broadband Providers, https://broadbandmap.fcc.gov/#/area-summary?version=jun2017&type=nation&geoid=0&tech=acfosw&speed=25_3.

⁴⁶ National Digital Inclusion Alliance (“NDIA”) Comments at 9.

⁴⁷ *Id.*

require massive capital investments. While certain low-speed service tiers may no longer be available, that is because Comcast and other ISPs have repeatedly increased speeds in those tiers (e.g., Comcast’s flagship Performance tier has increased from 6 Mbps in 2007 to 25 Mbps in 2014 to 60 Mbps currently). Comcast’s customers now receive significantly more value for their money, which is true of other ISPs’ offerings as well, and it is difficult to imagine how this result would reflect anything other than fulfillment of the goals of Section 706.

Other commenters raise more general concerns about the affordability of broadband.⁴⁸

While cost is one factor in broadband adoption, research shows it is not the main barrier to subscription. Rigorous quantitative research by the U.S. Census Bureau, the National Telecommunications and Information Administration (“NTIA”), the Commission, and Pew Research Center confirm that the most significant barrier to broadband adoption by a wide margin is a bucket of digital relevance and digital literacy issues.⁴⁹ Moreover, Comcast strongly

⁴⁸ See OTI Comments at 12 (“Cost is a primary barrier to broadband adoption, and therefore its availability for millions of Americans.”); CCBC Comments at 2 (arguing that “[a]ffordability is an essential criterion for determining if broadband access is sufficient,” and that if consumers “cannot afford 100/20 service, then such access is unavailable”).

⁴⁹ See National Telecommunications and Information Administration, *Digital Nation Data Explorer* (June 6, 2018), <https://www.ntia.doc.gov/data/digital-nation-data-explorer#sel=internetUser&disp=map> (reporting data from the U.S. Census Bureau’s 2017 Current Population Survey, which found that 58% of non-adopting households cited lack of need or lack of interest as the main reason for non-adoption, while 21% cited cost as the main reason); Pew Research Center, *Home Broadband 2015* at 6 (Dec. 21, 2015) (finding that 70% of non-adopters were not interested in subscribing to the Internet); Octavian Carare et al., *The Willingness to Pay for Broadband of Non-Adopters in the U.S.: Estimates from a Multi-State Survey* at 4 (Nov. 18, 2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2375867 (finding, in a study sponsored by the NTIA and conducted by two FCC economists and two analysts from Connected Nation, that about two-thirds of non-adopting households would not consider subscribing to the Internet at home at any price); FCC, *Connecting America: The National Broadband Plan* at 168 (Mar. 2010), <https://transition.fcc.gov/national-broadband-plan/national-broadband-plan.pdf> (reporting 2009 Current Population Survey data, and finding that 41% of non-adopters cited relevance and digital literacy factors as the primary reasons for

disagrees with claims that ISPs ignore the needs of customers at lower income levels. In fact, Comcast's Internet Essentials program is the nation's largest and most comprehensive high-speed Internet adoption program for low-income households.⁵⁰ Since 2011, Internet Essentials has connected more than 6 million low-income Americans, in 1.5 million households, to high-speed Internet service at home.⁵¹ After 11 expansions of eligibility in seven years, the program is now available to households with school-age children eligible for free and reduced price lunches, all households living in HUD-assisted housing, low-income veterans, and, in select markets, low-income senior citizens and community college students.⁵² Internet Essentials is a comprehensive, wrap-around program to address each of the major barriers to broadband adoption, offering low-cost Internet service for \$9.95 a month; the option to purchase an Internet-ready computer for less than \$150; and access to free digital literacy training in print, online, and in person.⁵³ A recent survey of Internet Essentials customers found that more than 90% were highly satisfied with the program, 93% felt it had a positive impact on their child's grades, and 62% felt it helped someone in their household locate or obtain employment.⁵⁴ Comcast is proud of these efforts to help close the digital divide and urges the Commission to consider such voluntary initiatives in any assessment of the affordability of broadband services.

not having broadband in 2010, whereas only 15% cited the monthly internet service cost and another 10% cited the cost of a computer as the main reasons for non-adoption).

⁵⁰ See Internet Essentials 2018 Fact Sheet at 1, <https://update.comcast.com/download/14216/>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ See *id.* Comcast notes that it has increased the data speeds offered with Internet Essentials four times in six years to 15 Mbps download and 2 Mbps upload. These speeds make numerous digital opportunities – from homework to job applications to streaming video – available to the program's customers, but those benefits could be ignored completely if the Commission declined to collect broadband data at speeds other than 25/3 Mbps.

⁵⁴ *Id.* at 2.

V. CONCLUSION

Based on the foregoing and on the other comments filed in this proceeding, the Commission should: (1) continue to focus its inquiry on the *progress* being made in deploying advanced telecommunications capability, consistent with the language and intent of Section 706; (2) find that advanced telecommunications capability is being reasonably and timely deployed; (3) track and report on broadband deployment progress at multiple speed benchmarks; and (4) continue successful regulatory policies to remove barriers to investment and increase the availability of broadband in unserved areas. There is no basis in the record to abandon the sound analytical framework that guided the Commission's Section 706 inquiry last year, or to reverse course from its prior conclusion that progress on deployment has been reasonable and timely. Comcast looks forward to working with the Commission toward continued progress in deployment of advanced telecommunications services to all Americans.

WILLKIE FARR & GALLAGHER LLP
1875 K Street, N.W.
Washington, D.C. 20006

Attorneys for Comcast Corporation

October 1, 2018

Respectfully submitted,

/s/ Kathryn A. Zachem

Kathryn A. Zachem
David M. Don
Beth A. Choroser
Regulatory Affairs

Francis M. Buono
Ryan G. Wallach
Legal Regulatory Affairs

COMCAST CORPORATION
300 New Jersey Avenue, NW
Suite 700
Washington, DC 20001