

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

In the Matter of)	
)	
Inquiry Concerning Deployment of Advanced)	GN Docket No. 20-269
Telecommunications Capability to All Americans)	
in a Reasonable and Timely Fashion)	
)	

**Reply Comments of
Communications Workers of America**

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October 5, 2020

The Communications Workers of America (CWA) submits these Comments in response to the Federal Communications Commission’s (FCC or Commission) *Sixteenth Broadband Deployment Report Notice of Inquiry* (NOI), which solicits comments to help the FCC “determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”¹ CWA represents workers in private and public sector employment who work in telecommunications and information technology, the airline industry, news media, broadcast and cable television, education, health care and public service, manufacturing, and other fields. Since launching our Speed Matters program a decade ago, CWA has supported Commission policies that accelerate deployment of affordable, high-speed broadband to all Americans.² Chairman Pai noted in his very first speech as Chairman: “[T]here is a digital divide in this country – between those who can use cutting-edge communications services and those who do not. I believe one of our core priorities going forward should be to close that divide... We must work to bring the benefits of the digital age to all Americans.”³ CWA agrees. And an accurate assessment of the deployment and adoption of advanced telecommunications capability to all Americans is essential to craft policies to close the digital divide and promote digital equity for all Americans.

There is broad consensus that high-speed broadband is essential infrastructure of the 21st century, providing the platform for economic development, jobs, education, health care, public safety, energy efficiency, civic participation, entertainment, and communications among friends and family. Given the importance of high-speed broadband, the Commission’s annual evaluation of whether advanced telecommunications services are being deployed in a reasonable and timely

¹ Federal Communications Commission, *Sixteenth Broadband Deployment Report Notice of Inquiry*, GN Docket No. 20-269 (rel. Aug. 19, 2020). (“NOI”)

² See Speedmatters.org for more information on CWA’s Speed Matters project.

³ Remarks of Chairman Ajit Pai to FCC Staff, Jan. 24, 2017.

fashion is of critical importance to the economic and social well-being of our nation. CWA agrees with the commenters who advocated in the proceeding record that the Commission should find that broadband is not being deployed in a reasonable and timely fashion, raise its broadband download speed benchmark to 100 Mbps, continue to find that mobile services are no substitute for fixed broadband, and do more to close the digital divide in the face of the COVID-19 pandemic.⁴

Broadband is not being deployed in a reasonable and timely fashion, and the Commission was wrong to conclude so in its 2018, 2019, and 2020 Broadband Reports.⁵ As the Commission’s 2020 Broadband Report found, more than 18 million households still lack access to broadband services. Broadband use and adoption continues to be far below the universal access to which we should aspire. According to the most recent census data, only about three-fourths (77 percent) of people in the US have a wired broadband connection.⁶ Access for people of color is particularly low. According to the most recent Pew Research Center data available, 43 percent of African-Americans and 53 percent of Hispanics do not subscribe to broadband at home, in many cases because they cannot afford it. The cost of broadband remains a challenge for many households, as 55 percent of low-income households (annual earnings under \$30,000)

⁴ Comments of Common Cause, Next Century Cities, and Public Knowledge, GN Docket No. 20-269 (Sept. 18, 2020); Comments of Free Press, GN Docket No. 20-269 (Sept. 18, 2020); Comments of New America’s Open Technology Institute and Access Now, GN Docket No. 20-269 (Sept. 18, 2020).

⁵ Federal Communications Commission, *2018 Broadband Deployment Report*, GN Docket No. 17-199 (rel. Feb. 2, 2018). (“2018 Broadband Report”); Federal Communications Commission, *2019 Broadband Deployment Report*, GN Docket No. 18-238 (rel. May 29, 2019) (“2019 Broadband Report”); Federal Communications Commission, *2020 Broadband Deployment Report*, GN Docket No. 19-285 (rel. Apr. 24, 2020) (“2020 Broadband Report”).

⁶ 2019 American Community Survey, 1-Year Estimates, Types of Computers and Internet Subscriptions, available at <https://data.census.gov/cedsci/table?q=Telephone,%20Computer,%20and%20Internet%20Access&g=0100000US&y=2019&tid=ACSDT1Y2019.B28002&hidePreview=true>

do not subscribe to broadband at home.⁷ Based on these facts, it is clear that for a significant number of Americans broadband is not being deployed in a reasonable and timely fashion.

The Commission should raise its broadband download speed benchmark to 100 Mbps. The United States is falling behind other nations in terms of broadband speeds. In the most recent data available, the US ranks 11th in the world for average connection speed behind South Korea, Hong Kong, Switzerland, Japan, and every country on the Scandinavian peninsula.⁸ On the peak speeds global ranking, the US does not break the top-10.⁹ Part of the problem is our current broadband benchmark, which is insufficient to meet today’s typical needs use and falls short of the Commission’s goals in the 2010 Broadband Plan.¹⁰ “The United States must lead the world in the number of homes and people with access to affordable, world-class broadband connections,” the Broadband Plan reads. “As such, 100 million US homes should have affordable access to actual download speeds of at least 100 Mbps and actual upload speeds of at least 50 Mbps by 2020. This will create the world’s most attractive market for broadband applications, devices and infrastructure.”¹¹ The Commission should raise its broadband download speed benchmark to 100 Mbps to encourage high-speed broadband deployment that will ensure the United States leads the world in internet speeds and deployment instead of struggling to keep up.

⁷ Pew Research Center, “Internet/Broadband Fact Sheet” (2019). Available at: <http://www.pewinternet.org/fact-sheet/internet-broadband/>

⁸ Speedtest Global Index (Aug. 2020): <https://www.speedtest.net/global-index>

⁹ Analysis: US Falls Out of Top 10 Average Internet Speeds Globally, But Global Speeds Faster Than Ever, DecisionData.org (Sept. 09, 2020). <https://decisiondata.org/news/analysis-us-falls-out-of-top-10-average-internet-speeds/>

¹⁰ Federal Communications Commission, “Connecting America: The National Broadband Plan,” (rel. Mar. 2010).

¹¹ *Id.* at 9.

Mobile services are no substitute for fixed broadband. The Commission was correct to conclude in its 2019 Broadband Report that “despite the increasing ubiquity and capabilities of mobile services, there is insufficient evidence in the record to conclude that mobile and fixed broadband services are full substitutes in all cases” and to reaffirm this conclusion in its 2020 Broadband Report.¹² Technology has not advanced so rapidly since April 2020 to warrant a departure from this conclusion in the Commission’s upcoming analysis. The findings of the expert report CWA submitted in 2017 remain relevant today.¹³ The report by CTC Technology & Energy, an independent consulting firm, analyzed the current and emerging generation of mobile wireless technologies and compared those technologies to wireline technologies such as fiber-to-the-premises (FTTP), cable broadband, and copper DSL across a range of technical parameters, including reliability, resilience, scalability, capacity, and latency. The report also evaluated wireless carriers’ mobile pricing and usage structures – including so-called “unlimited” data plans – because those policies play a significant role in whether consumers can substitute mobile for wireline service. The CTC report concluded that “for both technical and business reasons, wireless technologies are not now, and will not be in the near to medium future, adequate alternatives or substitutes for wireline broadband.”¹⁴

According to the CTC Report, “modern wireline broadband services are superior to wireless services in terms of capacity, reliability, and scalability. While cutting-edge wireless technologies may surpass the theoretical bandwidth capabilities of some wireline products, FTTP networks easily surpass even the best of all planned or deployed wireless technologies.”¹⁵

¹² 2019 Broadband Report at 5; 2020 Broadband Report at 5-6.

¹³ Reply Comments of Communications Workers of America, GN Docket No. 17-199 (Oct. 2017); CTC Technology & Energy, “Mobile Broadband Service Is Not an Adequate Substitute for Wireline,” (Oct. 2017). (“CTC Report”)

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 11.

Mobile broadband cannot deliver performance as consistent as wireline services. The report explains that “even a well-engineered mobile broadband network cannot provide entirely consistent service within a service area.”¹⁶ Speeds degrade as one moves farther away from the antenna, and as distance increases, more obstructions block the antenna and the user. Wireless signals are degraded by natural features such as mountains, valleys, trees, and weather; buildings and other structures; and interference from other radio frequency (RF) signals in the area.

Moreover, the shift in mobile pricing models from data caps to so-called “unlimited” plans has not changed this outcome because, even though the product is not capped, users experience significant degradation of speeds via throttling after certain levels of use. Mobile providers dramatically limit customer usage and exert significant control over how applications run on their networks; these policies may have good technical or business justification but they have the impact of making the mobile service far inferior and less usable for consumers than wireline broadband service.¹⁷

The Commission must do more in the face of the COVID-19 pandemic. The COVID-19 pandemic has not only given rise to unprecedented challenges for our nation, but it has also widened long-existing inequities, including the digital divide. Home broadband is a necessity for all, regardless of race, income, or geography — especially as medical experts ask people across the country to stay at home whenever possible to stop the spread of the virus. More than ever before, there is a persistent need for reliable, high-speed home internet. In response to this need, the Commission should make funding more widely available and, importantly, address the affordability gap that continues to keep low-income, rural, and other locations unconnected.

¹⁶ *Id.* at 14.

¹⁷ *Id.* at 21.

The Commission should increase the Lifeline subsidy for consumers in need during the pandemic pursuant to its role managing the Universal Service Fund, as it has in response to disasters in the past.¹⁸ Enhanced Lifeline support is needed to ensure that telecommunications and information services will continue to be available and affordable despite the impact of this national tragedy that has left millions unemployed.

In addition, the Commission should reinstate and expand the Keep Americans Connected Pledge, this time with greater transparency and accountability for the pledge-takers. At the outset of the pandemic, the Commission announced pandemic-specific policy changes and encouraged providers to sign the Keep Americans Connected Pledge. The pledge laid out a good set of principles including a promise not to shut off service to those who are unable to pay. Still, it did not include a prohibition on data caps and overage fees, leaving people who primarily access broadband through their phones without essential tools for connecting with employers, educators, and healthcare providers. Further, providers were not required to participate in the pledge, and the Commission lacked mechanisms to effectively monitor or enforce the voluntary commitment. In the first two months of its existence, the Commission received over 500 consumer complaints about broadband providers failing to uphold the pledge.¹⁹ As the Commission identified in March, it is still the case today that suspending service terminations, waiving late fees, and opening Wi-Fi hotspots to the public remain important steps that providers can take to offset COVID-related circumstances. By reinstating and strengthening the pledge, the

¹⁸ After Hurricane Katrina, the FCC provided households eligible for individual housing assistance under FEMA with “support for a free wireless handset and a package of at least 300 minutes of use, not to exceed \$130 per household.” See Federal Communications Commission, *Order*, CC Docket No. 96-45, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 03-109, 7 (adopted Oct. 14, 2005).

¹⁹ Makena Kelly, “The FCC has received hundreds of complaints about carriers’ coronavirus pledge,” *The Verge* (May 19, 2020).

Commission can encourage provider practices that keep people connected.

Conclusion. CWA has a longstanding commitment to the deployment of affordable, high-speed internet for all because robust broadband deployment creates vital public benefits, including economic development, jobs, education, health care, public safety, civic participation, and more. As part of that commitment, CWA submits these reply comments in response to the Commission's NOI. An accurate assessment of the deployment and adoption of advanced telecommunications capability is essential to craft policies to close the digital divide and promote digital equity for all. The Commission should find that broadband is not being deployed in a reasonable and timely fashion, raise its broadband download speed benchmark to 100 Mbps, continue to find that mobile services are no substitute for fixed broadband, and do more to close the digital divide in the face of the COVID-19 pandemic.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Brian Thorn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Thorn
Communications Workers of America

October 5, 2020