

United States Senate

WASHINGTON, DC 20510

October 18, 2017

The Honorable Ajit Pai, Mignon Clyburn, Michael O'Rielly,  
Brendan Carr, and Jessica Rosenworcel  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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

I write today to urge the Federal Communications Commission (FCC) to reject its current proposal to downgrade the minimum benchmark definition of internet service and to treat mobile broadband as a stand-in for fixed home internet. It is my concern that pushing this standard would only "define access down" and reduce connectivity quality for New Yorkers and the rest of the nation.

As you know, each year the FCC evaluates national broadband deployment standards to ensure internet service providers (ISPs) are equally distributing quality broadband. In 2015, the FCC established a new definition of broadband, increasing the access requirement from 4Mbps minimum download speed, 1Mbps upload speed, to 25Mbps/3Mbps, excluding mobile service, in order to serve the 55 million Americans without high-speed internet at those speeds. This decision was an attempt to raise the bar for the quality of internet being deployed and set aspirational goals aimed at increasing broadband access for millions of Americans.

The FCC's recent Notice of Inquiry (NOI) would scale back the progress made by the 2015 decision by enabling ISPs to offer consumers slower broadband. In considering whether mobile broadband access could serve as a viable alternative to home broadband, the NOI would define the U.S. broadband standard as 10Mbps download and 1Mbps upload for mobile, less than half the current 25Mbps/3Mbps standard for home broadband. The FCC would consider areas covered by either the lower mobile standard *or* fixed service as "served."

As anyone who has a cell phone knows, most mobile coverage of today could never serve as a comparable substitute to consistent home internet. Not only does today's mobile internet typically vary in speed, the quality is not nearly reliable enough to be considered an adequate and sufficient alternative, especially if held to the low standard of 10Mbps/1Mbps. Furthermore, under this new proposal there would be even less of an incentive for ISPs to improve existing fixed home internet service, buildout new broadband infrastructure, or even improve mobile broadband quality for the thousands of rural and low-income communities who lack sufficient access currently – further increasing the digital divide. Lastly, the new definition could have an enormous impact on the funding available for those in my home state of New York seeking to expand broadband networks into uncovered areas.

For many households across the nation, access to robust, affordable broadband service is their livelihood. Instead of pushing policies that could weaken the national standard for this critical resource, we should be raising the bar for service quality and expanding coverage.

I urge the Commission to reconsider this proposal and take every step possible to ensure all Americans stay connected.

Sincerely,

A handwritten signature in blue ink, reading "Charles E. Schumer". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Charles E. Schumer  
United States Senator

Charles B. Johnson



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

February 7, 2018

The Honorable Charles E. Schumer  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your letter regarding this year's Broadband Deployment Report. Your views are very important and were considered as part of the Commission's review.

In Section 706 of the Telecommunications Act of 1996, Congress tasked the Commission with encouraging the deployment of broadband on a reasonable and timely basis and issuing an annual report on our progress. The report the Commission adopted last week maintains the same benchmark speed for fixed broadband service previously adopted by the Commission: 25 Mbps download/3 Mbps upload. It also concludes that mobile broadband service is not a full substitute for fixed service. Instead, it notes there are differences between the two technologies, including clear variations in consumer preferences and demands. As a result, the report evaluates progress in deploying fixed broadband service as well as progress in deploying mobile broadband service and takes a holistic approach to evaluating the deployment of these services.

Over the course of the past year, the current Commission has taken steps to reduce barriers to infrastructure investment and promote competition in the broadband marketplace. But far too many Americans still lack access to high-speed Internet.

Indeed, I agree with you that we should "take every step possible to ensure all Americans stay connected." That's why the FCC's top priority under my leadership remains bringing digital opportunity to all Americans. And to that end, I asked my colleagues just last month to join me in devoting \$500 million in additional funding for cooperatives and small rural carriers to connect Americans living in rural and Tribal areas. I look forward to working with you and them to carry out our shared goal of closing the digital divide.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai