

November 7, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

We write to express serious concerns with the Federal Communications Commission's lack of coordination with local governments relating to the Commission's efforts to improve deployment of broadband internet service. We are concerned about local representation on the Broadband Deployment Advisory Committee (BDAC), particularly in the context of the Commission's ongoing wireless and wireline infrastructure proceedings.¹

We believe the BDAC, as it is currently designed, lacks sufficient input from local governments and could result in recommendations that unduly preempt local authority. We therefore urge you to implement reforms to the BDAC to provide local governments with adequate opportunity to offer their perspectives regarding this important matter. We also urge you to enhance transparency by reforming the BDAC's internal procedures and ensure the public has ample opportunity to comment on any BDAC proposals before they are used as the basis or justification for Commission actions.

Broadband internet access is an essential service that American consumers and communities need to compete and fully participate in the 21st century. As Members of Congress who are committed to enacting policies that enhance broadband internet access across the U.S., we were encouraged by your decision in January to form the BDAC to advise the Commission on current regulatory barriers impeding the deployment of broadband.

However, we are concerned that the composition of the 30-member BDAC relies too heavily on the input of industry voices and less on public officials who are responsible for protecting the public interest and who understand the issues and perspectives of local communities nationwide. Speaking directly to these concerns, a recent report by the Center for Public Integrity noted that:

"More than three out of four seats on the BDAC are filled by business-friendly representatives from the biggest wireless and cable companies such as AT&T Inc., Comcast Corp., Sprint Corp., and TDS Telecom. Crown Castle International Corp., the nation's largest wireless

¹ *In the Matter of Accelerating Wireless Broadband Deployment By Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Development*, WC Docket No. 17-84.

infrastructure company, and Southern Co., the nation's second-largest utility firm, have representatives on the panel."²

The same report found that of numerous local government representatives that applied to join the BDAC, only one was originally selected to serve on the 30-member committee. While two more local officials were later appointed to the BDAC, this constitutes only ten percent of the voting membership. This imbalanced roster does not adequately represent the broad array of voices whose input is necessary to conduct a reasoned and comprehensive analysis and develop inclusive solutions which can earn acceptance from a broader array of stakeholders.

There is also the problem of the BDAC's lack of transparency and restrictions on public access to the BDAC's working documents. We're concerned that the BDAC will serve as a vehicle to advance laws and policies that serve the needs of industry at the expense of the public interest. This is reflected in the language of the BDAC overview itself, which states the purpose of the Committee is to "eliminate regulatory barriers," - presuming that regulatory protections are an inherent obstruction - other than to examine or address regulatory policy through a more holistic approach. This premise happens to adhere closely to the longtime anti-regulatory efforts of the very interests who make up the overwhelming majority of the BDAC. Taken together, those facts underscore the need for a more transparent process to reassure stakeholders that the final proposals will have resulted from a fair and measured debate.

In order to allow for a fair and balanced perspective of all stakeholders both on and off the BDAC who are committed to accelerating broadband deployment, we call on you to do the following:

- Immediately expand representation of state and local government officials on the BDAC and all five of its working groups;
- Make all meetings, submissions, and drafts of working documents relied upon by the BDAC and its working groups publicly available and accessible to allow for input from a broader group of stakeholders;
- Provide the public with ample time to comment on recommendations and reports adopted by the BDAC before using those materials to inform, justify, or guide Commission action; and
- Refocus the work of the BDAC to create more industry accountability for increasing quality network coverage and lowering costs to all Americans, including in rural and low-income areas, instead of solely focusing on tying the hands of state and local governments.

We believe these reforms are critical to ensuring the BDAC incorporates diverse and balanced input that will ultimately lead to policies that promote the increased deployment of broadband Internet service in a manner that is consistent with the Commission's statutory obligation to serve the public interest. We're concerned that the current composition and operation of the BDAC and aggressive timeline pursued by your office will undermine the legitimacy of any eventual recommendations if the concerns we have raised here are not promptly addressed.

² Blake Dodge, FCC packs broadband advisory group with big telecom firms, trade groups, The Center for Public Integrity (Aug. 11, 2017), <https://www.publicintegrity.org/2017/08/11/21057/fcc-packs-broadband-advisory-group-big-telecom-firms-trade-groups>.

Thank you for your attention to this important request, and we look forward to your timely response.

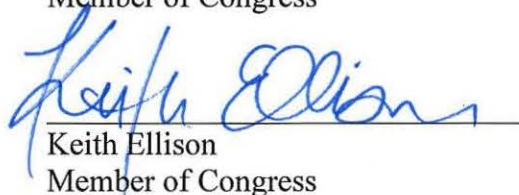
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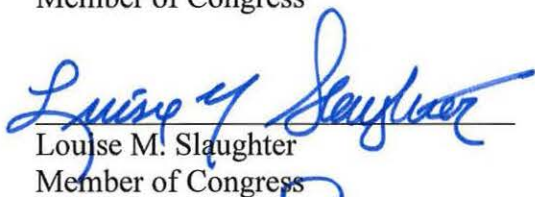
Anna G. Eshoo
Member of Congress



Michael F. Doyle
Member of Congress



Keith Ellison
Member of Congress



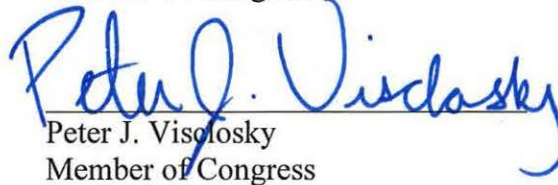
Louise M. Slaughter
Member of Congress



Peter A. DeFazio
Member of Congress



Zoe Lofgren
Member of Congress



Peter J. Visclosky
Member of Congress



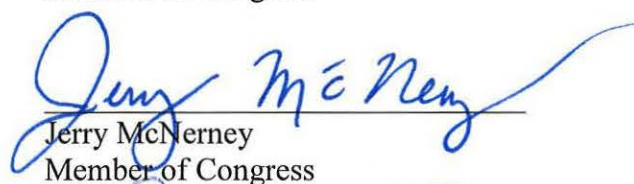
Jacky Rosen
Member of Congress



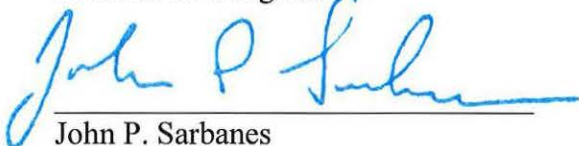
Tony Cárdenas
Member of Congress



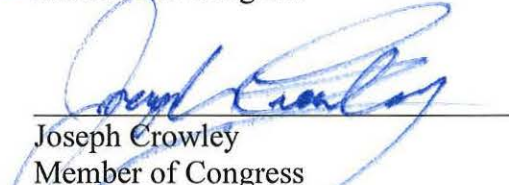
Peter Welch
Member of Congress



Jerry McNerney
Member of Congress



John P. Sarbanes
Member of Congress



Joseph Crowley
Member of Congress

cc: The Honorable Mignon Clyburn, Commissioner, Federal Communications
Commission
The Honorable Michael O'Rielly, Commissioner, Federal Communications
Commission
The Honorable Jessica Rosenworcel, Commissioner, Federal Communications
Commission
The Honorable Brendan Carr, Commissioner, Federal Communications
Commission



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

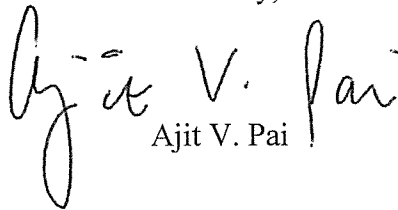
The Broadband Deployment Advisory Committee is playing an important role in these efforts. The Committee is a forum for experts to share ideas, debate, and ultimately make recommendations to the Commission on ways to eliminate barriers to the deployment of broadband infrastructure. It is made up of a diverse array of stakeholders, with representatives from the National League of Cities, the National Association of Regulatory Utility Commissioners, small towns, large states, businesses large and small that deploy the cables, antennas, and other physical facilities that make up broadband networks, as well as public interest advocates, academics, and others with valuable ideas to contribute. Indeed, earlier this month, I was pleased to appoint David Young, the Fiber Infrastructure and Right of Way Manager for the City of Lincoln, Nebraska, to be the Broadband Deployment Advisory Committee's new Vice Chair. Members bring to the table a wide variety of backgrounds, forms of expertise, and viewpoints, and are all committed to the common goal of facilitating broadband deployment. The Committee's meetings have been lively, invigorating, and full of constructive debate—precisely what one would expect from a diverse panel of experts seeking consensus on solutions to challenging issues.

The Committee's work is already paying off. On July 11, I circulated for my colleagues' consideration an order that adopts a new pole attachment process consistent with the recommendations of the Broadband Deployment Advisory Committee from earlier this year. If adopted, the order would fundamentally shift the framework for the vast majority of attachments governed by federal law by adopting "one-touch make ready" (OTMR) policies. Under OTMR, the party with the strongest incentive—the new attacher—would be allowed to quickly perform all make-ready work, rather than spreading the work across multiple parties. By making it quicker and cheaper to attach to poles, we can accelerate network buildout and make it easier for new entrants to provide more broadband competition. The draft order includes safeguards to protect the public and worker safety and excludes from OTMR new attachments that are more complicated or above the "communications space" of a pole, where safety and reliability risks are greater. Based on the record, the proposed OTMR regime is expected to speed broadband deployment without substantial service interruptions or danger to the public or workers.

I also agree with you that the work of the Broadband Deployment Advisory Committee must be transparent and accessible. As a Federal Advisory Committee, the Committee operates under established rules and practices. Meetings of the full committee are announced in advance, open to the public, and streamed live on the Commission website. In the interest of additional transparency and engagement, working groups have presented draft reports and recommendations at the Committee's public meetings. These materials are available on the Commission's website, and interested parties are welcome to provide input to the Committee in the electronic docket established for that purpose. Final recommendations of the Committee, including any that relate to pending Commission proceedings, are also available for public scrutiny and comment. And of course under my transparency initiative, the FCC publishes meeting items at least three weeks before a vote, allowing the public to see exactly how the Commission incorporates any Committee recommendations into those items.

I look forward to working with you as we pursue the common goal to promote broadband access for all Americans. Please let me know if I can be of any further assistance.

Sincerely,

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

The Honorable Rohit Khanna
U.S. House of Representatives
513 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Khanna:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

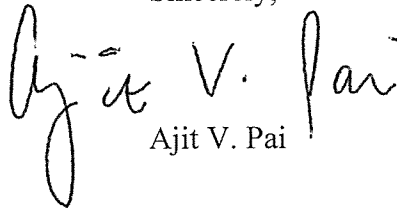
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I look forward to working with you as we pursue the common goal to promote broadband access for all Americans. Please let me know if I can be of any further assistance.

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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

The Honorable Louise M. Slaughter
U.S. House of Representatives
2469 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Slaughter:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

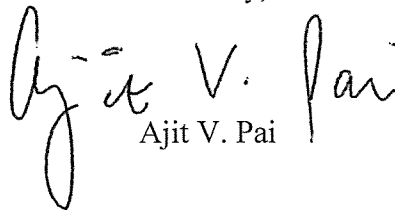
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Zoe Lofgren
U.S. House of Representatives
1401 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Lofgren:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

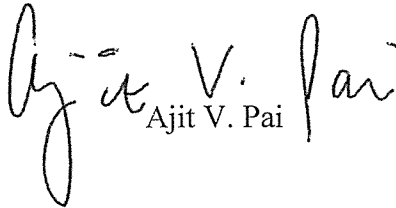
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Jacky Rosen
U.S. House of Representatives
413 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rosen:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

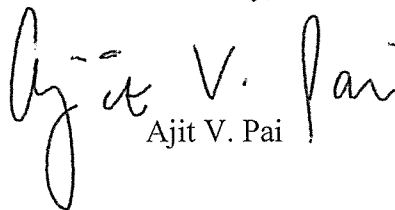
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Welch:

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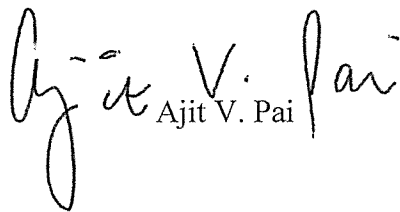
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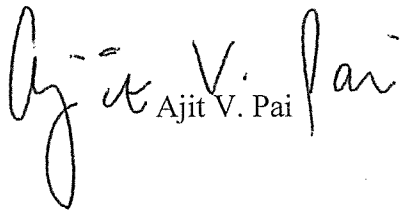
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Mike Doyle
U.S. House of Representatives
239 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Doyle:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

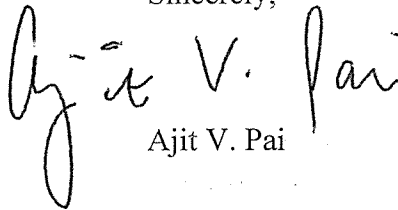
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Keith Ellison
U.S. House of Representatives
2263 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Ellison:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

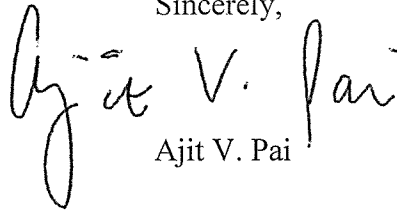
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Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

The Honorable Peter A. DeFazio
U.S. House of Representatives
2134 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman DeFazio:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

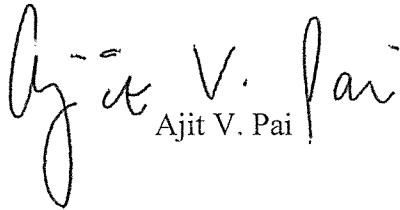
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Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Peter J. Visclosky
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Visclosky:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

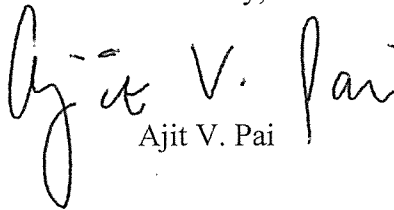
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Tony Cárdenas
U.S. House of Representatives
1510 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Cárdenas:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

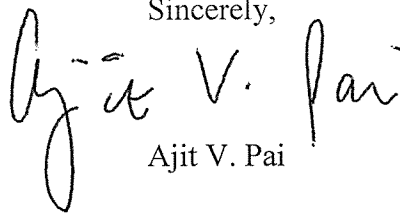
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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 23, 2018

The Honorable Jerry McNerney
U.S. House of Representatives
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

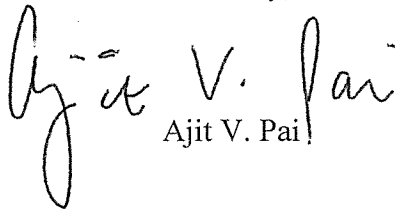
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 23, 2018

The Honorable Joseph Crowley
U.S. House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Crowley:

Thank you for your letter regarding the Commission's efforts to accelerate broadband deployment across the United States. I share your view that broadband is an essential platform to connect Americans and their communities in the digital age. That's why my top priority as Chairman is to close the digital divide and bring broadband to every part of the country.

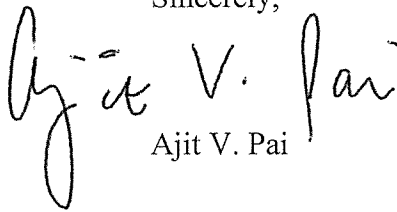
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