

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

In the Matter of)	
)	
Rural Digital Opportunity Fund)	WC Docket No. 19-126
)	
Connect America Fund)	WC Docket No. 10-90

COMMENTS OF ILLINOIS DEPARTMENT OF INNOVATION & TECHNOLOGY

Illinois Department of Innovation & Technology (“DoIT”) offers the following Comments on the Commission’s recent Notice of Proposed Rulemaking (the “Notice”) in the above-captioned dockets concerning the eligibility requirements and funding mechanism for the Commission’s proposed Rural Digital Opportunity Fund (“RDOF”).¹ In the Notice, the Commission proposes to award at least \$20.4 billion over the next decade to support greater availability of affordable broadband services across the nation.² In these comments, DoIT encourages the Commission to work in close coordination with state-level governmental agencies in order to ensure that support for broadband deployment is used efficiently and effectively to advance state and federal broadband policy goals, and to use RDOF support to encourage service providers to make broadband available primarily at speeds that will meet the needs of customers through the full term of the RDOF program.

Background

DoIT was formed by statute on July 20, 2018 and today is charged with responsibility for all information technology functions of agencies under the jurisdiction of the governor of Illinois. DoIT delivers best-in-class innovation to Illinois state agencies, fostering collaboration and empowering employees to provide better services to the state’s residents, businesses, and visitors. DoIT is leading a digital transformation to gain efficiencies and improve delivery of

¹ *Rural Digital Opportunity Fund*, WC Docket No. 19-126, Notice of Proposed Rulemaking, FCC 19-77 (rel. Aug. 2, 2019).

² Notice at ¶¶ 12-13.

government services, improve security and data protection, eliminate unnecessary redundant systems, and foster greater interagency collaboration.

DoIT delivers statewide information technology and telecommunication services and innovation to state government agencies through its operation of the Illinois Century Network (“ICN”). The ICN is a high-performance network built to meet the Internet and Intranet needs of the educational community, public libraries and museums, and state and local government agencies serving the citizens of Illinois. The ICN maintains fourteen Points of Presence and nine Regional Technology Center offices around the state, which allow Community Anchor Institutions to connect and receive service locally. In addition, the ICN network serves as an Illinois local area network (“LAN”), enabling interconnectivity, resource sharing, and access to in-state content and cloud resources.

DoIT has a leading role in the Governor’s Connect Illinois initiative, which includes a capital investment from Rebuild Illinois, the creation of a Broadband Advisory Council and Broadband Office, and a new program that will provide all Illinois public K-12 students access to high-speed broadband at no charge.³ Connect Illinois will award \$400 million in broadband grant funding to support broadband infrastructure investment by Internet service providers, and includes an additional \$20 million capital program to expand and improve the ICN.⁴

³ See Illinois Department of Commerce and Economic Opportunity, “Connect Illinois,” *available at*: <https://www2.illinois.gov/dceo/ConnectIllinois/Pages/default.aspx> (visited Sept. 19, 2019).

⁴ See Press Release, “Gov. Pritzker Launches Connect Illinois, a \$420 Million Statewide Broadband Expansion Under Rebuild Illinois” (Aug. 15, 2019), *available at*: <https://www2.illinois.gov/dceo/Media/PressReleases/Pages/PR20190815.aspx> (visited Sept. 19, 2019).

Discussion

In the Notice, the Commission called closing the digital divide its “top priority,” explaining that broadband access is “critical to economic opportunity, job creation, education, and civic engagement.”⁵ Illinois shares these priorities, allocating some \$420 million of the recently enacted \$45 billion Rebuild Illinois program to broadband infrastructure grant awards and investment.⁶ It is vital that the state and federal governments work closely as we invest alongside one another to maximize the benefits of these investments of precious public funds.

A. Close Coordination between the Commission and State Broadband Agencies is Important to Ensure Optimal Use of Public Funding for Broadband Deployment

DoIT supports the Commission’s recognition that the “Universal Service Fund is a federal-state partnership,” and the invitation in the Notice to comment on ways in which the RDOF can facilitate that partnership.⁷ Even as the Commission prepares to commit over \$20 billion in RDOF support for broadband deployment in unserved and underserved communities, other state and federal agencies are pursuing similar approaches. Connect Illinois will provide a \$400 million investment in broadband deployment in unserved areas of the state, largely through state awards of grant funding made over a multi-year period to private-sector broadband service providers.

Robust lines of communication and coordination will help ensure optimal outcomes that advance state and federal broadband policy alike, while avoiding waste of public funds. Such coordination will promote exchange of information between the Commission, state-level agencies such as DoIT, and broadband service providers seeking federal or state support. Specifically, the Commission should take two steps in connection with the RDOF, as follows:

⁵ Notice at ¶ 1.

⁶ *Rebuild Illinois: Investing in Infrastructure for a Better Illinois*, at 3 (June 28, 2019), available at: https://www2.illinois.gov/IISNews/20266-Rebuild_Illinois_Capital_Plan.pdf (visited Sept. 19, 2019).

⁷ Notice at ¶ 13.

First, promptly after the close of the RDOF auction, the Commission should require winning RDOF bidders that have applied for other forms of broadband financial assistance to amend any other pending applications for broadband financial assistance to disclose the census blocks and deployment obligations where they have won RDOF support. That will ensure that state-level awarding agencies receive prompt notice of any overlap directly from their applicants, which are in the best position to quickly assess the interplay between RDOF and other broadband financial assistance programs.

Second, the Commission should address the case of census blocks where a pending application for broadband financial assistance overlaps with an award of RDOF support to a *different* service provider. Specifically, promptly after the RDOF auction closes, the Commission should, as it has in the past, make available a clear list of the census blocks where RDOF support was awarded in the auction, the winning bidder, and the broadband service tier associated with the winning bid. Making this detailed information available to states and the public alike will help flag potential overlap with other applications for financial assistance, and enable state governmental bodies in particular to consider the impact of RDOF support on pending applications filed by other service providers.

B. The Commission Should Ensure that Broadband Deployment Supported by RDOF Meets Anticipated Bandwidth Needs over the Next Decade

The Notice seeks comment on a proposed framework of RDOF service tiers that defines 25/3 Mbps broadband as the “Baseline” tier of service eligible for RDOF support. Especially because the Commission proposes to award RDOF support for a term of ten years, DoIT urges the Commission to establish a higher service speed of 100/20 Mbps broadband as the minimum eligible for RDOF support.

1. The Commission Should Establish More Ambitious RDOF Bandwidth Targets

The RDOF, like all of the Commission’s high-cost support mechanisms, is grounded in the statutory principles set forth in Section 254(b) of the Communications Act to ensure that advanced telecommunications and information services are available in all areas of the nation, and that, in rural, insular, and high cost areas, those services (and the rates charged) are reasonably comparable to those available in urban areas.⁸ To remain true to those statutory mandates, RDOF support should only be available for a minimum of 100/20 Mbps broadband. The Commission’s own data show that 98.3 percent of those in urban areas have access to 25/3 Mbps broadband, while 50/5 broadband and 100/10 broadband are available to 97.7 percent and 95.8 percent, respectively.⁹ Given that 100 Mbps broadband is nearly ubiquitous in the nation’s urban areas, the Commission should fund no less in rural, insular, and high-cost areas.

Recent history shows that customer demands and expectations for broadband services are increasing rapidly, illustrating the need for the Commission to require higher broadband speeds under RDOF. A decade ago, the Commission was just in the process of shifting from a broadband definition of “200 kbps in both directions,”¹⁰ to an aspirational goal of making

⁸ 47 U.S.C. § 254(b)(2) (stating that, “[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation”); § 254(b)(3) (stating that, “[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are 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”).

⁹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Deployment Report, FCC 19-44, 34 FCC Rcd 3857 (2019), at ¶ 38, Figure 4, “Deployment (Millions) of Fixed Terrestrial Services at Different Speed Tiers.”

¹⁰ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section*

broadband with a download speed of 4 Mbps universally available, a speed target that, at the time, exceeded that of most other developed nations.¹¹ When the Commission created the Connect America Fund in 2011, therefore, it determined that it would require service providers accepting CAF support to deploy 4/1 Mbps broadband.¹² By 2014, however, as it prepared to make offers of CAF Phase II model-based support, the Commission had already found it necessary to revise that speed standard upward, requiring 10/1 Mbps broadband as the minimum CAF requirement over the six-year term of support.¹³ By 2016, the Commission had increased its baseline once again, requiring some rate-of-return carrier recipients of CAF Phase II A-CAM support to deploy 25/3 Mbps broadband to at least a portion of their eligible locations.¹⁴ Over the course of those five years, the Commission's minimum supported broadband standard thus increased many times over.

706 of the Telecommunications Act of 1996, GN Docket No. 07-45, Fifth Report, FCC 08-88, 23 FCC Rcd 9615 (2008), at ¶ 3.

¹¹ Federal Communications Commission, Omnibus Broadband Initiative, *Connecting America: The National Broadband Plan*, (2010), at 13 (setting 4 Mbps download speed target), 135 (international comparisons); *see also Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 09-137, Sixth Broadband Deployment Report, FCC 10-129, 25 FCC Rcd 9556 (2010), at ¶ 5 (defining broadband to offer “actual download . . . speeds of at least 4 Mbps and actual upload . . . speeds of at least 1 Mbps”)

¹² *See, e.g., Transformation Order* at ¶ 147 (CAF Phase I Incremental Support), ¶ 160 (CAF Phase II).

¹³ *Connect America Fund*, WC Docket No. 10-90, Report and Order, FCC 14-190, 29 FCC Rcd 15644 (2014), at ¶ 15; *see also, id.*, at ¶ 16 (observing that, even by 2013, “99 percent of Americans living in urban areas have access to fixed broadband with speeds of at least 10 Mbps downstream/768 kbps upstream [and] fixed broadband services with even higher speeds, such as 25 Mbps downstream /3 Mbps upstream (25/3 Mbps) or higher, are available to the vast majority of urban households”).

¹⁴ 47 C.F.R. § 54.308(a)(1); *Connect America Fund*, WC Docket No. 10-90, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 16-33, 31 FCC Rcd 3087 (2016) at ¶ 25.

In creating the RDOF, the Commission must anticipate the nation's broadband needs for more than a decade in the future. Given that the term of RDOF support is likely to *begin* in 2021, at the earliest, and the Commission has proposed that it will last for ten years, the speed standard the Commission adopts now will remain in effect until the early 2030s. The Commission should not, therefore, continue to use the 25/3 Mbps broadband speed standard that is on the verge of obsolescence even today. Looking ahead, the Commission has observed that next-generation wireless "5G" services will offer "multi-gigabit" speeds.¹⁵ Applications will inevitably emerge that take advantage of, and eventually require, these higher bandwidth connections.

2. If the FCC Retains the Baseline Tier of 25/3 Mbps Broadband, It Should Structure the RDOF Auction to Promote Faster Broadband and Limit the Support Period for that Baseline Tier

In response to the Commission's request for comment on the proposed weighting of the RDOF speed tiers,¹⁶ if the Commission retains the Baseline tier of 25/3 Mbps broadband, DoIT urges the Commission to increase the 90-point spread between the best- and least-performing tiers, so that the spread properly reflects the dramatically greater utility of faster broadband service over the next decade. DoIT urges the Commission to increase the spread to 95 percent or more, reflecting the likely inadequacy of 25/3 Mbps broadband service to meet the nation's broadband needs into the early 2030s.

In addition, winning RDOF bidders proposing to deploy Baseline 25/3 Mbps broadband should face an accelerated timetable for deployment. Specifically, the Commission should limit

¹⁵ *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services*, GN Docket No. 14-177, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-89, 31 FCC Rcd 8014 (2016) at ¶ 130, n.324; *see also id.* at ¶ 9 (foreseeing "speeds in excess of 10 gigabits per second (GB/s); end-to-end transmission delays (latency) of less than one-thousandth of a second").

¹⁶ Notice at ¶ 25.

RDOF winners in the Baseline tier to a five-year term of support, and require that they deploy 25/3 Mbps broadband to all locations within the relevant census blocks within three years. Given that 25/3 Mbps broadband will soon be outdated, and will likely soon be inadequate to meet customers' broadband needs, the Commission should not support deployment of that Baseline service anywhere it cannot be accomplished within three years. Limiting RDOF support for this service to five years will provide an opportunity for the Commission to offer follow-on support for deployment of faster service in the second half of the decade. It will also offer the Commission the opportunity to capitalize on technological advances over the next five years that may enable affordable delivery of faster broadband speeds that is possible with the broadband infrastructure that would be deployed today to deliver 25/3 Mbps broadband service.

C. Other Aspects of the RDOF Mechanism

DoIT supports the Commission's proposal to require recipients of RDOF support to offer standalone voice service, and to offer voice and broadband services at rates that are reasonably comparable to rates offered in urban areas.¹⁷ Section 254(b)(1) of the Communications Act requires that "[q]uality services should be available at just, reasonable, and affordable rates."¹⁸ This Commission's reasonable comparability rate benchmarks ensure that the Commission's investment under RDOF is effective not only at expanding the availability of broadband, but also in ensuring that the resulting service is affordable, at rates reasonably comparable to those prevailing in urban areas, as required by the statute. Moreover, affordability benchmarks are

¹⁷ Notice at ¶ 23; *see* Public Notice, WC Docket No. 10-90, "Wireline Competition Bureau Announces Results of 2019 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowance for Eligible Telecommunications Carriers," DA 18-1280, 33 FCC Rcd 12316 (2018), at 3.

¹⁸ 47 U.S.C. § 254(b)(1).

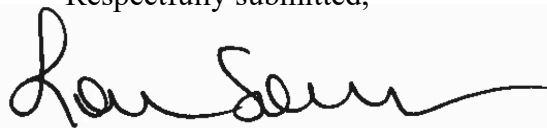
well-understood by bidders and the Commission, having been a part of CAF since the program's 2011 inception.

In contrast, DoIT urges the Commission to proceed with caution regarding its proposal to afford flexibility to recipients of RDOF support in meeting the final 5 percent of their funded locations.¹⁹ DoIT is concerned that this flexibility could consign the most costly and difficult-to-serve locations to another decade without access to broadband. DoIT believes this flexibility should not be a blanket waiver but that the Commission should explicitly limit this flexibility to situations where the recipient can justify the shortfall based on challenges that were truly “unforeseeable” at the time of its bid, as the Notice suggests.²⁰

Conclusion

For the foregoing reasons, DoIT urges the Commission to implement the RDOF in close coordination with state governmental agencies that are pursuing similar policies, and to adopt deployment requirements that ensure that the resulting broadband services are scalable so as to meet reasonably foreseeable bandwidth needs over the entire life of the RDOF.

Respectfully submitted,



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¹⁹ Notice at ¶ 29.

²⁰ *Id.*