

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Inquiry Concerning the Deployment of)	GN Docket No. 14-126
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)	

**Comments of
Communications Workers of America**

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The Communications Workers of America (“CWA”) submits these comments in response to the Commission’s Tenth Broadband Progress Notice of Inquiry (“*Tenth Broadband NOI*”).¹ In the *NOI*, the Commission seeks comment on whether to upgrade the current 4 megabits per second (Mbps) download and 1 Mbps upload (“4/1 Mbps”) speed benchmark for broadband to a higher download and upload speed benchmark, such as 10 Mbps upload and 1.5 Mbps download.² CWA strongly supports upgrading the broadband speed benchmark to a 10 Mbps upload and 1.5 Mbps download (“10/1.5 Mbps”) standard.

CWA is a labor organization, representing 700,000 workers in communications, media, airlines, manufacturing and public service. More than seven years ago, CWA launched its Speed Matters campaign to support policies to bring affordable, high-speed Internet to all Americans.³ CWA has long recognized that high-speed broadband is essential to economic growth, job creation, improvements in health care, education, environmental protection, public safety, and civic engagement, and therefore public policy must ensure that all Americans have access to high-quality, affordable Internet services. Universal, affordable access to high-speed broadband is critical to promote our nation’s democratic values and to ensure that all Americans – regardless of geography, income, or racial or ethnic background - have an opportunity to participate in the economic, social, and political life of our nation that increasingly depends on Internet-enabled

¹ Federal Communications Commission, *Tenth Broadband Progress Notice of Inquiry*, In the Matter of 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. 14-126, Aug. 5, 2014 (rel) (“*Tenth Broadband NOI*”).

² *Tenth Broadband NOI* at para 1, 14-17.

³ See <http://www.speedmatters.org>

services and applications. The United States has fallen far behind other nations in Internet speed connectivity; according to speedtest.net, the U.S. ranks 28th in global download speeds.⁴ The Commission’s broadband benchmark – in concert with other Commission policies – must help drive investment in high-speed networks.

In the National Broadband Plan, the Commission adopted broadband deployment goals of 50 Mbps download/20 Mbps upload to 100 million households by 2015 (next year) and 100 Mbps download/50 Mbps upload to 100 million households by 2020.⁵ It appears likely that the U.S. will not meet the 2015 goal. According to the most recent data available, only 64 percent of urban households and only 21 percent of rural households have access to broadband at 25/10 Mbps – far short of the National Broadband Plan deployment goals.⁶ And as Chairman Thomas Wheeler recently remarked, “at 25 Mbps, there is simply no competitive choice for most Americans...[t]hree-quarters of American homes have no competitive choice for the essential infrastructure for 21st century economics and democracy. Things only get worse as you move to 50 Mbps where 82 percent lack a choice.”⁷

The Commission’s National Broadband Plan recommended that the Commission “review and reset” its broadband benchmark every few years. The Commission last raised its

⁴ See speedtest.net at <http://www.netindex.com/download/allcountries/> (visited on July 15, 2014).

⁵ Federal Communications Commission, *Connecting America: The National Broadband Plan*, 2010.

⁶ The Commission has calculated these figures based on the National Telecommunications and Information Administration’s State Broadband Initiative database (known as “SBI Data”). See *Tenth Broadband NOI* at para 41.

⁷ Prepared Remarks of FCC Chairman Tom Wheeler, “The Facts and Future of Broadband Competition,” Sept. 4, 2014.

broadband benchmark to the current 4/1 Mbps standard in 2010, four years ago.⁸ Since that time, the widespread development and adoption of video- and data-intensive Internet applications and services means that households need even higher-bandwidth Internet connectivity to access those services in a reasonable and timely fashion.

The Commission's 2011 Household Broadband Guide and 2014 Household Bandwidth Scenarios reflect household broadband use during peak Internet periods, from 7 to 11 pm on weeknights, in a typical three-person household. The Commission's proposed 2014 Household Bandwidth Scenarios provide a reasonable depiction of current household broadband use. The Scenarios indicate that a Moderate Use Household (with multiple users simultaneously streaming HD video, taking an online education course, browsing the web, and syncing e-mail) would require 7.9 Mbps download/1.05 Mbps upload connectivity. A High Use Household (simultaneously streaming HD video, making an HD video call, using cloud storage, and syncing e-mail) would need 10.0 Mbps download/2.9 Mbps upload connectivity.⁹ In light of these household bandwidth usage patterns, the proposed 10/1.5 Mbps actual broadband speed standard would provide sufficient capacity for a moderate-range household today and come close to providing sufficient capacity of a high-use household. As the virtuous cycle of new video- and data-intensive Internet services and applications continues to drive greater demand for household

⁸ See *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*, 2010 Sixth Broadband Deployment Report, GN Docket No. 09-137 et al, 2010 (“2010 Sixth Broadband Report”).

⁹ See Table 2: FCC 2014 Household Bandwidth Scenarios, *Tenth Broadband NOI* at p. 8.

broadband connectivity, the 10/1.5 Mbps will likely soon stretch the limits for a typical moderate use household, much less a high-use household.¹⁰

The Commission seeks comment on whether it should set its benchmark based on adoption rather than typical usage patterns. CWA supports setting the benchmark based on household usage patterns. It makes no sense to use an adoption standard, since household adoption is constrained by what is available and affordable. An adoption standard more accurately reflects our nation's current state of inadequate investment in high-speed broadband capacity. In contrast, a typical usage standard would drive policy initiatives to meet the Section 706 statutory obligations for "reasonable and timely" deployment of advanced services.

It is clear that broadband is not being deployed in a reasonable and timely manner. According to the most recent data collected by the National Telecommunications and Information Administration's State Broadband Initiative, 22 percent of Americans living in rural areas lack access to 4/1 Mbps broadband, and 18 percent of those on Tribal lands lack access at these speeds. A full 67 percent of Americans in rural areas lack access to broadband at 10/1 Mbps speeds.¹¹ Clearly, the Commission must conclude that advanced telecommunications services are not meeting the statutory objective of Section 706 of the Telecommunications Act of 1996 for "reasonable and timely" deployment.

While CWA supports immediate Commission action to upgrade its broadband speed benchmark to 10/1.5 Mbps, we also recognize that this is an evolving benchmark that the

¹⁰ In support of the 1.5 Mbps download standard, the Commission's notes that some states, including California and New York, have adopted a 1.5 Mbps download standard. See *Tenth Broadband NOI* at para 17 and fn. 45.

¹¹ *Tenth Broadband NOI* at para 40.

Commission will need to review and reset moving forward. As Chairman Wheeler recently stated, “even 10 Mbps doesn’t fully capture the increasing demand for better wired broadband...It’s not uncommon for a U.S. Internet-connected household to have six or more connected devices – including televisions, desktops, laptops, tablets, and smartphones. When these devices are used at the same time, as they often are in the evenings, it’s not hard to overwhelm 10 Mbps of bandwidth.”¹²

As a final comment, CWA acknowledges that our support for increasing the broadband benchmark to an actual 10/1.5 Mbps speed potentially implicates Commission rulemaking in the Connect America Fund II (“CAF II”) proceeding. Any action taken in the *CAF II* proceeding to increase minimum broadband speeds required of CAF II recipients will impose higher costs on rural carriers and therefore will require some modifications of CAF II rules to ensure reasonable and timely deployment of broadband to high-cost rural areas supported by the CAF II high-cost fund.¹³

Respectfully Submitted,

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Communications Workers of America

September 4, 2014

¹² Prepared Remarks of FCC Chairman Tom Wheeler, “The Facts and Future of Broadband Competition,” Sept. 4, 2014.

¹³ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., FCC 14-54, para 10, June 10, 2014 (rel), (*Connect America Fund FNPRM.*)