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Congress of the United States House of Representatives

August 1, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20536

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Dear Chairman Wheeler:

Broadband Internet access has become an essential part of the economic and social fabric in many rural communities, as a tool to build businesses, expand opportunities for jobs and education, and connect with friends and relatives. With robust broadband service, even a small town in West Virginia can compete with the rest of the world. Without it, these small town communities risk being left behind in today's technology-centric economy.

Phase II of the Connect America Fund ("CAF II") offers a tremendous opportunity to bring faster, fiber-fed broadband connections to thousands of West Virginia in rural areas who wouldn't otherwise have it. Thanks to the Commission's well-publicized efforts, thousands of rural communities are now counting on CAF II. As CAF II represents the final phase of Universal Service reform, its rules will effectively determine, for years to come, whether millions of rural residents will have a broadband connection or not. The June 10 Notice of Proposed Rulemaking has raised hopes further by more than doubling the promised download speeds from the 2011 USF/ICC Transformation Order, from 4 megabytes per second (MBPS) to 10 megabytes per second.

The final details of CAF II must live up to its promise. I am concerned that if the Commission more than doubles the speed requirements without allowing the appropriate level of flexibility in other elements of CAF II, the program's overall mission could be endangered. To the Commission's credit, the June 10th notice identifies a number of constructive ideas that could help achieve the speedier network goals without exceeding the budget:

- CAF II funding period must be extended from the current 5 years to 10 years to allow adequate time for the construction of the higher-capacity network;

- The Commission must use the same 10 Mbps standard when identifying broadband availability from competitors, or else communities with just 4 Mbps will be left behind;
- Establish network build-out parameters consistent with the goal of providing quality broadband service to as many people as possible within CAF's limited funding framework; and
- Providers must be given the flexibility to substitute extremely high-cost locations with unserved locations in partially served census blocks.

When targeting support to areas where broadband would not otherwise be available, I encourage you to be as precise as possible. In the "interim" CAF I phases, an entire census block could be disqualified if a competitive carrier claimed to serve even a small fraction of its customers. Many areas were disqualified based on the untested assertions of wireless ISPs with line of sight and capacity issues that made them a poor substitute for fiber-fed networks. Now that we are in the final phase, I hope the CAF II standards can reach those unserved customers, and also require competitive carriers to meet a reasonable standard of verification before depriving a community of CAF II support.

Despite years of federal efforts to overcome the digital divide, our office often hears from constituents seeking assistance to bring broadband service to their homes. The concerns they raise are a reminder of how challenging rural broadband policy can be, but also how important it is. Thank you for considering my concerns, and I look forward to working with you.

Sincerely,



David B. McKinley, PE
Member of Congress