

August 31, 2017

The Honorable Ajit Pai, Mignon Clyburn, Michael O’Rielly,
Brendan Carr, and Jessica Rosenworcel
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

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

We write regarding the Federal Communications Commission (the “FCC” or the “Commission”) Notice of Inquiry¹, which signals potentially significant changes in agency policy. In particular, the Commission appears ready to decide that mobile broadband could be a substitute, rather than a complement, to fixed broadband service, and that slower-speed mobile service substitutes as effectively. We believe that such substantial shifts in policy require greater consideration and debate, something that the current schedule for comment does not allow. The Commission must ensure that sufficient time is allotted, and so we ask that the FCC extend the comment period to allow stakeholders to effectively respond to an inquiry that has potentially dire effects on the Commission’s view of the reality of broadband access in America.

The FCC’s current policy provides that Americans need access to both mobile and fixed broadband services, with speeds of at least 25 Mbps download/3 Mbps upload. While we recognize and welcome the possibility that technology may one day evolve to a point where mobile broadband options could be deemed equivalent to fixed broadband services, that is not the case today. At this time, such a striking change in policy would significantly and disproportionately disadvantage Americans in rural, tribal, and low income communities across the nation, whose livelihoods depend on a reliable and affordable broadband connection.

Millions of Americans, particularly in low income, rural, and tribal communities, continue to go without acceptable broadband access. The lack of service or high-speed internet is preventing individuals in these communities from applying for jobs; their children from doing their homework; and many small business owners from running businesses out of their homes². Without a reliable and affordable broadband connection, the economies of these communities will be hampered and these Americans will fall behind. Under current law, the FCC is required to take steps to deploy broadband that supports high-quality telecommunications capability to all Americans in a reasonable and timely manner. It is the Commission’s statutory duty—and present policy—to bridge this digital divide.

In reading this notice of inquiry, it appears that the FCC, by declaring mobile service of 10 Mbps download/1Mbps upload speeds sufficient, could conclude that Americans’ broadband needs are

¹Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, GN Docket No. 17-199 (Federal Communications Commission August 8, 2017). Thirteenth Section 706 Report Notice of Inquiry

²Ex parte Marietta. FCC. Retrieved August 30, 2017, from <https://ecfsapi.fcc.gov/file/107202155401703/Marietta%207-19-17%20Ex%20Parte%20w%20Cmsr%20Clyburn%20and%20Ohio%20County%20Cmsrs.pdf>

being met—when in fact they are not. By redefining what it means to have access, the FCC could abandon further efforts to connect Americans, as under this definition, its statutory requirement would be fulfilled. We believe that mobile broadband service cannot adequately support the same functions as does fixed service currently, and therefore, cannot be a substitute at this time. A small business owner who wants to begin a new venture today would not be adequately supported by mobile only service. Should the decision to change current policy be made with the technology currently available, it would signal a strong departure from the Commission's mission, while also implying that certain consumers must accept lower quality connectivity.

With the connectivity of millions of Americans potentially at stake, this matter requires more time for careful deliberation in order for stakeholders to weigh in. We respectfully urge the Commission to grant an extension of 30 days for both the initial and reply comment periods.

Sincerely,



Al Franken
United States Senator



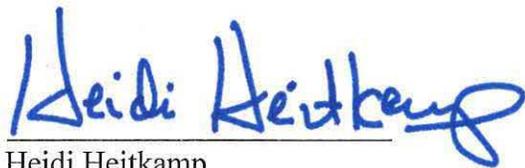
Sherrod Brown
United States Senator



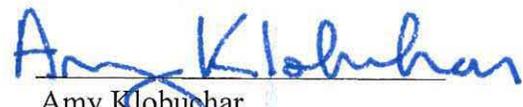
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United States Senator



Richard Blumenthal
United States Senator



Heidi Heitkamp
United States Senator



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Kirsten Gillibrand
United States Senator

Ron Wyden

Ron Wyden
United States Senator