

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL  
APPROVING IN PART, DISSENTING IN PART**

Re: *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order (January 30, 2020)

To go to Duanesburg, New York, you head north of Albany and then west on Route 88 by Schenectady. As the crow flies, it is probably less than thirty minutes from the capitol, but the drive will take longer the way the roads are laid out in this picturesque corner of the Empire State. It's a town of roughly 6000 people. There are some old farms and trails through the woods that are popular for snowmobiling during the winter months when the community is blanketed in deep, white snow. If you go, you should check out Johnson's Restaurant. Way back when, Harrison Ford was reported to have been a repeat visitor when he was up in the area some years ago. But history in this place goes back much further, because Duanesburg was founded in the 18th century when a group of English Quakers decided to make it home. These days, however, its residents are worried about its future.

Annabel Felton is a longtime resident. She's making a ruckus because she wants the town to have access to broadband. She can't get high-speed service at home. At first, it was just an inconvenience, she told me when I met her late last year in upstate New York with Congressman Paul Tonko. But when she had children in school, she said it was apparent her household required access to broadband. As she put it: "It gets difficult when their classroom studies are online. We have kids who need to compete in the global economy."

Her children were falling into the homework gap. And her town—the rural community she loves—was falling into the digital divide. She wondered how it would attract businesses, thrive, and compete with so many more connected places across the country. She also wondered about the simple things, like without having online access how would she ever sell her house?

Annabel is a doer, so she got to work. She helped set up the Duanesburg Broadband Committee and took the reins. The mission of the committee was clear: Help get broadband to every resident, farm, and small business.

The first order of business was simple: Create a map. After all, you can't know with precision how to fix lack of broadband access without knowing in detail where service is and is not. As Annabel said, this was essential because the existing maps from the Federal Communications Commission "are notoriously inaccurate" and "just plain wrong." So the committee did what feels obvious. They used old-fashioned shoe leather and boots on the ground to survey all residents about the state of broadband in town.

What the committee found was not surprising if you've been watching the mess this agency has made with its broadband maps. Right now, if a single subscriber in a census block is identified as having broadband, we conclude broadband is available throughout. That's not right. It masks so many people who are unserved and erroneously suggests our broadband efforts are

done. As a result, these are the maps that a Cabinet Secretary pronounced “fake news” and a Senator on our oversight committee said memorably and bluntly, they just “stink.”

With a whole lot more precision, Annabel and her team proved they are right. They found that in Duanesburg the FCC maps are wrong as much as half the time. That means there are a lot of people in her town stuck on the wrong side of the digital divide.

And there are a whole lot of communities just like Duanesburg—all across the country. Places where our maps are devastatingly wrong, where it has fallen on folks like Annabel to try and prove to local, state, and federal authorities that they do not have the infrastructure they need to succeed in the digital age. Let’s salute them for their grit, their savvy, and their persistence.

But it shouldn’t have to be this way.

Instead, the FCC should know in detail where service truly is and is not. It should be that we figure this out before sending federal funds to who knows where to build who knows what. But that is not what we do today. We rush billions of dollars out the door in what feels like a broadband publicity stunt without taking a broad view of what the nation needs.

So while the spirit of this effort is right on—we have a broadband problem—the way we go about addressing it is not right. It will leave so many people, so many communities, and so many places like Duanesburg behind. Let me explain why.

**First: We need maps before money and data before deployment.** With today’s decision we commit the vast majority of universal service funds—\$16 billion!—for the next ten years without first doing anything to improve our maps, survey service accurately, or fix the data disaster we have about the state of service today. That means if your home is marked as served by the FCC’s maps today and it is not, then for the next decade you are on your own. Good luck. It means millions of Americans America will slip deeper into the digital divide.

Don’t take my word for it. Consider that the association representing some of the nation’s largest broadband providers did a pilot project and found that 38 percent of the homes and businesses the FCC counted as served had no service at all. When the very providers that seed the data behind the FCC’s broadband maps acknowledge just how bad it is, it should set off alarm bells.

It does for me. That’s because when I was frustrated with the mess this agency has made of its maps I did something simple. I set up an e-mail inbox: [broadbandfail@fcc.gov](mailto:broadbandfail@fcc.gov). I asked people I met to write in and tell me what our maps got wrong. Now that may be the last new e-mail I’ll be permitted to set up in my office, but it was worth the effort. That’s because I heard from hundreds of people frustrated with the FCC’s data and furious that Washington was telling them they had service at home when they knew clear as day they did not.

One individual from Kentucky told me that the provider that offers service according to the FCC map will only do so if he pays a \$46,000 installation charge. He didn’t think that meant he was served. He’s right. Another individual from Tennessee complained that because his

address was misrepresented on our maps he was not able to get broadband at home. In Indiana, someone else told me he has never had service and questioned why the agency's official data suggested otherwise. From Texas I learned that a household stuck on dial-up is reported as served by broadband on our maps. Then there was the resident from the White Mountains of New Hampshire who told me just how wrong our mapping is, because it says she has a choice of six providers at home. She has none.

Despite all of this, we plow ahead today with a big spending plan that is not informed by better data. Remember that last year, the very day the FCC proposed this Rural Digital Opportunity Fund we also kicked off a series of policy changes to fix our maps.

What happened to that? Where did it go? Why are we not doing that now before we spend billions? Because what we are doing today is going to leave people behind. Anyone whose maps erroneously suggest is served by broadband is out of luck for the next decade. Remember that in Annabel's community the maps were wrong as much as half of the time.

I get that in Washington organizations may flatter what we do here, because, let's face it, there's money on the table. But that doesn't make this right. We are spending down three-quarters of our broadband funds for the next decade right here and now without doing any of the hard work necessary to figure out just where those dollars should go. To those who miss this election-year bonanza because our maps are wrong, we say good luck, we'll deal with it later when our funds are already spent and too many communities in too many places have fallen further behind.

**Second: We fail to recognize that cost is a barrier to broadband availability.** This proceeding is a missed opportunity to honestly acknowledge that there are more than deployment barriers to broadband—there are adoption barriers too. The FCC could have asked funding recipients to offer a low-cost service for consumers when they are receiving billions in support from the government. But if you comb through the text of this decision, you'll find we took a pass. That's unfortunate. When two in five of us Americans are unable to afford a \$400 emergency, we need to recognize that price is a barrier for many people. We could have fixed this, but we declined.

**Third: This broadband fund is backward-looking with stale service speeds and data caps.** It seems crazy that we are going to sit here today and pronounce what service speeds are adequate ten years hence. But we do just that with the baseline speed of 25 megabits per second that we propose. If you want a demonstration of just how ridiculous that is, know that a decade ago this agency called service at 200 kilobits per second broadband. Go ahead and stream a video over that and see how it goes. I don't think we can know exactly how we will use broadband capacity ten years hence. But I do think that right here and now we need to be more ambitious. I think 100 megabits per second is table stakes and we are going to need more symmetrical upload and download speeds as we move from an internet that is about consumption to one that is about creation. This is especially true in rural areas, where we anticipate whole new economies developing based on mass amounts of data from precision agriculture. But we do not plan for this future here.

Likewise, when it comes to data caps the agency's decision misses the mark. This program will set in stone data caps for some services for the next ten years. That's bonkers. Data consumption is growing fast. We should not limit our use cases and creativity by choosing a low-lying number at a fixed point in time.

**Fourth: Haste makes waste.** This effort has been pushed out so fast I fear we are only starting to understand what is not workable in this framework. We are making so much up as we go along. Late last night, we saw major changes to this decision. We have changed misguided policies involving letters of credit but made new ones up on the fly. We have twisted ourselves to include state broadband efforts without understanding where they are and what this means. We also are in such a rush that we didn't even try to fix the holes in the FCC's data with a meaningful challenge process. Instead of a robust challenge process where folks like Annabel could come forward and tell the agency we got it wrong, we have come up with one that shuts them out. The only challenges we will accept are from entities seeking to remove areas from the auction.

To make matters worse, we are turning our back on working cooperatively with broadband efforts in the states. Just a few years ago the agency worked with the state of New York to come up with a new way to address broadband challenges in the state. For this effort, it appears that New York is going to pay an unfortunate price by being largely blocked out of participation here. This is disappointing because we could have explored working more closely with states by having them match the federal dollars here. In fact, the California Public Utilities Commission sought to do just that, but our action here will render that impossible.

In the end, this is not the broadband plan we need. It is not guided by maps. It is not guided by data. It is guided by a desire to rush out the door, claim credit and pronounce our nation's broadband problems solved.

I think Americans deserve better. I think we solve problems by rolling up our sleeves, getting the facts we need, and then making things happen. That's how we get audacious things done. I saw this in New York when I visited with Annabel. I've seen it all over the country with people, providers, and communities that are fighting to secure the connectivity they need for a fair shot at 21st century success. I believe my colleagues have seen it, too. It never fails to inspire. So I support the impulse behind this decision, but I believe in too many ways this effort falls short of what we need and therefore dissent in all other respects.