

United States Senate

WASHINGTON, DC 20510

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January 24, 2020

The Honorable Ajit V. Pai
Chairman
455 12th Street SW
Washington, DC 20544

Dear Chairman Pai,

We write today to express our serious concerns with the Federal Communication Commission's (FCC) recent draft proposal to exclude New York from the Rural Digital Opportunity Fund. In doing so, your agency threatens to exacerbate the digital divide in multiple communities across New York State.

As you are aware, the Rural Digital Opportunity Fund was announced to allocate \$20.4 billion through a reverse-auction format to connect millions of rural homes and small businesses to high-speed broadband networks. The fund was specifically designed to target "unserved" areas that do not have access to 25/3 Mbps broadband. As you know, access to reliable, fast internet service is crucial to success in today's modern economy. The absence of such service can have a severe effect on educational, economic and health outcomes.

It is our understanding that your draft decision is due to "previously established programs to fund rural broadband" in the state, including the unclaimed Connect America Fund (CAF) funds that the Commission recently redirected to New York. As you know, the release of those funds was the result of the Commission abandoning its efforts to shift funding originally dedicated to and allocated for New York to other parts of the country. In vacating that effort, the FCC acknowledged that it would be particularly unfair for New Yorkers to lose access to that critical broadband funding opportunity. In addition, the partnership between the FCC and New York State that was created by the new CAF agreement was in line with the Commission's goals to empower states to address their own broadband needs.

We are concerned that with this most recent proposal, your agency threatens to penalize New York for doing the right thing and proactively creating a program to address unserved communities across the state. As a longtime significant contributor to Universal Service Fund programs, we believe New York's participation in CAF should have no bearing on its ability to participate in funding opportunities from other federal broadband initiatives. Furthermore, the FCC's own data in their recent 2019 Broadband Deployment report demonstrates New York's continued need for broadband investments particularly in those areas most under and unserved. According to that report, close to 20% of New Yorkers on tribal lands lack access to fixed terrestrial 25/3 Mbps broadband. In addition to 13% of rural New York, that's hundreds of thousands of homes and businesses, which still lack access to fixed 25/3 Mbps.

Limiting access to these vital federal funds may cause untold harm to our constituents who were counting on this funding opportunity as a chance to revitalize their communities and improve services for those residents. Given the grave impact this threatens to have on New York State, we urge that the FCC abandon its proposal to exclude New York from the Rural Digital Opportunity Fund, and allow all states to participate. We thank you in advance for your serious consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Charles E. Schumer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles E. Schumer
United States Senator

A handwritten signature in blue ink that reads "Kirsten Gillibrand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Gillibrand
United States Senator