

March 19, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

cc: Commissioner O’Rielly, Commissioner Carr, Commissioner Rosenworcel, Commissioner Starks

Dear Chairman Pai:

We are writing to seek information about the Federal Communications Commission’s (FCC’s) authority and planned actions to immediately expand access to broadband and assist Americans with remote education, work, and health care during the coronavirus disease 2019 (COVID-19) outbreak.

In 2019, the FCC estimated that 21.3 million Americans lack access to broadband,¹ but a separate February 2020 analysis puts the number at nearly double that, finding that 42 million Americans could not access reliable broadband.² In Massachusetts, studies estimate that at least 140,000 residents, and likely more, cannot access fixed wireless or wired broadband.³ Lack of access to broadband is particularly acute in rural communities, including those in western Massachusetts.⁴ According to the agency, rural Massachusetts residents are about five times more likely than urban residents of the state to not have access to broadband internet at home.⁵

The unavailability of reliable broadband hurts students, 17% of whom “do not have access to computers at home” and 18% of whom “do not have home access to broadband internet.”⁶ In Massachusetts, 14% of “households with children in Massachusetts public schools” do not have

¹ FCC, “2019 Broadband Deployment Report,” May 8, 2019, <https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf>.

² Broadband Now, “FCC Reports Broadband Unavailable to 21.3 Million Americans, BroadbandNow Study Indicates 42 Million Do Not Have Access,” John Busby, Julia Tanberk, Feb. 3, 2020, <https://broadbandnow.com/research/fcc-underestimates-unserved-by-50-percent>.

³ FCC, “2019 Broadband Deployment Report,” May 8, 2019, <https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf>; Broadband Now, “FCC Reports Broadband Unavailable to 21.3 Million Americans, BroadbandNow Study Indicates 42 Million Do Not Have Access,” John Busby, Julia Tanberk, Feb. 3, 2020, <https://broadbandnow.com/research/fcc-underestimates-unserved-by-50-percent>.

⁴ *Id.*

⁵ FCC, “2019 Broadband Deployment Report,” May 8, 2019, <https://docs.fcc.gov/public/attachments/FCC-19-44A1.pdf>.

⁶ MassLive, “Massachusetts school districts balance students’ need for technology, lack of home internet,” Elizabeth Román, Jun. 10, 2019, <https://www.masslive.com/news/2019/06/massachusetts-school-districts-balance-students-need-for-technology-lack-of-home-internet.html>.

broadband.⁷ This so-called “homework gap” disproportionately impacts low-income students.⁸ A recent poll of teachers found that 40% of teachers stated that “many” students do not have “adequate” home access to a computer or the internet[.]”⁹ This hampers students’ abilities to complete their homework at home, complete online-based assignments, or access virtual instruction, putting these children at a severe disadvantage compared to their classmates.

The recent COVID-19 outbreak and its impact on elementary and secondary schools has exacerbated the problems facing Americans without access to broadband internet. As of 12pm on March 19, 2020, there were over 10,000 confirmed cases in the United States, including over 200 cases in Massachusetts.¹⁰ Massachusetts has declared a state of emergency,¹¹ and on March 15, Governor Charlie Baker ordered all public and private elementary and secondary schools in Massachusetts to close for three weeks.¹² Already, officials in Everett, Framingham, Revere, Weston, and many other communities have begun developing plans to teach lessons and assign homework online.¹³

The COVID-19 outbreak has also dramatically affected operations at colleges and universities in Massachusetts. Schools have already begun or completed a transition to virtual instruction, including public and private colleges and universities.¹⁴ A number of schools have mandated that students move off-campus to adhere to social distancing public health recommendations.¹⁵

Transitioning to online learning poses problems for students who lack access to reliable internet. Those students are more likely to struggle to keep up with assignments, exposing the hard truth that too many households in this country with young children are stuck on the wrong side of the digital divide.

This problem extends beyond students to millions of workers who have or will be asked to stay home or telecommute. Lack of access to reliable broadband at home will pose difficulties even for workers fortunate enough to have the option to continue working from home. For example, workers with broadband plans that feature data caps may be limited in their ability to participate in video calls via online services or other data-heavy applications.

⁷ *Id.*

⁸ Broadcasting + Cable, “Teachers: Broadband Homework Gap Remains,” John Eggerton, Sept. 18, 2019, <https://www.broadcastingcable.com/news/teachers-broadband-homework-gap-remains>.

⁹ *Id.*

¹⁰ <https://www.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>

¹¹ Commonwealth of Massachusetts, “No. 591: Declaration of a State of Emergency to Respond to COVID-19,” Mar. 10, 2020, <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

¹² NBC 10 Boston, “Baker Closes Mass. Schools, Bans Mid-Size Gatherings, Eating at Restaurants Over Coronavirus,” Kaitlin McKinley Becker, Mar. 15, 2020, <https://www.nbcboston.com/news/local/26-new-coronavirus-cases-in-massachusetts-164-total/2091478/>.

¹³ WBUR, “Mass. K-12 School Closures Related To Coronavirus,” Mar. 13, 2020, <https://www.wbur.org/news/2020/03/12/k-12-school-closures-massachusetts-covid-19-coronavirus>.

¹⁴ MassLive, “Coronavirus: Updated list of Massachusetts colleges with canceled classes, plans to switch to online instructions,” Mar. 11, 2020, <https://www.masslive.com/coronavirus/2020/03/coronavirus-updated-list-of-massachusetts-colleges-with-canceled-classes-plans-to-switch-to-online-instruction-march-11.html>.

¹⁵ *Id.*

In addition, the COVID-19 outbreak presents unprecedented challenges to our health care system, as more people will require screening and treatment as COVID-19 continues to spread. With the advent of telemedicine, it may be possible for more people to interact with health care providers remotely. Some insurers have begun offering free telemedicine services,¹⁶ states have begun passing legislation to address accessibility of telemedicine,¹⁷ and both doctors and patients are relying more on virtual health care options in the wake of the outbreak.¹⁸ This reduces the risk of the virus spreading and frees up hospital capacity for patients most in need. But effective telemedicine depends on widespread access to broadband internet. Without it, health care providers will be unable to interact with prospective patients through connected care and the most disadvantaged individuals will be left without the same access to health care services as others.

It is critical that we use every opportunity to keep American families healthy and stabilize the educational, economic, and social challenges that households and communities will face as the virus spreads. For example, Commissioner Rosenworcel has suggested that now more than ever, we will rely on telework, tele-education, and telehealth like never before. She has referred to the homework gap as “the most important issue of digital equity we face.”¹⁹ It is for this reason that we write to you seeking information on the FCC’s authority to expand access to broadband. You recently announced the Keep Americans Connected Pledge, under which companies like AT&T, Verizon, Comcast, and others have pledged to waive late fees and open access to public Wi-Fi hotspots.²⁰ This is helpful, but the government and private sector must do as much as possible on a comprehensive basis to assist individuals struggling with access to school, work, and health care during the outbreak.

To help us understand the FCC’s authority to act to amidst this national crisis, we are writing to you in your role as FCC Chairman to ask that you please respond to the following questions by March 26, 2020:

1. What emergency powers does the FCC have to assist with the COVID-19 response? Please detail this authority.
2. What actions have you taken to date and plan to take in the future to help students get and stay connected during the COVID-19 outbreak?

¹⁶ Wink, “Insurers, SWFL health providers offering free coronavirus testing and telemedicine,” Taylor Petras, Mar. 10, 2020, <https://www.winknews.com/2020/03/10/insurers-swfl-health-providers-offering-free-coronavirus-testing-and-telemedicine/>.

¹⁷ WCAX, “Vermont House passes telehealth bill amid coronavirus concerns,” Mar. 12, 2020, <https://www.wcax.com/content/news/Vermont-House-passes-telehealth-bill-amid-coronavirus-concerns-568731521.html>.

¹⁸ New York Times, “Doctors and Patients Turn to Telemedicine in the Coronavirus Outbreak,” Reed Abelson, Mar. 11, 2020, <https://www.nytimes.com/2020/03/11/health/telemedicine-coronavirus.html>.

¹⁹ Joint Economic Committee, “The ‘homework gap’: 12 million schoolchildren lack internet,” Kim Hart, Dec. 3, 2018, <https://www.jec.senate.gov/public/index.cfm/democrats/2018/12/axios-the-homework-gap-12-million-schoolchildren-lack-internet>.

²⁰ The Verge, “AT&T, Comcast, Verizon, and others agree not to overcharge customers during coronavirus,” Nick Statt, Mar. 13, 2020, <https://www.theverge.com/2020/3/13/21178451/fcc-coronavirus-keep-americans-connected-pledge-att-comcast-charter-att>.

3. What actions have you taken to date and plan to take in the future to help workers get and stay connected during the COVID-19 outbreak?
4. What actions have you taken to date and plan to take in the future to help patients and providers get and stay connected during the COVID-19 outbreak?
5. What actions have you taken to date and plan to take in the future to encourage or require telecommunications and other companies to assist in ensuring individuals can get and stay connected during the COVID-19 outbreak?
6. Beyond what telecommunications companies have already announced through the Keeping Americans Connected pledge, what do you believe they should be doing during the COVID-19 outbreak?

Sincerely,

Elizabeth Warren
United States Senator

Edward J. Markey
United States Senator