

United States Senate

WASHINGTON, DC 20510-4805

COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE,
AND TRANSPORTATION
ENVIRONMENT AND PUBLIC WORKS
RULES AND ADMINISTRATION

December 22, 2020

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Chairman Pai and Secretary Perdue:

I am writing to you on behalf of two applications from West Virginia that are currently under reconsideration for funding under the United States Department of Agriculture's Rural Utility Service ReConnect Program. Specifically, I am asking your two agencies to better coordinate to approve these two applications.

On November 24, 2020 the Greenbrier Valley Economic Development Corporation and the Roane County Economic Development Authority both received letters from USDA Rural Utility Service inviting each applicant to address issues that impeded the agency from making a determination before making a final decision to fund each project. Both applicants filed applications for funding through the ReConnect Program's fiscal year 2020 round of funding in April 2020. Furthermore, the applicants included a letter indicating my strong support for each project.

While I applaud USDA's decision to allow each of these applicants the opportunity to address issues before making a final determination to fund, I am extremely troubled by one of the conditions that is required for reconsideration. On page two of the November 24, 2020 letters, the RUS outlines new conditions for reconsideration, and the first condition that all parts of the Proposed Funded Service Area (PFSA) that overlap an Rural Digital Opportunity Fund (RDOF) eligible area must be removed is concerning.

I understand this condition is a result of an agreement between USDA and the Commission to not overlap funding for areas that are mutually eligible for the ReConnect Program and RDOF, in order to prevent federal funding from overlapping a service area. Although I share the sentiment that federal funding from one agency should not overlap funding from another federal agency, enforcing this test to applications that are still under

consideration from the fiscal year 2020 round of ReConnect funding is troubling. Each of these applications were developed in the months leading up to the USDA's deadline for submission of April 15, 2020, meaning the PFSA's for submission were being developed well before the Commission released the updated list of eligible areas for RDOF on June 25, 2020 and the final list of eligible areas on October 8, 2020. Furthermore, USDA's *Rural E-Connectivity Program Application Guide for Fiscal Year 2020* makes no mention of a requirement that the applicants consider areas that may be eligible for RDOF when drafting the PFSA.

The financial and technological viability of each application is conditioned upon the ability to serve the entirety of the PFSA that is included in each application. Requiring these applicants to remove RDOF eligible areas significantly impedes the serve these area in the most expeditious fashion at best, and at worst threatens the economic and technological viability of the project. Forcing these areas to wait for the completion of the RDOF long-form application process will significantly delay the deployment of service to hundreds of my constituents. If these applications are approved for fy2020 ReConnect funding, they could be well on their way towards construction before the RDOF long-form applications are completed.

As such, I request that you come to an agreement to remove the condition that applicants submitting revised fy2020 ReConnect applications remove RDOF eligible areas from the proposed PFSA. Furthermore, in the spirit of your agreement to not duplicate federal funding, the areas in question should be removed from the RDOF eligible areas as the winning bidder's long form applications are reviewed. The mission of both programs is to close the digital divide in rural America, and in this case, the most efficient and expeditious manner to connect these communities is through the ReConnect program.

As always, I am your committed partner in expanding broadband throughout rural America.

Sincerely,



Shelley Moore Capito
United States Senator