

April 1, 2021

The Honorable Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20054

Dear Acting Chairwoman Rosenworcel,

For almost one year after the passage of the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act),¹ the Federal Communications Commission (FCC), under the previous administration, took little action towards fulfilling its congressional mandate to update nationwide flawed broadband maps. We applaud you for taking decisive action in your first meeting as Acting Chairwoman of the FCC to begin implementing the Broadband DATA Act. You have long recognized the important role broadband maps play in our efforts to close the digital divide and championed the need for aggressive action to ensure that Universal Service Fund dollars are distributed to the communities that need them most.

As the FCC considers how to best design a new broadband mapping data collection system, we strongly urge you to incorporate the voices of state, local and tribal governments and provide them with an opportunity to meaningfully challenge the data filed by internet service providers (ISPs). Many state and local governments know exactly who do and do not have access to reliable high-speed broadband within their communities. In fact, some states have created their own maps with granular data.² Their valuable insights will be integral in creating accurate data maps that accurately reflect broadband services as experienced by consumers and ensuring that federal dollars are efficiently targeted and leveraged.

In 2000, the FCC created the Form 477 Data Program to collect data from ISPs. However, there is widespread agreement that Form 477 data is deeply flawed. Self-reported coverage maps submitted by ISPs, and rarely verified for accuracy by the FCC, resulted in deficient maps that did not reflect real-world broadband availability. Tests of mobile wireless services underscores the need for robust input from state, local and tribal entities. An FCC coverage map investigation revealed that FCC staff were unable to obtain the minimum download speed for almost 40% of drive tests despite service providers reporting coverage in the relevant areas.³ Furthermore, FCC methodology that considers a census block served if only one home or business in that census block has broadband access overstates coverage nationwide and blocks funding from otherwise qualified communities.

¹ P.L. 116-130

² Shara Tibken, "States couldn't afford to wait for the FCC's broadband maps to improve. So they didn't," *Cnet*, February 2020, available at <https://www.cnet.com/features/states-couldnt-afford-to-wait-for-the-fccs-broadband-maps-to-improve-so-they-didnt/>

³ "Mobility Fund Phase II Coverage Maps Investigation Staff Report," Federal Communications Commission, May 2020, available at


Frustrated by inaccurate and incomplete maps, Congress has charged the FCC with developing a comprehensive, precise, granular nationwide broadband data map in order to help policymakers determine where to invest tax dollars. The Broadband DATA Act requires the FCC to create a common dataset of all locations in the United States where fixed broadband internet access service can be installed. Furthermore, for the very first time, consumers, local governments and independent third parties will have the ability to challenge the accuracy of FCC broadband maps.

Improved and accurate national maps with precise information will allow policymakers to make strategic broadband investments to finally close the digital divide and the homework gap, expand telemedicine, improve economic and health outcomes for communities nationwide, and help our country recover from the coronavirus pandemic. Accurate mapping cannot be completed without insight from state and local officials, many of whom have created databases of their broadband capacity and needs and can help fill in valuable gaps. We urge the FCC to work with local, state and tribal entities to create a mechanism to allow them to challenge inaccurate broadband data.

We look forward to working closely with you on this issue.


Sincerely,

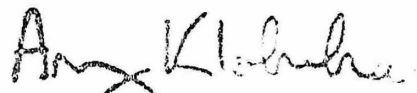

Chris Van Hollen
United States Senator

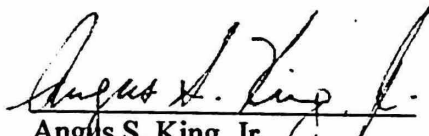

Ron Wyden
United States Senator



Kirsten Gillibrand
United States Senator

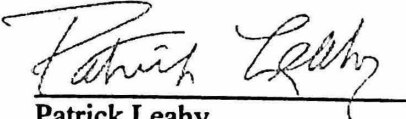

Joe Manchin III
United States Senator



Thomas R. Carper
United States Senator


Amy Klobuchar
United States Senator


Angus S. King, Jr.
United States Senator



Raphael Warnock
United States Senator


Patrick Leahy
United States Senator


Tammy Baldwin
United States Senator



Michael F. Bennet
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Tina Smith
United States Senator



Elizabeth Warren
United States Senator



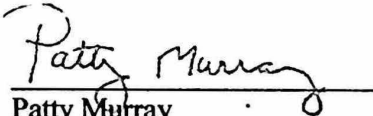
Bernard Sanders
United States Senator



Margaret Wood Hassan
United States Senator



Richard J. Durbin
United States Senator



Patty Murray
United States Senator