



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Maria Cantwell
Chair
Committee on Commerce, Science, and Transportation
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Madam Chair:

On April 25, 2023, the Government Accountability Office (GAO) released a report entitled “Broadband Speed: FCC Should Improve its Communication of Advanced Telecommunications Capability Assessments.” (Report No. GAO-23-105655) The report examines (1) the extent to which the Federal Communications Commission (FCC) has communicated how it reviews its minimum fixed-broadband speed benchmark, and how it determines whether to update the benchmark; and (2) the extent to which the minimum speed requirements of selected federal and state broadband programs differ from the FCC’s benchmark, and stakeholders’ views on any implications of these differences.

In the report, the GAO observes that section 706 of the Telecommunications Act of 1996 requires the FCC to assess broadband deployment by issuing a notice of inquiry and determining whether advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. As the GAO states, the FCC currently uses a speed benchmark to help measure when a fixed broadband service (e.g., fiber, cable) is providing advanced telecommunications capability. As part of past notices of inquiry, the FCC has solicited public comment on the status of broadband deployment and the fixed speed benchmark, among other topics. At the same time, as the GAO points out, section 706 does not explicitly require the FCC to set a speed benchmark to measure deployment of advanced telecommunications capability or to follow a set process for measuring deployment.

The Infrastructure Investment and Jobs Act included a provision requiring the GAO to review the FCC’s establishment, review, and update of the fixed broadband speed benchmark. The resulting GAO report concludes that the “FCC’s reporting of the analysis and data it considers when assessing whether to raise the speed benchmark has been inconsistent and falls short of FCC’s goal of having a transparent process.” According to the GAO, “by reporting publicly on its analysis, the public would better understand FCC’s decision making and be less likely to see decisions regarding the benchmark as arbitrary.” The GAO states that it reviewed relevant laws, regulations, and agency documents, and compared the FCC’s efforts to assess broadband deployment to the FCC’s strategic plan and relevant internal controls. The GAO also

interviewed FCC employees; selected federal and state officials; industry associations; broadband providers; and research organizations to obtain their views on the FCC’s process for determining the deployment of advanced telecommunications capability.

As a result of its conclusions, the GAO recommends that the FCC Chair “should provide consistent communication in [the FCC’s] reporting of how it determines whether advanced telecommunications capability is being deployed and when updating the related metrics it uses to assess broadband speeds and deployment.” As stated in the April 4, 2023 comments to the draft GAO report, the FCC agrees that transparency and consistency are important principles to follow as we determine whether advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. Moreover, the FCC is committed to data-driven decisions on the advanced telecommunications capability evaluation metrics, as well as vigorous engagement with the record that is developed as part of the public comment process. Toward that end, in July of last year, I circulated to my fellow Commissioners a draft Section 706 Report Notice of Inquiry that would seek comment from the public on whether advanced telecommunications capability is being deployed in a reasonable and timely fashion. In response to GAO’s recommendation, on July 19, 2023, I shared a revised draft Section 706 Report Notice of Inquiry which seeks comment on ways the FCC can provide consistent and transparent communications to the public about how it reviews, and determines whether to update, the advanced telecommunications capability evaluation metrics required by Section 706. On October 25, 2023, the Commission adopted the Seventeenth Section 706 Report Notice of Inquiry, and will provide 30 days for comments, and 45 days for reply comments, following publication in the Federal Register. The Commission expects a robust record in this proceeding.

I appreciate the opportunity to comment on the GAO’s report, and I would be happy to answer any further questions and provide you with updates in the future.

Sincerely,



Jessica Rosenworcel

cc: Senate Committee on Agriculture, Nutrition, and Forestry
Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
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CHAIRWOMAN

November 1, 2023

The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
512 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Cruz:

On April 25, 2023, the Government Accountability Office (GAO) released a report entitled “Broadband Speed: FCC Should Improve its Communication of Advanced Telecommunications Capability Assessments.” (Report No. GAO-23-105655) The report examines (1) the extent to which the Federal Communications Commission (FCC) has communicated how it reviews its minimum fixed-broadband speed benchmark, and how it determines whether to update the benchmark; and (2) the extent to which the minimum speed requirements of selected federal and state broadband programs differ from the FCC’s benchmark, and stakeholders’ views on any implications of these differences.

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Jessica Rosenworcel

cc: Senate Committee on Agriculture, Nutrition, and Forestry
Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Dear Madam Chair:

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House Committee on Transportation and Infrastructure
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2322 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Pallone:

On April 25, 2023, the Government Accountability Office (GAO) released a report entitled “Broadband Speed: FCC Should Improve its Communication of Advanced Telecommunications Capability Assessments.” (Report No. GAO-23-105655) The report examines (1) the extent to which the Federal Communications Commission (FCC) has communicated how it reviews its minimum fixed-broadband speed benchmark, and how it determines whether to update the benchmark; and (2) the extent to which the minimum speed requirements of selected federal and state broadband programs differ from the FCC’s benchmark, and stakeholders’ views on any implications of these differences.

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cc: Senate Committee on Agriculture, Nutrition, and Forestry
Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Gary Peters
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Peters:

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Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
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House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Rand Paul
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
442 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Paul:

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FEDERAL COMMUNICATIONS COMMISSION
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OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable James R. Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Comer:

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November 1, 2023

The Honorable Jamie Raskin
Ranking Member
Committee on Oversight and Accountability
U.S. House of Representatives
2471 Rayburn House Office Building
Washington, DC 20515

Dear Ranking Member Raskin:

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House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Steve Womack
Chairman
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
2000 Rayburn House Office Building (G Floor)
Washington, DC 20515

Dear Chairman Womack:

On April 25, 2023, the Government Accountability Office (GAO) released a report entitled “Broadband Speed: FCC Should Improve its Communication of Advanced Telecommunications Capability Assessments.” (Report No. GAO-23-105655) The report examines (1) the extent to which the Federal Communications Commission (FCC) has communicated how it reviews its minimum fixed-broadband speed benchmark, and how it determines whether to update the benchmark; and (2) the extent to which the minimum speed requirements of selected federal and state broadband programs differ from the FCC’s benchmark, and stakeholders’ views on any implications of these differences.

In the report, the GAO observes that section 706 of the Telecommunications Act of 1996 requires the FCC to assess broadband deployment by issuing a notice of inquiry and determining whether advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. As the GAO states, the FCC currently uses a speed benchmark to help measure when a fixed broadband service (e.g., fiber, cable) is providing advanced telecommunications capability. As part of past notices of inquiry, the FCC has solicited public comment on the status of broadband deployment and the fixed speed benchmark, among other topics. At the same time, as the GAO points out, section 706 does not explicitly require the FCC to set a speed benchmark to measure deployment of advanced telecommunications capability or to follow a set process for measuring deployment.

The Infrastructure Investment and Jobs Act included a provision requiring the GAO to review the FCC’s establishment, review, and update of the fixed broadband speed benchmark. The resulting GAO report concludes that the “FCC’s reporting of the analysis and data it considers when assessing whether to raise the speed benchmark has been inconsistent and falls short of FCC’s goal of having a transparent process.” According to the GAO, “by reporting publicly on its analysis, the public would better understand FCC’s decision making and be less likely to see decisions regarding the benchmark as arbitrary.” The GAO states that it reviewed relevant laws, regulations, and agency documents, and compared the FCC’s efforts to assess

broadband deployment to the FCC’s strategic plan and relevant internal controls. The GAO also interviewed FCC employees; selected federal and state officials; industry associations; broadband providers; and research organizations to obtain their views on the FCC’s process for determining the deployment of advanced telecommunications capability.

As a result of its conclusions, the GAO recommends that the FCC Chair “should provide consistent communication in [the FCC’s] reporting of how it determines whether advanced telecommunications capability is being deployed and when updating the related metrics it uses to assess broadband speeds and deployment.” As stated in the April 4, 2023 comments to the draft GAO report, the FCC agrees that transparency and consistency are important principles to follow as we determine whether advanced telecommunications capability is being deployed in a reasonable and timely fashion to all Americans. Moreover, the FCC is committed to data-driven decisions on the advanced telecommunications capability evaluation metrics, as well as vigorous engagement with the record that is developed as part of the public comment process. Toward that end, in July of last year, I circulated to my fellow Commissioners a draft Section 706 Report Notice of Inquiry that would seek comment from the public on whether advanced telecommunications capability is being deployed in a reasonable and timely fashion. In response to GAO’s recommendation, on July 19, 2023, I shared a revised draft Section 706 Report Notice of Inquiry which seeks comment on ways the FCC can provide consistent and transparent communications to the public about how it reviews, and determines whether to update, the advanced telecommunications capability evaluation metrics required by Section 706. On October 25, 2023, the Commission adopted the Seventeenth Section 706 Report Notice of Inquiry, and will provide 30 days for comments, and 45 days for reply comments, following publication in the Federal Register. The Commission expects a robust record in this proceeding.

I appreciate the opportunity to comment on the GAO’s report, and I would be happy to answer any further questions and provide you with updates in the future.

Sincerely,



Jessica Rosenworcel

cc: Senate Committee on Agriculture, Nutrition, and Forestry
Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Steny H. Hoyer
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services and General Government
U.S. House of Representatives
1036 Longworth Office Building
Washington, DC 20515

Dear Ranking Member Hoyer:

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cc: Senate Committee on Agriculture, Nutrition, and Forestry
Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
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November 1, 2023

The Honorable Chris Van Hollen
Chairman
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
S-128 The Capital Building
Washington, DC 20510

Dear Chairman Van Hollen:

On April 25, 2023, the Government Accountability Office (GAO) released a report entitled “Broadband Speed: FCC Should Improve its Communication of Advanced Telecommunications Capability Assessments.” (Report No. GAO-23-105655) The report examines (1) the extent to which the Federal Communications Commission (FCC) has communicated how it reviews its minimum fixed-broadband speed benchmark, and how it determines whether to update the benchmark; and (2) the extent to which the minimum speed requirements of selected federal and state broadband programs differ from the FCC’s benchmark, and stakeholders’ views on any implications of these differences.

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Senate Committee on Commerce, Science, and Transportation
Senate Committee on Environment and Public Works
Senate Subcommittee on Financial Services and General Government
House Committee on Agriculture
House Committee on Energy and Commerce
House Committee on Transportation and Infrastructure
House Subcommittee on Financial Services and General Government



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

November 1, 2023

The Honorable Bill Hagerty
Ranking Member
Committee on Appropriations
Subcommittee on Financial Services and General Government
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Hagerty:

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Senate Committee on Environment and Public Works
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