

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS
DISSENTING**

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 19-285.

Internet inequality is deepening in the U.S. with millions of Americans unable to access an affordable, high-quality broadband connection. Ensuring that all Americans have access to high quality, affordable broadband is the Commission's most important task. And, to track this task, the Communications Act charges the Commission to report on the progress of broadband deployment every year by conducting an inquiry "concerning the availability of advanced telecommunications capability to all Americans..."¹ The law directs the FCC to "determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."² This statutory directive is clear, but the direction we take today with regard to the Broadband Report is far from it.

Instead of conducting an inquiry to determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion, the majority has, for the past two years, conducted an inquiry that compares broadband provider's deployment in one year against their deployments in prior year to measure "progress" in broadband deployment. Today's *Notice of Inquiry* tees up the same test, and I don't agree. This method of measuring progress tells us nothing about broadband deployment in areas where carriers haven't deployed and have no plans to do so. It does little to help us to understand the deepening state of internet inequality in the U.S. and it does nothing to prepare us to address the problem.

Worse yet, this *Notice of Inquiry* proposes to continue to use the Commission's flawed form 477 data. The *Notice of Inquiry* acknowledges the flaws as follows: "Though staff examine FCC Form 477 data for quality and consistency, the data may understate or overstate deployment of services to the extent that broadband providers fail to report data or misreport data,"³ —as did the last report,⁴ and the last *Notice of Inquiry*,⁵ and the prior report.⁶ This is the same flawed data that, against my objection, we are using to target an additional \$16 billion in Universal Service support over the upcoming decade.⁷ Good decisions require good data, and we have to do better than this. The Commission can't just acknowledge and disclaim the problem. We have to fix it.

Therefore, I respectfully dissent. However, I thank the staff of the Bureaus that prepared this NOI for their work and I appreciate their efforts.

¹ 47 U.S.C. § 1302(b).

² *Id.*

³ *Notice of Inquiry*, n.45

⁴ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Deployment Report, FCC 19-44, n.85 (2019) (*2019 Report*).

⁵ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, Fourteenth Broadband Deployment Report Notice of Inquiry, 33 FCC Rcd 8386, 8392, para. 16 (2018).

⁶ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 17-199, 2018 Broadband Deployment Report, 33 FCC Rcd 1660, 1678, n.132 (2018).

⁷ *Rural Digital Opportunity Fund*, WC Docket No. 19-126, Notice of Proposed Rulemaking, 34 FCC Rcd 6842-43, (2019). (Statement of Commissioner Geoffrey Starks Approving in Part and Dissenting in Part).