

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS
APPROVING IN PART AND DISSENTING IN PART**

Re: *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32

This year, our country has faced unprecedented challenges on multiple fronts. The COVID-19 pandemic brought into sharp relief a host of problems that are, at their core, about fairness—issues of racial justice, economic security, and the digital divide, among others. In response to the pandemic, Americans are relying on their wireless devices more than ever for everything from connections to work and school to telehealth applications. They're also using their smartphones to document both injustice and inspiration. Modern wireless technology that has served as a powerful tool for building movements that are changing our country.

These events should leave no doubt that full participation in civil society requires an internet connection. That's why we must do more to make high-quality affordable broadband, including 5G wireless service, available to everyone. Our nation's 5G success will rely on smart policy decision and industry execution. I've seen the great work that the wireless industry has done throughout the pandemic, and I recently announced the first group of honorees for my Digital Opportunity Equity Recognition (or DOER) program, which seeks to acknowledge the efforts of individuals, organizations, and companies seeking to close the digital divide in communities without access to affordable, reliable broadband. Those honorees include several wireless representatives who are working hard to ensure that no one gets left offline during this crisis. They include wireless or rural tribal providers like NISHNANET in Iowa, NTUA Wireless for the Navajo Nation, and Triad Wireless in Arizona, as well as Dr. Kiesha Taylor, the National Education Administrator for T-Mobile for Education.

This is great work, but much is required to ensure that everyone shares in the benefits of advanced wireless service. According to the Pew Research Center, a disproportionate number of Black and Latinx Americans rely solely on their mobile devices to connect to the internet. Even before 2020, mobile phones were the only way many in these communities could access online education, health care, and employment. 5G must reach these wireless-only households. They share the ubiquitous need to access the most innovative telehealth treatments, participate in sophisticated distance learning from the kitchen table or the city bus, and be as productive working from home as from the office. Every American deserves the opportunity to participate in the 5G revolution, even if they don't live in the wealthiest neighborhoods. We otherwise risk devolving into two Americas: one in which those with much get even more, another that is stuck in the past and falling further behind every year.

With stakes this high, it's important that we get every last drop out of our Universal Service dollars. That starts with gathering adequate data that will allow us to really understand the problem. As the Mobility Fund Phase II staff report released last year made plain, the widespread skepticism about our current data is justified.

Earlier this year, I argued that Option A—under which we would target this funding without first developing the new coverage maps Congress ordered us to develop—was so flawed and unsound that it didn't even belong in the *Notice of Proposed Rulemaking*. I'm not surprised, then, that commenters overwhelmingly rejected that proposal. Making long-term funding decisions based on deeply flawed maps and data would extend and deepen the problems that have interfered with efforts to close the digital divide for too long. I agree with the conclusion in today's decision that "requiring new mobile coverage data will result in a better understanding of the unserved areas most in need of our limited universal service funds than existing data." Option B is the right call.

So where does that leave us? Before distributing the 5G Fund, we need to gather and analyze new wireless coverage data for the vast majority of the United States. Today's decision tells us to expect that data in 2021 or 2022. Because we are deciding today to make completing that work a precondition to an auction, we should be doing everything in our power to make new maps and data available as quickly as possible. That's why I am surprised, frankly, to be voting on some of the issues addressed in today's item for two reasons:

First, it makes me question whether the Commission has its priorities in the right order. Last year, in response to bipartisan frustration with the Commission's failure to correct its data, Congress passed the Broadband DATA Act. Among other things, that legislation required the Commission to adopt final new mapping rules by September 2020 at the latest. We fell short and did not meet that deadline. Given the direct instruction from Congress and the centrality of those rules to the ultimate success of the 5G Fund, we should have prioritized them, stayed focused, and finished the job. Instead, in a situation that can only be described as backward, auction rules we plan to use in two years are before us today, and our past-due mapping regulations are not.

Second, because we know that under Option B the 5G Fund auction is more than just a few months away, many of today's decisions seem premature. Central in my mind, for example, is the budget. The *Order* explains "the more precise and granular mobile broadband coverage data that will become available in the Digital Opportunity Data Collection proceeding will show that the number of areas unserved by unsubsidized 4G LTE will be . . . substantial." But it doesn't provide an estimate of how far off the existing data is or an explanation of the assumptions underlying that estimate.

That leaves the *Order* with a paper-thin justification for the Fund's \$9 billion budget. Basically, the *Order* explains, the Commission took the Mobility Fund Phase II budget and doubled it. And the *Order* blows past concerns raised in the record that the budget the Commission adopts today may be insufficient, pointing out that "none of those commenters proposed an alternative amount for the total 5G Fund." Can we really blame them? Without the new maps and data, we don't really know how many and what kind of locations the money needs to cover, and neither do those commenters.

Without that information, the *Order*'s assertions that this budget balances the Act's competing objectives, including "providing support that is sufficient, but not so excessive so as to impose an undue burden on consumers and businesses," lacks a firm grounding. With respect to Phase II, the *Order* recognizes that, with the benefit of more time and more information, we may need to adjust the budget—particularly the budget for tribal lands. In my mind, that conclusion applies equally to Phase I. Those concerns are not allayed by the existence of Phase II at some unspecified date in the future. The *Order* promises to dedicate at least \$1 billion to 5G networks that facilitate precision agriculture in Phase II, as well as any areas left over from the Phase I auction. If the Phase I budget proves insufficient, still-unserved areas will have funding further delayed and then be pitted against as-yet unspecified precision agriculture objectives. A more cautious approach would use time we now have available before the Phase II auction to gather facts and give decisions like the budget a firmer footing.

For those of us that share the commitment to expanding the benefits of 5G to all Americans, this *Order* represents an important milestone. And I am glad that we have decided to distribute the 5G Fund using improved maps. But rural Americans deserve more than a \$9 billion press release. We should withhold judgment on issues that would be better decided with our new maps and data in hand. For that reason, I respectfully approve in part and dissent in part.

I thank the staff in the Wireline Competition Bureau, the Rural Broadband Auctions Task Force, and the Office of Economics and Analytics for their hard work.