

**DISSENTING STATEMENT OF
COMMISSIONER NATHAN SIMINGTON**

Re: *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 22-270, 2024 Section 706 Report (March 14, 2024)

I agree with all of Commissioner Carr's points, but I want to focus on a few specific issues.

I think the report deserves some praise for considering latency (the time it takes a packet to reach its destination, measured in milliseconds) and not just speed (the amount of data that a connection can carry per time period, measured in megabits per second). Especially as speed ceases to be the bottleneck, other connection characteristics like latency and jitter (moment-to-moment variations in latency) become more important for improving application performance and user experience. It's high latency, not low speed, that makes your video chat feel choppy, that makes you lag in a video game, that makes skipping to a different part of a movie painful, and that makes web browsing feel unresponsive. So as we push for better internet service for Americans, I'm glad we're going to be considering what can be done to drive down latency and make sure that all Americans can fully enjoy these interactive internet applications. This does not necessarily mean new rules or impositions on ISPs, but might instead involve initiatives with router manufacturers and Wi-Fi vendors to reduce other sources of latency and jitter, such as a buffer bloat or avoidable Wi-Fi interference.¹

Unfortunately, I am unable to support the report due to numerous other issues. While I'm glad the report addresses latency, I'm disappointed that it nonetheless sets an unnecessary long-term speed target of 1000/500 Mbps. Certainly, for the same price, I would take gigabit service over 100/20 Mbps service, but I wouldn't get much added utility out of it. A 100/20 Mbps connection is enough to watch multiple 4K video streams, make multiple video calls, and play multiple online games, all at the same time. Before we adopt a 1000/500 Mbps long-term goal and begin to design our universal service programs around reaching it, we need to be able to articulate the use cases for such high speeds that justify making the taxpayer subsidize deployment of such service to every corner of the country. This report does no such thing, and I fear that it instead sets the stage for a generation of wasteful spending.

The second issue, even more glaring, is the exclusion of satellite-based internet service from the report's analysis. Before the advent of Low Earth Orbit (LEO) constellations, it used to be that satellite internet was unbearably slow and extremely high latency. These old services were not adequate substitutes for wired broadband, just make-dos for when no viable alternative existed. And if that was still what the satellite internet market looked like, we would be right to exclude it from consideration in our assessment of broadband access and affordability in the United States.

But SpaceX's LEO-based Starlink service has completely changed the game. Starlink is available in almost every corner of all 50 states and offers low latency and speeds nearing or exceeding 100/20 Mbps, especially in rural areas, which are most likely to lack access to comparable wireline service in the first place.² The report says that satellite services are limited in the numbers of customers they can serve, but that limit is only a function of how much spectrum they are allowed to use and how many satellites they can launch per year, both things the FCC has control over. If we give Starlink and its forthcoming competitors access to more spectrum and permission for more launches, and if we allow them to compete for Universal Service Fund subsidies on equal footing with other providers, I have no doubt that they

¹ Dave Taht & Members and supporters of the Bufferbloat.net community Comments.

² Starlink Map, <https://www.starlink.com/map>; Starlink Specifications, <https://www.starlink.com/legal/documents/DOC-1400-28829-70>.

could easily offer low latency 100/20 Mbps service to every household that does not already have it.

So, for these reasons, I must respectfully dissent.