Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion	)	GN Docket No. 25-223
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	)	
	)	

NINETEENTH SECTION 706 REPORT NOTICE OF INQUIRY

Adopted: August 4, 2025 **Released: August 8, 2025**

Comment Date: September 8, 2025
Reply Comment Date: September 23, 2025

By the Commission: Chairman Carr and Commissioner Gomez issuing separate statements.

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Heading Paragraph #

I. INTRODUCTION

1. Section 706 of the Telecommunications Act of 1996, as amended, requires the Commission to determine and report annually on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[1] With today's Notice of Inquiry

[1] 47 U.S.C. § 1302(b). For simplicity in past inquiries, the Commission has sometimes used the term "broadband" to refer to "advanced telecommunications capability." However, "advanced telecommunications capability" is a statutory term with a definition that is narrower than the term "broadband." *See* 47 U.S.C. § 1302(d)(1) ("The term 'advanced telecommunications capability' is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology."). As this definition makes clear, (continued….)

(*Notice*), we initiate the next annual assessment and solicit comment and information to help guide our analysis.

2. The *2024 Report* demonstrated that more Americans than ever before now have access to the benefits of broadband.[2] In this *Notice*, we propose returning the Commission's analysis to the plain language of section 706, and doing so in a technologically neutral manner. To that end, we propose evaluating strictly what the statute asks of us—availability—based on what the statute directs us to determine: "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[3] We propose using a holistic approach to evaluate the state of broadband availability and our progress in closing the digital divide in the United States.

3. In this *Notice*, we seek objective data and other evidence reflecting the state of broadband deployment and availability. We encourage the public at large, individual consumers, providers of broadband services, industry groups, consumer advocates, analysts, companies, policy institutes, governmental and non-governmental organizations, and all other interested parties to help us determine the most effective ways to complete this statutorily mandated task. We also encourage commenters to bring to our attention new issues concerning the availability of advanced telecommunications capability and recommend new ways to measure deployment and evaluate availability. In particular, acknowledging our statutory obligation to encourage deployment of advanced telecommunications capability by removing barriers to infrastructure investment,[4] we also seek information on regulatory barriers to deployment, expansion, competition, and technological innovation in such services. The information we gather in this proceeding will help ensure that our broadband policies are well-informed and supported by thorough data analysis as we endeavor to encourage broadband deployment to all Americans in a reasonable and timely fashion and to close the digital divide for Americans everywhere.

II. STATUTORY STANDARD FOR THE SECTION 706 INQUIRY

4. Section 706 requires the Commission to annually conduct an inquiry "concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms)" as part of an effort to "determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[5] If that determination is negative, the Commission "shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market."[6] Thus, consistent with past broadband deployment reports,[7] we propose to

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while all services providing advanced telecommunications capability are "broadband," not all broadband services provide advanced telecommunications capability. *See also infra* para. 9.

[2] *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 22-270, 2024 Section 706 Report, 39 FCC Rcd 3247, 3279, 3293, Figs. 1, 7 (2024) (*2024 Report*).

[3] 47 U.S.C. § 1302(b).

[4] 47 U.S.C. § 1302(a); *see also* 47 U.S.C. § 1302(b).

[5] 47 U.S.C. § 1302(b).

[6] *Id.*

[7] *See, e.g.*, *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 20-269, Fourteenth Broadband Deployment Report, 36 FCC Rcd 836 (2021) (*2021 Report*); *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 19-285, 2020 Broadband Deployment Report, 35 FCC Rcd 8986 (2020) (*2020 Report*); *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Progress Report, 34 FCC Rcd 3857 (2019) (*2019 Report*).

take a holistic view of the incremental deployment progress of advanced telecommunications capability, and ultimately determine whether that progress is occurring in a reasonable and timely fashion.

5. The Commission in the *2024 Report* departed from the way that the section 706 inquiry had historically been conducted by for the first time reading several extraneous universal service criteria into the section 706 statutory inquiry based upon its interpretation of Congressional intent.[8] We propose to reorient the section 706 inquiry back to the plain language of the statute and eliminate this expansion. Particularly following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, holding that if a statutory reading "is not the best, it is not permissible,"[9] we believe it is most prudent to strictly adhere to the statutory text. The statute identifies "availability"—and "availability" alone—as the object of the Commission's section 706 inquiry.[10] Further, the subject of the availability inquiry is whether broadband "is being deployed to all Americans in a reasonable and timely fashion."[11] Consistent with the statute's plain language, we therefore believe that the section 706 inquiry should singularly focus on the availability of advanced telecommunications capability, as measured through the deployment of broadband.[12] Accordingly, we propose to focus the section 706 inquiry on whether advanced telecommunications capability "is being deployed to all Americans in a reasonable and timely fashion."[13] In addition, we believe that narrowing the focus of our inquiry will provide a more objective and accurate view of the state of advanced telecommunications capability in the United States and, correspondingly, of our progress in closing the digital divide. We also seek comment on whether broadband service should be considered "available" to a household if it is not affordable and seek input on how the broadband landscape has shifted, especially for low-income and rural communities, including following the lapse of the Affordable Connectivity Program.

6. To further realign our section 706 inquiry with the statute's plain language, we intend to focus our inquiry on whether advanced telecommunications capability "is being deployed," rather than whether it already has been deployed, as was the focus of the *2024 Report*.[14] We believe that the prior

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[8] The *2024 Report* for the first time incorporated the universal service goals of deployment, adoption, affordability, availability, and equitable access to broadband throughout the United States as the metrics for conducting the section 706 inquiry. *See 2024 Report*, 39 FCC Rcd at 3251, para. 10 (finding that "the Infrastructure Act's language referring to section 706 as embodying 'the statutorily mandated *goals* of universal service for advanced telecommunications capability,' is best read to mean that the Commission's inquiry must include an examination of multiple universal service goals and not be limited to the narrow question of physical deployment of service.") (citing Infrastructure Investment and Jobs Act, div. F, tit. I, § 60104(a)(2), 135 Stat. 429, 1205 (2021) (original emphasis)). The Commission has examined certain of these matters in the past, such as affordability, but had never before formally incorporated the associated explicit set of universal service goals into the statutory standard as it did in the *2024 Report*. *2024 Report*, 39 FCC Rcd at 3249, para. 5; *see also*, *e.g.*, *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 15-191, 2016 Broadband Progress Report, 31 FCC Rcd 699, 745-46, para. 103 (2016) (service quality and price).

[9] *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400 (2024).

[10] 47 U.S.C. § 1302(b) (stating that the "[t]he Commission shall . . . initiate a notice of inquiry concerning the *availability* of advanced telecommunications capability to all Americans") (emphasis added).

[11] *Id.* (emphasis added).

[12] *Id.*

[13] *Id.*

[14] *Id. See 2024 Report*, 39 FCC Rcd at 3249-50, para. 6 ("We therefore believe the Infrastructure Act supports the view that the Commission must determine whether advanced telecommunications capability is available universally throughout the country, or, in the words of the statute, "to *all* Americans." (citing 47 U.S.C. § 1302(b) (original emphasis))).

Report's binary interpretation of the threshold for issuing a passing or failing grade in the ultimate section 706 finding effectively read the "reasonable and timely" language out of the statute. That interpretation seemingly found anything short of 100% was insufficient to warrant a passing grade and thus disregarded Congress's use of the present progressive tense in "is being deployed."[15] Moreover, we believe that assessing the progress at which advanced telecommunications capability is being deployed would provide far more—and more helpful—information to Congress and the public than an overly simplistic inquiry into whether or not 100% of Americans already have access to such capability.

7. Accordingly, we propose to focus the forthcoming section 706 report on the incremental progress being made in the deployment of advanced telecommunications capability. We believe that returning to the Commission's prior reading of the statute—that is, "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion"—is the most faithful approach to fulfilling our statutory mandate.[16] We seek comment on our proposal to revert the standard back to its original form in this regard as well. Do commenters agree with this approach?

III. BENCHMARKS FOR ADVANCED TELECOMMUNICATIONS CAPABILITY

A. Benchmarks for Deployment

8. Advanced telecommunications capability is defined by section 706 as "high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology" and "is defined, without regard to any transmission media or technology."[17] Prior to discussing specific benchmarks for determining the availability of advanced telecommunications capability, we seek comment on the relationship between various technologies, as well as appropriate benchmarks for determining what broadband service constitutes advanced telecommunications capability.

9. While the Commission has previously focused its section 706 inquiry on mobile and fixed broadband services, we want to ensure that we seek comment, consistent with the statutory text, on advanced telecommunications capability. In those prior reports, the Commission has concluded that both fixed and mobile broadband services meet the definition of advanced telecommunications capability, since both mobile and fixed service each "enables users to originate and receive high-quality voice, data, graphics, and video telecommunications."[18] While both services are capable of meeting the definition, the Commission's prior reports have found that mobile and fixed broadband services are not full substitutes.[19] In 2023, approximately 78% of internet-connected households subscribed to both fixed and mobile broadband.[20] We seek comment on whether there have been changes in the marketplace and, if so, what does that imply about whether advanced telecommunications capability is being deployed in a reasonable and timely fashion? We further seek comment on whether we should analyze these services separately or

[15] 47 U.S.C. § 1302(b) ("In the inquiry, the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.").

[16] *Id.*

[17] 47 U.S.C. § 1302(d)(1).

[18] *See*, *e.g.*, *2021 Report*, 36 FCC Rcd at 840-41, para. 10.

[19] *2024 Report,* 39 FCC Rcd at 3255-56, para. 18; *2021 Report*, 36 FCC Rcd at 840-41, para. 10.

[20] *See Communications Marketplace Report*, GN Docket No. 24-119, 2024 Communications Marketplace Report, FCC 24-136, at 112-13, para. 145, Fig. II.B.45 (Dec. 31, 2024) (showing 22% of Internet-connected households subscribe to only fixed or only mobile broadband according to estimates using 2023 American Community Survey data).

together[21] for a complete understanding of "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[22]

10. *Fixed Broadband Services*. We seek comment on whether we should again use 100/20 Mbps as our benchmark in defining advanced telecommunications capability for fixed broadband. In the *2024 Report*, the Commission used this benchmark for the first time, increased from 25/3 Mbps, which had been the benchmark since 2015.[23] In adopting 100/20 Mbps as the benchmark, the Commission discussed a number of different factors, including speeds used in various broadband deployment funding programs,[24] trends in providers' speed offerings,[25] the speeds required for consumers to use various common applications,[26] as well as data indicating what speeds consumers were adopting when given the option to purchase various speed tiers.[27] In the upcoming report, should the Commission engage in additional or different analysis? For example, is there other or newer information regarding the applications that consumers demand that the Commission should consider? Relatedly, we seek comment on how the benchmark that we select for defining advanced telecommunications capability may potentially impact the ability of individuals in rural communities and other underserved populations to fully participate in the digital economy.[28]

11. As part of our return to following the plain language of section 706, we propose to abolish without replacement the long-term goal of 1,000/500 Mbps established in the *2024 Report*.[29] Not only is a long-term goal not mentioned in section 706, but maintaining such a goal risks skewing the market by unnecessarily potentially picking technological winners and losers. It would also appear to violate our obligation to conduct our analysis in a technologically neutral manner. At present, it is impossible to predict long-term technological developments and the evolution of consumer preferences.[30] Further, assuming a long-term goal of 1,000/500 Mbps may be unreasonably prejudicial to technologies such as satellite and fixed wireless that presently do not support such speeds. We believe it prudent to continue to monitor technological developments and consumer preferences and adapt our current benchmark, as well as relevant high-cost support programs, accordingly. Do commenters agree with our proposal and reasoning? What impact, if any, does the absence of a long-term goal have on innovation or on the nation's ability to remain competitive with emerging technologies such as artificial intelligence?[31]

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[21] *2024 Report*, 39 FCC Rcd at 3255-56, para. 18 (assessing "where both fixed and mobile advanced telecommunications capability are deployed"); *2021 Report*, 36 FCC Rcd at 841, para. 11 (analyzing fixed and mobile services both separately and together).

[22] 47 U.S.C. § 1302(b).

[23] *2024 Report*, 39 FCC Rcd at 3259, para. 22. When this *Notice* presents broadband speed figures, both download and upload speeds are used. In the case of 100/20 Mbps, for example, we refer to broadband service that has a download speed of 100 Mbps and an upload speed of 20 Mbps.

[24] *Id.* at 3260, 3261-63, 3268, paras. 24, 26-28, 38.

[25] *Id.* at 39 FCC Rcd at 3259-60, 3267-68, paras. 23, 36-37.

[26] *Id.* at 39 FCC Rcd at 3259-60, 3263-67, 3268-69, paras. 23, 29-35, 39-40.

[27] *Id.* at 39 FCC Rcd at 3259-60, 3263-64, 3268, paras. 23, 29, 39.

[28] *See* Letter from Alisa Valentin, Broadband Policy Director, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 25-223, 5 (filed July 31, 2025) (Public Knowledge, National Digital Inclusion Alliance, and X-Lab *Ex Parte*).

[29] *Id.* at 39 FCC Rcd at 3259, para. 22.

[30] Such matters were at least sufficiently difficult to predict that the Commission in the *2024 Report* did not adopt a time frame for its long-term goal. *See id.* at 3273, para. 51.

[31] *See* Public Knowledge, National Digital Inclusion Alliance, and X-Lab *Ex Parte* at 5.

How, if at all, will AI-driven, data-intensive applications redefine the minimum broadband speeds required for global competitiveness? Are there other reasons not to maintain the long-term goal?

12. *Mobile Broadband Services*. The Commission has historically declined to adopt a benchmark for mobile advanced telecommunications capability.[32] Recognizing that the performance characteristics of mobile service can be highly variable, the Commission has instead opted to evaluate mobile advanced telecommunications capability using multiple metrics.[33] For example, in the *2024 Report*, the Commission analyzed mobile broadband availability primarily with mobile coverage data as of December 31, 2022, where mobile providers reported 5G-NR broadband coverage at speeds of at least 35/3 Mbps in an outdoor stationary environment. The Commission supplemented these data with speed-test data identifying areas showing median 5G-NR speed tests of at least 35/3 Mbps.[34] Additionally, the Commission presented other reported coverage data based on 5G-NR data at speeds of at least 35/3 Mbps in an in-vehicle mobile environment, 5G-NR data at speeds of at least 7/1 Mbps in both outdoor stationary and in-vehicle mobile environments, and 4G LTE at speeds of at least 5/1 Mbps in both outdoor stationary and in-vehicle mobile environments, which were also supplemented with on-the-ground mobile broadband speed-test data.[35]

13. We seek comment on whether we should continue to use this same multiple speed metrics approach for the next section 706 report. If so, should we continue to focus our main analysis on 5G-NR outdoor stationary coverage at speeds of at least 35/3 Mbps, or focus instead on 5G-NR in-vehicle mobile coverage at speeds of at least 35/3 Mbps? We also seek comment on whether we should continue to evaluate data for 5G-NR coverage at speeds of at least 7/1 Mbps in both outdoor stationary and in-vehicle mobile environments, and whether we should continue to include an analysis for 4G LTE coverage.

B. Schools and Classrooms

14. As part of its inquiry under section 706, the Commission is required to assess the availability of advanced telecommunications capability to "elementary and secondary schools and classrooms."[36] In the *2024 Report*, the Commission adopted the previous long-term goal of 1 Gbps per 1,000 students and staff as the new short-term speed benchmark, finding that use of an already well-understood short-term speed benchmark would be administratively efficient and that the nation was already well on its way to meeting the new short-term goal.[37] We propose to continue using the new short-term goal of 1 Gbps per 1,000 students and staff and seek comment on this proposal. The Commission in the *2024 Report* declined, however, to establish a new long-term goal due to the lack of available data to measure speeds above the now current short-term goal of 1 Gbps per 1,000 students and staff.[38] We propose not to establish a new long-term goal at this time for the same reasons that we propose to abolish the general 1,000/500 Mbps long-term goal – most significantly that long-term goals

[32] *See, e.g.*, *id.* at 3287-88, para. 71; *2021 Report*, 36 FCC Rcd at 843-44, para. 15.

[33] *See, e.g.*, *2024 Report*, 39 FCC Rcd at 3287-88, para. 71; *2021 Report*, 36 FCC Rcd at 843-44, para. 15.

[34] *2024 Report*, 39 FCC Rcd at 3287-88, para. 71.

[35] *Id.* at 3287-88, para. 71 & n.241, n.243.

[36] 47 U.S.C. § 1302(b).

[37] *2024 Report*, 39 FCC Rcd at 3326, para. 132 (internal citation omitted). The Commission noted that according to the *2023 Connect K-12 Report*, 74% of school districts had already met the new short-term goal of 1 Gbps per 1,000 students and staff, which was over a 57% increase since 2020. Further, over 80% of school districts in 15 states met this goal in 2023, compared to only 9 states in 2020. *Id.* at 3326, para. 133 (citing Connected Nation, 2023 Report on School Connectivity at 3 (2023) (*2023 Connect K-12 Report*), https://connectk12.org/static/media/Connect_K12_Connectivity_Report_2023_FINAL.dfc96770.pdf).

[38] *2024 Report*, 39 FCC Rcd at 3326-27, para. 134.

risk skewing the market by unnecessarily potentially picking technological winners and losers.[39] Do commenters agree with this reasoning? If not, we request that commenters suggest how we should develop such a long-term goal.

IV. DATA SOURCES AND ANALYSIS

A. Availability of Fixed Broadband

15. The *2024 Report* used the Commission's Broadband Data Collection (BDC) for the first time as the primary data source for analyzing fixed availability in a section 706 report.[40] The Commission established the BDC pursuant to the Broadband DATA Act.[41] The BDC collects more granular, location-level data on broadband availability than ever before.[42] In addition, the BDC data are subject to review and challenge from consumers, state, local, and Tribal governmental entities, and other stakeholders, as well as the Commission's own verification and audit efforts, all of which help to improve the accuracy of the provider-reported availability data.[43] For these reasons, we propose to again use the BDC as the primary data source to measure physical deployment of fixed broadband services for the next section 706 report and we seek comment on our proposal to do so.

16. Do commenters believe that we should use other fixed broadband availability data in lieu of or in addition to BDC data? If so, what data do commenters propose? Are those sources reliable and sufficiently comprehensive geographically to enable us to evaluate access to advanced telecommunications capability? Do they measure broadband speeds at rates that would be relevant to our analysis? To the extent that commenters suggest using data to supplement rather than replace the BDC data, how should such data be integrated into our analysis?

17. *Satellite Services.* Section 706 defines advanced telecommunications capability "without regard to any transmission media or technology."[44] We seek comment on how the Commission should treat satellite service as part of this inquiry. Should technological advances in the satellite broadband industry cause the Commission to re-evaluate its treatment of satellite service? Why or why not?

18. *Broadband Speeds on Which to Report*. The discussion in the *2024 Report* focused on the availability of fixed broadband at speeds of 100/20 Mbps.[45] We propose to again focus our service availability discussion on fixed broadband at speeds of 100/20 Mbps and seek comment on this proposal.

19. *Locations with Funding Commitments*. Should we identify the areas and related populations that do not have access to advanced telecommunications capability, but are subject to enforceable commitments across Commission-administered and other federal broadband deployment funding programs? Are the data published on the Commission's Broadband Funding Map, which currently includes information from the Commission as well as the National Telecommunications and Information Administration (NTIA), the U.S. Department of Agriculture's Rural Utilities Service (RUS),

[39] *See supra* para. 12.

[40] *2024 Report*, 39 FCC Rcd at 3273-74, para. 52.

[41] Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646) (Broadband DATA Act); *see Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195 and 11-10, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7464-65, paras. 9-11 (2020).

[42] *2024 Report*, 39 FCC Rcd at 3275, para. 54. As the Commission has previously explained, the previous approach, which relied entirely on FCC Form 477 data, could overstate the availability experienced by some consumers, especially in large or irregularly-shaped census blocks. *See, e.g.*, *2021 Report*, 36 FCC Rcd at 848, para. 22.

[43] *See 2024 Report*, 39 FCC Rcd at 3274, para. 53.

[44] 47 U.S.C. § 1302(d)(1).

[45] *See*, *e.g.*, *2024 Report*, 39 FCC Rcd at 3278-79, para. 61, Fig. 1.

the Appalachian Regional Commission (ARC), and the U.S. Department of the Treasury (Treasury), sufficient for this purpose?[46] Are there other data sources that we should use? How should differences in the timing of such commitments be addressed? Should only commitments that must be met within a certain period be considered? How should these data affect our analyses?

B. Availability of Mobile Broadband

20. As with fixed broadband availability, the *2024 Report* relied upon BDC data as the primary data source for mobile broadband availability.[47] We propose to use BDC data again as our primary data source for measuring the availability of mobile broadband for the upcoming report and seek comment on this proposal. Further, we seek comment on alternative data sources that might provide useful information on the current state of mobile broadband availability as well as data covering the past several years. Could data from NTIA, RUS, Treasury, or other federal, state, or local sources be used in conjunction with BDC data to assess the state of mobile availability?

21. *Broadband Speeds on Which to Report*. The *2024 Report* focused its main analysis of mobile broadband availability at a threshold speed of 35/3 Mbps for 5G-NR service, the highest speed collected for mobile broadband. Specifically, the Commission evaluated mobile broadband availability as of December 31, 2022, where service providers indicated they provided 5G-NR mobile broadband service at speeds of at least 35/3 Mbps in an outdoor stationary environment. In addition, the *2024 Report* presented availability data based on 5G-NR service at speeds of 35/3 Mbps in an in-vehicle mobile environment, 5G-NR service at speeds of 7/1 Mbps in both outdoor stationary and in-vehicle mobile environments, and 4G LTE service at speeds of 5/1 Mbps in both outdoor stationary and in-vehicle mobile environments.[48] We propose to continue to use the same multiple speed metrics approach for the upcoming section 706 report, and seek comment on this proposal. If we determine to use on-the-ground speed test data beyond the data gathered as part of the BDC's crowdsourcing, challenge, verification, and audit processes, what on-the-ground speed metrics should we use and why?

C. Demographic Information

22. *Population Estimates.* As part of the BDC, the Commission developed the Broadband Serviceable Location Fabric (Fabric).[49] The Fabric is a dataset of all locations in the United States where fixed broadband Internet access service is or can be installed.[50] Fixed service providers must report whether they make services "available," as the term is used for BDC purposes, at each location identified in the Fabric, and specify the technology and maximum advertised download and upload speeds at that location.[51] The Fabric contains the number of residential and non-residential units available in each

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[46] FCC, *Broadband Funding Map*, https://fundingmap.fcc.gov (last visited August 4, 2025).

[47] *See 2024 Report*, 39 FCC Rcd at 3291-92, para. 78.

[48] *Id.* at 3287-88, para. 71 & n.241.

[49] *See Broadband Data Task Force Announces the Availability of the Production Version of the Broadband Serviceable Location Fabric*, WC Docket Nos. 19-195 and 11-10, Public Notice, 37 FCC Rcd 7537, 7537 (WCB/WTB/OEA 2022) (announcing that the Fabric was now available for broadband service providers and governmental entities to access); Federal Communications Commission Broadband Data Collection Help Center, *What is the Location Fabric?* (Mar. 31, 2025), https://help.bdc.fcc.gov/hc/en-us/articles/5375384069659-What-is-the-Location-Fabric; *see also* Federal Communications Commission Broadband Data Collection Help Center, *About the Fabric: What a Broadband Serviceable Location (BSL) Is and Is Not* (April 15, 2024), https://help.bdc.fcc.gov/hc/en-us/articles/16842264428059-About-the-Fabric-What-a-Broadband-Serviceable-Location-BSL-Is-and-Is-Not.

[50] *See* 47 U.S.C. § 642(b)(1)(A).

[51] Terrestrial fixed and satellite providers may either submit a list of locations (by unique location ID) for which they can make their service "available" or provide a polygon that can be overlaid onto the Fabric data. *See* 47 CFR § 1.7004(c)(1); FCC Broadband Data Collection, Data Specifications for Biannual Submission of Subscription,

(continued….)

Broadband Serviceable Location (BSL),[52] but it does not contain information on the population of each BSL or unit therein. To estimate the population with access to advanced telecommunications capability for December 2022, the *2024 Report* used the Commission's established census-block-level population estimation methodology as an input to estimate the population of each BSL.[53] The Commission then estimated the population of each unit within a census block by iteratively assigning the estimated population of the block to BSL units based on a fixed probability, where that fixed probability is a decreasing function of the total number of Fabric units in the block.[54] In this way, the population of each census block would equal the sum of population counts across all units in the block, but each unit—and therefore each BSL within a block—will generally not have the same population. The number of households is then estimated by counting the number of units within populated BSLs.[55] We propose to employ the same methodology for the next report and invite comment on our decision to do so. We invite comments on alternative methodologies and seek comment on the advantages and disadvantages of such methodologies.

23. *Urban/Rural Classification.* The *2024 Report* identified every census block as being urban or rural using the 2010 and 2020 Urban Areas as defined by the U.S. Census Bureau.[56] We seek comment on whether this is the appropriate classification of urban and rural areas for the purpose of evaluating access to advanced telecommunications capability. Are there other sources of data that we could use that would better delineate urban areas from rural areas?

24. *Average Per Capita Income.* Section 706 requires the Commission to determine the average per capita income for geographical areas that are unserved.[57] The *2024 Report* used the 2018-2022 American Community Survey 5-Year estimates as its source of income data.[58] We again propose to use results from the American Community Survey to determine the average per capita income for various geographical areas and seek comment on this proposal.

25. *Tribal Lands.* The Commission uses federally recognized American Indian, Alaska Native, and Native Hawaiian Areas maintained by the U.S. Census Bureau as the source for the Tribal lands classification.[59] We seek comment on Tribal data available for the report. Are there other

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Availability, and Supporting Data at 21 (Nov. 25, 2024) (2024 BDC Data Specifications) https://www.fcc.gov/sites/default/files/bdc-availability-data-specifications.pdf. Similarly, terrestrial fixed wireless providers may either submit a list of locations or propagation maps and model details that reflect the speeds and latency of its service using specified parameters. *See* 47 CFR § 1.7004(c)(1)(iv), (2)-(7); 2024 BDC Data Specifications at 22-23.

[52] *See* FCC, National Broadband Fabric Data Dictionary at 1 (Dec. 31, 2023), https://www.fcc.gov/sites/default/files/FabricDataDictionaries.zip (defining "unit count" for each BSL as "an estimate of the number of residential and non-residential units within the location").

[53] *See 2024 Report*, 39 FCC Rcd at 3275-76, para. 55; *id*. at 3370, Appx. A, para. 1; *see also* FCC, *Staff Block Estimates*, https://www.fcc.gov/staff-block-estimates (last visited August 4, 2025).

[54] *See 2024 Report*, 39 FCC Rcd at 3275-76, para. 55.

[55] For example, if a block has a population of 20 persons (based on staff estimates or decennial census counts, depending on the year of the data) and six units distributed across three BSLs (based on the contemporaneous version of the Fabric), each person is essentially assigned to a unit in turn by rolling a six-sided die. In the end, the population of each BSL will be an integer, and the population of the six units will not necessarily be equal. For a comprehensive explanation of our population distribution methodology, see the *2024 Report*, 39 FCC Rcd at 3370, Appx. A.

[56] *See 2024 Report*, 39 FCC Rcd at 3276, para. 56.

[57] 47 U.S.C. § 1302(c)(3).

[58] *See 2024 Report*, 39 FCC Rcd at 3319, para. 125 n.377; *id*. at 3323 n.382.

definitions of Tribal lands that the Commission should use for the purposes of the next report? Are there other sources of data that we could use to examine the deployment of advanced telecommunications capability on Tribal lands? If so, how should we incorporate the data from such sources into our analyses of broadband deployment on Tribal lands? Further, we invite parties to comment on our manner of presenting data regarding Tribal lands and whether a different or further disaggregated methodology would be useful and practical.

D. Schools and Classrooms Access

26. The Commission has historically relied on what was most recently known as the Connect K-12 Report published by Connected Nation,[60] a report that Connected Nation has stated would not be published after 2023, for data concerning schools and classrooms access to broadband.[61] Can and should the Commission use data already collected through the E-Rate program[62] to measure and track progress toward the short-term goal? Are there any other public data sources outside of the Commission that could be used? We note that the Commission's historic unit of analysis for schools and classrooms access has been the school district.[63] Should this continue or should we analyze entire states?[64]

V. COMMISSION ACTIONS TO ACCELERATE BROADBAND DEPLOYMENT

27. Section 706 requires the Commission to encourage the deployment of advanced telecommunications capability through, among other things, removing barriers to infrastructure investment.[65] The next report will examine the Commission's actions in this regard. How effective have the Commission's efforts been? What additional efforts should we undertake? Are there currently any regulatory barriers impeding broadband deployment, investment, expansion, competition, and technological innovation that the Commission should consider eliminating? Are there particular actions we could undertake that may also serve the Commission's long-standing goal of accelerating the transition to all Internet protocol networks?[66] If so, what are they? Are there modifications to Universal Service Fund programs that would be helpful to accelerate deployment of advanced telecommunications capability, including changes to legacy high-cost programs that could make them more cost effective and efficient?

(Continued from previous page)

[59] *See id.* at 3276, para. 57.

[60] *See id.* at 3326, para. 133; *2021 Report*, 36 FCC Rcd at 868, para. 48; Connected Nation, Report on School Connectivity for Funding Year 2021 at 13 (2022), https://www.fundsforlearning.com/wp-content/uploads/2022/01/Connect_K12_Connectivity_Report_2021.pdf (describing the relationship between the Connect K-12 Reports and the predecessor State of the States Reports; *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, 2019 Broadband Progress Report, 34 FCC Rcd 3857, 3887-88, paras. 50-51 (2019).

[61] Connected Nation, *Connect K-12's 2023 report celebrates 74% of U.S. school districts now meeting FCC internet connectivity goal* (Nov. 27, 2023), https://connectednation.org/press-releases/connect-k-12s-2023-report-celebrates-74-of-us-school-districts-now-meeting-fcc-internet-connectivity-goal.

[62] USAC, *E-Rate Data Tools*, https://opendata.usac.org/stories/s/E-rate-Tools/bneq-mh8b/ (last visited August 4, 2025).

[63] *See*, *e.g.*, *2024 Report*, 39 FCC Rcd at 3326, para. 133 (referencing measurements by school district).

[64] If our unit of analysis were to be states, we would measure the percentage of states, as opposed to school districts, that meet our goals.

[65] 47 U.S.C. § 1302(a); *see also* 47 U.S.C. § 1302(b).

[66] *BellSouth's Petition for Declaratory Ruling Regarding the Commission's Definition of Interconnected VoIP in 47 C.F.R. § 9.3 and the Prohibition on State Imposition of 911 Charges on VoIP Customers in 47 U.S.C. § 615a-1(f)(1)*, WC Docket No. 19-44, Declaratory Ruling, 34 FCC Rcd 10158, 10159, para. 2 (2019) (referencing "the Commission's goal of facilitating the transition to more advanced, IP-based services that benefit American consumers and businesses").

For example, are there changes that would help ensure that supported providers receive no more support than is necessary, or that the programs would select the most efficient provider of advanced telecommunications capability? If so, what metrics should the Commission use to determine cost effectiveness and efficiency? Similarly, are there steps that the Commission could consider taking to reduce waste, fraud, and abuse? What more should the Commission do to expand access to spectrum to support or supplement wireless and satellite broadband services?

28. Moreover, what additional efforts should the Commission undertake, if any, to encourage more private sector investment in broadband buildout? Are there a set of actions or policies that the Commission could and should undertake to close the digital divide once and for all and to ensure that the United States remains a global leader in the provision of ubiquitous access to high-speed internet? If so, what are they? While the results of increased private investment in broadband deployment are often clear, is there any value in measuring such investment? If so, how do commenters suggest we do this? Are there comprehensive sources of data that we could use?

VI. PROCEDURAL MATTERS

29. *Ex Parte Presentations*. This Notice of Inquiry commences an exempt proceeding under the Commission's *ex parte* rules.[67] *Ex parte* presentations are permitted and need not be disclosed, though presentations are prohibited during a Sunshine Agenda period.[68] Participants in this proceeding may choose to submit written ex parte presentations or written summaries of oral *ex parte* presentations in the record, as described in the next paragraph.

30. *Comment Filing Procedures*. Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs/.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
    - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
    - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
    - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
    - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

31. *Accessible formats.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

[67] *See* 47 CFR §§ 1.1200(a), 1.1204(b)(1).

[68] *See* 47 CFR § 1.1203(a).

32. *Additional information.* For further information about this proceeding, please contact Raphael Sznajder, FCC Wireline Competition Bureau, Competition Policy Division at Raphael.Sznajder@fcc.gov.

VII. ORDERING CLAUSE

33. Accordingly, IT IS ORDERED, that pursuant to section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. § 1302, this Notice of Inquiry IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Notice of Inquiry, GN Docket No. 25-223.

As we work to implement the FCC's Build America Agenda, it's important that we continue to measure our progress and identify the areas where improvement is needed. Today's Section 706 inquiry will do just that. It will allow us to improve the way we report to Congress on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."

As we do so, we will adhere to the statutory text passed by Congress. Our last Section 706 proceeding in 2024 failed to adhere to the language of the statute and marked a significant departure from agency precedent. I raised concerns with the FCC's approach at the time.[69] Today, we are course correcting by adhering to the language of the statute and asking questions that will allow us to evaluate, in a technology neutral manner, whether broadband is being deployed to all Americans in a reasonable and timely fashion. All this will continue our focus on removing regulatory barriers to deployment.

[69] https://docs.fcc.gov/public/attachments/DOC-401205A3.pdf.

STATEMENT OF
COMMISSIONER ANNA M. GOMEZ

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Notice of Inquiry, GN Docket No. 25-223.

While I have concerns over the potential change of direction this FCC may soon take in how we fulfill our obligation to provide a clear and accurate picture of broadband availability in this country, I am nevertheless supporting this Notice of Inquiry (NOI) so the public can weigh in on this issue. How we measure this country's progress of connecting everyone, everywhere to the number one tool to participate in modern day life is important, and we should not retreat from the bold and forward-looking vision this agency had previously embraced.

Under this NOI, the FCC questions whether recent changes that provided a more accurate picture of broadband availability, such as broadband affordability and broadband adoption, are even needed. This is after the Affordable Connectivity Program (ACP) lapsed, which forced many households to choose between continuing their broadband service or paying for food or medicine. For that reason, I am glad we were successful in seeking public input on whether broadband can truly be considered available if it isn't affordable, and I look forward to that record.

Some point to existing law to argue that availability is the only metric Congress allows to measure broadband deployment success. But the law does not require this agency to view broadband availability with one eye closed and the other one half-open. That argument ignores recent legislation like the Bipartisan Infrastructure Law, which was enacted to broaden the scope of that approach. As the Commerce Department seeks to redefine the goals of the Broadband Equity, Access, and Deployment (BEAD) program, one must wonder if this is a coordinated effort to roll out the "Mission Accomplished" banner as millions remain without access to a fast, reliable, and affordable way to participate in the main aspects of modern life.

Just last week, this Administration released an AI plan that looked at "winning the AI race" in ways that would "usher in a new golden age" of "economic competitiveness and national security for the American people." I wonder how that plan will square with the changes this FCC is envisioning in how it measures broadband deployment in this country. After all, for communities to benefit from the AI revolution, they must have the bandwidth that meets the high-capacity needs that AI data centers demand.

While we often hear the argument that it is important to pursue a "technology-neutral approach," that is rarely what those touting this path really mean. Instead, what we see is an effort to overcorrect by overemphasizing one technological approach versus another. Ultimately, we must recognize that there is great promise in satellite and fixed wireless technology, and they can both serve areas with immediate need. However, these two approaches are capacity-limited, and are not the silver bullet to close the digital divide. On the other hand, fiber service has more upfront costs and is not a feasible approach for every community. But in many cases, it is a better long-term investment for building the capacity we need to compete as a global leader in emerging technologies like AI. The sooner we realize we do not need to be confined to a single universal choice, and that common sense should prevail over technological tribalism, the better the public will be served in the long run.

Under the previous Administration, the FCC correctly set a benchmark of 100/20 Mbps—moving us away from a measurement of mediocrity toward a respectable floor where we can build momentum for future innovation and continued global leadership. Under that same approach, the FCC also set the long-term goal of 1 Gigabit per second (Gbps) download speed, which set this country apart in ways that signaled a forward-looking approach to global technological competitiveness. It reflected this nation's history of striving to do big and bold things. Nothing prevents us from continuing that tradition. Arguments that seek to paint that goal as an effort to "pick winners and losers" are as nonsensical as having told President Kennedy's NASA to abandon the space race's goal of reaching the Moon out of fear of failure or because of it cost too much.

In America, we do things not because they're easy, but because they're hard. Choosing the easy way out here would be a disservice to that longstanding commitment to excellence.