

**STATEMENT OF  
COMMISSIONER JESSICA ROSENWORCEL,  
DISSENTING**

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 20-269.

The Federal Communications Commission's annual Broadband Deployment Report should provide a clear-eyed and candid assessment of the availability of broadband nationwide. It's the kind of work that is essential for us to understand where high-speed service is so we can develop policies that extend the reach of broadband to all Americans, no matter who they are or where they live.

On this front, we have serious work to do. We are in the middle of an extraordinary public health crisis that has required us to move much of our world online. Work, education, healthcare, and more now require a broadband connection. Yet it's painfully clear that too many people in too many places in the United States lack the internet access they need to fully participate in modern civic and commercial life.

The evidence is all around us. Look at the headlines decrying the absence of broadband in communities across the country. Look at the volume of legislation Congress has developed, pressing for new emergency programs to extend the reach of internet infrastructure to every home and business nationwide. Take note of the governors in states with large and small populations setting up committees to connect the disconnected and assess the economic impact of the digital divide. See also the state legislatures taking up these matters, developing their own programs to expand where service is available. Look at the mayors, clamoring to ensure that every resident can consume and create online. Then look at the everyday Americans writing the FCC concerned that high-speed service does not exist where they live and fearful that without it their communities will not have a fair shot in the digital age.

It is not a coincidence that so much of this activity is happening right now. It's taking place because the current crisis has exposed the hard truth that our nation's digital divide is very real and very big.

As a result, this proceeding is the perfect place to detail the extent of our nation's broadband challenges. By seeking comment, as we do here, on where service is and is not, we should be developing a record that supports an honest assessment of the availability of broadband across the country.

But the ugly truth is that when the agency released its last Broadband Deployment Report earlier this year it concluded that broadband deployment was "reasonable and timely" nationwide. In other words, it found all was well. It clapped its hands and said job done.

That's just not right. For starters, the FCC concluded that there were only 18 million people in the United States without access to broadband. That number wildly understates the extent of the digital divide in the country. That's because if a broadband provider simply told the FCC that it can offer service to a single customer in a census block, the agency assumed service was available throughout. The result is data that systematically overstates service across the country. By how much? Consider that other studies have shown that the true number of people without broadband access is 42 million or even as high as 162 million.

So it's no wonder that the FCC's broadband data has been the subject of nonstop criticism from consumers and Congress. In fact, earlier this year the President signed the Broadband DATA Act directing the FCC to clean up its act and develop data and maps that reflect the true state of broadband access in the United States. But the agency has yet to roll up its sleeves to collect any improved information as part of this effort—so the same data problems that existed last time are bound to show up in this inquiry, too.

Plus, in its last report the FCC continued to use a broadband standard that is too low for a nation that has moved so much online. Many households with multiple users are calling, watching, listening, gaming, and searching online all at the same time. I know—my household is one of them. But the FCC

has been sticking with a download standard of 25 megabits per second that it adopted more than five years ago. We need to set audacious goals if we want to do big things. With many of our nation's providers offering gigabit service, it's time for the FCC to adjust its baseline upward, too. We need to reset it to at least 100 megabits per second. While we're at it we need to revisit our thinking about upload speeds. At present, our standard is 3 megabits per second. But this asymmetrical approach is dated. We need to recognize that with enormous changes in data processing and cloud storage, upload speeds should be rethought. There is, unfortunately, little evidence the FCC is willing to do so in this inquiry.

Finally, in its last report the FCC neglected to meaningfully discuss big issues that contribute to the digital divide. It didn't consider affordability. It barely mentioned digital literacy. If the agency is serious about living up to its duty to report on the state of broadband in this country, these omissions are a problem. But there is little here to suggest the FCC is seriously considering these matters in this inquiry now.

So here we go again. We are setting ourselves up for making all the same mistakes we did in our last report. We have not updated our methodology. We have not modernized our thinking about what is truly broadband. We have not suggested that we will give serious thought to real impediments like cost. At a time that we desperately need a candid accounting from the FCC about the state of broadband in this country, the agency is stubbornly oblivious to how its reporting is at odds with the lived experience of so many people in this country.

This is disappointing—because it doesn't have to be this way. This approach fails to meet the current moment. It simply does not lay the foundation for the honest assessment we require to ensure broadband for all. I regretfully dissent.