

broadband networks in rural America and that the limited taxpayer resources allocated by Congress to this goal are used efficiently to meet program objectives.

RUS Should Increase Minimum Speed Used to Determine Eligible Areas from 10/1Mbps to 25/3Mbps

The Consolidated Appropriations Act, 2018,² which established and funded the rural broadband infrastructure pilot program that RUS has now made permanent with its Final Rule, set a minimum standard to determine whether an area has sufficient access to broadband service. The statute restricted the use of grant and loan funding to areas where at least 90% of the households proposed to be served did not have sufficient access to broadband, defined as 10 Mbps downstream and 1 Mbps upstream (10/1Mbps). It also directed USDA to reevaluate this standard on an annual basis.

While the Act establishing the eConnectivity Program is only four years old, its speed threshold, in terms of consumer broadband needs, is antiquated. The Federal Communications Commission (FCC) has defined broadband as 25/3 Mbps since 2015³ and has continued to use that standard, recognizing that it enables users to originate and receive high-quality voice, data, graphics, and video telecommunications. Most policymakers have coalesced around this standard as the *bare minimum* of sufficiency for rural areas. They have recognized that anything less than 25/3 Mbps is inadequate. If RUS were to leave the 10/1 Mbps speed standard as is, it would mean that rural areas where customers currently have access to broadband at speeds less than 25/3 Mbps but greater than 10/1 Mbps would be ineligible for upgrades through this program.

² Public Law No: 115-141, signed into law March 23, 2018.

³ 2015 Broadband Progress Report, release February 4, 2015, available at: <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2015-broadband-progress-report>.

One of the abundantly clear lessons of the events of the past year is that consumers need more than 1 Mbps upload for virtual education, online businesses, and telehealth services. In addition, Americans in non-rural areas, and even some in rural America, have access to far higher speeds than 25/3 Mbps. In its latest Broadband Deployment Report, the FCC found that more than 85% of Americans have access to fixed terrestrial broadband service at 250/25 Mbps.⁴ It is important that broadband speeds in rural areas be reasonably comparable to urban areas and keep pace with consumer needs. For its third eConnectivity Program funding round, RUS should revise its minimum broadband speed for determining sufficient access to broadband to 25/3 Mbps. This would ensure that areas that have broadband service at speeds of 10/1 Mbps or greater but less than 25/3 Mbps will not be left behind. Revising the minimum broadband speed to 25/3 Mbps would also synchronize the standard across all federal government broadband-related programs.

One caveat to this recommendation is that there are still areas that do not have 10/1 Mbps service in very remote parts of the country. RUS should consider giving applicants seeking to serve those areas priority in future application windows.

RUS Loan and Grants Should Complement Other Federal Programs

WTA appreciates attempts made to guard against overbuilding existing networks, particularly those networks built using other government funding streams such as the Universal Service Fund (USF) at the Federal Communications Commission (FCC). In general, RUS should not allow grants and loans to be made in areas being funded by other government programs as most networks being funded by USF and other programs are being built to speeds of at least 25/3

⁴ *FCC 2020 Broadband Deployment Report*, released April 24, 2020, available at: <https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf>

Mbps. However, in some very remote areas, the FCC is only funding networks to 10/1 Mbps or “reasonable request” standards. In order to help those rural customers gain access to higher speeds, RUS should allow USF recipients to apply for eConnectivity funding to supplement their USF support to bring higher speeds to those remote areas. This would “future-proof” more rural networks.

Fisheries, Timber, and Mining Should Be on Equal Footing with Farms

In its Final Rule, RUS noted that if it continues to use farms as a scoring criterion in future application windows it will consider counting fisheries as farms. Doing so will help put rural areas that have significant natural resource development that does not fall under the category of traditional farming on par with cropland. RUS should consider allowing timber and mining operations to be put on par with traditional farming as well. These industries provide important sources of employment in many rural areas and would greatly benefit from improved broadband access just as farms would, particularly in areas in the western United States, including Alaska.

Conclusion

In general, WTA member companies have had positive experiences with the eConnectivity Program and look forward to continuing to partner with RUS to ensure that Americans living in rural and remote areas of the country have access to comparable broadband services at comparable rates to those who living in more urban and densely populated areas. Making sure that minimum broadband speeds keep pace with consumer need and advancing technology will ensure this happens.

Respectfully submitted,

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