



UNITED STATES DEPARTMENT OF COMMERCE
National Telecommunications and
Information Administration
Washington, D.C. 20230

December 26, 2023

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 22-270

Dear Ms. Dortch:

This letter provides notice that the National Telecommunications and Information Administration (NTIA) met virtually with Federal Communications Commission staff on December 21, 2023 to discuss the Section 706 Report Notice of Inquiry. Participants for NTIA included Russell Hanser, Travis Hall, Emma Llansó, and Rafi Goldberg of the Office of Policy Analysis and Development, and Karen Hanson, Christopher Killion, Nicole Dan, and Alexander Marré of the Office of Internet Connectivity and Growth. Participants for the Commission included Adam Copeland, Jodie May, Edward Krachmer, Raphael Sznajder, and George Weber of the Wireline Competition Bureau, Catherine Matraves and Judith Dempsey of the Office of Economics and Analytics, and Garnet Hanly and Susannah Larson of the Wireless Telecommunications Bureau.

During this meeting, NTIA expressed its strong support for the Commission's important work to assess whether broadband is being deployed to all Americans in a reasonable and timely fashion, and offered its assistance as the Commission works to identify appropriate methodologies and data sources for use in conducting this assessment.

NTIA emphasized the importance of ensuring that the Section 706 inquiry aligns with current efforts across the federal government to bring high-speed Internet service to all Americans, as well as the guidance offered by Congress in the Infrastructure Investment and Jobs Act (IIJA). For example, we support the Commission's proposal to raise the speed threshold for fixed

broadband to 100 Mbps downstream and 20 Mbps upstream,¹ both to reflect changes in current and anticipated user needs and to provide consistency with the standard established by Congress through IJIA for NTIA’s Broadband Equity, Access, and Deployment (BEAD) program. Moreover, NTIA supports the Commission incorporating aspects of service quality beyond speed, such as latency, and suggests considering the ways in which these concepts were incorporated into the BEAD Notice of Funding Opportunity (NOFO).²

NTIA also welcomes the Commission’s inclusion of factors beyond deployment of physical infrastructure in its inquiry, including adoption, affordability, and equitable access.³ NTIA has long advocated a comprehensive approach to understanding the many dimensions of the digital divide, which include disparities in adoption, digital skills, device access, and other factors beyond the availability of network infrastructure. The very first reports NTIA published using the term “digital divide”—which were among the first uses of the phrase anywhere—focused squarely on inequities in adoption.⁴ More recently, Congress endorsed the comprehensive approach through the Digital Equity Act of 2021, which was included in the IJIA. The Digital Equity Act defined “digital equity” as “the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States,” and created NTIA grant programs that complement BEAD by targeting a broad range of disparities.⁵ The Section 706 inquiry has the potential to serve as an important indicator of our nation’s progress toward achieving digital equity, and it will be best equipped to do so if it examines the available data on a wide range of challenges in this field.

Finally, we discussed the range of relevant data and resources available from NTIA, other Executive Branch agencies, and the Commission itself to inform the proposed analyses. NTIA agrees that it is time for the Commission to use the new Broadband Data Collection (BDC) in the Section 706 inquiry.⁶ To that end, we discussed challenges around estimating the number of persons residing in places where broadband infrastructure is available using BDC data, as well as potential solutions to that issue. We offered best practices on the use of data from the NTIA Internet Use Survey and the American Community Survey (ACS) to measure adoption and associated disparities. We further noted that, to the extent the Commission seeks to assess or compare adoption levels in small geographic areas,⁷ an ongoing project between NTIA and the Census Bureau to develop modeled small area estimates of broadband adoption may ultimately

¹ See Notice of Inquiry (Notice) ¶ 10, adopted October 25, 2023, <https://docs.fcc.gov/public/attachments/FCC-23-89A1.pdf>.

² For example, NTIA implemented the Congressional requirement that networks funded by BEAD must provide “latency that is sufficiently low to allow reasonably foreseeable, real-time, interactive applications” by requiring that “95 percent of latency measurements during testing windows must fall at or below 100 milliseconds round-trip time.” 47 U.S.C. § 1702(h)(4)(A)(i)(II); Broadband Equity, Access, and Deployment Program NOFO at 65 n. 17, <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf> (citing the 2013 Connect America Fund *Phase II Service Obligations Order*). That said, NTIA recognizes the difficulties associated with surfacing certain data that may be necessary to properly assess aspects of service quality, and to the extent the Commission finds those barriers insurmountable at this time, we suggest working to expand the scope of Measuring Broadband America or other relevant data collections to assist in future editions of this inquiry.

³ Notice ¶ 2.

⁴ See *Falling Through the Net II: New Data on the Digital Divide* (July 28, 1998), <https://www.ntia.gov/report/1998/falling-through-net-ii-new-data-digital-divide>.

⁵ 47 U.S.C. § 1721 *et seq.*

⁶ Notice ¶ 3.

⁷ Notice ¶ 61.

offer distinct advantages over the existing options of using ACS 5-year estimates (which due to their temporal period are slow to track changes over time) or Form 477 subscription data (which the Commission considers proprietary and therefore cannot be released in raw form for use by external researchers). NTIA also shared perspectives on the challenging problem of measuring affordability. We noted that, while low subscribership levels may well be indicative of an affordability problem,⁸ our research suggests that Americans face numerous barriers to connectivity, including device access, digital skills, accessibility of content, and other issues alongside pricing.⁹ We also pointed to NTIA data analyzing reported willingness-to-pay among households lacking home Internet service,¹⁰ as well as other relevant data from the NTIA Internet Use Survey and other sources. NTIA stands ready to work with the Commission and other relevant agencies to surface new and improved data on broadband and digital equity, both in support of future Section 706 inquiries and for the benefit of policymaking overall.

We thank the Commission staff for their time, and would be pleased to engage in further discussions as needed.

Respectfully Submitted,

Stephanie Weiner

Stephanie Weiner
Chief Counsel

⁸ Notice ¶ 54.

⁹ See, e.g., Switched Off: Why are One in Five U.S. Households Not Online?, <https://www.ntia.gov/blog/2022/switched-why-are-one-five-us-households-not-online>.

¹⁰ New Analysis Shows Offline Households Are Willing to Pay \$10-a-Month on Average for Home Internet Service, Though Three in Four Say Any Cost is Too Much, <https://www.ntia.gov/blog/2022/new-analysis-shows-offline-households-are-willing-pay-10-month-average-home-internet>.