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May 13, 2020

The Honorable Roger Wicker, Chairman  
Committee on Commerce, Science, and Transportation  
U.S. Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Maria Cantwell, Ranking Member  
Committee on Commerce, Science, and Transportation  
U.S. Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Hearing on “The State of Broadband Amid the COVID-19 Pandemic”**

Dear Chairman Wicker and Ranking Member Cantwell,

We at the R Street Institute (“R Street”) commend you and the Committee for holding this hearing on “The State of Broadband Amid the COVID-19 Pandemic.”<sup>1</sup> As we have noted recently, with the pandemic forcing many Americans to stay inside and work, study and socialize remotely, the need for high-speed broadband connectivity has never been greater.<sup>2</sup>

Fortunately, both the Federal Communications Commission (“FCC”) and American broadband providers have risen to the challenge. On March 13, the FCC announced the “Keep Americans Connected Pledge,” which over 700 providers have signed onto, agreeing to continue service, waive late fees and open their networks to the public.<sup>3</sup> Initially set to expire this week, the pledge has since been extended through the end of June.<sup>4</sup> Additionally, the Commission has granted wireless

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<sup>1</sup> *Hearing on ‘The State of Broadband Amid the COVID-19 Pandemic’ Before the Senate Committee on Commerce, Science, and Transportation*, 116th Cong. (May 13, 2020), <https://bit.ly/2yEK8hO>.

<sup>2</sup> Tom Struble, *Boosting Connectivity to Help Conquer COVID-19*, MORNING CONSULT (April 22, 2020), <https://bit.ly/35L6Sso>; Jeffrey Westling, *FCC, Broadband Industry Rising to the Challenge of Covid-19*, R ST. INST. (March 26, 2020), <https://bit.ly/2Wk3LVw>.

<sup>3</sup> Press Release, “Chairman Pai Launches The Keep Americans Connected Pledge,” *Fed. Commc’ns Comm’n* (March 13, 2020), <https://bit.ly/35GqnTa>.

<sup>4</sup> Press Release, “Chairman Pai Extends Keep Americans Connected Pledge Through End of June Due to Ongoing COVID-19 Pandemic,” *Fed. Commc’ns Comm’n* (April 30, 2020), <https://bit.ly/3ciPYUF>.

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**The Honorable Maria Cantwell**

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providers temporary authority to operate in key spectrum bands;<sup>5</sup> waived its gift rules to allow schools, libraries and telemedicine providers to purchase Wi-Fi hotspots using their Universal Service support;<sup>6</sup> eased the Lifeline program's recertification and reverification requirements to help consumers stay connected;<sup>7</sup> and used funds appropriated by Congress in the CARES Act to establish a \$200 million COVID-19 Telehealth Program.<sup>8</sup>

These efforts, combined with the FCC's light-touch approach to broadband regulation,<sup>9</sup> have allowed American broadband networks to be remarkably resilient in handling the increased traffic they are facing.<sup>10</sup> However, there is still more work to be done, and Congress should consider the following steps to help provide relief and boost connectivity in the short, medium and long term.

In the short term, Congress should focus on keeping existing networks online and assisting consumers with their broadband bills. The FCC's Lifeline program already provides low-income consumers with some support to help defray their broadband costs, but that support and eligibility for it are both quite limited. Congress should consider either boosting the Lifeline program, by expanding eligibility and increasing the amount of support available, or authorizing one-time vouchers akin to those used to assist Americans during the Digital Television transition.<sup>11</sup>

In the medium term, Congress should unleash private capital by reducing regulatory barriers to infrastructure deployment through legislation like the STREAMLINE Act.<sup>12</sup> This is an issue explored in R Street's Broadband Scorecard, in which we analyze each state's laws governing various aspects of broadband deployment, including access to public rights of way, construction permitting, franchising and zoning.<sup>13</sup> While many states have made great progress in streamlining processes

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<sup>5</sup> Press Release, "FCC Grants AT&T and Verizon Further Temporary Spectrum Access to Keep Americans Connected During the Pandemic," *Fed. Commc'ns Comm'n* (March 20, 2020), <https://bit.ly/2yvq80M>; see also Press Release, "FCC Grants Wireless ISPs Temporary Access to Spectrum in 5.9 GHz Band to Meet Increase in Rural Broadband Demand During Pandemic," *Fed. Commc'ns Comm'n* (March 27, 2020), <https://bit.ly/2xQ2iwK>.

<sup>6</sup> Order, *Rural Health Care Universal Service Support Mechanism & Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-60 & CC Docket No. 02-6 (March 18, 2020), <https://bit.ly/3bhUD87>.

<sup>7</sup> Order, *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 (March 17, 2020), <https://bit.ly/2WezhnB>.

<sup>8</sup> Report and Order, *Promoting Telehealth for Low-Income Consumers and COVID-19 Telehealth Program*, WC Docket No. 19-213 & WC Docket No. 20-89 (April 2, 2020), <https://bit.ly/2SOncn2>.

<sup>9</sup> Christopher S. Yoo, *Coronavirus Crisis Vindicates the FCC's "Net Neutrality" Rollback*, WALL ST. J. (April 14, 2020), <https://on.wsj.com/350aZE8>.

<sup>10</sup> Alec Stapp, *Why Netflix and YouTube Aren't Breaking the Internet in the United States*, MORNING CONSULT (April 10, 2020), <https://bit.ly/2Llcikw>.

<sup>11</sup> Deficit Reduction Act of 2005, Pub. L. No. 109-171, §§ 3001-3013, 120 Stat. 21 (Feb. 8, 2006).

<sup>12</sup> STREAMLINE Small Cell Deployment Act, S. 1699, 116<sup>th</sup> Cong. (June 3, 2019).

<sup>13</sup> Tom Struble & Jeffrey Westling, *2019 Broadband Scorecard Report*, R ST. INST. (Feb. 12, 2020), <https://bit.ly/2YJHstM>.

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and eliminating unnecessary red tape, numerous others lag behind. These regulatory barriers make infrastructure deployment slower and more expensive, so reducing them will help promote new investment and construction to aid in the recovery and boost connectivity once the pandemic has passed.

Finally, in the long term, Congress should work with the FCC and broadband providers to identify any areas where market forces and private capital are not enough. The recently passed Broadband DATA Act will help in that regard,<sup>14</sup> identifying the areas that are truly in need of support. But while the FCC's Universal Service programs can address that problem on their own, additional support from Congress would accelerate that deployment. To fund such support, Congress should identify new wireless frequency bands that can support commercial services like 5G and extend the FCC's auction authority for those bands. Encouraging the Defense Department to finish its ongoing study of the 3.1–3.55 GHz band would help, but additional low-, mid- and high-band spectrum will be needed to keep pace with growing demand for wireless services. Congress should identify and begin the process of repurposing these bands as soon as possible.

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We again commend you for your efforts to review the state of our broadband networks and help keep Americans connected during the pandemic.

Sincerely,

Tom Struble, Technology and Innovation Policy Manager  
R Street Institute

Jeffrey Westling, Technology and Innovation Policy Resident Fellow  
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<sup>14</sup> Broadband DATA Act, Pub. L. No. 116-130, 134 Stat. 228 (March 23, 2020).