



September 4, 2020

Hon. Ajit Pai, Chairman
Hon. Jessica Rosenworcel, Commissioner
Hon. Michael O’Rielly, Commissioner
Hon. Brendan Carr, Commissioner
Hon. Geoffrey Starks, Commissioner
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84

Dear Chairman Pai and Commissioners:

The undersigned 18 organizations respectfully submit this letter urging the Commission to take proactive steps to further broadband deployment in rural areas by clarifying and expediting the process through which providers engage with pole owners to upgrade and build out broadband for these areas. Our national civil rights and public interest organizations collectively represent millions of voices across the country, and we have long advocated for efforts to bridge the digital divide.¹ This issue is particularly critical amid the COVID-19 pandemic where

¹ Numerous civil rights groups have actively engaged with the Commission in the past on removing barriers to and accelerating wireline and wireless broadband deployment. Twenty-seven organizations, including several of the undersigned, filed coalition comments to Establish a 5G Fund for Rural America. The Multicultural Media, Telecom and Internet Council (MMTC) also supported rural broadband infrastructure buildout in its 2018 broadband infrastructure letter and has previously supported the Commission’s plan to streamline the deployment review process by exempting small cells from certain reviews under the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA), subject to coordination with tribal, state, and local interests. See 5G Fund Supporters Comments (June 25, 2020), available at <https://www.mmtconline.org/wp-content/uploads/2020/07/5G-Fund-Supporters-Rural-BB-Comments-062520-1.pdf>. See also Broadband Infrastructure Letter (September 5, 2018), available at <https://www.mmtconline.org/wp-content/uploads/2018/09/MMTC-Infrastructure-Letter-09.05.18.pdf>. See also MMTC Regulatory Streamlining Statement (March 19, 2018), available at <https://www.mmtconline.org/wp-content/uploads/2018/03/MMTC-Press-Statement-Small-Cells-Regulatory-Streamlining-031918.pdf>.

broadband access is essential for access to education, telehealth, jobs and workforce development, social services, civic engagement, and more. We therefore support, and ask the Commission to consider promptly, NCTA – The Internet and Television Association’s Petition for Declaratory Ruling (“NCTA Petition”), which requests that the Commission clarify its rules to help minimize barriers and accelerate broadband deployment in all rural communities.

The Digital Divide for Rural Communities of Color

Vast rural areas lack fast broadband, and rural communities of color are uniquely burdened by unevenly distributed broadband infrastructure. Looking at the country as a whole, 26.4 percent of the United States’ rural population does not have access to wireline 25 Mbps/3 Mbps broadband as of 2017, which represents the most recent data reported by the FCC in its 2019 Broadband Deployment Report. Racial and ethnic minorities, including African Americans, Hispanics, and Native Americans, make up twenty-two percent of America’s rural population – and historically, just as today, rural communities of color sit at the furthest extreme of the digital divide.

One such community is Weirwood, Virginia, a city in Northampton County on the Virginian Eastern Shore. Weirwood is a poor, 100 percent African-American unincorporated town, just five hours from Washington, D.C. The only substantial businesses in town are a blues club and community center. The club would like to offer an after-school computer learning facility for the town’s children, but it cannot do that because Weirwood, like other small towns nearby in Northampton County, lacks reliable high-speed broadband connectivity. Weirwood is exactly the kind of town that needs reliable internet access to overcome its legacy of poverty and to be able to participate in the benefits of 21st century digital technology. The town is just one of over 900 communities with a population of less than 25,000 that is comprised primarily, and often almost entirely, of African Americans.

Rural Hispanic communities face similar challenges posed by insufficient or aged internet infrastructure. There are approximately 991 rural, primarily Hispanic communities with populations of less than 25,000. These communities are most often comprised of farm laborers, who typically are recent immigrants trying to find their place in a new country despite high barriers to success. Most rural Hispanic communities are extremely poor, and are urgently in need of the economic opportunities that could be delivered through high-speed broadband. For instance, in Chimayo, located in north-central New Mexico, Hispanics make up more than 90 percent of the population. As of 2018, only 41.8 percent of the people in Chimayo had broadband access.

Reducing Unnecessary Barriers Such As Pole Attachment Disputes Will Accelerate Broadband Buildout

Eliminating costs and other barriers to bringing critical broadband service to rural areas is a policy objective our organizations strongly support. The circumstances in Weirwood, Chimayo, and countless other communities like them have fueled an economic spiral that no one policy will be able to break. Persistent household poverty both dissuades private sector investment and creates shortfalls in tax revenue that is necessary for government investment. That lack of investment, in turn, sustains the underlying poverty, which perpetuates the cycle. Although no silver-bullet solution exists, government should aim, at the very least, to remove unnecessary barriers to investment in the communities that need them most.

Pole attachment costs are a major inhibitor to broadband buildouts in rural minority communities, and are driven substantially by pole replacements. Low household density and expansive geographies create significant logistical barriers to these buildouts. In highly dense urban areas, just by attaching to one utility pole, providers can reach dozens of households in the nearby vicinity. By contrast, deployments in rural areas require significantly larger buildouts and many more poles to reach the same number of households. While the cost of attaching to a single utility pole might be comparable in rural and urban locales, deployments in rural areas will almost always require broadband providers to attach to many more poles per household served, which drives up the cost of these projects considerably.

The modest rule clarifications in the NCTA Petition would remove two needless barriers to broadband deployment in rural communities, including majority-minority rural communities. First, the proposed clarifications would

make it clear that, in accordance with FCC rules, pole owners would share proportionately with broadband providers in the cost of any pole replacement by covering the portion of the replacement expenses for which they are most responsible. Second, the proposed clarifications would establish that pole attachment disputes in rural areas will receive priority on the Enforcement Bureau's Accelerated Docket.

For rural communities, the added burdens and delays caused by pole attachment disputes can often mean the difference between reliable internet connectivity and digital isolation. We believe that the petition's proposals will further accelerate the completion of much-needed broadband projects in rural communities where there is already a small margin of error, and even a moderate delay can cause an otherwise promising project to fail.

Taken together, our organizations find the proposals to be reasonable actions the FCC can take to clear the way for broadband providers to accelerate broadband deployment to our nation's most vulnerable rural communities. We strongly support both proposals.

Respectfully,

1. Multicultural Media, Telecom and Internet Council (MMTC)
2. A. Phillip Randolph Institute
3. ALLvanza
4. ASPIRA Association
5. Black Female Founders
6. MANA – A National Latina Organization
7. National Action Network
8. National Association of Multicultural Digital Entrepreneurs (NAMDE)
9. National Coalition on Black Civic Participation
10. National Congress of Black Women
11. National Council of Negro Women
12. National Diversity Coalition
13. National Federation of Filipino American Associations (NaFFAA)
14. National Organization of Black Elected Legislative (NOBEL) Women
15. National Puerto Rican Chamber of Commerce
16. OCA-Asian Pacific American Advocates
17. Public Knowledge
18. SER – Jobs for Progress National