

United States Senate

WASHINGTON, DC 20510

March 22, 2023

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Dear Chairwoman Rosenworcel:

As the administration prepares to distribute tens of billions of dollars for broadband, it is critical that the National Telecommunications and Information Agency (NTIA) have the most accurate, up-to-date Federal Communications Commission (FCC) data to ensure taxpayer funds are used efficiently to bridge the digital divide. To that end, we urge the FCC to accelerate the timeline of challenges to the new National Broadband Map – which will be used to allocate Broadband Equity, Access, and Deployment (BEAD) grants – and publish updates to the Location Fabric every month, rather than every six months. The current six month cadence risks squandering a significant investment to ensure more Americans can access reliable, high-speed broadband and the innovations in employment, education, and health care that depend on it.

When the FCC released the first version of the new National Broadband Map on November 18, 2022, you referred to it as a “pre-production draft,” aptly noting not only that the Map contained flaws, but also that addressing them would require full involvement from consumers and other stakeholders through a robust public challenge process. Indeed, upon the public release of the Map, we heard from a variety of stakeholders, including rural communities, Tribes, state and local governments, and small internet service providers, with continuing concerns about inaccuracies. Issues range from overstated claims of service availability to missing or incorrect locations of residences and businesses. While stakeholders were encouraged to file challenges by January 13, 2023, to have them included in the version of the Map that will be used to allocate BEAD funds, we understand that the FCC has informed states that, because of its six-month cadence for updates to the Location Fabric, location challenges should have been filed by November 2022 – before the public even had access to the Map. Neither of these deadlines provided sufficient time for all stakeholders to review the Map, identify issues, and submit robust challenges. As a result, we are concerned that the Map could remain significantly flawed, and states across the country may have lost the ability to file meaningful mapping challenges and gain access to vital federal funding needed to close this country’s digital divide.

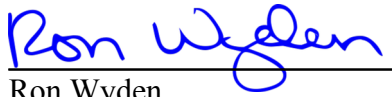
To be clear, the creation of the National Broadband Map and the administration of its challenge process are significant tasks, and we appreciate the diligent work of you and your staff to stand up these processes and to make them accessible to our constituents. That said, we are concerned that the timeline thus far has been too short and opaque to allow for meaningful participation by the rural and remote communities that need broadband funding the most. Fortunately, the FCC has the authority to act decisively to allow more states and communities to submit location and availability challenges and allow them to be incorporated into the version of the Map that will be

used to allocate BEAD funds in June of this year. The FCC can do this by increasing the cadence for updates to the Location Fabric and publishing monthly updates of the Map reflecting such fabric updates at least until the BEAD allocation is set. We understand that data is to be collected from providers biannually, and we emphasize that both the authorizing statute (47 U.S.C. §642(c)(3)) and the FCC's regulations (47 C.F.R. §1.7008(c)) allow flexibility for the FCC to update the Fabric "not less frequently than biannually" and "at least biannually," respectively. Congress provided this flexibility for a reason, and the FCC should take advantage of it. While there is value in providing more timely transparency into added location data in and of itself, the FCC should also link the added location data to provider availability data to the extent possible. Doing so will allow for more serviceable locations to be counted, and more availability challenges to be submitted and resolved, thereby ensuring the National Broadband Map is able to accurately and efficiently target taxpayer resources to the communities that need them most.

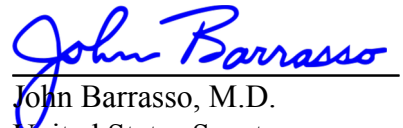
The future of America depends on access to high-speed internet. Working from incomplete and inaccurate data will tilt the distribution of federal resources away from rural states, undermining the efficacy of the BEAD program and shortchanging millions of Americans of critical investments in broadband. We implore the FCC to take action to ensure that rural communities have the tools they need to close the digital divide and build a brighter future for all Americans.

Thank you for your attention to this important matter. We stand ready to assist as needed.

Sincerely,



Ron Wyden
United States Senator



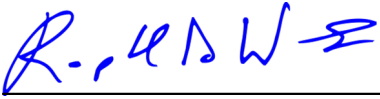
John Barrasso, M.D.
United States Senator



Tammy Baldwin
United States Senator



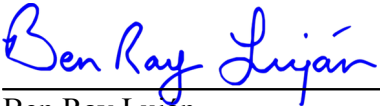
Cynthia M. Lummis
United States Senator



Raphael Warnock
United States Senator



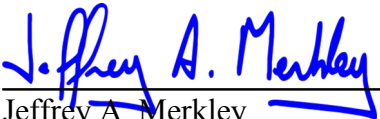
Roger F. Wicker
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Ben Ray Lujan
United States Senator



Mike Crapo
United States Senator



Jeffrey A. Merkley
United States Senator



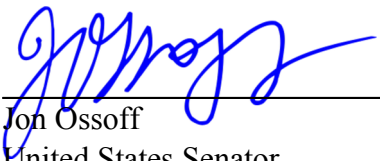
James E. Risch
United States Senator



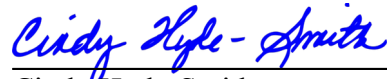
Martin Heinrich
United States Senator



Lisa Murkowski
United States Senator



Jon Ossoff
United States Senator



Cindy Hyde-Smith
United States Senator

cc: Alan Davidson, Assistant Secretary of Commerce for Communications and Information