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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
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June 2, 2020

The Honorable Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

Access to high-speed broadband is critical for Americans in this digital age. Increasingly work, school, health care, and connecting with loved ones take place online in a digital format. This trend has only accelerated during the COVID-19 pandemic. However, far too many Americans remain unconnected. The Federal Communications Commission's (FCC or Commission) 2020 Broadband Deployment Report estimates that 18.3 million Americans still lack access to a fixed broadband connection.¹

I welcome the FCC's ongoing efforts to close the digital divide. For example, the Rural Digital Opportunity Fund (RDOF) will provide \$20.4 billion in support to broadband providers over 10 years to help accelerate the availability of fixed internet services in unserved areas. Likewise, the FCC's upcoming \$9 billion 5G Fund is an important program designed to help millions of rural and underserved Americans gain access to reliable mobile broadband services.

However, given the current increased need for reliable internet during the pandemic, broadband funding, particularly through the RDOF program, may not come soon enough. I have heard from a number of Mississippi broadband providers that are ready to begin deploying in unserved areas, but cannot act until they receive this critical support. This situation is not unique to Mississippi.

Congress is now considering a proposal that would accelerate the distribution of the RDOF resources to eligible providers.² Under this proposal, the FCC would be required to allocate the RDOF monies to broadband providers that are expected to be the sole bidder to deliver gigabit-speed service in a census block or census block groups before the reverse auction scheduled for October 22, 2020. Winning bidders would have to commit to beginning construction within six months of funding authorization and make service available to consumers within one year of authorization.

Expediting the distribution of the RDOF support may help speed up our efforts to close the digital divide. At the same time, I recognize the Commission's legal and procedural constraints to modify

¹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2020 Broadband Deployment Report, GN Docket No. 19-285 at Fig. 1 (rel. Apr. 24, 2020), <https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf>.

² The Rural Broadband Acceleration Act, H.R. 7022 (2020), <https://www.congress.gov/bill/116th-congress/house-bill/7022>.

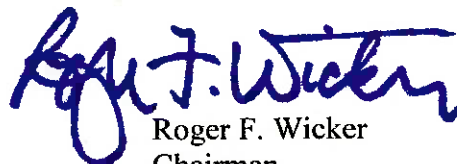
approved rules, maximize taxpayer dollars, and act in the public interest. I also recognize the need for adequate time to review and process applications and conduct a fair, competitive, and efficient auction. As Congress considers this legislative proposal to accelerate the RDOF, I ask that you respond to the following questions, which will help inform our work:

1. Under current rules, the FCC is expected to review and process long-form applications at the conclusion of the RDOF Phase I reverse auction. Please explain the Commission's rationale for processing long-form applications after the auction has been completed.
2. One proposal considers requiring the FCC to review and process long-form applications 30 days after the Commission begins accepting short-form applications or by July 31, 2020. How would such a requirement impact the auction's expected start date? What additional personnel or resources would the FCC need to meet such a deadline?
3. If long-form applications submitted to the FCC before the start of the auction indicate that there would be only one qualified applicant willing to provide symmetrical gigabit-speed service to a census block or census block groups, how would an award to such an applicant before the auction at 100 percent of the reserve price impact the auction's composition? In your response, please address the impact on the auction's overall budget, the number of bidders that could participate in the auction, and the total number of census blocks or census block groups that could be served, as well as any other relevant benchmark.
4. Please outline the process the FCC would have to follow under the Administrative Procedure Act to modify the framework of the auction to meet accelerated deadlines for processing long-form applications and making awards before the commencement of the auction.
5. Has the FCC updated or modified the Preliminary List of Eligible Areas released on March 17? When will an updated list be made available to the public?

I would ask that you provide responses in writing as soon as possible, but by no later than June 12, 2020.

Thank you for your attention to this matter. I look forward to continuing to work with you to close the digital divide so that every American can access the benefits of broadband.

Sincerely,



Roger F. Wicker
Chairman
Senate Committee on Commerce
Science, and Transportation