Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Inquiry Concerning Deployment of Advanced	)	GN Docket No. 24-214
Telecommunications Capability to All Americans	)	
In a Reasonable and Timely Fashion	)	

To: The Commission

COMMENTS OF
THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

The National Rural Electric Cooperative Association ("NRECA") submits these Comments in response to the Eighteenth Section 706 Report Notice of Inquiry issued on September 6, 2024 in the above-captioned proceeding (*"Section 706 NOI"* or "*NOI*").[1]

I. INTRODUCTION

NRECA is the national service organization for nearly 900 not-for-profit rural electric cooperatives that provide electric power to 56% of the nation's landmass, including approximately 42 million people in 48 states, or approximately 13 percent of U.S. electric customers. Rural electric cooperatives serve 88% of the counties of the United States, including 92% of the nation's 353 persistent poverty counties. Electric distribution cooperatives are small business entities under the U.S. Small Business Administration's legal and regulatory framework.

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[1] *In the Matter of Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 24-214, Eighteenth Section 706 Report Notice of Inquiry (rel. Sept. 6, 2024).

The nation's rural electric cooperatives are committed to promoting the deployment of advanced telecommunications capabilities within the rural communities and areas in which they serve, and electric cooperatives are expected to play a crucial role in the development of broadband infrastructure to serve rural unserved and underserved locations. Over 200 rural electric cooperatives currently are working to provide these much-needed broadband services themselves or through partnerships with affiliated or unaffiliated ISPs. Another 100 such projects are being considered.

These electric cooperative broadband projects serve some of the most difficult-to-reach, economically challenging broadband service areas in the U.S., and most of them offer a 100 Mbps symmetrical service tier – many as their lowest tier. Because 100 Mbps symmetrical upload and download speeds already are commonplace in the experience of NRECA members, NRECA urges the Commission in the *2025 Report* to be more aggressive with respect to the fixed broadband speed benchmark and the long-term speed goal. The Commission also should no longer discount upload speeds, and should adjust the benchmarks to measure symmetrical service.

To that end, NRECA's Comments focus on six main points:

1. **Broadband consumer trends suggest that the fixed broadband speed benchmark should be 100 Mbps symmetrical.**
2. **The long-term speed goal should be 1 Gbps symmetrical.**
3. **The Commission should report deployment data on symmetrical speeds, even if not yet adopted as a benchmark.**
4. **The Commission should use the most recent BDC dataset available.**
5. **Mobile service is complementary to fixed broadband, not a substitute.**
6. **To ensure the goals of equitable access are met, the Commission should more clearly recognize that rurality is a main factor in broadband availability and affordability.**

II. COMMENTS

A. The Fixed Broadband Speed Benchmark Should be Set at 100 Mbps Symmetrical.

In the *Notice of Inquiry*, the Commission proposes to maintain the fixed broadband speed benchmark at 100/20 Mbps and to use the same analytical framework as in the *2024 Report.*[2] But the Commission poses the question of whether "consumer demand for higher upload speeds relative to download speeds … justif[ies] adoption of a symmetrical 100/100 Mbps benchmark."[3]

NRECA urges the Commission to adopt a symmetrical 100/100 Mbps benchmark for the 2025 Report. As previously noted, the majority of NRECA member cooperatives that provide broadband already offer a 100 Mbps symmetrical service tier, and many as the lowest speed offering. With the exception of cable MSOs, the wireline broadband industry offers symmetrical service tiers as a matter of course.

Simply put, the Commission should no longer discount the importance of upload speed.

In discussing the *2024 Report'*s shift to a 100/20 Mbps benchmark, the *NOI* noted that "the Commission stated its belief that broad consumer demand for 100/20 Mbps service was alone sufficiently demonstrative of the practical reality that consumer broadband usage often requires speeds of at least 100/20 Mbps, irrespective of whether a specific 'use case' had been delineated."[4] By the same logic, broad consumer demand for 100 Mbps symmetrical service indicates that that is what consumers require, even if no specific "use case" for higher upload speeds has been delineated.

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2 *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 22-270, 2024 Section 706 Report, FCC 24-27, at 3, para. 5 (Mar. 18, 2024) (*2024 Report).*

3 *NOI,* at 12.

4 *NOI,* at n.33.

According to OpenVault statistics for Q2 2024, in the past four years average monthly download usage has increased 52%, while average upload usage has increased by 80%.[5] Consumer demand for upload speed is increasing much faster than consumer demand for download, and the number of "power users" is expected to increase at an even faster rate.[6] Against that backdrop, a fixed broadband benchmark that continues to accommodate much slower upload speeds is (or soon will be) contrary to consumer demand and experience, and serves only to accommodate the existence of dated network infrastructure.

The *NOI* also notes that the Commission declined to adopt a symmetrical 100/100 Mbps benchmark as part of the *2024 Report* "due, in large part, to the standards that Congress established for determining inadequately served locations for the BEAD Program."[7] It is noteworthy, however, that BEAD is a ten-year program.[8] Does that mean that the Commission's fixed broadband benchmark must be relegated to 100/20 Mbps for the next ten years? NRECA respectfully submits that focusing on BEAD as a justification to maintain a 100/20 Mbps benchmark is inappropriate. The BEAD service requirements were established by Congress to identify a bare minimum of service for which federal funding support would be made available to serve the most difficult-to-reach locations in the U.S. In NRECA's view, the BEAD service

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5 *See* Broadband Usage 2Q 2024, POTs and PANs, Sept. 3, 2024, https://potsandpansbyccg.com/2024/09/03/broadband-usage-2q-2024/

6 *Id.*

7 *NOI*, n.34.

8 "The government is executing BEAD 'on the 10-year timeline Congress intended,'" according to NTIA. John Handel, "People Need to See It: How Politics Hung Up a $42B Biden Internet Buildout," POLITICO, Sept. 4, 2024, https://www.politico.com/news/2024/09/04/biden-broadband-program-swing-state-frustrations-00175845

requirement should not serve as the *de facto* standard for the next decade as to what constitutes "advanced telecommunications capability."

In short, the *NOI* proposal to maintain the fixed broadband speed benchmark at 100/20 Mbps violates the "Gretzky Test," to "skate to where the puck is going, not where it has been.".[9] NRECA urges the Commission to adopt a 100/100 Mbps symmetrical standard for purposes of the 2025 Report.

B. The Long-Term Speed Goal Should be 1 Gbps Symmetrical.

The *NOI* proposes to maintain the status quo with respect to the Nation's long-term broadband speed goals, opining that the U.S. should strive to achieve asymmetric 1 Gbps/500 Mbps service. The *NOI* asks, though, whether the Commission should consider raising the long-term benchmark to 1 Gbps/1 Gbps symmetrical service.[10]

For similar reasons relating to the fixed broadband speed benchmark, NRECA urges the Commission to raise the long-term benchmark to 1 Gbps/1 Gbps. Virtually all FTTP service providers in the U.S. offer this already and increasingly are offering multi-gig symmetrical service. The Commission should not set a long-term objective that is below what is widely available today.

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[9] *See NOI,* Statement of Commissioner Carr, at n.4, quoting address of Commr. Carr to The Federalist Society 2019 National Lawyers Convention ("And this brings me to The Great One, Wayne Gretzky, a Canadian by birth but an American at heart, who warned us against this status quo bias. The secret to his legendary success on the ice was to 'skate to where the puck is going, not where it has been.' The Gretzky Test is popular in sports and in business now, and I think competition authorities—and especially those of us in tech and telecom regulation—should hold ourselves to it, too.")

[10] *NOI,* para. 13.

C. The Commission Should Report Deployment Data on Symmetrical Speeds, Even if Not Yet Adopted as a Benchmark.

The *NOI* proposes "to again report deployment data for 100/20 Mbps and 940/500 Mbps," but asks whether "there [are] other speeds, perhaps symmetrical speeds, that commenters believe would be useful to report?"[11]

NRECA urges the Commission to report deployment data for symmetrical speeds, at both the 100 Mbps and 1 Gbps (or 940 Mbps) tiers. Even if the Commission has not yet opted to adjust its fixed benchmark or long-term benchmark, having such data will better inform the policy debate as to when the Commission should adjust the broadband benchmarks to a symmetrical measure.

D. The Commission Should Use the Most Recent BDC Data Set Available.

The Commission proposes to use BDC data from December 2023 for purposes of the 2025 Section 706 Report, but asks whether the Commission should instead "use more recent BDC data even if those data will have had only brief exposure to the BDC's challenge, verification, and audit processes?"[12]

NRECA suggests that the Commission should use the most recent BDC data available. By the time of publication of the 2025 Report, the December 2023 BDC data set will be roughly 18 months old. That delay is significant, and meaningfully detracts from the value of the Section 706 Report generally.

The Commission should consider using, at least, the June 2024, or even December 2024, BDC dataset. While some of the data may be subject to additional challenge and verification, the

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[11] *NOI*, para. 18.

[12] *NOI*, para. 15.

overall effect of the challenge process on the dataset is likely to be small and statistically insignificant. The benefit of using more current data outweighs the value of perfect data.

E. Mobile Service is Complementary to Fixed Broadband, Not a Substitute.

NRECA supports the Commission's conclusion in the *2024 Report* that "fixed and mobile services are more appropriately treated as complementary, rather than as full substitutes and that consumers have advanced telecommunications capability to the extent they have access to both fixed and mobile broadband service."[13] Mobile service does not serve as a substitute for fixed broadband service – and vice versa. The Commission should reiterate this analytical framework for purposes of the 2025 Report.

NRECA respectfully notes, however, that the Commission appears to have adopted disparate standards for testing the veracity of mobile and fixed broadband service coverage data. For mobile service, the Commission supplemented provider-reported data with Ookla speed-test data, both for outdoor and in-vehicle environments.[14] But for fixed broadband service, the Commission relies virtually entirely on provider-reported data, with no independent testing by the Commission. Meanwhile, the Commission as part of the BDC challenge framework has effectively foreclosed the ability of individuals to provide similar speed-test data to confirm speeds reported by service providers, allowing only crowdsourced data instead.[15] NRECA suggests that the Commission should perform independent confirmation of reported fixed broadband speeds, and should enable submission of individual speed tests to challenge reported data.[16]

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13 *NOI*, para. 9; *2024 Report* at 10, 12-13, paras. 19, 21.

14 *NOI*, para 26.

15 *See Establishing the Digital Opportunity Data Collection*, WC Docket Nos. 19-195, 11-10, Third Report and Order, 36 FCC Rcd 1126, 1156 para. 72, n.230 (2021).

16 Such tests could be designed to confirm that the service satisfies the "80/80" requirement, such that 80% of measurements in each direction reflect at least 80% of the claimed speed.

F. The Commission Should More Clearly Recognize that Rurality is a Main Factor in Broadband Availability and Affordability.

In the *NOI*'s discussion of considerations relating to equitable access to broadband, the Commission properly invites comment once again on steps that can be taken to "advance digital equity for all, including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality."[17]

All of these categories are of course important, and advancing digital equity for all should be a key priority for the Commission. NRECA would argue, however, that *rurality* is perhaps the most fundamental and salient digital equity challenge:

- Rural areas are the more expensive to serve, and present the most challenging economic scenarios for service providers.
- Rural broadband service therefore tends to be expensive and unaffordable for many, if it is available at all.
- Rural areas are often areas of persistent poverty.

Together, these factors highlight a combination of problems relating to availability, affordability, and equitable access generally. NRECA's members – which provide electric service to 92% of the nation's persistent poverty counties – are well-acquainted with these challenges.

NRECA suggests that the Commission can help address these issues by more clearly recognizing that rurality is unique among the digital equity challenges listed above.

To a large extent, the BEAD Program was intended to address the overall rural broadband challenge, and NRECA's members look forward to actively participating in the BEAD Program

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See NOI, para. 43; s*ee 2024 Report* at 72, para. 122 & n.370 (citing *First Performance Measures Order*, 33 FCC Rcd at 6529-30, para. 51; National Telecommunications and Information Administration, Broadband Equity, Access, and Deployment Program Notice of Funding Opportunity 16 at 64-65 & n.80 (2022).

[17] *NOI,* para. 48.

and working toward its success for the benefit of rural consumers nationwide. For its part, NRECA believes that the Commission would help address the rural digital equity challenge by adopting more forward-looking benchmarks and objectives, as suggested throughout these Comments. Doing so will help ensure that rural broadband consumers are not relegated to second-class service, and that, in accordance with Section 254 of the Act, rural consumers can receive services and pricing reasonably comparable to that provided in urban areas.[18]

III. CONCLUSION

NRECA appreciates the opportunity to submit the above Comments.

Respectfully submitted,

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[18] 47 U.S.C. § 254(b)(3).