

To: Biden-Harris Federal Communications Commission
Agency Review Team
From: National League of Cities
Re: Policy Areas of Importance to Cities, Towns and Villages
Date: January 12, 2020

leading
together

2020

cities
agenda

As the voice of America's cities, towns and villages, representing more than 200 million people across the country, the National League of Cities (NLC) looks forward to working with the Biden-Harris Administration and with the team at the Federal Communications Commission. As the past year has made clearer than ever, local governments have a key role to play in closing the nation's digital divide, through responsible management of infrastructure deployment, investment in public connectivity through municipal networks and anchor institutions and connecting residents to information and resources to address affordability and consumer protection challenges.

As cities look to partner with the Administration in the first 100 days and beyond, we hope that the following areas will be taken into consideration:

Direct Fiscal Relief to Cities, Towns and Villages

Cities are the engine of our nation's economy and essential to America's economic recovery. Health and the economy perhaps have never been more closely aligned than now - as the urgency to address public health to ensure a strong economy is vital. With so many city leaders and essential workers on the front lines risking their health and safety, navigating expanding needs for health and mental health services, support and relief is needed more than ever. America's communities are hurting. As the findings of NLC's 2020 [City Fiscal Conditions report](#) reveals, America's cities are experiencing the fiscal consequences of the coronavirus pandemic-downturn at an unprecedented speed – and like recent recessions, it will take years for municipal budgets to recover from the impact of COVID-19. This effects health and well-being in communities in the long-term as well. Cities, towns and villages across our country need direct fiscal relief to communities of all sizes to ensure that essential city services and important community-anchoring programs can remain in operation.

Regular Communication with Stakeholders

Local leaders are committed to intergovernmental partnership, through federalism, requiring a cooperative partnership among local, state and federal governments that must be strengthened through all levels of government. Local leaders look forward to working collaboratively with the Biden-Harris Administration and in a manner that recognizes the importance of a federal-local partnership. As such, we hope that the Federal Communications Commission will institute regular stakeholder meetings beyond the Intergovernmental Advisory Committee, as well as ensure that local governments are at the table when rules are being crafted to provide an important perspective on ensuring that rules are effective, implementable, offer local flexibility, avoid a "one-size-fits-all" approach and avoid an unfunded mandate.

Empower Local Broadband Leadership by Overturning Rules that Weaken Communities

Local governments have a critical role to play in ensuring that all residents have equitable access to robust, affordable broadband service, yet too many recent federal policies have tied local leaders' hands. Depicting local governments and local decision-making as an obstacle to overcome is counterproductive to achieving universal broadband access. Local officials are also those best positioned to assess residents' needs and barriers when accessing adequate and affordable broadband, technology

resources and training opportunities. Cities, towns and villages are also the entity best suited for appropriate management of public rights-of-way, land use and zoning in their communities, to balance the needs of achieving a robust communications and information technology infrastructure with the other needs of the community. We urge the Federal Communications Commission to overturn rulemakings that do not contribute to the advancement of broadband investment, while limiting the ability of local governments to proactively plan broadband, responsibly manage public infrastructure such as municipal rights-of-way, promote digital equity, and protect consumers.

These include the 2018 Declaratory Ruling and Third Report and Order, titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,” as well as the 2019 Third Report and Order, “Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992.”

These orders purport to expand broadband access, while actively limiting the tools local governments have to promote digital equity for vulnerable communities and the resources available to local governments. Local leaders must balance the needs of residents with the business interests of private companies, and these local needs cannot be met through federal preemption. Most Americans with home broadband use a cable service – the ubiquity of which was only attained because of pressure for large-scale buildout by local governments through franchises and similar agreements. Community media, which has been a priceless tool for response to the COVID-19 pandemic, is supported by franchise revenue. These tools are critical for accountability on the ground level and should be fully restored.

Modernize the Definition of Broadband

The current federal standard for broadband (25 Mbps download and 3 Mbps upload) has been in place since 2015, and clearly does not meet the needs of Americans today. As evidenced by the experience of many households over the past year, this standard is insufficient for multiple household members to simultaneously access vital bandwidth-intensive services such as video chat or VPN simultaneously. This is not the standard by which broadband access and mapping should be measured, and should not be the standard to which recipients of federal broadband infrastructure funding are held. The federal government should not invest in technology which is already outdated. NLC encourages the FCC to increase the standard to at least 100/20Mbps, and ideally eventually 1Gbps symmetrical service, to better gauge which Americans have access to truly robust, future-ready broadband and to invest in infrastructure that will continue to provide value for many years.

Facilitate Local Input on Broadband Map Development and Maintenance

NLC supports the FCC’s efforts to modernize and improve broadband maps and detailed availability data. The voices of local communities must be prioritized as these improved datasets are developed. This data is important for local broadband planning, for overlaying with other data such as racial and socioeconomic makeup of neighborhoods to identify equity issues, and for negotiating with providers. Local governments are uniquely positioned to verify claims about broadband service in specific neighborhoods and the data challenge process should not be overly onerous for smaller communities to engage with. The FCC should also incorporate cost data, as affordability remains a major hurdle for residents to access broadband and goes unacknowledged within federal datasets.

Modernize the Universal Service Fund to Close the Digital Divide

The Universal Service Fund has been a vital tool for bringing telephone access to millions of Americans, but it is ill-suited to closing the digital divide in its current form. While the Emergency Broadband Benefit is an encouraging step in the right direction, larger reform is needed to leverage these powerful tools for universal broadband access. The USF's revenue streams must be realigned with current technology, rather than being restricted to dwindling telephone user charges.

The FCC should work with Congress to establish a dedicated, sustainable, long-term broadband benefit for households that does not cannibalize the existing Lifeline program. Families need access to both phone and broadband service, and they are not interchangeable. The E-Rate program is also underutilized for expanding broadband access to communities in need. Limiting residents to broadband access when they are physically in a school, library, or community center is outdated, does not close the homework gap, and has proved unsafe and unworkable during the COVID-19 pandemic. The FCC should authorize E-Rate funds to support in-home broadband access via these community anchor institutions.

Reinstate Net Neutrality

The FCC should reinstate network neutrality protections for consumers. All internet service providers should abide by these principles and they should apply regardless of a user's income, race, geographic location, or disability. Users and creators should have unrestricted access to lawful content, applications, and services and entitlement to connect any legal device to the network. Internet service providers should not engage in prioritization or throttling of content or bandwidth unrelated to public safety needs. While network owners define the cost and technical limits of their service, consumers must receive meaningful information regarding their service plans, including but not limited to information about anticipated upload and download speeds.

Enforcement of these principles and similar principles are essential to ensure that the public receives the maximum diversity of information and the maximum competition among providers of services, equipment, content, and Internet access. Municipal broadband networks represent an important alternative to communities that find privately owned networks are unable to comply with these principles.