



October 6, 2020

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commissions  
445 12th Street, SW  
Washington, D.C. 20554

Re: Digital Opportunity Data Collection, WC Docket No. 19-195, and  
Modernizing the Form 477, WC Docket No. 11-10

Dear Ms. Dortch:

On Thursday, Oct. 1, 2020, several members of the Schools, Health & Libraries Broadband (SHLB) Coalition met with the FCC staff listed below to discuss broadband mapping for anchor institutions. The FCC staff included Kirk Burgee, Garnet Hanley, Steve Rosenberg, Michael Ray, Celia Lewis, and Chelsea Fallon of the Wireline Competition Bureau (WCB). Attendees from the SHLB Coalition included the following:

- John Windhausen, SHLB Coalition
- Tom Reid and Kim Corriher, Southern Ohio Healthcare Network
- Gar Clarke, New Mexico Broadband Program Manager
- Bob Bocher, American Library Association
- Ray Zeisz, Technology Infrastructure Lab, North Carolina State University
- Shelley Witte, Wisconsin Department of Public Instruction
- Rachele Chong, Law Offices of Rachele Chong
- Ovidiu Viorica, New Mexico Public School Facilities Authority
- Ryan Johnston, Next Century Cities
- Steve Corbato, Link Oregon
- Polly Millet, Oregon State University
- Cody Reynolds, Western Governors University
- Jack Kovaleski, Alaska State Library
- Sean McLaughlin, Access Humboldt
- Mala Muralidharan, Arizona State Library

The SHLB Coalition and its members made the following points:

1. We strongly support the inclusion of broadband mapping information for anchor institutions (schools, libraries, healthcare providers, and other community organizations), as we stated in our comments in this proceeding. The legislative history around the passage of the Broadband DATA Act supports the inclusion of anchor institutions, including language in the House Energy

and Commerce Committee report and a statement on the Senate floor by Senator Ed Markey, one of the co-sponsors of the legislation.

- a. This request to include anchor institutions was explicitly supported by Adtran and the American Library Association. We are not aware of any organization that opposes this request.
2. The FCC should collect information about anchor institution broadband in its own category, separate from residential or business consumers. The National Broadband Plan Goal #4 called for anchor institutions to have gigabit connectivity by the year 2020 but we do not know how close or far we are from that goal because the Commission has not collected and analyzed the data regarding anchor institution broadband. Collecting information on anchor institution connectivity could help policy-makers understand how much more work must be done to achieve that goal.
3. Anchor institutions acquire broadband capacity in four different ways:
  - a. Some purchase broadband through the E-rate or Rural Health Care programs, both of which require the applicant to go through a competitive bidding process before choosing to contract with a particular provider. These contracts are often publicly available because the institutions themselves are governmental or public.
  - b. Some purchase standardized broadband service from their local broadband provider like a residential or a business consumer.
  - c. Some purchase service from a state or local master contract that are not available to other business and residential customers.
  - d. Some anchor institutions obtain broadband from a municipal wireless or fiber network.
4. Using the FCC terminology, some anchor institutions purchase broadband as a mass market service, and other services might be provided under individual contracts. We do not believe that the mass-market/non-mass-market dichotomy properly accounts for the variety of ways that anchor institutions acquire broadband. But if the FCC remains committed to the mass-market/non-mass-market dichotomy, we respectfully ask the Commission to consider all anchor institutions in the mass-market category to ensure that they are all included in the Commission's broadband maps.
5. Contrary to US Telecom's claims in its reply comments, the SHLB Coalition is not asking for individual non-mass-market business contracts to be made publicly available. We respect that some commercial entities have specially tailored contracts that contain proprietary information that should not be disclosed individually. Having said that, we do believe that such information should be collected and aggregated so that the Commission has a complete and accurate picture of the state of the broadband marketplace.
6. Some of our members have found that information in the High-Cost Universal Broadband (HUBB) portal is more accurate than the information submitted in the 477 reports. We support

the effort to use the HUBB data to verify the information submitted by the broadband providers in the future.

7. We have some questions concerning the use of buffer zones around aggregation points. Some SHLB members reported that consumers are sometimes not able to obtain broadband service in a neighborhood even when a fiber access point is nearby, either because the copper plant connecting to the premises is too old or under-capacity to connect to the fiber, or because the existing provider is unwilling to install a new drop from the fiber aggregation point to the premises.
8. We note that the Commission's Digital Opportunity Data Collection effort and the Broadband DATA Act are both founded upon the limited idea that the Commission should identify unserved locations for the purpose of distributing high-cost funding (through the Connect America Fund and the Rural Digital Opportunity Fund). The Commission, however, also relies upon this mapping information when making broader judgments in other proceedings, such as the broadband deployment reports required by Section 706 of the Telecommunications Act. If the Commission is going to use this information in other proceedings, it should expand the theory behind the mapping effort and gather additional information, including pricing information.
9. In general, the Commission's data collection effort should be open and transparent. The Commission should make such information as broadly available as possible, while respecting the proprietary nature of commercially-sensitive information.
10. We oppose the idea raised in paragraph 90 of the Further Notice that information from the broadband map should be used to determine E-rate and RHC program funding. The E-rate and RHC programs are intended to make service affordable for certain types of customers, not to identify areas for further investment. In fact, both the E-rate and RHC programs use a competitive bidding process because they encourage multiple providers to bid for service; they are not intended to limit E-rate or RHC support to a single provider (as the term overbuilding suggests).
  - a. SHLB's view that overbuilding should not be a component of the E-rate and RHC programs is supported by the legislative history of the Broadband DATA Act. Earlier versions of the legislation in Section 802(c)(2)(B) said that the Commission "shall" use such maps "when making any new award of funding with respect to the deployment of broadband internet access service;". Language was added before final passage to limit the use of the maps to services "intended for use by residential and mobile customers." This demonstrates Congressional intent that the maps should to direct funding to residential and mobile services, not for E-rate and RHC program participants.
11. We are not aware of any organization that is collecting anchor institution broadband information nationally. Some states are currently collecting anchor institution information on a state-by-state basis and the Commission could learn from these efforts in designing a national strategy to collect such information in a uniform manner. Some federal agencies also gather

this information. We encourage the Commission to coordinate its broadband mapping processes with other federal, state and local government agencies.

12. We appreciate the Commission has been working on broadband mapping for some time and that the SHLB Coalition's comments are somewhat late. If the Commission cannot accommodate these changes in the upcoming Order, we respectfully request that the Commission issue a Further Notice of Proposed Rulemaking to consider how to gather and display information about anchor institution broadband in the future.

Sincerely,



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