

March 12, 2019

The Honorable Roger Wicker
Chairman, Committee on Commerce,
Science, and Transportation
512 Dirksen Senate Building
Washington, DC 20510

The Honorable John Thune
Chairman, Subcommittee on Communications,
Technology, Innovation and the Internet
512 Dirksen Senate Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member, Committee on
Commerce, Science, and Transportation
512 Dirksen Senate Building
Washington, DC 20510

The Honorable Brian Schatz
Ranking Member, Subcommittee on
Communications, Technology,
Innovation and the Internet
512 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Wicker, Ranking Member Cantwell, Chairman Thune, and Ranking Member Schatz,

Thank you for holding the Subcommittee on Communications, Technology, Innovation and the Internet's March 12, 2019 hearing on the vitally important topic of rural broadband deployment. At a time when broadband internet access has never been more important as a platform for American opportunity and prosperity, the costs of being unconnected have never been higher. As the Subcommittee seeks to examine additional steps to close the digital divide, we request the Subcommittee consider supporting the Educational Broadband Service (EBS). EBS, which is part of the 2.5 GHz band,¹ has been the only spectrum designated for advancing educational communications for over 50 years. Where EBS has been licensed, educational and nonprofit licensees are connecting tens of thousands of schools, libraries, nonprofit organizations, and other anchor institutions, and through them, millions of students and families that were not otherwise reached by commercial broadband offers.

On March 7, 2019, the Schools, Health and Libraries Broadband Coalition (SHLB) held a briefing on EBS that provided a number of success stories where EBS provided connectivity to communities that were previously unserved, or grossly underserved:

- Mural Net, a California-based nonprofit that brings high-speed internet to students' homes on tribal lands, discussed using EBS to provide connectivity for a tribal community in one day for less than \$20,000.
- Northern Michigan University discussed building its own network with EBS in the Michigan Upper Peninsula and providing connectivity to 51 rural communities.
- Mobile Beacon, a subsidiary of a Rhode Island-based 501(c)(3) nonprofit, provides \$10/month, unlimited data service and a mobile hotspot donation program (without a government subsidy) through a lease agreement with a national telecommunications operator. Mobile Beacon's service is used today to enable Wi-Fi on school buses, library and school hotspot lending programs, and

¹ The 2.5 GHz band is divided into two parts. 76.5 MHz of the band is already designated for commercial purposes, already licensed, and already deployed. The remaining 117.5 MHz of the 2.5 GHz band is the EBS portion of the band, and only 50 percent of the United States has been issued EBS licenses by the FCC.

affordable service to low-income families—73 percent of which had never had home internet service before, despite falling in the coverage area of one or more national operators.

- The Nebraska Department of Education discussed its plan to use EBS to build a statewide network; they have the towers, backhaul, and plan—all they need is the opportunity to obtain an EBS license.
- Finally, an 8-year-old student shared about the deplorable lack of broadband for her school and community in Minnesota and how her grandfather (owner and CEO of A Better Wireless, a Minnesota-based Wireless Internet Service Provider (WISP) and an Educators and Broadband Providers for American Rural Communities (EBPARC²) member) has a cost-effective plan to deploy broadband in partnership with the school district if the district is able to obtain an EBS license.

These are but a few of the success stories that, nationwide, are addressing the digital divide now—without additional federal subsidies, with shorter network build times and costs, and ultimately providing a more robust broadband service at a more affordable cost than what could be obtained directly from the commercial sector in these same areas.

The FCC currently invests over \$4.5 billion into rural operators annually in high-cost universal service subsidies. While this investment has closed the digital divide partially, 30.7 percent of rural Americans and 35.4 percent of those living on tribal lands lack a fixed terrestrial broadband connection of 25 Mbps/3 Mbps.³ Nearly 30 percent of rural Americans and 36 percent of those living on tribal lands lack access to LTE service with a median speed of 10 Mbps/3 Mbps.⁴ We can—and we must—do better.

EBS continues to be a success where it has been licensed; however, for over 20 years, the FCC has left nearly 4,000 licenses (“EBS white space”) unassigned and lying fallow. This EBS white space covers roughly 50 percent of the U.S., and 15 percent of the U.S. population, mostly in rural areas. Many of these same rural areas lack broadband access *today*, despite more than 625 MHz of spectrum below 3 GHz already held by commercial entities that are not incentivized to serve these areas.

Last May, the FCC initiated a proceeding that would finally make this unassigned EBS spectrum available. Chairman Pai has proposed priority windows that give educators and Tribal Nations an opportunity to apply for EBS licenses before holding an auction, giving them the first chance to connect their own communities. Unfortunately, other proposals under consideration would auction EBS to commercial entities, which would deny rural educators and tribal entities the opportunity to ever obtain this spectrum. The Commission is also considering removing both educational eligibility and use requirements that are critical to delivering educational benefits through EBS today. These changes would eliminate the incentive for commercial providers to continue to enter into mutually-beneficial, long-term, public-private partnerships. Absent the very incentives that created many of the EBS success stories under the leasing model, these programs and corresponding levels of service will be eliminated.

² Educators and Broadband Providers for American Rural Communities (EBPARC) is an informal coalition consisting of educational institutions who do not hold a 2.5 GHz license and wireless internet service providers (WISPs) who support the issuance of new EBS licenses through priority filing windows on a first-come-first-served basis. EBPARC members collectively possess a goal of forming a partnership to develop the wireless infrastructure in their communities which will produce benefit for students, faculty and constituents of the respective communities.

³ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2018 Broadband Deployment Report, 33 FCC Rcd. 1660, 1681 ¶ 50 & tbl.1 (2018).

⁴ *Id.* at 1683 tbl.2b.

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Rural educational entities and Tribal Nations have told the FCC they are ready to put EBS spectrum immediately to use if the FCC would issue EBS white space through priority windows. Some wish to self-deploy or expand their self-deployments. Others wish to work with small rural operators that lack the funds to buy spectrum licenses in an auction, but are eager to enter public-private partnerships via lease arrangements that allow them to amortize their network deployment costs. In all cases, educators, nonprofits, and Tribal Nations have the incentive and the commitment to not let EBS spectrum go to waste, but to use it immediately to bring their communities into the digital age.

There is strong evidence that priority windows would result in rapid and robust rural deployment. In recent years, the FCC has granted six waivers to allow rural educational entities and Tribal Nations to obtain this unassigned EBS spectrum. Each time such a waiver was granted, EBS licensees took advantage of globally harmonized 2.5 GHz ecosystem and promptly put the spectrum to its best use—connecting their hard-to-reach rural communities with high-quality broadband service in as little as a few days and for a fraction of the cost of commercial network deployments.

The persistent, pervasive digital divide is direct evidence that commercial providers, on their own, lack the business case and incentives to connect rural Americans and low-income families. Where EBS licenses have been issued to educational and nonprofit entities, EBS is filling in gaps that other federal subsidy programs have not met. For example, E-rate does not provide connectivity for students in their homes, and most commercial operators have opted-out of providing Lifeline broadband service despite the federal subsidy.

Much is at stake here. Americans on the wrong side of the digital divide need our policymakers to ensure diverse spectrum policies that bring multiple stakeholders together, and employ multiple approaches and solutions to reach the unserved. We need every tool available to close the digital divide in rural America. Keeping EBS educational and granting schools, nonprofits, and Tribal Nations priority access to long-unused EBS spectrum is one of the best solutions available to help connect rural communities. We urge the Subcommittee to support EBS and the critical role it plays in addressing the digital divide in rural and low-income communities.

Sincerely,

_____/s/_____

Lynn Rejniak, Chair
National Educational Broadband
Service Association

_____/s/_____

Robert Finch, Director
Educators and Broadband Providers for
American Rural Communities Service

_____/s/_____

John Schwartz, President
Voqal

_____/s/_____

John Primeau, President
North American Catholic Educational
Programming Foundation

_____/s/_____

Cassie Bair, Chief Business Development
Executive, Mobile Citizen

_____/s/_____

Katherine Messier, Executive Director
Mobile Beacon