

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Establishing the Digital Opportunity Data Collection)	WC Docket No. 19-195
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	

The Schools, Health & Libraries Broadband Coalition (“SHLB Coalition” or “SHLB”)¹ submits these brief comments in the broadband mapping proceeding to make one critically important request. We respectfully ask that the Commission collect and publish broadband maps that include community anchor institutions.

Community anchor institutions (CAIs) are vitally important public-serving organizations that provide a variety of essential services to their local communities. They include schools, libraries, health care providers, higher education, public safety, public housing, public media, museums, houses of worship, and other community support organizations. Schools use broadband for distance learning. Libraries provide no-fee Internet access and digital literacy training to their patrons and often offer no-cost hotspot lending programs to their communities. Healthcare providers need high-capacity broadband to transmit medical images and electronic medical records, and to provide telemedicine services such as video consultations to rural

¹ The SHLB Coalition is a broad-based coalition of over 200 organizations that share the goal of promoting open, affordable, high-quality broadband for anchor institutions and their communities. SHLB Coalition members include representatives of schools, libraries, health care providers and networks, state broadband offices, private sector companies, state and national research and education networks, consumer organizations and others. See <http://shlb.org/about/coalition-members> for a current list of SHLB Coalition members.

residents. Anchor institutions are the “third leg of the stool” for a healthy and economically vibrant community (along with residences and businesses). For all these reasons, Goal #4 in the FCC’s National Broadband Plan calls for anchor institutions to have gigabit broadband by the year 2020.²

I. The Commission should collect and publish information about anchor institution connectivity in the broadband maps.

Unfortunately, the Commission’s proposed mapping regime does not appear to include anchor institutions, and SHLB suggests this is a serious oversight. The Second Report and Order and Third Further Notice of Proposed Rulemaking³ in this proceeding suggests that broadband companies must provide information about residential consumers, business consumers or residential and business customers combined.⁴ It is not at all clear what information providers are supposed to include regarding anchor institutions.

The issue is further complicated because of the language concerning “mass-market” services. In the FNPRM, the Commission asks:

Would there be a benefit to the Commission having data about the availability of broadband service for businesses and organizations that do not buy mass-market services, including healthcare organizations, schools, libraries, and other government entities? Would business-only availability data be particularly helpful for informing, for example, E-rate or universal service programs that support health care? Since the Broadband DATA Act focuses on restricting subsidies to unserved areas and avoiding wasteful subsidized overbuilding, could the availability of business-only deployment data for consultation in the E-Rate or Rural Health Care programs, for example, help advance the goals and principles of the statute?

² See National Broadband Plan Executive Summary, page XIII, available at <https://transition.fcc.gov/nationalbroadband-plan/national-broadband-plan-executive-summary.pdf>. (“Goal No. 4: Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.”)

³ Establishing the Digital Opportunity Data Collection, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket Nos. 19-195, 11-10 (rel. July 17, 2020) (“Order and FNPRM”)

⁴ This focus on residence and business locations could be seen as an outdated approach reflecting legacy telephone service regulation.

While we appreciate that the Commission raised these questions regarding healthcare organizations, schools, libraries and other government entities, these questions add confusion. The language asks questions about the *relevance* of business-only broadband deployment data in relation to anchor institutions, rather than asking about the collection of anchor institution data directly. The language also appears to suggest that collecting data about anchor institutions' broadband is irrelevant if they do not purchase mass-market services. This is truly at odds with the NBP Goal #4 language. Although some anchor institutions do purchase mass-market services, many others do not. It also bears saying that there are hundreds of thousands of anchor institutions that do not purchase service through either the E-rate or the RHC program, so the Commission should not make assumptions about what kind of services they procure.

But regardless of whether anchor institutions do or do not purchase mass-market services, there is a clear public interest in having data collected about CAI usage which should be included in the broadband maps. As the SHLB Coalition has often pointed out, community anchor institutions should be treated as an independent category, separate from both businesses and residences. By their very nature, anchor institutions typically service dozens, hundreds or even thousands of people, and require high-capacity bandwidth. But they also have unique needs that are very different from traditional private sector businesses. For instance, anchor institutions may require specialized privacy protections, may require filtering of indecent content, and may need firewalls and protections against cyber-attacks.

We urge the Commission to take an expansive view of what institutions are covered by the term "location" so that all anchor institutions are properly mapped. There are many reasons why collecting anchor institution broadband data is important to the nation's future.

- Anchor institutions are public entities that are dedicated to serving the needs of their communities and often provide a community connection to the residents,

particularly low-income and other disadvantaged communities. Residents rely on their anchor institutions for obtaining state-of-the-art health care, education, information and other essential services. Anchor institutions are rooted in every community in the country; thus, collecting anchor institution data is a less expensive and less burdensome way of gauging the availability of broadband around the U.S. than trying to collect street and address level data for every home.

- Ninety-five percent of U.S. households are within the same zip code (approximately 5 miles radius on average) of an anchor institution.⁵ If the anchor institution has high-quality broadband that is open to interconnection, it will be easier to extend service from the anchor institution to the surrounding homes and businesses using either wireline or wireless services. The SHLB Coalition promotes the deployment of broadband “to and through” anchor institutions as a way to reach the surrounding residential and business users.⁶
- Because the Commission has not collected this information in the past, it lacks sufficient information to determine whether or not the country has met Goal #4 in the National Broadband Plan. Failing to collect this information in the future means that we will not even know whether or not the country is on track to meet that goal.

⁵ See, “A Model for Understanding the Cost to Connect Anchor Institutions with Fiber Optics Prepared for the Schools, Health & Libraries Broadband (SHLB) Coalition,” by Columbia Telecommunications Corporation, February 2018, p. 1, available at http://www.shlb.org/uploads/Policy/Infrastructure/SHLB_ConnectingAnchors_CostEstimate.pdf. (CTC Fiber to Anchors Cost Estimate).

⁶ See the SHLB Coalition’s “To and Through” Rural Broadband Strategy, available at http://www.shlb.org/uploads/Policy/Infrastructure/SHLB_ToAndThrough_Overview.pdf. (“Deploying high-speed broadband “to and through anchors” is valuable because [anchor institutions] can serve as ‘anchor tenants’ that make the entire network more economically viable. Anchor institutions not only provide Internet access to populations most impacted by the digital divide (low-income families, job seekers, students, and seniors), they also provide ‘jumping off’ points to extend additional broadband deployment to surrounding residential and business customers. With forward-looking policies a broadband connection to an anchor institution can provide enough bandwidth to serve the needs of the institution AND surround residents. If the broadband networks built to serve anchor institutions are open to interconnection and shared use, the anchor can act as a ‘gateway’ to the community.”)

- There is no other reliable dataset concerning the number of anchor institutions or their level of broadband connectivity. The State Broadband Initiative (SBI) program directed states to develop such a dataset, but that program ended five years ago, and the SBI program suffered from inconsistencies in its data collection methodology.⁷

II. The legislative history of the Broadband DATA Act supports including anchor institutions in the Commission's broadband maps.

President Trump signed S. 1822, the Broadband DATA Act, into law on March 23, 2020. In its deliberations over this legislation, Congress explicitly asked the Commission to include mapping of anchor institutions. The House Committee on Energy and Commerce included specific language in the Committee report for HR. 4229 (the companion to S. 1822) to ensure that community anchor institutions are included in the mapping efforts required by the legislation. The Committee Report said: "These reporting standards should apply to all broadband serviceable locations, including residences, businesses, and community anchor institutions."⁸

Furthermore, Senator Edward Markey, a co-sponsor of S. 1822, submitted a statement to the Congressional Record in favor of S. 1822 saying: "[T]he FCC must make sure to include anchor institutions in its list of serviceable locations so that our broadband maps accurately cover anchor institutions as well as residences."⁹ Senator Markey and Congresswoman Eshoo

⁷ CTC found the dataset of anchor institutions to be flawed because of the inconsistent manner in which data was collected from state to state. For instance, Pennsylvania (population of approximately 12.5 million) listed about 8,000 anchor institutions, while Arizona (population of 7 million) listed 10,350 anchor institutions.

⁸ H. Rept 116-350 (December 16, 2019) at p. 14, <https://www.congress.gov/116/crpt/hrpt350/CRPT-116hrpt350.pdf>. (Emphasis added).

⁹ Sen. Edward J. Markey (MA), "Broadband Deployment Accuracy and Technological Availability Act", Congressional Record 166: 47 (March 11, 2020) at p. S1699,

also wrote a follow-up letter to the FCC on April 3, 2020 asking the Commission to include anchor institutions in the mapping initiative to implement the DATA Act. “We write to ensure that as the FCC begins the mapping efforts required under this legislation, you include community anchor institutions such as health care facilities, schools, and libraries. These institutions provide critical connectivity for the communities in which they operate but are often overlooked.”

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III. SHLB urges the Commission to collect broadband data from all anchor institutions, not just those that purchase mass-market services.

We are requesting all services to CAIs be included in mapping whether provided by contract or mass market service. To reiterate a key point above, CAIs are within five (5) miles of 95% of households, and therefore represent a good indicator of the broadband health of the area. Creation of another potential data gap in the collection of broadband information (by not including CAI data) may lead to erroneous conclusions about the health of broadband services for an area (as was the case with the assumption that if one household had broadband access then the whole census block was considered served). We cannot continue to have data gaps in our mapping based on false assumptions, while the broadband problem continues to exist for millions of Americans.

SHLB partly agrees with USTelecom’s assertion¹¹ that the Commission should “build on its existing guidance in CAF programs and take a clear position on a common location definition. Ideally, the definition can be used across the Commission’s fixed service USF programs that have reporting and/or buildout obligations to ensure consistency and to enhance

<https://www.congress.gov/116/crec/2020/03/11/CREC-2020-03-11-pt1-PgS1699.pdf> (Emphasis added).

¹⁰File:///home/chronos/u-9723a8d1890853533f3a8b7bccacc1a4ac7196e1/MyFiles/BB%20Mapping/Markey-Eshoo%20Ltr%20to%20FCC%20DOC-364762A2%20(1).pdf.

¹¹ https://ecfsapi.fcc.gov/file/10814063951675/8-14-20_DODC_Bureaus_Exparte_FINAL.pdf.

accuracy across the board.” The Commission should ensure that its definition of “location” includes all anchor institutions, including those covered by the USF programs (including E-rate and the RHC program) as well as other anchor institutions that do not receive USF support.

Respectfully submitted,

John Windhausen, Jr.
Executive Director
Schools, Health & Libraries Broadband
(SHLB) Coalition
jwindhausen@shlb.org
(202) 256-9616

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