



October 9, 2024

SUBMITTED ELECTRONICALLY VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE: Ex parte letter: Sonic Telecom Petition for Reconsideration, *Modernizing Unbundling and Resale Requirements in an Era of Next Generation Networks and Services*, WC Docket No. 19-308

Dear Ms. Dortch:

As stated in our previous filing,¹ the Schools, Health & Libraries Broadband (SHLB) Coalition supports the Petition for Reconsideration filed by Sonic Telecom, LLC (“Sonic”)² of the Commission’s *2020 Report and Order* in the above-referenced proceeding.³ We file today to urge the Commission to move expeditiously in granting this petition. The SHLB Coalition is a public interest organization whose mission is to promote open, affordable, high-quality broadband for anchor institutions and their communities.⁴ Granting Sonic’s petition is needed to achieve these goals on a wide-scale basis.

¹ Letter of John Windhausen, Jr. to Marlene H. Dortch, WC Docket No. 19-308, Nov. 4, 2022. (SHLB Nov. 2022 Letter).

² Petition of Sonic Telecom, LLC for Reconsideration, WC Docket No. 19-308 (Feb. 8, 2021) (“Petition”).

³ *Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, Report and Order, 35 FCC Rcd 12425 (2020) (“2020 Report and Order” or “Order”).

⁴ The SHLB Coalition has grown to over 300 members and includes representatives of health care providers and telehealth networks, schools, libraries, state broadband offices, private sector companies, state and national research and education networks, consulting firms and consumer organizations. See www.shlb.org for a current list of SHLB Coalition members.

Earlier this year the Commission adopted a four-fold increase in its benchmark for defining advanced telecommunications capability for fixed broadband.⁵ At the same time, the Commission also established a long-term fixed broadband speed goal of 1,000 Mbps, or 1 gigabit per second (Gbps), download speed paired with 500 Mbps upload speed and a short-term goal for school and classroom broadband access to 1 Gbps per 1,000 students and staff.⁶ In doing so, the Commission found consumers are demanding more bandwidth,⁷ have increased the number of connected devices per U.S. household,⁸ and are continuing the high usage of telehealth, telework and on-line learning.⁹ As technologies continue to advance, consumer demand for bandwidth and speed are likely to grow exponentially. Consequently, it is not enough for the Commission to raise standards and goals for the future. It needs to address the major roadblocks to competitive providers' ability to meet those benchmarks and, perhaps more importantly, drive the industry—as competitors do—to higher standards and goals and greater advancements in technology.

One crippling roadblock competitors face is lack of access to existing dark fiber transport needed to support the build-out of future-proof networks. As we addressed in our previous filing, it is cost-prohibitive for competitive local exchange carriers (CLECs) to self-deploy transport networks in competition with existing incumbent local exchange carrier (ILEC) transport networks. This build-out cost often puts competitive providers out of contention for providing E-rate services to a school, school district, or library, thereby reducing competition and increasing the cost of the E-rate program overall.¹⁰ It also makes it infeasible to build high-speed networks to serve the residential community around these anchor institutions in a great number of areas due to the lack of necessary backhaul for the traffic.¹¹

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

⁶ *Id.*

⁷ 2024 Section 706 Report at para. 30.

⁸ *Id.* at para. 32.

⁹ *Id.* at para. 31.

¹⁰ SHLB Nov. 2022 Letter at 1.

¹¹ Declaration of Nathan Patrick, *attached to* Sonic Reply to Opposition, at para. 7, dated Oct. 14, 2022 (discussing that the same economic factors that might justify construction of a transport link for enterprise customers do not apply to the residential marketplace.); *See also*, Letter of Dave Clark President Impulse Telecom, LLC to Marlene H. Dortch, October 21, 2022 (“Constructing our own fiber network to interconnect the COs is also economically infeasible for the majority of the COs we are in, and so our only course of action would be to wind down our service offering from those COs and strand our fiber builds in those areas.”); *See also* Letter of Kristen Vasicek, Executive Director, FISPA, Inc. to Marlene H. Dortch, Oct. 28, 2022.

Purchasing lit fiber service from ILECS is untenable to competitors seeking to deploy facilities-based future-proof networks. Relying upon the ILECs' lit fiber transport service offerings makes the competitors' service vulnerable to the ILECs' decisions on speed, latency, and upgrades that could disrupt the competitors' services.

For these reasons, competitive broadband providers should be able to access existing dark fiber transport on an unbundled basis so that they can control the services they offer consumers, bid on E-rate services and, thereby, keep pushing the technological boundaries and enhancing the service quality consumers enjoy.

Access to existing dark fiber transport was dramatically curtailed by the *2020 Report and Order* in this proceeding. The Commission should act with haste in reinstating those provisions that provide access to this essential facility. This will enable more health care providers, libraries, K-12 schools, community colleges, colleges and universities, public housing and other anchor institutions and their surrounding residential communities to reap the benefits of competitive affordable high-quality, high-capacity broadband.

Respectfully submitted,



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