



March 22, 2023

SUBMITTED ELECTRONICALLY VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: Ex Parte Filing
Establishing the Digital Opportunity Data Collection, WC Docket No. 19-195

Dear Ms. Dortch:

Pursuant to the Federal Communications Commission's *ex parte* rules, I hereby submit the following summary of the Schools, Health & Libraries Broadband (SHLB) Coalition's March 20, 2023 conversation with Danielle Thumann in the office of FCC Commissioner Carr. Tom Reid, CEO of the Reid Consulting Group and the undersigned participated in the zoom call. We made the following points:

- The FCC's National Broadband Map ("Map") effectively excludes anchor institutions. Most anchor institutions are treated as businesses and are categorized as "not broadband serviceable locations". As a result, broadband providers are not obligated to provide information about whether broadband is or is not available to these locations.
- SHLB and the American Library Association commissioned a study by Dr. Colin Rhinesmith. He reviewed 200 libraries under the Map and found that the vast majority were "grayed out" as not broadband serviceable locations. If states base their funding decisions on the Map, they will not be able to provide funding to ensure that anchor institutions receive gigabit level service as called for in the Broadband Equity Access and Deployment program.
- SHLB pointed out that this treatment of anchor institutions conflicts with the FCC's [Third Report and Order](#) issued in January 2021 (Order). In footnote 79 of that Order, the FCC stated "Id. SHLB notes the four ways in which anchor institutions acquire broadband capacity (id.); to the extent such acquisitions of broadband capacity fall into the category of "mass market," then providers must report such data." (emphasis in yellow added).

- Unfortunately, the Broadband Data Task Force generally sets the default so that anchor institutions are treated as businesses that purchase “commercial” service, not mass market service. SHLB pointed out that this is factually incorrect; many small and rural libraries and anchor institutions do purchase mass market service and thus should be on the map according to footnote 79. The Broadband Data Task Force responded that they are “locked into” their current methodology and will not be making any changes (even though the Broadband DATA Act requires the FCC to update the Map every six months).
- The FCC staff suggested a “work-around” for anchor institutions to challenge their status on the map. But this recommendation is not feasible; it encourages anchor institutions to represent that they are not anchor institutions in order to change their designation. Anchor institutions are not about to risk penalties by mis-representing themselves in such a way.
- In addition, Mr. Reid presented information that suggests the National Broadband Map significantly overstates the areas that are “served.” He showed in the attached slides that verified speed test data demonstrates areas where adequate broadband does not exist, even though the Map portrays the area as served.

Sincerely,



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cc: Danielle Thumann