

Congress of the United States

Washington, DC 20510

February 6, 2015

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The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

We write today to respectfully request that you reconsider the decision to link proposed reforms to high-cost loop support (HCLS) with new broadband speed requirements in the recent Report and Order (FCC 14-190). The Commission's decision will likely have harmful impacts for those living in rural areas and on Tribal lands in New Mexico.

You have previously discussed how broadband can overcome geographic isolation and bring a world of information and economic opportunity to those living in even the most remote communities. Yet there is a digital divide in many of those rural communities that can potentially benefit the most from opportunities for job creation, healthcare and education that broadband enables. The Commission thus has a role in ensuring that our nation's broadband infrastructure reaches as far and wide as possible.

Unfortunately, many of our constituents in New Mexico continue to live on the wrong side of the digital divide. According to the Commission's 2012 Broadband Progress Report, nearly half the New Mexicans living in rural areas lack fixed broadband access. The US Census Bureau notes that about one third of New Mexican households do not have Internet access at home. According to the National Broadband Map, New Mexico ranks 47th among states when it comes to the availability of download speeds greater than 3 megabits per second. One out of four New Mexicans does not have access to Internet speeds of 25 megabits per second.

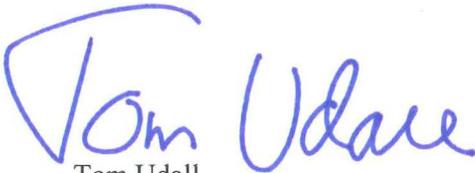
As you know firsthand from your visits to the Pueblo of Acoma and other parts of Indian Country this year, the broadband challenge for those living on Tribal lands is even more concerning. The broadband deployment rate on Tribal lands is likely less than 10 percent. The Commission's Office of Native Affairs and Policy notes that anecdotal evidence suggests actual broadband usage rates may be as low as 5 to 8 percent in Indian Country compared to 65 percent nationwide. We thus appreciate your commitment to working with Tribes on a government-to-government basis and ensuring that their concerns are appropriately addressed in the Commission's efforts to expand broadband infrastructure.

We are deeply concerned, however, that the Commission's decision for high-cost loop support could hinder broadband expansion on Tribal lands and rural areas of New Mexico where the cost to provide high speed Internet service otherwise deters investment. Our understanding is that pending HCLS reforms could result in a loss of more than \$1.75 million per year in funding for twelve broadband providers serving rural areas and Native American communities in New Mexico. This would likely hamper efforts to expand Internet access and upgrade broadband speeds across the state and on Tribal lands in particular.

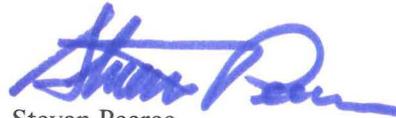
We therefore urge you to consider concerns expressed by rural broadband providers facing potential HCLS reductions. In light of the decision to move forward with this proposal, we further ask that the Commission provide information on how it undertook outreach to Tribal governments prior to making this decision. Finally, we ask that you consider holding in abeyance your decision until you consult with Tribal governments about the effects of this policy on carriers serving tribal lands, as called for in a resolution recently adopted by the National Congress of American Indians.

Thank you for your consideration within your rules and regulations.

Sincerely,



Tom Udall
United States Senator



Stevan Pearce
United States Representative



Martin Heinrich
United States Senator



Ben Ray Luján
United States Representative



Michelle Lujan Grisham
United States Representative