



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 16, 2015

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the Eleventh Broadband Progress Notice of Inquiry (NOI). I share your goal of ensuring that the public has clear and accurate information regarding the state of broadband deployment in America. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

The fundamental principle of broadband policy, as set forth by Congress, is that all Americans should have access to robust broadband services, no matter where they live. With this NOI, we set about to quantify the status of achieving that policy goal.

As discussed in the Notice, the Commission will consider a host of factors as we make our statutory determination of whether advanced telecommunications capability is being deployed in a reasonable and timely fashion. We anticipate that this year's Broadband Progress Report will include evaluation of the role of both fixed and mobile broadband services in the provision of advanced telecommunications capability. Further, as in prior years, we expect to consider factors beyond physical deployment in our inquiry into "the availability of advanced telecommunications capability to all Americans." Our statutory determination will be grounded in analysis of all relevant data sources, including, but not limited to, data sources noted in your letter.

Consistent with our customary practice, we will carefully examine the record developed in response to the Notice, as well as other pertinent information, including reports issued by the Government Accountability Office (GAO) concerning the ability of our nation's broadband networks to meet the evolving needs of American consumers.

I share your concern about transparency for broadband consumers. That is why the 2015 Open Internet Order permitted broadband Internet access service providers to meet consumer-facing transparency obligations via a voluntary label. We have received a recommendation from the Consumer Advisory Committee on the format and content of the label, and are considering whether the label as recommended adequately informs consumers about important issues like

network performance and commercial terms—including fees and data allowances.

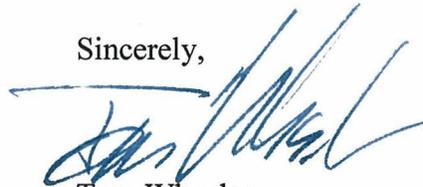
Earlier this year, the Commission defined advanced telecommunications capability as connections with throughput speeds of at least 25 Mbps downstream and 3 Mbps upstream. This standard recognizes how consumers actually use broadband at home today and is “table stakes” in 21st century communications.

But the discussion in the *2015 Broadband Progress Report* of the new speed benchmark emphasized fixed terrestrial broadband services. Even though we were unable to incorporate mobile advanced telecommunications capability into the analysis, the *2015 Broadband Progress Report* found that “the day may be fast approaching when we would consider ‘advanced telecommunications capability’ to be fully deployed only in areas where consumers have access to both mobile and fixed high-speed broadband in light of the distinct characteristics of these services.” Building on the direction laid out in the *2015 Broadband Progress Report*, this NOI now takes the next step by asking whether “advanced telecommunications capability” should be considered fully deployed only in areas where consumers have access to both mobile and fixed broadband. Doing so would recognize the growing use of mobile broadband by consumers.

The NOI also seeks comment on the urban/rural disparity in the deployment of advanced telecommunications capability, asks about speed benchmarks for satellite broadband, and delves further into whether the Commission should adopt latency and consistency benchmarks as a part of the determination of what constitutes broadband.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler