

September 22, 2015

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

Dear Chairman Wheeler:

As you stated in your confirmation hearing, "Universal service is a key tenet of the Telecommunications Act. We did it for basic telephone service, and we do it for broadband." However, I am becoming increasingly concerned that the Federal Communications Commission (Commission) is not fulfilling its statutory mission and your promise to make sure all Americans have access to advanced communications services. Specifically, tens of thousands of West Virginians and millions of rural Americans do not have access to reliable advanced wireless services. I invite you to come to West Virginia to see, first hand, the real communications challenges that remain in rural America today and the difficulties they place on my state's ability to compete in the global marketplace.

As you have clearly and thoughtfully articulated, wireless services are critical to public safety, economic development, and education. The Commission appears to believe that all Americans have sufficient and reliable wireless coverage. The agency's coverage maps indicate 99.9% of Americans live in a census block that has access to some wireless service, but the reality in my state is far different than what the maps indicate. Wireless service is spotty or non-existent for far too many West Virginians.

Since 2011, the Commission has been restructuring its universal service programs to better focus this funding toward bringing rural communications into the 21st century. I agree that universal service must move beyond just supporting basic telephony. However, these reform efforts have not achieved the intended results in all cases. In the order that established the "Mobility Fund," the Commission noted that:

Significant mobility gaps remain a problem for residents, public safety first responders, businesses, public institutions, and travelers, particularly in rural areas. Such gaps impose significant disadvantages on those who live, work, and travel in those areas. Today's Order seeks to address these gaps."

The Mobility Fund should have ensured that the states with the lowest rates of advanced wireless penetration received the most funding. West Virginia had one the lowest rates of advanced

wireless service penetration when the Mobility Fund was initiated, and, most disappointingly, that is where we remain today. The first round of Mobility Fund funding failed West Virginia and much of rural America. Given the vast investment needs for advanced wireless infrastructure in rural America, I do not understand how a program that initially allocated \$300 million to address these needs has only disbursed a meager \$66 million three years after the money was initially awarded. This one-time support was designed to provide 3G or better mobile voice and broadband service to rural areas that are simply not profitable to serve. Inconceivably, to date, more money has been rescinded (\$73 million) than has been invested in building out these networks. Without your strong leadership, we will miss this opportunity to bridge the digital divide and build critical information infrastructure in rural America.

The Commission has the ability to correct earlier problems with the implementation of the Mobility Fund. First, the Commission must target the remaining one-time funds to truly unserved areas and stop citing a wireless coverage map that infers the job is done when people in the real world know it is not. Second, although the agency has repeatedly sought public comment on the ongoing support provided by the second phase of the Mobility Fund, it has yet to provide a concrete plan for how that process would work. Companies cannot invest in wireless infrastructure in hard-to-serve rural areas without the certainty that universal service support will be there to help sustain them in the future.

Despite the opportunity to make this right, it appears that the FCC is poised to leave \$70 million on the table. Without these one-time funds, private companies will not be able to make major investments in wireless infrastructure, leaving tens of thousands of West Virginians and millions of rural Americans without access to wireless services. Let me be clear, if the Commission fails to move forward quickly on providing additional support for advanced wireless infrastructure and services, it will have failed its statutory mission to make sure all Americans have access to comparable communications services. That is an unacceptable outcome.

While the technology has evolved and the levels of coverage have changed, the underlying issues remain the same. A child's future should not be dictated by their address or area code, and an American entrepreneur should be able to compete on a level playing field regardless of their location on a map. I believe that the Mobility Fund can play an important role in achieving that ideal, and I look forward to working together to make that a reality.

Sincerely,



Joe Manchin III
United States Senator