

2463 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5076

19 DOVE STREET, SUITE 302
ALBANY, NY 12210
(518) 465-0700

61 CHURCH STREET, ROOM 309
AMSTERDAM, NY 12010
(518) 843-3400

105 JAY STREET, ROOM 15
SCHENECTADY, NY 12305
(518) 374-4547



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PAUL D. TONKO
U.S. HOUSE OF REPRESENTATIVES
20TH DISTRICT, NEW YORK

COMMITTEE ON ENERGY AND COMMERCE
RANKING MEMBER, ENVIRONMENT
ENERGY
OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON
SCIENCE, SPACE AND TECHNOLOGY
ENERGY

TONKO.HOUSE.GOV
@RepPAULTONKO

November 9, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Pai,

I write out of concern that the Federal Communications Commission (FCC) is failing to bridge the digital divide because of faulty broadband data and inappropriately low baseline standards for rural service. Deployment in my own district has been inconsistent, with many of my constituents experiencing slow speeds even when they live near neighbors with superior service.

My constituents have repeatedly expressed frustration with their limited access to broadband Internet, calling into question FCC's census-based maps that inaccurately claim otherwise. I have heard from doctors who depend on the Internet to read X-rays when they are on call, from librarians who see students sitting in the parking lot after hours so they can finish homework, from workers who are forced to leave their home to find high enough speeds that they can upload and download large files. They all ask "When will we have access to broadband?" As a nation, we owe all of these people an answer.

The FCC's primary tool for supporting high-speed internet deployment—the Connect America Fund—has had its beneficial impact limited, in part because the FCC's data consistently overstate the actual level of deployment. This results from a flaw in the FCC's data collection methods that count an entire census block as being served if just one person in the area has high-speed internet. In districts like mine, census blocks span large geographic areas. In many cases, one residence is not at all representative of the rest of the homes in the block. This "one-served-all-served" method of counting has led the FCC to fail to ensure adequate access in many areas, worsening the digital divide.

In addition to basing its decisions on incomplete data and faulty methods, the FCC has also developed a more recent tendency to lower standards for the quality of broadband that residents in rural areas should be able to expect. This has important consequences for small business and job creation, industry development, workforce training and more. The FCC should be focused on increasing buildout requirements for companies that receive funding from the FCC. In this way, the Commission could ensure that Americans have access to genuine high-speed Internet with fast enough download and upload speeds to be able to compete in the U.S. and global economies.

I am grateful for your consideration of this matter and would be pleased to respond to any questions you may have. While the State of New York's broadband projects and the FCC's Connect American Fund have taken important first steps to deploy broadband in my district and others, we must do more. I urge you to expeditiously review and address these issues, consistent with applicable law and regulations. Please contact Emily Duhovny at (202) 225-5076 in my office should you have any questions regarding this letter.

Sincerely,



Paul D. Tonko
Member of Congress