

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Inquiry Concerning Deployment of Advanced) GN Docket No. 25-223
Telecommunications Capability to All)
Americans in a Reasonable and Timely)
Fashion)
)

**REPLY COMMENTS OF PUBLIC KNOWLEDGE, X-LAB,
HISPANIC TECHNOLOGY & TELECOMMUNICATIONS PARTNERSHIP (HTTP),
NATIONAL DIGITAL INCLUSION ALLIANCE (NDIA), UNIDOSUS, AND
NEW AMERICA’S OPEN TECHNOLOGY INSTITUTE**

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I. Introduction

Public Knowledge, X-Lab, the Hispanic Technology & Telecommunications Partnership (HTTP), the National Digital Inclusion Alliance (NDIA), UnidosUS, and New America’s Open Technology Institute (“Joint Commenters”) submit these reply comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Nineteenth Section 706 *Notice of Inquiry* (“NOI”) to further clarify and reaffirm our organizations’ positions.¹ In our initial comments, we argued that the Commission must adopt a comprehensive approach that considers broadband deployment, affordability, and adoption together in order to better understand “availability.” Additionally, we stated that the lapse in funding for the Affordable Connectivity Program (ACP) has already forced households to downgrade or lose service, which underscores the need for affordability to remain central in the Commission’s Section 706 analysis. We also emphasized the importance of the Commission setting ambitious speed

¹ *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Nineteenth Section 706 Notice of Inquiry, GN Docket No. 25-223 (2025) (“NOI”).

benchmarks to reflect consumer realities and global competitiveness. Lastly, we urged the Commission to issue a forward-looking report that is responsive to the full scope of its statutory authority to ensure the agency is meeting its universal service mandate.

II. Narrowing Section 706 Will Threaten Commission’s Ability to Achieve Universal Service

The Joint Commenters strongly reiterate the argument raised in our original filing, which is that the Commission’s Section 706 NOI makes an “unwarranted leap that departs from the plain meaning of "availability," which is not synonymous with "deployment.”² Other commenters share this concern, including the Benton Institute for Broadband & Society, which rightly observed, “the Commission construes the terms ‘being deployed’ and ‘reasonable and timely manner’ without regard to whether such connectivity can actually be used by all Americans.”³ They cautioned that if the Commission solely focuses on deployment, it will “foreclose any consideration of the real-world factors that affect availability.”⁴

The proper, meaningful scope of Section 706 is also echoed by the National League of Cities, which urged the Commission to include affordability and adoption metrics in its Section 706 analysis.⁵ Similarly, the American Library Association (ALA) and the Schools, Health & Libraries Broadband Coalition (SHLB) argue that, if the “Commission does not retain these goals it will likely result in the next 706 report being incomplete and it may give a less than accurate impression of our nation’s status in relation to broadband availability and deployment.”⁶

² Comments of Public Knowledge, National Digital Inclusion Alliance, UnidosUS, X-Lab, New America’s Open Technology Institute, Asian Americans Advancing Justice-AAJC in GN Docket No. 25-223 (September 8, 2025) at page 4.

³ Comments of Benton Institute for Broadband & Society in GN Docket No. 25-223 (September 8, 2025) at page 5.

⁴ *Id* at page 7.

⁵ Reply Comments of National League of Cities in GN Docket No. 25-223 (September 22, 2025) at page 2.

⁶ Comments of the American Library Association (ALA) and the Schools, Health & Libraries Broadband Coalition (SHLB) in GN Docket 25-223 (September 8, 2025) at page 2.

We disagree with CTIA's reading of the statute, which improperly collapses deployment and availability into a single concept. Following this assertion, CTIA further claims that broadband is already affordable for low-income and rural consumers.⁷ A comprehensive Section 706 analysis should not simply accept these claims, but instead provide the opportunity to rigorously test them against the lived realities of consumers. Because a national price dataset does not exist, we encourage the Commission to leverage the Broadband Consumer Labels to collect and establish a national, regularly updated dataset.

In fact, the FCC has acknowledged the need for more robust validation of data. In response to the Government Accountability Office (GAO), in March 2025, the Commission stated that "validations, verifications, and audits will play an essential role in assuring the quality of the [FCC's] data."⁸ If affordability and adoption metrics are omitted from the Commission's analysis, it will fail to capture all of the barriers households face in broadband being made available to them. Additionally, because the stated goal of the FCC's Universal Service Fund (USF) programs (High-Cost, E-Rate, Lifeline, Rural Health Care) are about ensuring *affordable* access to broadband, failures to measure affordability in the upcoming Section 706 report will actually undermine program effectiveness and create gaps in future policymaking. Ultimately, the Commission must analyze critical factors of deployment, affordability, and adoption in order to determine if broadband is being made *available* in practice to advance its mandate under Section 706.

⁷ Comments of CTIA in GN Docket 25-223 (September 8, 2025) at page 5.

⁸ Government Accountability Office, "Broadband Programs: Agencies Need to Further Improve the Data Quality and Coordination Efforts," (April 2025) at page 58, available at <https://www.gao.gov/assets/gao-25-107207.pdf>.

III. The Commission Must Raise Broadband Benchmark Speeds While Maintaining Aspirational Goals

The record strongly supports maintaining and, in many cases, increasing the benchmark speed of 100/20 Mbps. The 2024 Section 706 Report found, “100/20 Mbps terrestrial fixed broadband service has not been physically deployed to approximately 7% of Americans” and that “rural areas and Tribal lands significantly trail more urban areas, with approximately 28% of people living in rural areas and approximately 23% of people living on Tribal lands lacking access to 100/20 Mbps fixed broadband services.”⁹ This gap underscores the urgency of ensuring that speed benchmarks keep pace with need and technological advancements. It is also important to note that the goal of the United States Department of Agriculture’s (USDA) ReConnect program is to “provide broadband access to all premises within their service areas at speeds of at least 100/100 Mbps.”¹⁰ Additionally, through the FCC’s Rural Digital Opportunity Fund (RDOF) program, the FCC directed up to “\$20.4 billion over ten years to finance up to gigabit speed broadband networks in unserved rural areas, connecting millions of American homes and businesses to digital opportunity.”¹¹

ALA and SHLB endorse a 100/20 Mbps as a cautious baseline but stress that the Commission must periodically conduct a review of whether higher benchmarks are warranted.¹² We agree that benchmarks should not remain stagnant in a rapidly evolving digital landscape. The Benton Institute for Broadband & Society underscores this point and notes that current

⁹ Federal Communications Commission, “2024 Section 706 Report,” (March 18, 2024), available at <https://docs.fcc.gov/public/attachments/FCC-24-27A1.pdf>.

¹⁰ Congressional Research Service, “USDA’s ReConnect Program: Expanding Rural Broadband,” (December 14, 2022), available at https://www.congress.gov/crs_external_products/R/PDF/R47017/R47017.3.pdf.

¹¹ Federal Communications Commission. “Implementing the Rural Digital Opportunity Fund (RDOF) Auction,” available at <https://www.fcc.gov/implementing-rural-digital-opportunity-fund-rdof-auction>.

¹² Comments of the American Library Association (ALA) and the Schools, Health & Libraries Broadband (SHLB) Coalition in GN Docket 25-223 (September 8, 2025) at page 3.

market offerings make clear that 100/20 Mbps falls short of what can reasonably be considered advanced telecommunications capability.¹³ Similarly, the National Rural Electric Cooperative Association (NRECA) urges the Commission to “adopt a symmetrical 100/100 Mbps fixed broadband benchmark for the forthcoming Section 706 Report.”¹⁴ Additionally, the Fiber Broadband Association (FBA) warns that “the Commission should recognize that by benchmarking fixed broadband at 100/20 Mbps, rather than a gigabit symmetric standard, it will not be looking at where we are today, much less where we are going.”¹⁵

Of pressing concern is some commenters' reluctance about the Commission setting aspirational standards. We disagree with the Free State Foundation's arguments that "aspirational goals fall outside the scope of Section 706," and that evaluations should be based on actual typical use by consumers in the marketplace."¹⁶ Conversely, as the Benton Institute explains, “a long-term goal can only remain advanced if it changes in relation to demand, market offerings, and innovation. What qualifies as advanced can and should change over time.” We also disagree with commenters’ assertion that technology bias exists with respect to the presence of aspirational speeds. We instead agree with NTCA's assessment that “diluting standards disfavor consumers who, as evidenced by market data, demand increasing levels of secure and reliable broadband.”¹⁷

Similarly, as stated by INCOMPAS, “Continuing to assess progress toward a performance benchmark of 1,000/500 Mbps does not mandate a prescriptive outcome or favor any technology; it simply ensures that policymakers, providers, and consumers have the data needed

¹³ Comments of the Benton Institute for Broadband & Society in GN Docket 25-223 at page 13.

¹⁴ Comments of National Rural Electric Cooperative Association (NRECA) in GN Docket 25-223 (September 8, 2025) at page 6.

¹⁵ Comments of Fiber Broadband Association in GN Docket 25-223 (September 8, 2025) at page 6.

¹⁶ Comments of Free State Foundation in GN Docket No. 25-223 (September 8, 2025) at pages 10- 11.

¹⁷ Comments of NTCA-The Rural Broadband Association in GN Docket 25-223 (September 8, 2025) at page 3.

to evaluate whether deployment is keeping pace with innovation.”¹⁸ Likewise, ALA and the SHLB Coalition caution that “using the current limitations of certain technologies as a reason to eliminate a long-term goal assumes that such technologies will not improve their performance over time.”¹⁹

The record demonstrates that the Commission should not only, at the very least, maintain the 100/20 Mbps benchmark but also consider higher, symmetrical, forward-looking standards. To meet its Section 706 mandate, the Commission must reflect the current and growing needs of consumers, local economies, and the nation’s ability to remain competitive.

IV. Conclusion

The Joint Commenters urge the Commission to adopt a comprehensive reading of Section 706 that accounts not only for broadband deployment but also for adoption and affordability. Limiting the reading to deployment would ignore the plain meaning of “availability” to all Americans in a timely and reasonable manner. Additionally, the record reflects broad consensus for maintaining a forward-looking, aspirational approach to broadband speed benchmarks, which should be adopted by the Commission. Universal connectivity is about ensuring every household can consistently access an affordable, reliable connection and has devices and skills needed to safely navigate the Internet. Only then can the Commission accurately measure progress toward its universal connectivity goals.

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¹⁸ Comments of INCOMPAS in GN Docket No. 25-223 (September 8, 2025) at page 4.

¹⁹ Comments of the American Library Association (ALA) and the Schools, Health & Libraries Broadband Coalition (SHLB) in GN Docket 25-223 (September 8, 2025) at page 4.