Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

COMMENTS OF PUBLIC KNOWLEDGE, UNIDOSUS, NATIONAL DIGITAL INCLUSION ALLIANCE, ASIAN AMERICANS ADVANCING JUSTICE | AAJC, NEW AMERICA'S OPEN TECHNOLOGY INSTITUTE, AND X-LAB

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September 8, 2025

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I. Introduction

Public Knowledge, UnidosUS, the National Digital Inclusion Alliance, Asian Americans Advancing Justice | AAJC, New America's Open Technology Institute, and X-Lab ("Joint Commenters") submit these comments in response to the Federal Communications Commission's ("FCC" or "Commission") request for comment on its Nineteenth Section 706 *Notice of Inquiry* ("NOI").[1] Section 706 of the Telecommunications Act of 1996 directs the Commission to inquire "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[2] This mandate also requires that the Commission "take immediate action" to implement interventions if it determines that it is not being made available, which would stimulate investment, innovation, and full participation in modern-day life.

[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").
[2] 47 U.S.C. § 1302(b).

To meet that mandate, the Commission must properly analyze all components of the evolving digital divide including broadband deployment, affordability, and adoption. A broader scope, coupled with more granular data collection, will better equip the Commission to design these effective interventions to close the digital divide, strengthen local economies across the United States, and enhance the nation's economic competitiveness globally. As the Commission correctly stated in 2024: "Consumers' use of broadband service continues to evolve, and so must our standards for evaluating broadband deployment and availability, the quality of our available data, and the framework that we use to make our finding under Section 706."[3]

The Joint Commenters urge the Commission to compile a forward-looking report that reflects consumer realities. By doing this, the Commission can build on the foundation already established to yield meaningful progress toward universal service.

II. Narrowing the Scope of Section 706 Undermines Congressional Mandate and the Infrastructure Investment and Jobs Act

In this *NOI*, the Commission claims to adopt the "best" reading of the statute, but in so doing, ignores its plain language. The Commission states that "[t]he statute identifies "availability"—and "availability" alone—as the object of the Commission's section 706 inquiry." It then proceeds to state that "the section 706 inquiry should singularly focus on the availability of advanced telecommunications capability, as measured through the deployment of broadband."[4]

[3] *See* Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, GN Docket No. 22-270, 2024 Section 706 Report. Federal Communications Commission, para. 2.
[4] *NOI* at para. 5.

This is an unwarranted leap that departs from the plain meaning of "availability," which is not synonymous with "deployment." Congress was clearly aware of the distinction between the two words, since it used both in the statute—if it wanted the Section 706 report to focus only on "deployment" (as the Commission now understands that word) it could have said so. To be sure, Section 706 specifically directs the FCC (and "State commission[s]") to encourage deployment. But the inquiry it directed the Commission to conduct was intended to take a wider purview, into the "availability of advanced telecommunications capability to all Americans." The narrowness of the Commission's statement that "we intend to focus our inquiry on whether advanced telecommunications capability 'is being deployed,' rather than whether it already has been deployed" is apparent in this context.[5] Under the Commission's current interpretation, if affordable broadband was universally available to all Americans—a goal we hope the Commission still shares—then it would have to issue a negative finding, since there would be no need for further deployments, and take remedial action. It is plain that this interpretation is absurd. The Section 706 inquiry was not intended to be merely a catalog of ongoing construction projects.

Moreover, the Commission's understanding of the word "deployment" itself cannot be supported by the statutory text. By the words of the statute, "deployment" must be "to all Americans" and must be "reasonable and timely." Infrastructure that is unaffordable to and unadopted by many Americans has not been "deployed" to them in a "reasonable and timely" fashion. Congress's intent for the Commission to consider affordability is clear from the statute, which directs the Commission to gather data on "the average per capita income" of unserved areas, and to "promote competition"—widely understood to lower consumer costs—as a way of addressing gaps. Nor can the Commission explain why Congress expressly directed the

[5] *NOI* at para 6.

Commission to utilize "in a manner consistent with the public interest, convenience, and necessity, price cap regulation" as a means of promoting deployment, unless it recognized that affordability was a barrier to the "deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans."

Furthermore, the Commission claims that previous inquiries "disregarded Congress's use of the present progressive tense in 'is being deployed,'" and "effectively read the "reasonable and timely" language out of the statute."[6] Yet, in the Commission's current *Notice of Inquiry*, it effectively reads "reasonable and timely" out of the statute. Advanced telecommunications capability that is currently being deployed, but is unaffordable, is not being "reasonably" deployed, and ongoing deployments to neglected areas, while welcome, cannot be said to be "timely." When a bus is an hour late, no one gets on and says, "Just in time!"

This reading of the statutory text is confirmed by its legislative history, decades of Commission practice, and later Congressional action, including the Infrastructure Investment and Jobs Act, which each make it abundantly clear that broadband policy must address deployment, affordability, and adoption together. Congress deliberately structured the Broadband Equity, Access, and Deployment (BEAD) program, the Affordable Connectivity Program (ACP), and the Digital Equity Act, to reflect the full scope of universal service.[7] A decision to ignore this Congressional direction by artificially confining Section 706 to deployment alone would be a step backwards in the progress the nation has made in closing the digital divide. It would signal that the Commission is willfully ignoring what has been made clear for more than a decade from

[6] *Id.*
[7] 47 U.S.C. § 1702; 47 U.S. Code § 1724; 47 U.S. Code § 1752

the National Broadband Plan[8] to the government's response to the COVID-19 pandemic[9] that deployment interventions, paired with affordability and adoption, are the only way to meaningfully make progress in meeting the agency's universal service mandate.

When Section 706 is properly understood, it requires the Commission to analyze the full range of barriers to advanced telecommunications capability. The policy of the United States is to promote broadband capable of providing people in the country with access to economic, educational, healthcare, and civic participation opportunities on par with or superior to other nations. In order to be aligned with this policy, "availability" should not narrowly be defined as broadband deployment because deployment alone does not guarantee meaningful access.

III. The Commission Must Address Affordability to Ensure Meaningful "Availability"

Millions of Americans remain on the wrong side of the digital divide because they cannot afford to maintain consistent access to reliable, high-speed internet. The Commission must conduct a proper analysis of the affordability barrier to give federal and state policymakers the ability to accurately understand the scope of this problem and to enact proper policy interventions.

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[8] *See* Federal Communications Commission, "Connecting America: The National Broadband Plan" (2010). The National Broadband Plan of 2010, explicitly grounded in the Commission's authority under Section 706, recognized that universal service requires more than network deployment. This Plan emphasized broadband affordability and adoption as essential components of achieving nationwide connectivity, consistent with the statutory mandate to ensure that advanced telecommunications capability is available to *all* Americans on a reasonable and timely basis.

[9] *Coronavirus Aid, Relief, and Economic Security (CARES) Act*, 2020; *Consolidated Appropriations Act*, 2021

Many organizations have underscored this point in the past. As the Benton Institute has stated, the Commission "cannot reach our universal broadband goals without widespread adoption and we cannot achieve universal broadband adoption if service is not affordable."[10] Similarly, New America's Open Technology Institute emphasized, "if the cost of broadband service is higher than millions of people can afford, service cannot be said to be available."[11]

Affordability is a threshold condition for availability and data demonstrates this. The most recent data from the Pew Research Center show that 57% of U.S. adults with annual household incomes of $30,000 subscribe to fixed home broadband.[12] However, 98% of adults in the U.S. with annual household incomes of more than $70,000 report that they use the internet and 88% of that population say they have broadband at home.[13]

The Affordable Connectivity Program made strides in closing this gap with more than 23 million low-income households as subscribers (with approximately 48 million households eligible), but when Congress failed to renew funding for this successful program, it left those same households, across rural and urban communities in America, economically vulnerable. Prior ACP beneficiaries have either disconnected or downgraded their service, or have chosen between essential goods like food, medicine, and an internet connection.[14] This affordability gap therefore impacts consumers' ability to access broadband in a *reasonable* and *timely* manner.

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[10] Comments of Benton Institute for Broadband & Society in GN Docket No. 24-214 (November 11, 2024) at page 5.
[11] Comments of New America's Open Technology Institute in GN Docket No. 22-270 (December 1, 2023) at page 9.
[12] Risa Gelles-Watnick, "Americans' Use of Mobile Technology and Home Broadband" (Jan. 31, 2024), https://www.pewresearch.org/internet/2024/01/31/americans-use-of-mobile-technology-and-home-broadband/.
[13] *Id*.
[14] Joe Supan, "The Harsh Reality for the 21 Million Americans Hit by The End of ACP Support" CNet (Sept. 5, 2024), https://www.cnet.com/home/internet/the-harsh-reality-for-the-23-millionamericans-hit-by-the-end-of-acp-support/.

As it pertains to rural America specifically, research that analyzed 2023 ACP enrollment and American Community Survey (ACS) data shows, "rural areas were associated with higher levels of broadband adoption compared with urban areas—with ACP enrollment having a significant role in supporting subscriptions. The 'net addition' effect was 6.9 percent in rural areas, compared with 1.7 percent in urban areas."[15] This demonstrates that affordability programs are critical in rural communities because of economic constraints and a limited market.

Research, including by the Federal Communications Commission, continuously underscores that cost is keeping households in America from accessing consistent broadband services. In December 2023, the FCC conducted a study of ACP recipients. It found that before the ACP benefit, 24.6% of respondents had no internet service and of that group:

- 53.2% (+/- 3.2%) reported they relied on accessing the internet at a public library, school, or business establishment
- 29.9% (+/- 2.9%) reported they relied on accessing the internet service belonging to a person they knew, outside of their household
- 11% (+/- 2.0%) reported they did not have a need to access the internet
- 5.8% (+/- 1.5%) selected "Other" (Open Response)[16]

Additionally, in response to the inquiry about if there were months respondents went without internet service in the year prior to signing up for ACP, 32.5% of respondents said they only had internet months they could afford it and 21.7% never had internet because they could not afford it.[17]

Similar findings were illustrated in John Horrigan's "Leaving Money on the Table: The ACP's Expiration Means Billions in Lost Savings," which stated that among households with ACP recipients:

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[15] John B. Horrigan, "One More Thing: The ACP Boosted Rural Adoption and Helped Keep the Subscription Vulnerable Online," Benton Institute for Broadband & Society (April 2025), https://www.benton.org/publications/one-more-thing.
[16] Federal Communications Commission, "Measuring the Impact of the ACP: Survey Results" (June 2024), https://www.fcc.gov/sites/default/files/ACP-Survey-Results.pdf.
[17] *Id.*

- 41 percent said they would continue with their service while cutting other household expenses.
- 36 percent said they would downgrade to a cheaper or slower service
- 13 percent said they would cancel their home service altogether.[18]

This affordability issue impacts the entire ecosystem: consumers, providers who need a predictable consumer base while estimating returns on investment, cost-savings for the government, and the broader economy. A February 2025 Brattle Report found that the economic benefits of the ACP exceed the costs of the program including: $28.9–$29.5 billion in annual healthcare savings alone, with at least $6 billion of these savings directly scorable under Medicaid, $3.7 billion in increased annual earnings for students, and $2.1–$4.3 billion in additional wages from greater labor force participation.[19] Similarly, on the Internet Service Provider side, a Common Sense and BCG study found that ACP reduced the subsidy needed to incentivize providers to build in rural areas by 25% per household, as the program "subsidizes subscriber service fees up to $360 per year, reduces the per-household subsidy required to incentivize ISP investment by $500, generating benefit for the government and increasing the market attractiveness for new entrants and incumbent providers."[20]

Given this and other research demonstrating the important role affordability plays in enabling all U.S. households to adopt and access the internet, the Commission must collect data to understand how affordability inhibits "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."

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[18] John Horrigan, "Leaving Money on the Table: The ACP's Expiration Means Billions in Lost Savings" (July 2024), https://www.benton.org/sites/default/files/ACP-survey1.pdf.
[19] The Brattle Group, "Paying for Itself: How the Affordable Connectivity Program Delivers More Than It Costs" (February 19, 2025), https://www.brattle.com/wp-content/uploads/2025/02/Paying-for-Itself-How-the-Affordable-Connectivity-Program-Delivers-More-Than-It-Costs.pdf.
[20] Common Sense & BCG, "Closing the Digital Divide Benefits Everyone, Not Just the Disconnected" (2022), https://www.commonsensemedia.org/sites/default/files/research/report/2022-cs-bcg-closing-digital-divide_final-release-3-for-web.pdf.

IV. Speed Benchmarks Must Be Future-Proof to Promote Global Competitiveness and Economic Growth

First, we urge the Commission to maintain the 100/20 Mbps benchmark established in the 2024 Report as a minimum standard for advanced telecommunications capability. Currently, this benchmark appropriately represents necessary progress made from the long outdated 25/3 Mbps benchmark particularly because modern applications and services require higher speeds. This reality is even more stark with the growing ubiquity and deployment of artificial intelligence tools, which requires additional bandwidth and capacity. The Commission should avoid lowering this bar and would be better served to couple this standard with the forward-looking benchmark of 1,000/500 Mbps established in the 2024 Report. It is important for the Commission to also focus on how there is a demonstrable shift in demand from consumers from largely consuming content to generating content. As Joint Commenters have emphasized in the past, consumer needs are vastly outpacing broadband policy frameworks.[21] The Commission must also properly account for the reality that broadband is central to modern life. Today, households rely on broadband for telehealth applications, government services, educational platforms, workforce training, civic participation, entertainment, and artificial intelligence tools. Additionally, households are both multi-user and multi-device environments as multiple people are using bandwidth-intensive activities. Because consumer demand will continue to grow in scale, the Commission's policies should better reflect this continuous evolution to ensure proper investments are made so networks can meet consumer needs.

In this *NOI,* the Commission proposes to "abolish without replacement the long-term goal of 1,000/500 Mbps established in the 2024 Report" and that "assuming a long-term goal of 1,000/500 Mbps may be unreasonably prejudicial to technologies such as satellite and fixed

[21] Comments of Public Knowledge, Common Cause, and Next Century Cities, GN Docket No. 20-269 at 6.

wireless that presently do not support such speeds."[22] As Joint Commenters previously stated before the Commission: "The glaring absence of an aspirational goal will inevitably lower the bar and severely undermine the value of this report 'in setting national policy – particularly with regard to international competitiveness and drivers of new services.' Without clear, concrete metrics of success, the Commission allows itself to claim victory prematurely which will mask pervasive gaps in access, affordability, and adoption."[23]

In the global context, the United States risks falling behind in the race for technological leadership, particularly against China, if the Commission fails to adopt data-driven standards that reflect current and future consumer needs. According to reports, China's internet user base continues to grow rapidly and the country's broadband infrastructure is also advancing at a remarkable pace. China has already achieved 95% broadband availability at speeds of 100 Mbps or higher.[24] Further, China's launch of a commercial 10G broadband network underscores the necessity for the U.S. government to adopt an ambitious, forward-thinking approach to broadband infrastructure.[25]

Additionally, the Commission states that it "would also appear to violate our obligation to conduct our analysis in a technologically neutral manner."[26] The Joint Commenters disagree. Aspirations themselves are neutral because no single technology is favored when standards

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[22] *NOI* at para. 11.
[23] *See* Letter from Alisa Valentin, Broadband Policy Director, Public Knowledge, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 25-223, 5 (filed July 31, 2025) (Public Knowledge, National Digital Inclusion Alliance, and X-Lab *Ex Parte*).
[24] China Internet Network Information Center (CNNIC), "Statistical Report on China's Internet Development" (May 2025), https://www.cnnic.com.cn/IDR/ReportDownloads/202505/P020250514564119130448.pdf.
[25] Times of India, "World's First 10G Broadband Network Launched in China—How Fast Is 10G," *Times of India* (April 21,2025), https://timesofindia.indiatimes.com/technology/tech-news/worlds-first-10g-broadband-network-launched-in-china-how-fast-is-10g/articleshow/120485407.cms.
[26] *NOI* at para. 11.

reflect consumer needs. True technology neutrality means the establishment of performance-based standards because it allows *all* technologies to compete for those standards. However, lowering the aspirational benchmark so certain technologies are accommodated amounts to the Commission actively putting its thumb on the scale. This approach would distort the Commission's analysis but would also have grave consequences for the nation's economic competitiveness.

As the Benton Institute for Broadband & Society has noted, currently, "LEO's upload speeds are closer to those of DSL, [it limits] its usefulness to entrepreneurship, healthcare, employment, and AI."[27] They also note that LEO provider, Starlink, currently maxes out at 220 Mbps and "Starlink's speeds have also slowed over time as more people subscribe, leading Starlink to institute waitlists and congestion charges."[28] Therefore, if satellite technology cannot consistently deliver current minimum standards, the solution is technological improvement, not abandoning aspirational goals.

V. The Commission Must Account for Broadband Adoption Barriers

Another missed opportunity could arise if the Commission focuses on broadband deployment only. Because deployment is only one piece of the puzzle, it is meaningless if communities are unable to adopt the service due to the lack of digital skills, devices, or safety and privacy concerns. Metrics that solely track infrastructure offer *some* insights, but that fails to show if households are actually subscribed to broadband services. By contrast, adoption data by geographic region can help federal, state, and local governments as well as civil society, trusted Community-Based Organizations (CBOs), and industry design and target programs to

[27] Drew Garner, "Is Leo the 'Benefit of the Bargain' for BEAD?," Benton Institute for Broadband and Society (2025, March 26), https://www.benton.org/blog/benefit-bargain-bead.
[28] *Id*; Jon Brodkin, "Starlink is getting a lot slower as more people use it, speed tests show"ArsTechnica (September 23, 2022), https://arstechnica.com/tech-policy/2022/09/Ookla-starlinks-Median-us-download-speed-fell-nearly-30mbps-in-q2-2022/.

communities most in need. As UnidosUS commented to the National Telecommunications and Information Administration ("NTIA"), "Existing federal surveys provide little insight into how households are using the Internet for essential economic tasks, like applying for jobs, banking, or completing online training for job advancement. Without baseline data, programs cannot identify which specific digital tasks workers struggle with most, target interventions effectively, or measure whether upskilling initiatives improve outcomes."[29] They further state that an analysis of "skills and confidence levels would help distinguish between households with limited digital skills due to access barriers versus those who have access but lack the capacity to adequately use technology."[30]

Similarly, New America's Open Technology Institute stated to NTIA that "digital skills are neither consistently measured nor defined in the United States" and there is not a "regular interrogation of the relationship between digital skills and non-adoption. The Joint Commenters argue that this data should not just be quantitative in nature. In fact, the Commission can and should also collect qualitative data to more accurately understand the barriers to broadband adoption and to track progress towards their elimination.

VI. Conclusion

As the Commission works to meet its universal service mandate, it must rigorously track broadband deployment, broadband affordability, and other broadband adoption barriers. Universal connectivity is about ensuring every household can afford a reliable connection and has the devices and skills needed to safely navigate the Internet. Only then can the Commission

[29] Comments of UnidosUS, Request for Comment on National Telecommunications and Information Administration (NTIA) Internet Use Survey in FR Doc. 2025-11114, (August 18. 2025).

[30]Comments of New America's OTI, Request for Comment on National Telecommunications and Information Administration (NTIA) Internet Use Survey in FR Doc. 2025-11114, (August 18, 2025).

accurately measure progress toward its universal connectivity goals. Detailed, household-level broadband data is essential to reveal who remains disconnected and why. Such data is necessary for refining the nation's broadband policies and also for directing federal, state, and local funding to close gaps that persist in unserved and underserved communities.

/s/
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