



March 8, 2022

Assistant Secretary Alan Davidson
National Telecommunications and Information Administration
1401 Constitution Ave., N.W.
Washington, D.C. 20230

Dear Assistant Secretary Davidson,

As the National Telecommunications and Information Agency (NTIA) takes significant steps to close the digital divide and bring broadband to more Americans under the bipartisan infrastructure law, we write to encourage the Agency to prioritize and protect competition, high quality jobs, affordability, and consumer protection standards in its grant programs.¹

Under the Infrastructure Investment and Jobs Act (IIJA), the NTIA is responsible for distributing \$48 billion across several funds to build out reliable, high-speed consumer broadband and middle-mile access in unserved and underserved areas. Americans pay too much for broadband access, and the COVID-19 pandemic has demonstrated that the digital divide continues to be a significant barrier to students, low incomes households, marginalized communities, and rural locations. The IIJA's broadband grant programs are a historic investment to address these barriers and ensure that every American has access to the internet and the economic, education, and social benefits that it brings. We appreciate that the NTIA's request for comment on these grants recognizes the need to ensure affordable broadband options, to create robust competition, and to address digital equity.

As the NTIA works with states and proceeds with rulemakings on the Broadband Equity, Access and Deployment (BEAD) program, the Middle-Mile Broadband Infrastructure Program, and the Digital Equity Planning Grant Program, we urge the Agency to consider the following recommendations to ensure that these programs are effective, inclusive, and lasting.

- **Ensure Affordable and Equitable Broadband Options for All Americans:** Under the IIJA, broadband providers receiving infrastructure funds are required to offer at least one

¹ Request for Comment: Infrastructure Investment and Jobs Act Implementation.
https://www.ntia.gov/files/ntia/publications/ijja_broadband_rfc.pdf

low-cost option. We encourage the NTIA to use its rulemaking on low cost options to ensure that affordable broadband is readily-accessible for all Americans that need the assistance. The NTIA can build on the progress made elsewhere: over the past decade, Congress and the Federal Communications Commission have worked to expand access to broadband and telephone services through making sure that individuals on Pell Grants, veterans, the National School Lunch program, and other assistance programs qualify for the FCC's Lifeline and Affordable Connectivity Program. We share the recommendation of Open Technology Institute (OTI), the Leadership Conference on Civil and Human Rights, and others to consider using those programs as a model. In particular, the NTIA could require participation in the FCC's assistance programs as a condition of receiving funds under BEAD funding, and coordinate with the FCC on its forthcoming rules addressing digital discrimination and broadband consumer labels.²

- **Promote Competition through Wholesale and Nondiscriminatory Access**

Requirements: Competition in the market is a vital means to lower costs for consumers and improve services – a principle that is especially true in the broadband market. The new infrastructure supported under the NTIA's programs will be in unserved and underserved areas that broadband providers have not been able or willing to invest in previously, meaning that grant recipients are unlikely to face future market competition. A wholesale requirement is needed to avoid new, taxpayer-funded monopolies—thereby offering a competitive option to small and rural businesses. Moreover, the use of next-generation wireless technologies (such as 5G and fixed wireless) in unserved communities will require access to high performance middle mile networks to carry traffic. The wireless market has shown that wholesale markets can give rise to companies that compete for traditionally unserved and underserved communities, such as immigrant communities and individuals on the Lifeline program. The NTIA should encourage competition in unserved and underserved areas and ensure that innovative competitors can access those areas. We agree with the Benton Institute for Broadband & Society, OTI, INCOMPAS, and others that NTIA should incentivize or require the adoption of wholesale or nondiscriminatory access requirements on infrastructure built through federal investment to ensure robust competition, especially for grants on middle-mile and transit infrastructure.³ NTIA should also coordinate with the FCC's recent actions to ensure competitive access to apartment buildings, public housing, and other multi-tenant environments.

² Comments to NTIA on Broadband Programs from New America's Open Technology Institute.

https://newamericadotorg.s3.amazonaws.com/documents/Attachment1_IJIAImplementationComments_OTI.pdf

³ Comments to NTIA on Broadband Programs from the Benton Institute for Broadband & Society.

<https://www.benton.org/sites/default/files/BENTONINSTITUTEIJJACOMMENTS4feb2022.pdf>

Comments to NTIA on Broadband Programs from INCOMPAS. [https://www.incompas.org/Files/filings/2022/02-04-22%20INCOMPAS%20Comments-%20NTIA%20IJA%20Broadband%20Programs%20\(Docket%20NTIA-2021-0002\).pdf](https://www.incompas.org/Files/filings/2022/02-04-22%20INCOMPAS%20Comments-%20NTIA%20IJA%20Broadband%20Programs%20(Docket%20NTIA-2021-0002).pdf)

- **Support American Workers with High-Quality Jobs:** The NTIA’s investment in future-proof broadband infrastructure will require high skilled workers and next generation technologies. Ensuring that federal funds go to well-trained, professional telecommunications workers and secure network equipment will guarantee that our historic investment stands the test of time. We agree with the Communications Workers of America that the NTIA should encourage state action plans that consult labor organizations, promote Buy American policies, and support expanding and securing the workforce through data collection and prioritizing strong training programs.⁴ We support strong labor standards that give preference to high-road employers and training initiatives tied to good jobs.
- **Promote Safeguards for the Free and Open Internet:** Finally, consistent with actions taken by the US Department of Agriculture regarding its ReConnect program, we encourage NTIA to implement measures that promote net neutrality as it fulfills its mandates under IIIA. Net neutrality is a set of principles necessary to keep the internet open to all and free of discriminatory practices by powerful broadband providers. These principles forbid internet service providers (ISPs) from blocking or slowing down customers’ internet access; charging websites to reach users at quicker speeds; and instituting other unjust, unreasonable, and discriminatory practices. These rules benefit consumers, promote free speech, and enrich the economy by making the internet a fair playing field where entrepreneurs and businesses of all sizes can thrive.

We appreciate the NTIA’s work on broadband infrastructure grants and stand ready to work with you on this historic opportunity.

Thank you for your attention to these important matters.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



EDWARD J. MARKEY
United States Senate

⁴ Comments to NTIA on Broadband Programs from Communications Workers of America (CWA). <https://cwa-union.org/news/releases/communications-workers-of-america-calls-for-infrastructure-investment-jobs-act>