



October 30, 2020

The Honorable Roger Wicker
Chairman
Committee on Commerce, Science,
& Transportation
United States Senate
Washington D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science,
& Transportation
United States Senate
Washington D.C. 20510

The Honorable Frank Pallone, Jr.
Chairman
Committee on Energy & Commerce
United States House of Representatives
Washington D.C. 20515

The Honorable Greg Walden
Ranking Member
Committee on Energy & Commerce
United States House of Representatives
Washington D.C. 20515

Dear Chairmen Wicker and Pallone, Ranking Members Cantwell and Walden,

We, the undersigned public interest organizations, submit this letter as members of Broadband Connects America (“BCA”), a coalition of diverse national, state-based, and local nonprofit organizations, as well as state agencies, that advocates for policies to promote broadband access in underserved rural areas. We urge Congress to ensure that no company can retire telecommunications and broadband technology without making a technology of equal or better quality available to all customers. To do otherwise is to leave consumers without an ability to access broadband when they need it most.

AT&T recently announced that it will no longer accept new orders for its DSL service and has plans to retire the IPDSL and ADSL service of 160,000 existing customers, some of whom do not have another wireline option.¹ Although our country is currently in the midst of a pandemic, which is forcing millions to rely on broadband more than ever, AT&T has not committed to replacing its DSL service with a wireline connection of equal or superior quality outside of its “fiber footprint.”²

¹ *IPDSL/ADSL to Fiber Migration and DSL Sales Stop*, AT&T (Sept. 18, 2020), <https://www.publicknowledge.org/documents/att-ipdsl-adsl-to-fiber-migration-and-dsl-sales-stop/>.

² Rob Pegoraro, *AT&T shelving DSL may leave hundreds of thousands hanging by a phone line*, USA Today (Oct. 3, 2020) <https://www.usatoday.com/story/tech/columnist/2020/10/03/att-dsl-internet-digital-subscriber-line-outdated/5880219002/>; and In the Matter of Restoring Freedom, *Written Ex Parte of Public Knowledge, Communications Workers of America, Next Century Cities, National Digital Inclusion Alliance, Common Cause, and The GreenLining Institute*, WC Docket No. 17-108, 1 (2020) https://cwa-union.org/sites/default/files/20201014_fcc_att_broadband_remand_order_ex_parte.pdf.



When DSL is retired, consumers will look for fixed alternatives such as fiber or cable. However, these substitutes are not available to many. AT&T offers fiber broadband to just 27% of households in its footprint. In rural areas, this percentage drops to just 5%. For nearly a third of the 653,000 households connected to AT&T's DSL service, the only alternative is mobile or satellite broadband.³ However, current satellite technology is slow and expensive, and it's difficult to do homework with data caps. All told, at least 207,000 Americans will have no option for internet aside from mobile or satellite service if disconnected.⁴ States in the deep south, like Georgia, Florida, and Mississippi, will be hit the hardest.⁵

This move will disproportionately impact rural and low-income consumers who are often the subscribers to DSL service. In fact, the greatest proportion of DSL subscribers reside in rural areas⁶ and the median income of households with DSL-only is more than \$15,000 lower than areas that have access to fiber.⁷ Thus, not only will consumers have trouble finding other broadband options that are physically available to them, but also many will likely be priced out of those alternative options scarcely available in rural and low-income areas. It is critical that Congress consider the lack of infrastructure, reliability, *and* affordability that will result from AT&T's DSL retirement plans.

It's only a matter of time before other providers retire their DSL offerings, too. In fact, Verizon has already notified the Federal Communications Commission that it's going to decommission its copper facilities (which are used to offer DSL).⁸ This follows years of underinvestment into the upkeep of their DSL network.⁹ Frontier has also been notorious for not maintaining its DSL networks, leading to chronic outages.¹⁰

³ AT&T, *Financial and Operational Schedules*, at 4 (Q2, 2020) <https://investors.att.com/~media/Files/A/ATT-IR/financial-reports/quarterly-earnings/2020/q2-2020/2q20-financial-statements.pdf>; Marcattilio-McCracken, *AT&T Is Abandoning Tens of Thousands of American Households in the Deep South Who Have No Other Internet Access Option*, Institute for Local Self-Reliance (Oct. 8, 2020) <https://ilsr.org/att-is-abandoning-tens-of-thousands-of-american-households-in-the-deep-south-who-have-no-other-internet-access-option/>.

⁴Id.

⁵ Id.

⁶ Federal Communications Commission, *Internet Access Services: Status as of December 31, 2018*, at 53 (2020) <https://docs.fcc.gov/public/attachments/DOC-366980A1.pdf>.

⁷ Communication Workers of America & The National Digital Inclusion Alliance, *AT&T's Digital Redlining Leaving Communities Behind for Profit*, at 4 (2020) <https://cwa-union.org/sites/default/files/20201005attdigitalredlining.pdf>.

⁸ Wireline Competition Bureau Copper Retirement Network Change Notification Filed by Verizon New York Inc., WC Docket No. 19-85 (Mar. 29, 2019) <https://docs.fcc.gov/public/attachments/DOC-356785A1.pdf>

⁹ *CWA Calls for Regulators to Investigate Verizon's Refusal to Invest in Landline Upkeep*, Communications Workers of America (Sep. 2, 2015) https://cwa-union.org/news/entry/cwa_calls_for_regulators_to_investigate_verizons_refusal_to_invest_in_landl.

¹⁰ Jon Brodtkin, *Frontier prepares for bankruptcy, regrets failure to install enough fiber*, *Ars Technica* (Apr. 1, 2020) <https://arstechnica.com/information-technology/2020/04/frontier-prepares-for-bankruptcy-regrets-failure-to-install-enough-fiber/>.



Despite the impact of retiring or not maintaining DSL on rural and low-income consumers, the FCC hasn't, and under the existing regulatory regime, can't, do much about it. In 2017, the FCC reclassified broadband as a Title I Information Service -- a classification that takes away most of the FCC's authority to regulate broadband, and hence, the retirement of older broadband technologies.¹¹ The FCC just reaffirmed this repeal at its most recent Open meeting.¹² The FCC under Chairman Ajit Pai also repealed its previous rules requiring incumbent phone providers to notify consumers and retailers before abandoning their copper networks and to consider how service changes impact the community. Currently, the FCC essentially rubber stamps internet service provider requests to retire copper networks. *It doesn't have to be this way.*

In order to ensure that consumers are protected when internet service providers retire older technologies, Congress must step in. We urge Congress to pass legislation mandating either that the FCC regulate broadband, or that providers do not retire technologies unless they have a new technology of equal or better quality available as a replacement to all existing customers. Without such a law, companies will continue decommissioning crumbling legacy infrastructure without investing in new infrastructure in areas where doing so is not profitable.

Additionally, we encourage Congress to work with the FCC to ensure that only providers who are willing to offer high-quality broadband services to rural and low-income Americans receive federal funding. AT&T has received billions in funding from the FCC's Connect America Fund, and yet about 25% of its subscribers, largely in rural areas, cannot access broadband speeds.¹³ We can no longer allow the use of federal funds to build new networks that aren't fast enough for consumers to work and learn from home.

The FCC has prevented itself from taking action against internet service providers who retire broadband services without having a suitable replacement ready. If Congress does not want consumers, particularly those in rural and low-income areas, to lose their connectivity, it will have to take action. Thank you for your consideration in this matter.

¹¹ See Public Knowledge et. al, In re: WC Docket No. 17-108, WC Docket No. 17-287, WC Docket No. 11-42 at <https://www.publicknowledge.org/documents/group-fcc-remand-order-ex-parte-filing-on-att-terminating-dsl/>.

¹² David Shepardson, *FCC votes to maintain 2017 repeal of net neutrality rules*, Reuters (Oct. 27, 2020), <https://www.reuters.com/article/us-usa-internet/u-s-fcc-votes-to-maintain-2017-repeal-of-net-neutrality-rules-idUSKBN27C2EO>.

¹³ See H. Trostle, et al, *Profiles of Monopoly: Big Cable and Telecom*, Community Networks (Aug. 12, 2020), <https://muninetworks.org/reports/edit-report-profiles-monopoly-big-cable-and-telecom>; Marcattilio-McCracken, *AT&T Is Abandoning Tens of Thousands of American Households in the Deep South Who Have No Other Internet Access Option*, Institute for Local Self-Reliance (Oct. 8, 2020) <https://ilsr.org/att-is-abandoning-tens-of-thousands-of-american-households-in-the-deep-south-who-have-no-other-internet-access-option/>; Fixed Broadband Deployment: Provider Detail, *Federal Communications Commission* <https://broadbandmap.fcc.gov/#/provider-detail?version=jun2019&direction=d&hoconums=130077>.



Sincerely,

Access Humboldt

Benton Institute for Broadband and Society*

California Center for Rural Policy

Center for Rural Strategies

National Consumer Law Center, on behalf of its low-income clients

National Digital Inclusion Alliance

National Hispanic Media Coalition

Next Century Cities

Public Knowledge

Tribal Digital Village Network

X-Lab

*Benton, a non-profit, operating foundation, believes that communication policy – rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities to bridge our divides. Our goal is to bring open, affordable, high-capacity and competitive broadband to all people in the U.S. to ensure a thriving democracy. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.