

Congress of the United States
Washington, DC 20515

November 7, 2017

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

Dear Chairman Pai,

We write to express serious concerns with the Federal Communications Commission's lack of coordination with local governments relating to the Commission's efforts to improve deployment of broadband internet service. We are concerned about local representation on the Broadband Deployment Advisory Committee (BDAC), particularly in the context of the Commission's ongoing wireless and wireline infrastructure proceedings.¹

We believe the BDAC, as it is currently designed, lacks sufficient input from local governments and could result in recommendations that unduly preempt local authority. We therefore urge you to implement reforms to the BDAC to provide local governments with adequate opportunity to offer their perspectives regarding this important matter. We also urge you to enhance transparency by reforming the BDAC's internal procedures and ensure the public has ample opportunity to comment on any BDAC proposals before they are used as the basis or justification for Commission actions.

Broadband internet access is an essential service that American consumers and communities need to compete and fully participate in the 21st century. As Members of Congress who are committed to enacting policies that enhance broadband internet access across the U.S., we were encouraged by your decision in January to form the BDAC to advise the Commission on current regulatory barriers impeding the deployment of broadband.

However, we are concerned that the composition of the 30-member BDAC relies too heavily on the input of industry voices and less on public officials who are responsible for protecting the public interest and who understand the issues and perspectives of local communities nationwide. Speaking directly to these concerns, a recent report by the Center for Public Integrity noted that:

“More than three out of four seats on the BDAC are filled by business-friendly representatives from the biggest wireless and cable companies such as AT&T Inc., Comcast Corp., Sprint Corp., and TDS Telecom. Crown Castle International Corp., the nation's largest wireless

¹ *In the Matter of Accelerating Wireless Broadband Deployment By Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Development*, WC Docket No. 17-84.

infrastructure company, and Southern Co., the nation's second-largest utility firm, have representatives on the panel."²

The same report found that of numerous local government representatives that applied to join the BDAC, only one was originally selected to serve on the 30-member committee. While two more local officials were later appointed to the BDAC, this constitutes only ten percent of the voting membership. This imbalanced roster does not adequately represent the broad array of voices whose input is necessary to conduct a reasoned and comprehensive analysis and develop inclusive solutions which can earn acceptance from a broader array of stakeholders.

There is also the problem of the BDAC's lack of transparency and restrictions on public access to the BDAC's working documents. We're concerned that the BDAC will serve as a vehicle to advance laws and policies that serve the needs of industry at the expense of the public interest. This is reflected in the language of the BDAC overview itself, which states the purpose of the Committee is to "eliminate regulatory barriers," - presuming that regulatory protections are an inherent obstruction - other than to examine or address regulatory policy through a more holistic approach. This premise happens to adhere closely to the longtime anti-regulatory efforts of the very interests who make up the overwhelming majority of the BDAC. Taken together, those facts underscore the need for a more transparent process to reassure stakeholders that the final proposals will have resulted from a fair and measured debate.

In order to allow for a fair and balanced perspective of all stakeholders both on and off the BDAC who are committed to accelerating broadband deployment, we call on you to do the following:

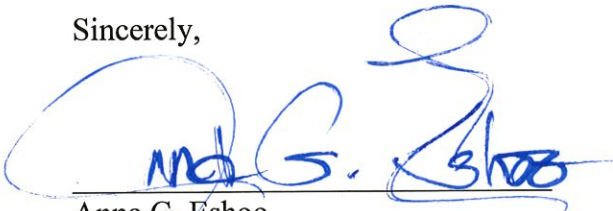
- Immediately expand representation of state and local government officials on the BDAC and all five of its working groups;
- Make all meetings, submissions, and drafts of working documents relied upon by the BDAC and its working groups publicly available and accessible to allow for input from a broader group of stakeholders;
- Provide the public with ample time to comment on recommendations and reports adopted by the BDAC before using those materials to inform, justify, or guide Commission action; and
- Refocus the work of the BDAC to create more industry accountability for increasing quality network coverage and lowering costs to all Americans, including in rural and low-income areas, instead of solely focusing on tying the hands of state and local governments.

We believe these reforms are critical to ensuring the BDAC incorporates diverse and balanced input that will ultimately lead to policies that promote the increased deployment of broadband Internet service in a manner that is consistent with the Commission's statutory obligation to serve the public interest. We're concerned that the current composition and operation of the BDAC and aggressive timeline pursued by your office will undermine the legitimacy of any eventual recommendations if the concerns we have raised here are not promptly addressed.

² Blake Dodge, FCC packs broadband advisory group with big telecom firms, trade groups, The Center for Public Integrity (Aug. 11, 2017), <https://www.publicintegrity.org/2017/08/11/21057/fcc-packs-broadband-advisory-group-big-telecom-firms-trade-groups>.

Thank you for your attention to this important request, and we look forward to your timely response.

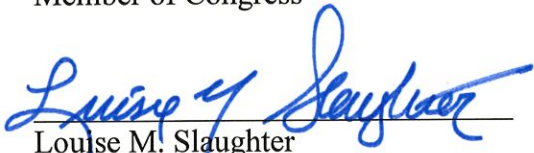
Sincerely,



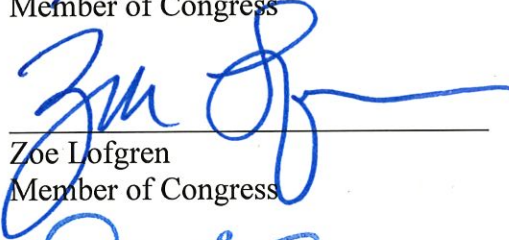
Anna G. Eshoo
Member of Congress



Ro Khanna
Member of Congress



Louise M. Slaughter
Member of Congress



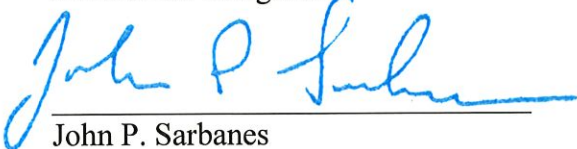
Zoe Lofgren
Member of Congress



Jacky Rosen
Member of Congress



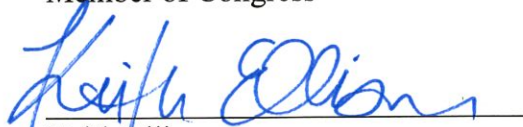
Peter Welch
Member of Congress



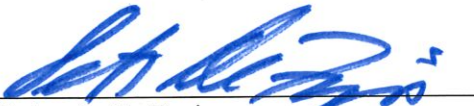
John P. Sarbanes
Member of Congress



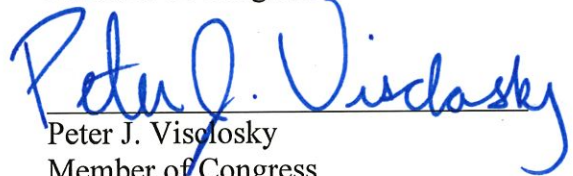
Michael F. Doyle
Member of Congress



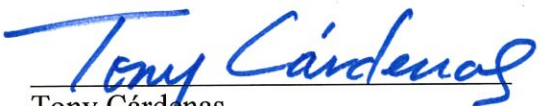
Keith Ellison
Member of Congress



Peter A. DeFazio
Member of Congress



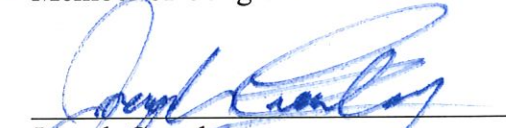
Peter J. Visclosky
Member of Congress



Tony Cárdenas
Member of Congress



Jerry McNerney
Member of Congress



Joseph Crowley
Member of Congress

- cc: The Honorable Mignon Clyburn, Commissioner, Federal Communications Commission
The Honorable Michael O’Rielly, Commissioner, Federal Communications Commission
The Honorable Jessica Rosenworcel, Commissioner, Federal Communications Commission
The Honorable Brendan Carr, Commissioner, Federal Communications Commission