

RURAL BROADBAND INSIGHTS FOR CLOSING THE DIGITAL DIVIDE



WITH PARTNER JONATHAN CHAMBERS

# Co-ops Connect FYI

By Jonathan Chambers • Jun 21, 2023

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## One Question That Could Save the BEAD Program



I have written often over the years about one particular flaw made by the FCC in its approach to broadband mapping.

- It comes down to one question. It really comes down to just one word.
- The word is an old carrier of last resort (COLR) concept familiar to electric cooperatives and rural telecommunications companies alike.

**The word is “every,”** as in:

“Does the ISP have the capacity to provide the reported level of service to *every* location in the geographic area?”

**This isn’t the flaw noted by most critics.**

- Most focus on the data from Form 477 and the Broadband Data Collection being self-reported by ISPs.
- Or, speeds being the maximum advertised speed, rather than actual delivered speeds.
- Or, in the previous maps, reporting by census block, rather than by individual location.

**The big picture:**

**“Every” is a flaw ruinous** to the BEAD program as currently constituted.

**Yet it is also easily corrected** by the states implementing BEAD.

## First, A Review



Two weeks ago, I used this simple exchange between Doug Dawson (of the [POTS and PANS blog](#)) and a fixed wireless provider.

([Read June 8 Co-ops Connect FYI.](#))

To repeat the exchange here, Doug noted:

**“In today’s world, I’m always instantly suspicious of any ISP that claims exactly 100/20 Mbps broadband since that conveniently classifies those locations as served.** An ISP making that claim is telling the FCC that everybody in their service footprint already has adequate broadband and that there is no need to give grant money to anybody to compete with them.

But such a claim is ludicrous if the ISP is deploying a technology like DSL, cellular wireless, or fixed wireless where ***it is impossible for every customer over a wide geographic area to get the ISP’s top claimed speed.*** (Emphasis added)

A commenter to Doug’s blog, a fixed wireless provider, responded:

**“If everyone in that coverage area subscribed to the 100/25, could we support that kind of usage? No...** So playing totally by the rules, if I can deliver 100/25 (our fastest residential speed) to any one single client in our ‘FCC stated’

coverage area, then I am 100% within the confines of the system that was forced upon us. (*Emphasis added*)

### Why it matters:

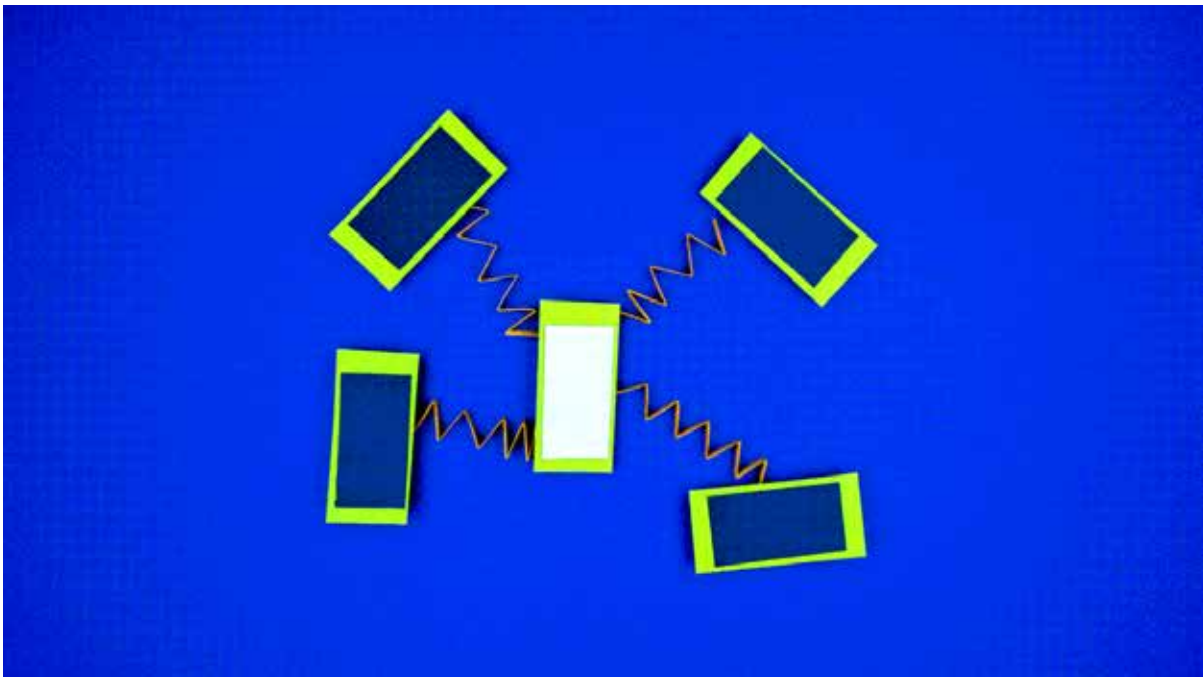
- It is true that this particular wireless provider correctly answered the question that was asked by the FCC.
- It is also true that this provider would not meet broadband COLR standards, if the speed requirement was 100/20 Mbps.

### The bottom line:

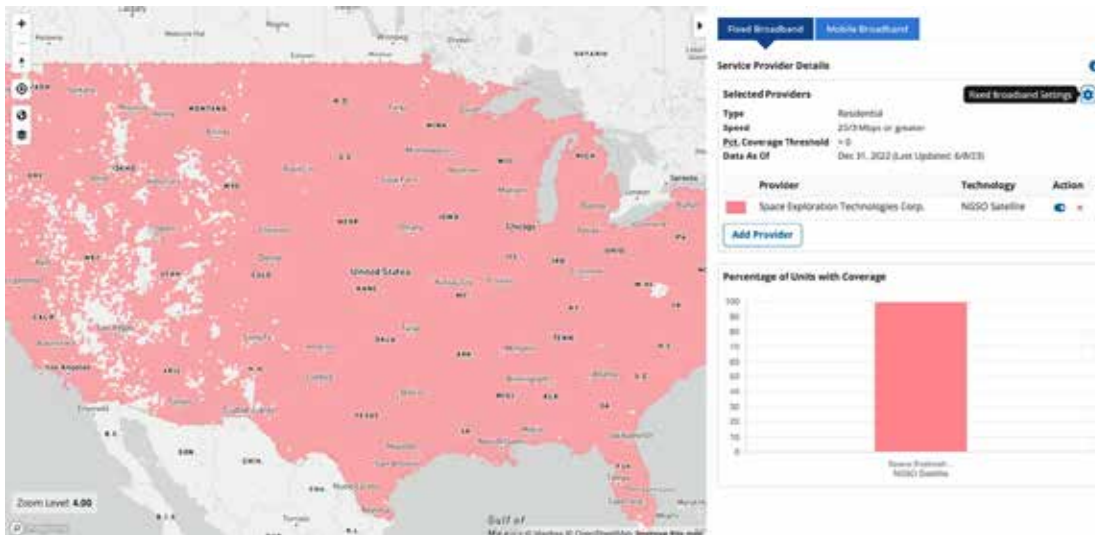
If only one ISP in an area can provide 100/20 Mbps, and that ISP cannot provide 100/20 Mbps speed to every location in a geographic area, why should the area be considered served?

By treating the area as served, no BEAD funding will be spent in that geographic area and **the area will be perpetually underserved.**

## Next, A Quick Thought Experiment



**SpaceX claims coverage** of at least 25/3 Mbps to 99.5% of the locations in the United States. (See coverage map below.)



Yet, the FCC released data showing 8.3 million locations unserved by 25/3 Mbps fixed broadband.

## Why?

SpaceX doesn't count.

- **If SpaceX service counted**, there would be virtually no BEAD program.
- The reason SpaceX doesn't count has nothing to do with Elon Musk's petulant, prepubescent behavior.
- SpaceX doesn't count because it doesn't have the capacity — neither sufficient satellite capacity nor spectrum — to provide service to the 8.3 million unserved locations.
- **SpaceX could never be** a Carrier of Last Resort in the traditional sense.

**The bottom line:**

**Nor can fixed wireless provide the requisite service over large geographic areas.**

Just as SpaceX doesn't count, nor should capacity-constrained networks that cannot deliver 25/3 Mbps or 100/20 Mbps speeds to *every* location.

## The Big Picture



The BEAD broadband maps should be scrubbed of service claims where there is a single ISP for 25/3 Mbps or 100/20 Mbps speeds and that ISP cannot answer one simple question:

**Assuming every location in your reported service area subscribes to your maximum advertised speed of at least 100/20 Mbps, can you currently provide service to every single location within the geographic area?**

The FCC knows the answer. NTIA knows the answer. **And state broadband offices should ask the question.**

- Carrier of Last Resort is traditional state law.

- It is appropriate for states to ask the question — not to impose COLR obligations, ***but to prevent ISPs from blocking funding for companies that would accept COLR responsibilities.***
- Companies like electric cooperatives. Companies like Conexon Connect. **We can answer the question in the affirmative.**

**The bottom line:**

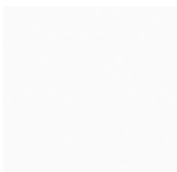
**State broadband offices have an opportunity** to fix this fundamental flaw in the BEAD maps. It's an easy fix and one that follows decades of traditional, effective telecommunications policy.

The obvious corollary to this fix is that **future public funds** should not be spent on networks that lack the capacity to serve **every** location at the required speed.

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