

United States Senate

WASHINGTON, DC 20510

January 4, 2023

Chairwoman Jessica Rosenworcel
Commissioner Brendan Carr
Commissioner Geoffrey Starks
Commissioner Nathan Simington
Federal Communications Commission
45 L Street NE Washington, DC 20554

Dear Chairwoman Rosenworcel, Commissioner Starks, Commissioner Carr, and Commissioner Simington:

We write to voice our significant disappointment and displeasure regarding the pre-production draft of Nevada's broadband map. The goal of the *Broadband DATA Act* signed into law in 2020 was to change the way the Federal Communications Commission (FCC) collected, verified, and reported broadband data. This has become all the more important with the National Telecommunications and Information Administration (NTIA) making *Infrastructure Investment and Jobs Act* broadband funding decisions based on FCC broadband maps. However, despite a clear mandate from Congress, the draft maps are deeply flawed. As Senators representing Nevada, we are seriously concerned about the Nevada map's accuracy and potential negative impacts on broadband infrastructure funding for our state.

Access to high-speed broadband access is no longer a luxury, but rather is an indispensable part of our lives. As many of our rural communities continue to struggle to connect to the internet, it is impacting their economic prospects and their educational and health outcomes as well. According to findings from the FCC's *Mapping Broadband Health in America* platform, the counties least connected via high-speed internet generally have the highest rates of chronic disease and preventable hospitalizations.^[1]

We understand the broadband mapping process is "iterative", where the Commission will add new data to update and improve the map, but the current version relies largely on self-reported data from broadband providers. We have heard concerns from our state and local leaders about the accuracy of the map for Nevada. For example, the State of Nevada's Office of Science, Innovation, & Technology (OSIT) has found over 20,000 purported broadband-serviceable locations on the map that they believe overstate coverage. They also have found incorrect information on the quality of service available to some locations and in some cases, missing serviceable locations. This level of inaccuracy has even greater impact when considering the vast space and rural nature of our state. However, these concerns cover all areas of the state, including urban, suburban, rural, and Tribal communities where already underserved

^[1] https://www.fcc.gov/sites/default/files/connect2health.key_findings.pdf

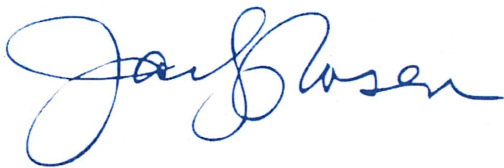
communities are going to be further hampered in their ability to access affordable and quality internet service.

These clear discrepancies may result in our state losing millions of dollars in federal funding through the Bipartisan Infrastructure Law that are critical to ensuring we are providing essential broadband service to Nevadans, as well as limiting the areas OSIT can invest federal dollars. In addition, our State Broadband Office has concerns with the current challenge process, through which states can challenge the draft maps, as it is based on assumptions that put the onus on consumers to proactively engage with providers, rather than practical access to high-speed internet for consumers or technological realities.

We therefore ask that you work with NTIA to extend the availability and location challenge process by an additional 60 days to give our state broadband office and others the time needed to verify and submit accurate data. We also ask that the Commission consider allowing our broadband office to review technical documentation that broadband providers submitted to the FCC to verify whether an area is served or unserved. Our broadband office needs access to accurate information in order to verify whether providers are actually serving our communities with the services they say they are offering.

We appreciate the scale and scope of this massive undertaking, along with the importance of delivering broadband funding to states quickly and efficiently, but we cannot afford to get this wrong. We need to comply with Congress's mandate and fulfill our promise to the American people to connect unserved communities and close the digital divide.

Sincerely,



Jacky Rosen
United States Senator



Catherine Cortez Masto
United States Senator

cc: Alan Davidson, Assistant Secretary of Commerce for Communications and Information