

October 2, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 1222

Dear Governor Cuomo,

We write today to strongly urge you to sign the **Comprehensive Broadband Connectivity Act**, A.6679C Ryan/S.8805 Metzger) which passed unanimously in the Assembly and 59-1 in the Senate at the end of July. This bill is a critical next step in continuing the great progress of your Administration in expanding access to high-quality, affordable, broadband for all New Yorkers.

During this crisis, the importance of ensuring adequate access to high-speed, reliable, affordable broadband has never been clearer. Due to COVID-19, New Yorkers have been forced to transition to virtual work and school. The internet has served as our lifeline to families, friends and the greater world. Telehealth has become the safest way to continue medical and mental health care. So many aspects of our daily lives have moved online. However, reports from our members, constituents across the state, school systems, educational institutions and healthcare providers underscore that far too many urban and rural New Yorkers lack sufficient access to adequate, high-speed broadband, because of a lack of connectivity or a lack of affordability. This is particularly true in low-income and moderate-income communities, rural areas and communities of color.

However, measuring the true extent of this problem has been practically impossible due to the imprecise federal data currently available. The FCC's Form 477 data, which maps broadband access, is based upon a flawed paradigm and insufficiently granular. The Commission's current Form 477 data collection process requires broadband providers to report deployment (i.e., "passage") at the census block level. However, the FCC's methodology considers an entire census block served if at least one household in that block has access to broadband. This flawed methodology can dramatically overstate broadband deployment, particularly in rural areas where homes and buildings are spread further apart within census blocks. To give a sense of how much the 477 might overstate broadband access, the FCC's recent Form 477 data collection estimated that 19 million US households, or about 50 million people, lacked access.¹ In contrast, a Microsoft study found that 162.8 million people do not use the Internet at broadband speeds.² A

¹ See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2019 Broadband Deployment Report (2019). To calculate the number of individuals without broadband access, I multiplied the FCC's household number by the US Census Bureau's average persons per household (<https://www.census.gov/quickfacts/fact/table/US/HCN010212>): (19M)(2.63)=50M

² John Kahan, *It's time for a new approach for mapping broadband data to better serve Americans*, Microsoft (April 8, 2019), <https://blogs.microsoft.com/on-the-issues/2019/04/08/its-time-for-a-new-approach-for-mapping-broadband-data-to-better-serve-americans>.

more recent issues brief by the National Consumer Law Center points out that “Broadband Access is a Racial Equity Priority.”³

At the very least, more accurate data is necessary to identify what areas do and do not have access to true broadband speed internet in New York State; and if not, the reason why. Furthermore, the FCC’s definition of “broadband speeds,” 25 megabits download and 3 megabits upload, are relatively slow speeds compared to what is common throughout the rest of the world, or what is possible on today’s most advanced networks. According to one recent study, residents of Taiwan enjoy average internet speeds of 85 megabits down; residents of Sweden get slightly over 55 megabits. In its most competitive markets, Verizon FiOS offers a standard package of 100 megabits up and 100 down. At a higher price point, speeds can reach 940 down and 880 megabits up.

Accurate broadband mapping is the essential first step towards closing the digital divide, or as we now know it to be, the “homework gap”. This legislation would require the Public Service Commission to collect more granular statewide data related to technology access, speed, reliability, and affordability. Armed with this data, the State would be better positioned to progress towards its goal of universal access to broadband.

Without this data, ensuring all New Yorkers have actual retail and “social” access to true, affordable, broadband will be hard to achieve and maintain. And furthermore, New York will be unable to take advantage of Federal subsidies available for this purpose. Recently, legislation passed by the House of Representatives allocated \$80 billion to broadband deployment in unserved areas as such are defined in federal law. However, due to our maps, New York would be largely ineligible for this federal money as much of our state is considered served. Yet, despite great progress in this area achieved largely on our own, we know that we still have a long way to go to achieve true universal access to broadband, and federal subsidies for build out would be very helpful.

As labor organizations representing telecommunications workers and teachers, community organizations and consumer advocacy groups, we are committed to closing the digital divide in New York State and ensuring that all New Yorkers have a choice of reliable and affordable high-speed Internet and telephone service. We are grateful for your Administration’s leadership on this issue over the last several years. We urge you to sign this bill and help us get to the next phase of ensuring broadband connectivity for all New Yorkers by passing the **Comprehensive Broadband Connectivity Act S.8805S/A. 6679C**. Now, more than ever, we must prioritize broadband equity as a part of New York’s recovery from COVID-19.

Sincerely,

A Better Balance
AARP
Asian American Federation

³ See, Olivia Wein, National Consumer Law Center, September 2020, https://www.nclc.org/images/pdf/energy_utility_telecom/telecommunications/IB_Broadband_Racial_Equity.pdf,

Common Cause
Communications Workers of America District 1
Consumer Reports
The Center for Elder Law & Justice
Hispanic Federation
Hispanic Counseling Center
International Brotherhood of Electrical Workers
Long Island Cares Inc.
Medicare Right Center
NAACP
New York Public Interest Research Group (NYPIRG)
New York State AFL-CIO
New York State Pipe Trades
New York Urban League
New York State United Teachers (NYSUT)
Planned Parenthood Empire State Acts
Planned Parenthood of Greater New York
Public Utility Law Project
Vision Long Island