STATEMENT OF

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BEFORE THE
HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY

"STRENGTHENING OUR COMMUNICATIONS NETWORKS TO MEET THE NEEDS OF CONSUMERS"

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Introduction

On behalf of the National League of Cities and the City of Loveland, thank you for the opportunity to provide testimony to the House Committee on Energy and Commerce's Communications and Technology Subcommittee on several telecommunications and broadband issues of great importance to America's communities. The National League of Cities and our cities, towns and villages are grateful to Congress for its attention to the great need to improve our nation's broadband infrastructure, to ensure that all residents have reliable access to affordable, high-quality broadband service, and to prepare our infrastructure to be resilient to future natural disasters.

I serve as the chair of the Information Technology and Communications Committee and on the Board of Directors of the National League of Cities (NLC). NLC is the nation's foremost resource and non-partisan advocate for municipal governments and their leaders, representing all of America's 19,000 cities, towns, and villages.

I also serve on the Council of the City of Loveland, Colorado. The City of Loveland, Gateway to the Rockies, is north of Denver and home to more than 76,000 residents. Loveland is also proud home of PULSE, our city-owned municipal broadband system, which was approved by our voters in 2018 and began connecting residential customers in 2020.

With Congress poised to approve a historic federal investment in our nation's broadband infrastructure, the timing could not be better for this committee to consider what further steps to take to strengthen the nation's communications networks and better meet the needs of consumers. The National League of Cities encourages this body to prioritize partnership with local governments in this effort. The past 18 months of the COVID-19 pandemic emergency have made clear that broadband is a necessary service for our residents, businesses, and local government operations. Local leaders have stepped up to the plate, gotten creative, and worked hard to connect their communities. Federal solutions should support and empower this leadership, rather than imposing a one-size-fits-all edict, when considering what further improvements should be made.

Local Governments are Broadband Leaders

Nobody is more committed to closing the digital divide than local leaders. As the unit of government closest to our residents, we see every day the impact that having – or lacking – consistent access to reliable broadband service, both fixed and mobile, has on our residents, our local businesses, and our communities. Too many American households and businesses remain isolated from reliable internet access, either because of a lack of infrastructure or because of outdated, inequitably distributed, or unaffordable options. This digital divide has a direct impact on the ability of our communities to attract new businesses and employers, retain residents, provide government services, and educate our young people.

Broadband access has evolved from a cutting-edge luxury to an essential utility for participation in daily life. The COVID-19 pandemic further emphasized the fact that internet access is a necessity for all Americans. Kindergartners adjusted to their first experience in public school by logging into virtual classrooms, furloughed workers applied for unemployment benefits through their state's online portal and frontline health care workers provided telehealth to those unable to leave their homes. Connectivity is a public health and safety issue, with residents reliant upon fixed and mobile communications networks for health information, emergency alerts, and connection to public safety services like 9-1-1.

Insufficient broadband access is not a rural-only problem – more people without broadband at home live in urban and suburban areas than in rural ones.[1] Because more people live in urban areas than rural, most digitally disconnected households are in urban areas. In terms of overall adoption of broadband, rural areas are lagging urban areas. The rural adoption rate is 81 percent compared to urban adoption rate of 86 percent.[2] Low-income residents and residents of color are still less likely to have reliable access to high-quality, in-home connections and enabling technology. Older Americans are more likely to be digitally excluded with 42 percent of American seniors (22 million) lacking

[1] Brookings, "Digital prosperity: How broadband can deliver health and equity to all communities." February 27, 2020. Access: https://www.brookings.edu/research/digital-prosperity-how-broadband-can-deliver-health-and-equity-to-all-communities/

[2] Ibid.

broadband access at home.[3] These differences also affect the kind of technology used: nearly a quarter of Black and Hispanic households report relying solely on smartphones for connectivity and lack a home broadband connection or traditional computer or laptop.[4] While mobile connections are a vital service, they are not a complete substitute for fixed, in-home high-speed connections that can be used by multiple people simultaneously, and are certainly no substitute when educational interface is needed for children.

Support Local Broadband Leadership with Federal Resources

One of the ways Congress can support and sustain this locally driven broadband leadership is through increased access to resources. Many communities are already investing substantial local funds in connectivity, whether through direct investment in public broadband infrastructure, through support for subsidized broadband connections and devices for organizations and households, or through locally funded technical support, digital navigator services, and digital literacy training. The funding made available through the American Rescue Plan Act has bolstered these efforts, and funding for digital equity, anchor institutions, and middle-mile broadband infrastructure in the Infrastructure Investment and Jobs Act and Build Back Better Act will continue this effort. Congress must also ensure that subsidy programs, such as those in the Universal Service Fund and the Emergency Broadband Benefit or Affordable Connectivity Fund, are funded sustainably for the long term, so that households and institutions may consistently access them.

Congress should also consider funding broadband planning and capacity-building efforts at the local level. While state governments will benefit from large new grant programs for broadband infrastructure, broadband is deployed at the street level. Local governments can see the consequences of digital redlining or insufficient competition but may not have the existing capacity to conduct needs assessments and build a plan to tackle the barriers their residents face in getting online. Many communities, particularly smaller communities,

[3] Older Adults Technology Services, "Aging Connected: Exposing the Hidden Connectivity Crisis for Older Adults." Access: https://agingconnected.org/report/

[4] Pew Research Center, "Home broadband adoption, computer ownership vary by race, ethnicity in the U.S." July 16, 2021. Access: https://www.pewresearch.org/fact-tank/2021/07/16/home-broadband-adoption-computer-ownership-vary-by-race-ethnicity-in-the-u-s/

would benefit from increased federal technical assistance and funding for capacity building to assist them in planning for their broadband futures. The National League of Cities is eager to partner with federal agencies to gather lessons learned from connectivity efforts made during the COVID-19 pandemic and to share that information with all communities.

Support Local Broadband Leadership by Removing Legal Barriers

Community broadband is broadband that is publicly provided, where municipalities, public-private partnerships, or cooperatives build the infrastructure and provide service directly to customers, or indirectly by providing network infrastructure access to internet service providers. Currently, more than 900 communities in the U.S., including Loveland, are served by some form of community broadband.

Cities need every tool possible to increase broadband accessibility. By prioritizing the needs of the community and broadband users, rather than simply profit, community broadband networks expand broadband availability, while maintaining High-quality and focusing on affordability. Access to community broadband equips cities with the ability to address digital divide issues in whatever manner makes sense for their residents and respects the local decision-making of these communities. In our community, having a community broadband network meant we were able to respond to the COVID-19 pandemic and rise of remote school by cooperating with the local school district to use a state grant to expand fiber service to students living in a remote canyon area and a local mobile home park, where broadband access was not available and mobile hotspots performed poorly.

When cities choose to pursue community broadband initiatives, they frequently have widespread community support. An April 2021 survey found that 53 percent of American adults believe that local governments should be allowed to build their own broadband

networks.[5] When my city of Loveland placed the question of our own municipal network on the ballot, it was supported by 82% of the vote.

Community broadband also has the potential to directly benefit the telecommunications industry. Public-private models and open access network models allow cities to directly invest in broadband infrastructure where it is most needed, while private companies create profit and generate local jobs by operating the systems, providing service directly to customers, and handling marketing of the service. And in Loveland, Council mandated that PULSE add capacity to work with private providers for direct links between businesses and future needs for wireless providers, making it easier for these companies to add wireless infrastructure in our community.

Access to community broadband, however, is not available for all. More than a third of states have banned it as an option or instituted barriers that make it difficult to set up. Not only does this interfere with the attempts of communities to establish their own networks, but it also impacts the quality of broadband available to residents.

According to a study conducted by Brian Whitacre and Roberto Gallardo, cities in states with community broadband restrictions had lower broadband availability rates than states without restrictions, a difference of 3.1 percentage points lower than would be expected without restrictions.[6] These negative impacts of community broadband restrictions were even more pronounced in rural areas, with lower levels of access to high quality broadband. Community broadband can ensure coverage in underserved or unserved parts of the community where internet service providers have determined it is not cost effective to build their networks. In states with restrictive municipal broadband legislation -- cities, towns and villages are unable to pursue community broadband networks, and their citizens suffer the consequences.

Until these state barriers to direct local broadband infrastructure investment are removed, the U.S. will continue to fight the digital divide with one hand tied behind its back.

[5] Morning Consult, "About Half the Public Thinks Local Governments Should Be Able to Pursue Their Own Broadband Network Build-Outs." April 26, 2021. Access https://morningconsult.com/2021/04/26/municipal-broadband-private-isps-poll/

[6] Whitacre and Gallardo, "State broadband policy: Impacts on availability." October 2020. Access: https://www.sciencedirect.com/science/article/abs/pii/S0308596120301178

Legislation such as the Community Broadband Act would remove these unnecessary barriers and allow cities, towns and villages to make their own decisions and investments in broadband infrastructure. Local officials know that the challenges to connectivity are different in every community, and so the solutions must be locally tailored as well. Community broadband is an effective tool in the nation's infrastructure toolbox. Communities that are interested, willing and able to invest their own resources in publicly owned broadband infrastructure must be supported in doing so.

Support Local Broadband Leadership by Maintaining Strong Local Authority

Network improvement and resilience are key priorities for local governments. The City of Loveland is eager to benefit from advances in technology, such as the deployment of 5G service. It is also important to our community that the city maintains its central role in protecting our consumers, our public infrastructure, and our public safety when working with telecommunications providers to build new infrastructure, improve existing networks, and deploy new technologies.

Local governments oversee infrastructure development and manage permitting processes because they have the local knowledge to do so effectively. Our city maintains standards to ensure that telecommunications infrastructure, such as wireless infrastructure, does not interfere with other uses of city property and city streets, that streets and sidewalks are kept safe and accessible, that new or modified structures are not unsightly or hazardous, and that installation and maintenance of those structures does not present a danger or nuisance to nearby residents. Even in the early days of the pandemic, my city and many others worked hard to collaborate with residents and businesses to ensure that local permitting and review processes were able to continue in a timely fashion, adapting to safety and social distancing requirements through virtual meetings and inspections. In addition, local governments regularly assess fees for these permits and for private, for-profit use of public rights of way. Public property is maintained on behalf of a community's residents, and local governments have an obligation to obtain adequate compensation for use of public property by private entities. In many cases, local governments are legally obligated to do so by state constitutions with anti-gift provisions.

The National League of Cities opposes federal preemptions of local permitting and review processes that impose by-right or deemed granted requirements, or unduly restrict the ability of local governments to assess adequate and appropriate compensation for permit review or the use of public property. These one-size-fits-all mandates are an unnecessary overreach that hamper the ability of local governments to balance deployment speed with other community needs, and do not meaningfully contribute to closing the digital divide.

Broadband providers are better served by working in collaboration with communities. In western communities, such as those in Colorado's Front Range, we have grappled with increasingly extreme fire seasons. The rise in extreme weather, such as storms and fires, threatens the integrity of our telecommunications infrastructure. Local leaders understand the importance of hardening telecommunications infrastructure against disaster and restoring network functionality quickly in the wake of a fire, storm, or other catastrophe. We depend on functioning wireless and broadcast networks to send emergency alerts and evacuation notices to our residents and to distribute public safety information.

It is crucial that local leaders continue to be an active part of the emergency preparation and recovery process. Local governments want to see communications infrastructure improved, to provide for redundancy, backup power, and resistance to extreme weather. Local governments want to work with providers to ensure that damaged or destroyed communications infrastructure is restored quickly after disasters. Local governments need clear, timely insight into network outages that may impact resident access to services like 9-1-1. That should not and does not need to come at the cost of effective local oversight of construction or modification of telecommunications infrastructure within our communities.

Conclusion

Local governments have led the way throughout the COVID-19 pandemic in measuring access gaps in their communities and seeking emergency solutions, such as mobile hotspots and public wi-fi access points in parks. However, more work needs to be done to address the root causes behind the digital divide. As we recover and rebuild a stronger broadband future, Congress must invest in sustainable, locally led solutions to close the digital divide in rural, suburban, and urban communities, and help local

governments build the capacity to plan and implement future broadband development. Congress should empower community leaders to drive broadband solutions by removing legal barriers to local leadership. Lastly, Congress must preserve and uphold local oversight authority as it seeks ways to speed the deployment of broadband infrastructure throughout the country. The National League of Cities looks forward to partnering with this committee and federal agencies on these challenges.