

July 24, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 25010

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Pelosi, and Minority Leader McConnell:

Thank you for your continued efforts on a bipartisan infrastructure package, which would bring once in a generation investments to our communities. We applaud your leadership and stand ready to marshal support for this critical funding.

We were heartened to see that the deal announced last month includes \$65 billion for broadband infrastructure. As the COVID-19 crisis has demonstrated, the need for broadband investment is vast. Our communities, and many others across the United States have worked tirelessly to ensure our residents have access to affordable, reliable internet, and invested significant resources towards this goal. However, the digital divide persists and greater investment is critically needed.

As you work to finalize the broadband investments in the bipartisan package, we urge you to:

- **Ensure that local and tribal governments are able to apply directly to the federal government for funding:** Funding for broadband should not only be allocated to states. Local and tribal governments should have the opportunity to compete directly for federal funding. Under a scenario where only states are able to receive they funding, they could choose to opt out of receiving funding, meaning that cities, counties and tribes in those states lose access to broadband funding. Additionally, cities in states that do opt for broadband funding are at the discretion of the state to be allocated those funds. Further, many cities have the responsibility of managing their roads and streets. If states have sole responsibility for the funding, there is a disconnect with where the dollars are flowing and who has the responsibility/control for granting access to wire. Local governments can better allocate funds to their underserved and unserved communities directly and more immediately without going through state-level governments.
- **Increase the 25/3 speed bar, with an emphasis on upload speeds:** The current 25/3 capacity level is insufficient to ensure all family members can participate simultaneously in online learning and working – more sufficient would be symmetrical download and 100/100 Mbps, including incentives for scalability up to 1 Gbps. In addition, speed tests

must have an annual or periodic escalator. What was meaningful five years ago, is not today and the emphasis should be on upstream.

- **Prioritize affordability:** Affordability must be a consideration in the determination of what areas are served, unserved and underserved. Speed is important, but not at any cost. Local governments must have the ability to increase broadband access not just for households that lack a physical connection but also where they lack access due to affordability. In addition, any entity that receives federal funding must provide an affordable tier of service.
- **Eliminate reference to “utility rates”:** There should not be any additional limitations on local governments’ ability to manage the public rights-of-way or to require fair and reasonable compensation from providers, on a competitively neutral and nondiscriminatory basis, for use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by such government. Existing public-private partnerships should be honored and local governments must be provided with flexibility to enter into new public private partnerships.
- **Ensure that funds can be used for last mile infrastructure and adoption, especially for urban communities that have historically been left behind:** This includes funding for equitable access to and administration of affordable and sustainable connectivity, suitable devices, outreach and awareness, digital navigators to support signing up communities facing multiple barriers, and digital literacy training to support use of internet access. Funds are also critical to help staff and administer the program.
- **Include the provisions of the Community Broadband Act:** State laws that inhibit, condition or preempt municipal broadband projects remove what may be an important option to ensure unserved and high-cost areas have access to affordable and reliable broadband services. Federal funding to close the digital divide will not go as far as it should if states retain these laws.
- **Provide additional funding for the Emergency Connectivity Fund (ECF) and Emergency Broadband Benefit (EBB) and Lifeline Programs:** Additional support for the Emergency Broadband Fund (EBB) and Emergency Connectivity Fund (ECF) programs are essential to ensure that all Americans have access to affordable, robust and equitable phone and home broadband service. Flexibility will be key in order to constantly meet the changing technological landscape. Further, we urge you to broaden the scope of the ECF program to authorize local governments to become “Billed Entities” which will lead to the better coordination of delivering services by all agencies of a government.

We look forward to working together to achieve an equitable nationwide strategy for broadband connectivity that benefits everyone.

Sincerely,

Mayor Jim Kenney
Philadelphia, Pennsylvania

Mayor Lori E. Lightfoot
Chicago, Illinois

Mayor Michael B. Hancock
Denver, Colorado

Mayor John Giles
Mesa, Arizona

Mayor Jim Brainard
Carmel, Indiana

Mayor Greg Fischer
Louisville, Kentucky

Mayor Jenny Wilson
Salt Lake County, Utah

Mayor Victoria Woodards
Tacoma, Washington

Mayor Eric Garcetti
Los Angeles, California

Mayor Lily Mei
Fremont, California

Mayor Patricia Dawson
Riverside, California

Mayor Sam Liccardo
San Jose, California

Mayor Tom Barrett
Milwaukee, Wisconsin

Mayor Cassie Franklin
Everett, Washington

Mayor Kate Gallego
Phoenix, Arizona

Mayor Satya Rhodes-Conway
Madison, Wisconsin

Mayor Alan L. Nagy
Newark, California

Mayor Todd Gloria
San Diego, California

Mayor Kim Janey
Boston, Massachusetts

Mayor Dan Horrigan
Akron, Ohio

Mayor Robert Garcia
Long Beach, California

Mayor Kevin Lincoln
Stockton, California