

# United States Senate

WASHINGTON, DC 20510

May 26, 2022

Hon. Gina Raimondo  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Hon. Alan B. Davidson  
Assistant Secretary for Communications and Information  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Dear Secretary Raimondo and Administrator Davidson:

We write today to express concern about the Notice of Funding Opportunity for its infrastructure grant programs issued on May 13, 2022 (NTIA-BEAD-2022), by the National Telecommunications and Information Administration (NTIA). In particular, the notice states that, when distributing funding authorized by the Infrastructure Investment and Jobs Act's Broadband Equity, Access, and Deployment program, NTIA will "prioritize projects designed to provide fiber connectivity directly to the end user." Additionally, NTIA proposes to give funding priority to "those [projects] that use end-to-end fiber-optic architecture." To support this decision, NTIA states that only fiber technologies can achieve the scalability needed to meet the evolving needs of consumers over time, as well as to "support the deployment of 5G, successor wireless technologies, and other advanced services."

The decision to prioritize fiber at the expense of other technologies is concerning for several reasons, not least of which that it is contrary to the intent of Congress in the Infrastructure Investment and Jobs Act (IIJA). That language directed NTIA to give priority to projects based on speed, latency, reliability, quality of service, and the expected timeliness of project completion. Nothing in the text suggests that Congress intended for NTIA to preference fiber at the expense of fixed wireless, mobile wireless, satellite, or other viable technologies. Moreover, this decision contradicts the language of the IIJA itself, which calls on NTIA to prioritize areas unserved by broadband at speeds of 25 mbps / 3 mbps – which non-fiber technologies can easily achieve – and to use grant funds to support the deployment of 5G and other advanced wireless technologies.

Technology neutrality has long been a basis for broadband funding distributed by the Federal Communications Commission. When it ran its Rural Digital Opportunity Fund (RDOF) auction, for example, companies with winning bids offered many different technologies, not just fiber. Yet, on its own accord and with little to no explanation, NTIA chose to diverge from this approach.

A fiber-first rule makes no sense for many areas of rural America, especially in the state of Tennessee. We are concerned that this rule risks leaving large areas of the state unserved due to terrain that is not conducive to fiber deployment. Topography ranging from swamps to mountains makes deploying fiber in low density rural areas of the state extremely difficult, if not impossible. Last month, the Tennessee Department of Economic and Community Development published its state broadband maps. The maps enable users to view areas of the state that are unserved by broadband at 25 mbps / 3 mbps. Looking at these maps, in fact, there is no fiber in the hard-to-serve areas at all. Yet fixed wireless is available in many places, and mobile wireless also has a large presence across the state. Enabling these technologies to expand their respective footprints would more quickly and cost effectively close the digital divide.

We appreciate your attention to this issue and urge you to reconsider your prioritization of broadband deployment projects going forward. We stand ready to work with you on this matter.

Sincerely,

  
Senator Marsha Blackburn

  
Senator Bill Hagerty