Oct. 29, 2020

BDAC Debates Working Group Recommendations

The FCC’s Broadband Deployment Advisory Committee today approved recommendations from its disaster response and recovery working group and its broadband infrastructure deployment job skills and training opportunities working report, leaving the final working group, which focuses on issues related to increasing broadband investment in low-income communities, to revise its report between now and the BDAC’s December meeting in light of comments received from the full BDAC today, notably including concerns expressed by municipal government stakeholders that language in the draft could be read as supporting preemption of local governments.

The BDAC had been scheduled to continue its virtual meeting tomorrow, but it concluded all the business on its agenda today.

The increasing broadband investment in low-income communities working group’s draft report included five recommendations aimed at “the general community,” as the group found that incentives and recommendations that increase adoption of more broadband would increase adoption in low-income communities.

Recommendations focused on low-income communities included addressing issues holistically by tackling a variety of factors such as cost of service, device affordability, and digital skills and relevance; improving data by making it as localized and accurate as possible and by covering both fixed and mobile broadband; improving data sharing among relevant groups; improving engagement and coordination by all stakeholders in public and private sectors; improving affordability; and improving outreach.

Recommendations for community deployment included tax incentives such as job creation tax credits and property tax abatements; removing regulatory barriers; expanding use of the Community Reinvestment Act for broadband and infrastructure projects; facilitating middle-mile and last-mile broadband deployment; and considering expansion of advanced broadband connectivity for rural health care, online learning, and telecommuting; evaluating the effectiveness of temporary coronavirus initiatives implemented by FCC and broadband providers and, where they are found effective, considering making those measures permanent; funding the Broadband DATA Act; facilitating tower siting; improving access to spectrum especially in rural areas; basing license buildout requirements on geographic coverage as well as population served; and adopting a use-it-or-lose-it policy for spectrum licenses.

The draft report’s low-income deployment recommendations included creating gigabit opportunity zones and establishing set-asides in Rural Utility Service and FCC programs for investment specifically in low-income communities.
Nancy Werner, general counsel of the National Association of Telecommunications Officers and Advisers, expressed concerns about some of the language in the report, such as a recommendation to “establish state and local streamlined broadband deployment-friendly policies.” She said, “I don’t know what this recommendation means as a practical matter and who it’s addressed to.”

Low-income communities working group Chair Tom Ferree, who is chairman and chief executive officer of Connected Nation, said the working group addressed those concerns in a revised draft report to be considered at the December meeting.

Ms. Werner said, “I represent local government members and I can’t support recommendations that may be going toward preempting local government. Maybe not. I’m really not sure what the issue is.”

She said that in other situations, the word “streamlined” has meant “preempt local government.”

Eve Lewis, assistant city attorney for Coconut Creek, Fla., also expressed concern that “streamlining” can be taken as “preemption.”

BDAC Chair Elizabeth Bowles, who is president and chair of Aristotle, Inc., asked what word would be preferred.

Larry Hanson, executive director of the Georgia Municipal Association, expressed concern about singling out property tax abatement as a tax incentive idea, when “I don’t think we are in an economic environment where that is viable” for economically strapped municipalities facing falling revenues.

Kelleigh Cole, manager of strategic projects at the Utah Education and Telehealth Network, asked to change language that she felt could be read as giving preference to private companies when it comes to allocating spectrum.

The report of the disaster response and recovery working group — the group’s second report, with a focus on pandemic response and recovery — recommends that Congress fund broadband deployment in unserved areas in a timely manner; that the FCC examine ways to improve the Lifeline program; that private and public sector employers implement virtual workforce best practices; that governments establish nonemergency permitting practices that can transition to function during disasters, such as online permitting processes and portals that allow for a fully online application and processing; that governments establish e-mail addresses and drop boxes for permit applications.

The report also recommends that the FCC consider additional expedient use of special temporary authorizations (STAs); that funding should remain flexible to address the root issues of availability and adoption; that the Department of Homeland Security engage more with state, local, tribal, and territorial offices on access letter qualification for telecom and broadband restoration crews; and that providers continue sound traffic engineering practices, including innovations such as software defined networking and network function virtualization. The report highlights innovative approaches to installation that providers have rolled out during the pandemic, such as customer self-installation and contactless repairs.

Disaster working group Chair Red Grasso, who is FirstNet’s state point of contact for North Carolina and who works for the North Carolina Department of Information Technology, noted that the group pulled
five recommendations from its first report, which was written before the effects of the COVID-19 pandemic were felt by broadband networks and which took a wider “all hazards” approach. He said those five recommendations were also applicable to the pandemic-focused report.

Mr. Grasso also emphasized that U.S. broadband networks responded well to the changes in broadband traffic patterns and that municipalities were generally able to continue their permitting processes so that they did not become an obstacle to broadband facility deployments.

Disaster working group Vice Chair Jonathan Adelstein, who is president and chief executive officer of the Wireless Infrastructure Association, emphasized that the report could serve as a guide if another pandemic, potentially with greater morbidity, occurs.

Mr. Grasso said, “We did not see supply chain issues, but it may be something to keep an eye on. There may be smaller entities that lack buying power of larger entities.”

The disaster working group report was adopted with little discussion other than praise for the group’s work and confirmation by BDAC members that it reflected their own experiences, as well.

The job skills and training working group’s report recommended forming or adhering to a coalition of broadband-related trade groups to jointly advance workforce development initiatives; promotion of the creation of industry-relevant job codes by the Department of Labor; to coordinate national standardization on training programs; to request that part of any congressionally approved broadband infrastructure funding be used for workforce development; and to gather information on wages by career paths and skills.

The report was approved by the full BDAC with little discussion.

During remarks at the beginning of the meeting, FCC Chairman Ajit Pai thanked members for their work and noted how the importance of broadband has increased during the COVID-19 pandemic as work, education, health care, and other activities have shifted online. —Lynn Stanton, lynn.stanton@wolterskluwer.com

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