



Tuesday, June 9, 2020

America's Broadband Moment: Creating a Broadband Competition Policy Agenda

Broadband competition is more important than ever because – in these crises and beyond – America has fast-forwarded into its broadband future. But broadband competition is limited: At a typical broadband speed of 100/10 Mbps, at least 80% of Americans face either a monopoly (no choice) or a duopoly (only one choice) for fixed service. It's worse in rural America, where monopoly is even more prevalent.^[i] The impact is obvious: higher prices, lower quality and/or slowed innovation limiting the ability of people to participate fully in society and the economy.

Here are five significant ways governments can encourage competition.

1. Focus Federal Dollars on High-Performance Broadband

The Federal Communications Commission still finds that 25/3 Mbps service counts as broadband. It does not. Consider that upstream speed: a family of three trying to work and study while simultaneously using live video applications. This usage can easily eclipse 3 Mbps.^[ii]

To meet the growing demands for both upstream and downstream transmission, Congress should establish high-performance standards for any network construction or upgrades that federal funding supports so that these networks are scalable to meet future needs. If there are areas in which it is impractical to build High-Performance Broadband networks now, Congress should support connections while ensuring that residents there are not locked into years of limited service without any promise of upgrades.

"Overbuilding" provides no basis for objection. No one is arguing that the FCC's pending Rural Digital Opportunity Fund auction is "overbuilding," even though it will pay companies to construct new networks in places in which the FCC already paid billions of dollars to construct internet-access networks that are now judged to be inadequate.^[iii] Federal dollars should be spent on future-proof networks.

2. Encourage New, Competitive Entrants and Local Experiments in Private-Public Collaboration.

The formula for competition is simple: "The more the merrier."

- **Prioritize Open-Access Networks that Facilitate Competition Between Multiple Providers:** Federal programs should give preference in awarding funding to broadband network builders that choose to provide open access.^[iv]
- **Support Open-Access, Middle-Mile Networks:** Federal funding should support the deployment of middle-mile networks that offer nondiscriminatory access to private providers to reach residences and small businesses.
- **Allow Municipal Experimentation:** States should repeal and, if necessary, Congress should pre-empt current state laws that restrict municipalities and counties from experimenting with various ways of increasing broadband deployment.
- **Encourage Local Planning:** Even applying for federal or state broadband support requires funding. The federal government should provide the kind of support offered by multiple states, including Illinois, which provide grants to eligible municipalities and/or economic development organizations in order to assist in the creation of a local or regional broadband strategy.^[v]

3. Expand Competition for Residents of Multi-Tenant Locations

Thirty percent of all Americans live in so-called multi-tenant environments (like apartment buildings). They should be able to choose from providers that want to serve them; not forced to buy service from providers they don't want to use.

4. Empower Community Institutions to Act as Launching Pads

Congress should erase legal uncertainty over the ability of community institutions to allow private broadband providers to reach from those buildings into nearby neighborhoods.

5. Gather Pricing Data and Other Information Necessary to Promote and Assess Competition

Competition cannot be measured without public access to broadband pricing and terms of service.

- **Collect and Make Public Broadband Pricing Data:** Congress should require medium-sized and large broadband providers to disclose their residential pricing (with fees and ancillary charges) for each market and the FCC should provide public analyses of competition in local markets.
- **Reinstate the Broadband Consumer Disclosure Label:** Congress should reinstate its Broadband Consumer Disclosure Label, which will empower consumers to make better-informed choices.



[Jonathan Sallet](#) is a Benton Senior Fellow. He works to promote broadband access and deployment, to advance competition, including through antitrust, and to preserve and protect internet openness. He is the former-Federal Communications Commission General Counsel (2013-2016), and Deputy Assistant Attorney General for Litigation, Antitrust Division, US Department of Justice (2016-2017).

[i] See, e.g., United Soybean Board, "Rural Broadband and the American Farmer," 9, 2019, ("78% of farmers don't have a choice in office internet service providers."), <https://api.unitedsoybean.org/uploads/documents/58546-1-ruralbroadband-whitepages-final.pdf>; Federal Communications Commission, 2020 Broadband Deployment Report, 23, Fig. 4, <https://www.fcc.gov/document/new-fcc-report-shows-digital-divide-continuing-close-0>

[ii] To achieve basic streaming at 720p resolution without problems, several common video platforms recommend at least 4 Mbps upload capabilities dedicated to the upload process, and more natural, higher quality 1080p video requires between 5 and 9 Mbps. See, e.g., YouTube, "Choose Live Encoder Settings, Bitrates, and Resolutions," available at <https://support.google.com/youtube/answer/2853702?hl=en>, accessed May 1, 2020; Facebook, "What Are the Video Format Guidelines for Live Streaming on Facebook?," available at https://www.facebook.com/help/1534561009906955?helpref=faq_content, accessed May 1, 2020; Twitch, "Broadcasting Guidelines," available at <https://stream.twitch.tv/encoding/>, accessed May 1, 2020. While not yet widely adopted, telemedicine and other important teleconferencing uses are likely to adopt 4k resolutions that tend to require between 13 and 51 Mbps of dedicated bandwidth. See, e.g., YouTube.

[iii] For example, in the early and mid-2010s, several billion dollars in funding was made available through the Connect America Fund High Cost Program, much of which was to upgrade copper wire networks to meet speed requirements of 10 Mbps or less. See, e.g., https://www.ntia.doc.gov/files/ntia/publications/fcc_universal_service_fund_overview.pdf.

[iv] Clyburn, Pallone, and 10 House Dems Announce Plan to Connect All Americans to Affordable Broadband Internet, Apr 30, <https://www.majoritywhip.gov/?press=clyburn-pallone-and-10-house-dems-announce-plan-to-connect-all-americans-to-affordable-broadband-internet>.

[v] Washington's [Broadband Program Planning Feasibility Grants](#), Indiana's [Broadband Readiness Pilot Planning Grant](#), [Maine](#), [Connecticut](#), [Illinois](#).

The Benton Institute for Broadband & Society is a non-profit organization dedicated to ensuring that all people in the U.S. have access to competitive, High-Performance Broadband regardless of where they live or who they are. We believe communication policy - rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities.

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