

May 31, 2018

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Ajit Pai,

We commend you for pledging to close the digital divide. Unfortunately, the recent actions of the Federal Communications Commission have served to widen the digital divide, particularly in rural America. Through unnecessary repeals of effective consumer protections, the Commission has contracted to *downgrade* rural America instead of upgrade it.

For nearly five years, the Commission implemented common sense safeguards that accelerated the deployment of affordable, advanced communications to all Americans while protecting consumers from harmful carrier practices during the transition from legacy to new networks. However, starting last November, the Commission began to strip these protections from the books. The protections they have targeted are critical in areas still operating on the traditional copper network, like much of rural America. These communities could benefit from an upgrade to 21st century networks, but not if local monopoly carriers are free to eliminate or change their current service without advanced notice, or ensure it's replaced with an equally adequate service. Millions of Americans rely on the copper network every single day in states like Pennsylvania (1,304,000 consumers and 995 businesses), Illinois (800,000 consumers and 1,459,000 businesses) and Texas (1,381,000 consumers and 1,814,000 businesses).<sup>1</sup> If the FCC repeals these safeguards, many in rural America could lose access to important services and receive less reliable internet than urban areas. This would in turn widen the already troubling digital divide;<sup>2</sup> 39 percent of America's rural population lack access to high-speed internet connection.<sup>3</sup>

The Commission is also set to vote at its June open meeting on whether it will dismantle more of these consumer protections. The Commission's draft order<sup>4</sup> eliminates crucial Communications

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<sup>1</sup> *State by State Breakdown of ILEC Subscribers*, based on FCC and Census Bureau Data, available at [https://www.publicknowledge.org/assets/uploads/blog/ILEC\\_Telephone\\_Subs.pdf](https://www.publicknowledge.org/assets/uploads/blog/ILEC_Telephone_Subs.pdf).

<sup>2</sup> Perrin, Andrew, *Digital gap between rural and nonrural America persists*, Pew Research Center, May 19, 2017, <http://www.pewresearch.org/fact-tank/2017/05/19/digital-gap-between-rural-and-nonrural-america-persists/>.

<sup>3</sup> 2016 Broadband Report, Federal Communications Commission (rel. Jan. 29, 2016), <https://www.fcc.gov/document/fcc-releases-2016-broadband-progress-report>.

<sup>4</sup> *Accelerating Wireline Broadband Deployment by Removing Regulatory Barriers*, Draft Second Report and Order, Federal Communications Commission (rel. May 17, 2018), [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0517/DOC-350769A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0517/DOC-350769A1.pdf).

Act protections meant to provide consumers with adequate, reliable replacement services, educational materials, and purposeful processes when transitioning from legacy to next-generation services. The Commission is poised to create loopholes within its current section 214 discontinuance rules that would allow carriers to opt out of requirements that historically have served as a check and balance between consumers and industry. Specifically, the Order reduces carrier responsibility and allows carriers to abruptly turn off legacy services, even if the replacement service will not provide the same quality support or device compatibility as the legacy service. Without educational outreach requirements created by the previous Commission, consumers will be left to rely on their carriers for honest, plain language information about network changes-- something most consumers do not trust their providers to provide. Giving carriers the green light to leave consumers in the dark about coming changes to their services is not an upgrade; it is a downgrade.

Consumers need the Commission to fulfill its statutory mandate and protect consumers -- particularly those most vulnerable to harmful practices by carriers like those in rural communities, small businesses, the elderly, and people with disabilities. We urge the Commission to reject the elimination of these basic consumer protections and hold providers accountable to consumers, instead of giving them a free pass to downgrade Americans' essential communications services.

Respectfully,

Center for Rural Strategies  
Greenlining Institute  
Institute for Local Self Reliance  
Kentucky Resources Council  
National Digital Inclusion Alliance  
Public Knowledge

Cc: Commissioner Mike O'Rielly  
Commissioner Jessica Rosenworcel  
Commissioner Brendan Carr