U.S. CONGRESSMAN
ANTHONY BRINDISI
22ND DISTRICT OF NEW YORK

REPORT ON THE STATE OF BROADBAND ACCESS IN NEW YORK'S 22ND CONGRESSIONAL DISTRICT

AUGUST 3, 2020

U.S. CONGRESSMAN ANTHONY BRINDISI 22ND DISTRICT OF NEW YORK | NY-22 State of Broadband

Upstate New Yorkers know the reality of high-speed internet access in our area. While cable companies and federal officials boast about building 5G networks and 10G speeds in big cities, small towns and rural communities are left with internet service that is slow and sporadic – where it exists at all.

Families on tight budgets see their bills jump month after month as prices rise with no improvement in service. Parents who need internet access so their children can do their schoolwork are told by cable and internet companies that they need to spend $10,000 or more just to get their house connected. And seniors who see overcharges on their bill need to choose whether to spend hours on the phone arguing with customer support or give up and accept the error.

During my time in office, I have received countless calls and letters from constituents voicing their frustration regarding internet service in our area. That is why, in November 2019, I launched a district-wide broadband availability survey at Brindisi.house.gov. This survey allowed residents of New York's 22nd Congressional District to take a speed test to see how their real at-home internet speeds compared to the speeds promised by their Internet Service Provider (ISP). It also gave constituents an opportunity to rate their ISP on service quality, customer care, price, and other metrics. My office also mailed forms to constituents to complete so we could hear from those who do not have internet service.

The feedback I received was overwhelming. More than 1,000 households completed the survey, providing real data on internet access and reliability. For those of us who live here, the results were not surprising. The survey revealed that **New York's 22nd Congressional District has the slowest overall internet speeds of any area in the state.**

It's clear that when it comes to internet access, rural America has been left behind.

Investments in broadband infrastructure are sorely needed. There is no reason why our country, which connected every remote farm and homestead to the power grid a century ago, can't connect every home to the internet today. Whereas the lack of internet access used to be an inconvenience, now it is a towering roadblock to a family's financial security and a student's educational success.

A key component to fixing this problem is free market innovation and competition in the broadband space. Too many families are stuck with subpar and overpriced service with no alternatives; because there is only one ISP in their town, they cannot take their business elsewhere if they are dissatisfied with their service. **More than 50% of survey respondents rated their experience with their internet company as "Poor" or "Terrible."** If we had real competition in the broadband marketplace, we could see faster speeds, lower prices, and better customer service.

The results of the survey, contained in this report, have been shared with state and federal officials as well as the cable and internet companies active in our area. It is my hope that this data will serve as wakeup call to those who doubt the scale of this problem.

Based on the results of this survey, I have four recommendations for federal and state policymakers, which I will continue to fight for in Congress:

1) **Smarter decisions with better data**. Shockingly, the Federal Communications Commission (FCC) doesn't even know what areas have broadband and what areas don't. They rely on outdated maps that misdirect government funds, leaving behind rural areas that need broadband infrastructure. The FCC must collect better data and target investments where they are truly needed.

2) **Bigger broadband buildout.** Federal agencies such as the FCC and US Department of Agriculture must work with state and local governments to ensure that investments in broadband infrastructure go to unserved and underserved areas. Regulators must closely monitor cable and internet companies to ensure they are bringing access to new homes and fulfilling their legal obligations.

3) **Stronger oversight of taxpayer dollars**. ISPs often underdeliver when they use government programs to pay for broadband expansion. There must be stronger oversight to ensure that ISPs are delivering the speeds required when they take government subsidies.

4) **Greater market competition**. Many of the problems facing customers, such as rising prices and poor customer service, would be fixed with more choices in the market. Free market competition would allow ISPs, including local companies, co-ops, and municipalities to compete for customers.

Thank you to every New Yorker who participated in this survey and to everyone who has reached out to my office to share stories about their internet service. Together we will push for change and expand broadband access and economic opportunities in rural America.

SURVEY RESULTS

This survey was conducted from November 22, 2019 through July 24, 2020 with 1,187 respondents. Responses were submitted through Brindisi.house.gov and through the mail.

Do you have at-home internet service?

	Number of responses	Percentage
Yes	1062	90%
No	120	10%

If no, why not?

	Number of responses	Percentage
Internet service is not available where I live	112	67%
Internet service is too expensive	23	14%
I don't have a need for it at home	1	1%
Some other reason	31	19%

If yes, what kind of service do you have?

	Number of responses	Percentage
Broadband (cable or fiber)	659	60%
Digital Subscriber Line (DSL)	218	20%
Other	169	15%
Dial-up	7	1%
Don't know	46	4%

Who is the company that provides your internet service (your "Internet Service Provider")?

	Number of responses	Percentage
Charter/Spectrum	649	56.2%
Frontier	156	13.5%
Verizon	152	13.2%
HughesNet	47	4.1%
ViaSat/Excede	32	2.8%
Windstream	27	2.3%
TDS Telecom	17	1.5%
AT&T	13	1.1%

Other	13	1.1%
Newport Telephone	12	1.0%
Plexicomm	9	0.8%
Northland/Oneida County Rural Telephone	8	0.7%
Adams Cable	7	0.6%
Clarity Connect	6	0.5%
Otsego Electric Coop	5	0.4%
Blazing Hog	2	0.2%

What has been your overall experience with your Internet Service Provider?

	Number of responses	**Percentage**
5/5 Great	42	4%
4/5 Good	129	11%
3/5 Average	382	34%
2/5 Poor	354	31%
1/5 Terrible	225	20%

What has your experience been like interacting with your Internet Service Provider's customer service?

	Number of responses	**Percentage**
5/5 Great	52	5%
4/5 Good	198	18%
3/5 Average	404	36%
2/5 Poor	227	25%
1/5 Terrible	190	17%

Are you satisfied with the internet speeds you are getting in your home?

	Number of responses	**Percentage**
Yes	197	17%
No	932	83%

Have you ever had to contact your Internet Service Provider because of a problem with your bill?

	Number of responses	**Percentage**
Yes	503	45%
No	615	55%

Have you seen your cable or internet bill increase over the past year without a related improvement in service?

	Number of responses	Percentage
Yes	755	67%
No	238	21%
Don't know	131	12%

Rep. Brindisi with constituents in Oneida County.

SMARTER DECISIONS WITH BETTER DATA

Federal broadband investment decisions are made largely based on need. Programs are designed to make investments in areas with little to no broadband connectivity first, so that households which have no access can get online more quickly. Federal dollars are mostly restricted from going to areas where there is already high-speed internet access.

The Federal Communications Commission (FCC) operates a National Broadband Map[1] to collect and share information on the availability of broadband nationwide. The FCC and other agencies rely on this map to direct billions of dollars each year to mostly underserved rural areas. The goal of the FCC's broadband map is to determine which areas of the country currently do not have service so those areas can receive federal investments.

[1] Federal Communications Commission. Fixed Broadband Deployment. https://broadbandmap.fcc.gov/

In practice, however, the FCC's mapping process has major flaws. The data collected and displayed by the FCC on the Fixed Broadband Deployment Map is self-reported by ISPs. These companies report to the FCC where they can provide service to customers, and the FCC reports that data to the public. However, because this data is self-reported by ISPs, it is prone to errors. For example, in 2017, one ISP erroneously reported that they provided service to every home in eight states, including New York. All told, the ISP claimed to have expanded service to 62 million persons in a six-month period.[2] While this was likely the result of an oversight by the ISP, these incorrect numbers dramatically skewed the FCC's nationwide estimate of broadband availability. If left uncorrected, errors like this could leave millions without access.

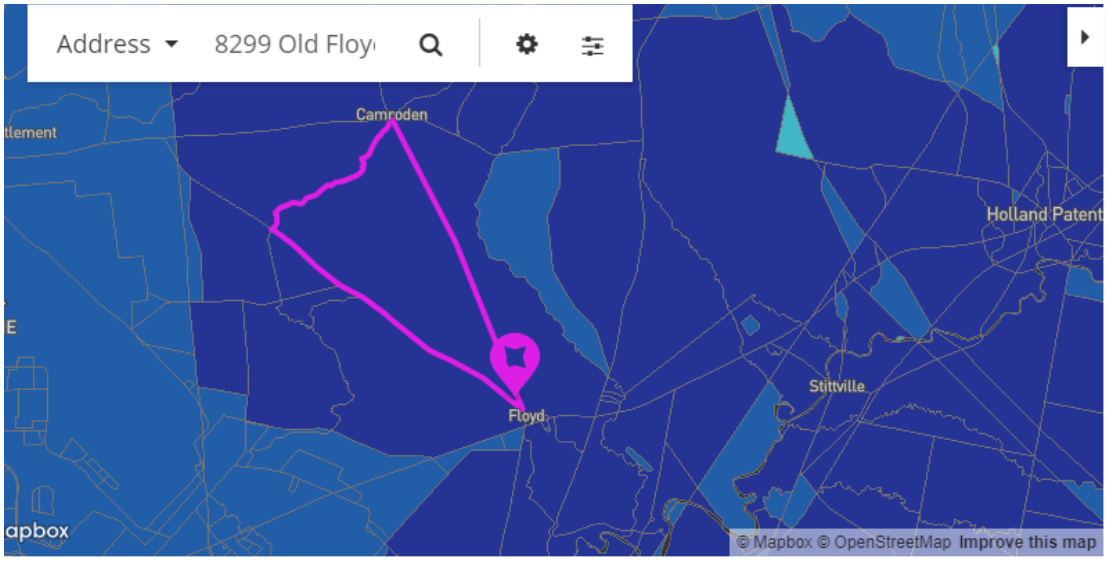
The other major flaw in the FCC's map is that it lists broadband availability by census block. The results are binary: If any location within a census block has high-speed internet access, then the entire census block is counted as being served. Census blocks that are "served" are largely ineligible for federal broadband investments.

In urban areas, census blocks are often compact, bounded on four sides by streets. However, in rural areas, census blocks "may be large, irregular, and bounded by a variety of features, such as roads, streams, and transmission lines. In remote areas, census blocks may encompass hundreds of square miles."[3]

This creates a situation where rural America is disadvantaged by the FCC's map. Because a census block is considered "served" if only one customer has service, another customer on the other side of the census block – perhaps separated by fields or a forest – is not eligible to receive access with the help of federal programs.

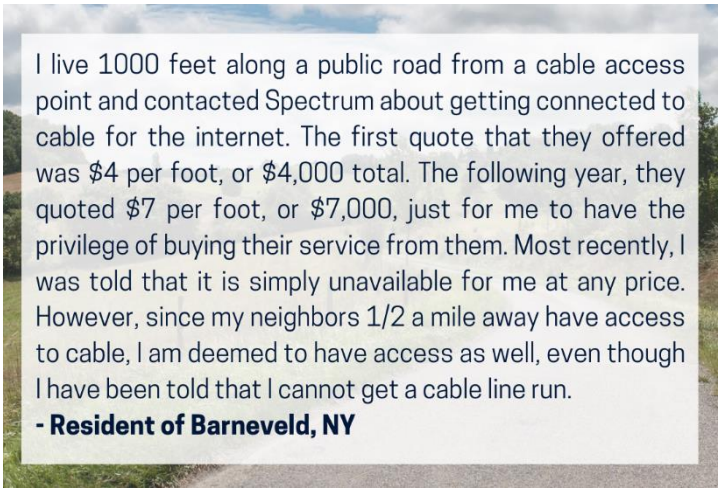
[2] ArsTechnica. March 7, 2019. Ajit Pai's rosy broadband deployment claim may be based on gigantic error. https://arstechnica.com/tech-policy/2019/03/ajit-pais-rosy-broadband-deployment-claim-may-be-based-on-gigantic-error/

[3] US Census Bureau. July 11, 2011. What are census blocks? https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html



The FCC's fixed broadband deployment map for Floyd, NY.

Because the FCC incorrectly considers all homes in a census block to be "served," customers in these census blocks who do not have broadband access have found themselves without any options. When they call up their local ISP and ask to be connected, some families have been told that they would need to pay thousands of dollars to connect service. It's clear that if a cable company wants to charge a customer thousands of dollars to connect their home, they are not really "served," regardless of what the FCC claims.



Fortunately, action is being taken to reform this process. In 2020, Congress passed and President Trump signed the Broadband DATA Act[4], a bill to reform the ways the FCC collects, verifies, and reports broadband access data. The new law requires the FCC to collect granular data from ISPs that will allow the National Broadband Map to show more detailed results. The FCC must also create a process by which non-profits, local governments, and the public can file a challenge when the information on the map is inaccurate. Finally, the new law requires ISPs to submit accurate information and directs the FCC to conduct regular audits of the information submitted.

[4] Congress.gov. S. 1822 - Broadband DATA Act. Public Law No. 116-130. https://www.congress.gov/bill/116th-congress/senate-bill/1822

However, the FCC has been slow to switch over to the new broadband maps. In October 2020, the FCC is scheduled to begin a new $16 billion program, the Rural Digital Opportunity Fund (RDOF). Under this program, ISPs will bid to bring broadband to rural areas.[5] However, the areas that will be eligible to receive broadband will be based on the old flawed broadband maps. This means billions of dollars may go to the wrong regions, once again leaving behind unserved rural areas.

As FCC Commissioner Jessica Rosenworcel said in her statement on the auction[6]:

> It is an open secret that the Federal Communications Commission has a big problem. The agency doesn't know with certainty where broadband is and is not across the country. We don't have accurate data. We don't have reliable maps. That means in the United States we lack an honest picture of the communities that are consigned to the wrong side of the digital divide and the people and places most at risk of falling further behind.
>
> …We should have started collecting better data and fixing our maps years ago. After all, we have known our methodology is flawed for a really, really long time. Because when a single subscriber in a census block has broadband we assume service is available throughout. This systematically overstates service. It also leaves disconnected millions of people across the country who get stuck when our maps say they have broadband when they clearly do not.
>
> This needs attention. A year ago the FCC acknowledged as much when it committed to updating its broadband data efforts to get correct maps in place. Then Congress built on this foundation when it passed the Broadband DATA Act.
>
> But instead of doing even the bare minimum to comply with this law, improve our data, and fix our maps, the FCC threw up its hands. We gave up.
>
> That means that despite having made no efforts to improve our nation's dubious broadband data, with the new Rural Digital Opportunity Fund we are about to hand out billions in broadband support based on maps we know are wrong.

The FCC must share Congress's commitment to creating new maps of broadband access so that federal dollars can be allocated responsibly to the communities most in need.

[5] Federal Communications Commission. June 11, 2020. FCC Adopts Procedures for Rural Digital Opportunity Fund Auction. https://www.fcc.gov/document/fcc-adopts-procedures-rural-digital-opportunity-fund-auction-0

[6] Federal Communications Commission. June 11, 2020. Statement of Commissioner Jessica Rosenworcel Approving in Part, Dissenting in Part. https://docs.fcc.gov/public/attachments/FCC-20-77A5.pdf

BIGGER BROADBAND BUILDOUT

Families in rural America know how bad broadband access can be. For many households in small towns, there is no adequate service available. According to the FCC, an internet connection can be considered "broadband" when it can deliver speeds of 25 Mbps download and 3 Mbps upload.[7] However, the FCC's data reveals that one-in-four homes in rural areas are not served by wired broadband service of at least 25/3 Mbps.[8]

The FCC's data likely overstates the availability of high-speed internet access, due to the problems with the FCC's broadband maps. According to one study by Microsoft, 157 million Americans do not use the internet at broadband speeds. In New York's 22nd Congressional District, the FCC claims that 92% of all people have access to broadband; Microsoft claims the real number is 40%.[9]

County	Broadband availability according to FCC	Broadband availability according to Microsoft
Broome	96.2%	45.8%
Chenango	76.8%	26.0%
Cortland	87.2%	34.1%
Herkimer	85.6%	29.1%
Madison	89.6%	33.1%
Oneida	95.7%	43.1%
Oswego	92.8%	39.7%
Tioga	92.3%	26.9%

This data shows that the problem of broadband availability in small towns is very real, and a key component of the solution is increased investments in building lines and connecting homes.

State and federal partnerships

In 2015, Gov. Andrew Cuomo announced a $500 million investment in broadband access in New York State with the goal of connecting 99.9% of state residents.[10] Through three rounds of funding, hundreds of thousands of New Yorkers gained high-speed internet access.

It is vital that federal agencies like the FCC work together with state programs such as New York's to ensure that rural America can be fully connected. For example, in 2015, Verizon Communications was awarded Connect America Funds (CAF) to connect unserved areas of New

[7] Federal Communications Commission. April 24, 2020. 2020 Broadband Deployment Report. https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf
[8] Federal Communications Commission. April 24, 2020. https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf
[9] Microsoft. United States broadband availability and usage analysis. https://news.microsoft.com/rural-broadband/
[10] New York State Broadband Program Office. https://nysbroadband.ny.gov/

York. When Verizon declined the federal assistance, New York State and the FCC worked together to allow the state to manage the CAF investment instead, bringing broadband access to thousands of New Yorkers.[11]

However, working with the FCC has not always gone smoothly. In 2020, the FCC announced that the Rural Digital Opportunity Fund (RDOF) would not be available in any area served by CAF, RDOF's predecessor. The FCC originally excluded all of New York State from the new program, stating that the entire state was served by the previous CAF agreement. After substantial pushback from New York's congressional delegation, the FCC reversed itself and agreed that New York would be eligible for the new RDOF funding, just like any other state.[12]

As local, state, and federal officials all push for the same goal of universal broadband access, it is imperative that programs remain flexible and administrators strive to work together. Only by working cooperatively can we expand access to every part of the country.

New York's 22nd Congressional District

Broadband buildout as a term of merger agreements

On January 8, 2016, the New York State Public Service Commission (PSC) approved the acquisition of Time Warner Cable by Charter Communications (Charter). Because the merger would impact 2.6 million customers in New York State, the PSC required Charter to agree to ten conditions before the merger could be approved. Among these conditions was the requirement

[11] New York State Broadband Program Office. January 26, 2017. $170 Million Secured to Help Expand Broadband in Upstate NY. https://nysbroadband.ny.gov/fcc-funding

[12] CNYhomepage.com. February 14, 2020. New York State Eligible for Broadband Expansion Program. https://www.cnyhomepage.com/news/new-york-state-eligible-for-broadband-expansion-program/

for Charter to expand high-speed internet access to at least an additional 145,000 addresses over a four-year period, at a rate of at least 36,250 per year.[13]

However, Charter failed to live up to their obligations. By May 2017, Charter had extended service to only 15,164 locations, which was 42% of their original goal. By December 2017, Charter was tens of thousands of locations short of their goal. More than 20,000 of the addresses submitted by Charter by the end of 2017 were found by the PSC to be disqualified or duplicative. [14]

In 2018, the PSC took action to revoke its approval of Charter's merger agreement. The PSC cited[15] Charter's "persistent non-compliance and failure to live up to promises." The PSC identified Charter's "attempts to skirt obligations to serve rural communities" as a primary reason for the revocation. Charter had missed "every network expansion target since the merger was approved in 2016." Between 2016 and 2018, the PSC fined Charter $3 million for failing to abide by the terms of the merger agreement. [16]

As a result of Charter's failure, the PSC directed Charter to cease operations in New York State and prepared a plan to transfer its current customers to a successor provider. Charter entered negotiations with the PSC to arrive at a resolution that would allow Charter to continue to do business in the state.

After months of discussion, Charter agreed to new terms in exchange for being allowed to continue to operate in New York. [17] Under the new terms of the settlement:

- Charter will complete the expansion of its existing network to pass 145,000 addresses entirely in Upstate New York. This expansion will not include New York City addresses, which the company had previously planned to include in an earlier buildout plan. To date, Charter has passed approximately 65,000 of the required 145,000 addresses. To comply with the settlement, the Department estimates that the company will invest more than $600 million, more than double the public benefit value estimated by the

[13] New York State Public Service Commission. January 8, 2016. CASE 15-M-0388 http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BDEE1823A-AADD-48D4-94BD-B96BAC096DAA%7D

[14] Office of the New York State Comptroller. March 2020. Public Service Commission Enforcement of Commission Orders and Other Agreements. https://www.osc.state.ny.us/sites/default/files/state-audits/documents/pdf/2020-03/sga-2020-18s27.pdf

[15] New York State Public Service Commission. July 27, 2018. PSC Rescinds Charter Merger Approval. https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/1F6E451203ADF727852582D7005F8520/$File/pr18060.pdf

[16] New York State Public Service Commission. July 27, 2018. PSC Rescinds Charter Merger Approval. https://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/1F6E451203ADF727852582D7005F8520/$File/pr18060.pdf

[17] New York State Public Service Commission. July 11, 2019. PSC Approves Settlement with Charter Communications. https://apps.cio.ny.gov/apps/mediaContact/public/view.cfm?parm=DB580392-EFB5-2086-30FCCF4BB4D8867F

Commission in its 2016 merger approval.

- Charter's expansion will be completed by September 30, 2021, in accordance with a schedule providing frequent interim enforceable milestone requirements, with corresponding reporting and accountability.

- Charter will also pay $12 million for additional broadband expansion projects at locations to be selected by the Department of Public Service and the New York State Broadband Program Office. Of the $12 million payments, $6 million will be administered by the New York State Broadband Program Office and $6 million will be paid into an escrow fund for work that will be completed by Charter at the State's direction.

The PSC must continue to conduct strong oversight of Charter to ensure that their buildout of broadband is proceeding on schedule. As the New York State Comptroller's audit states, the PSC has the ability to use "its enforcement power to hold utilities accountable when the terms and conditions of those agreements are not met, including applying monetary penalties and other sanctions."[18] The PSC must closely monitor the actions of Charter and do its due diligence to verify the accuracy of any information submitted by Charter as part of its negotiated settlement.

Strong oversight of Charter is also needed on the federal level. The FCC, when it approved of Charter's merger with Time Warner Cable, also directed Charter to follow pro-consumer business practices for a period of time after the merger.[19] The FCC's terms included a nationwide buildout of service to 2,000,000 addresses by May 2021, and a prohibition on Charter implementing data caps until 2023. According to the FCC, by the end of 2019 Charter has built out to more than 1,200,000 new addresses.[20] The FCC claims that Charter is on schedule. However, given the history of Charter's troubles meeting New York State's buildout requirements, the FCC should conduct thorough oversight of Charter's buildout and other merger obligations.

[18] Office of the New York State Comptroller. March 2020. Public Service Commission Enforcement of Commission Orders and Other Agreements. https://www.osc.state.ny.us/sites/default/files/state-audits/documents/pdf/2020-03/sga-2020-18s27.pdf

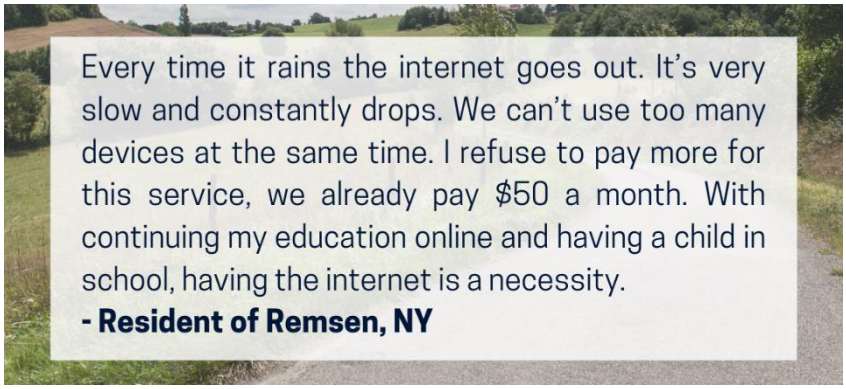
[19] Federal Communications Commission. May 10, 2016. Commission Approves Charter, TWC, and Bright House Merger. https://www.fcc.gov/document/commission-approves-charter-twc-and-bright-house-merger

[20] Federal Communications Commission. July 17, 2020. Independent Compliance Officer's Eighth Report on Charter's Compliance with Residential Build-Out and Data Caps and Usage-Based Pricing Conditions. https://ecfsapi.fcc.gov/file/107170001921378/2020-07-17_Build-Out_and_Data_Caps_Report%20-%20FINAL%20(Public).pdf

Rep. Brindisi addresses rising cable and internet costs.

STRONGER OVERSIGHT OF TAXPAYER DOLLARS

In the survey, 83% of customers said they were not satisfied with their internet speeds at home. It's clear that cable companies are not delivering the speeds customers pay for. This appears to be true even when they accept government subsidies to provide service.



In addition to the survey, New Yorkers were encouraged at Brindisi.house.gov to take a speed test hosted by Measurement Lab (M-Lab)[21], a consortium of research, industry, and public-interest partners working to collect open internet performance data. Over the past few years, millions of internet users have taken speed tests hosted by M-Lab, creating the largest collection of openly available data on internet access and speeds. This includes over 120,000 tests run by residents of New York's 22nd Congressional District.

By analyzing the anonymized results from M-Lab, we can learn more about the state of internet access in rural America. Instead of relying on reports from ISPs or government agencies, users

[21] Measurement Lab. https://www.measurementlab.net/

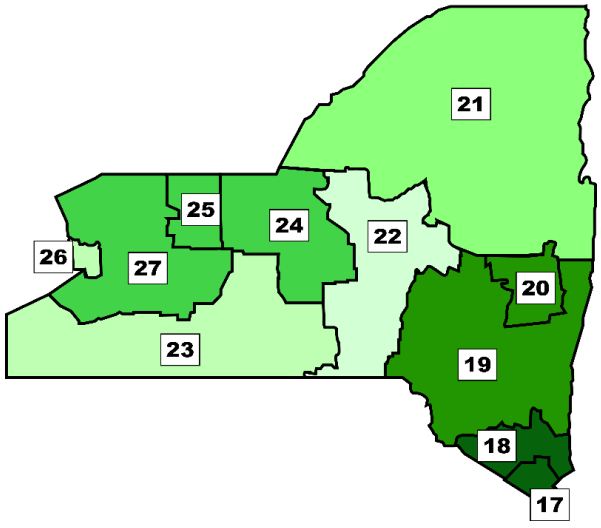
can see for themselves what speeds they experience at home and see how their area compares to others around the state and the country.

Looking at the results by Congressional District, M-Lab data reveals that **New York's 22nd Congressional District has the slowest overall internet speeds of any area of the state**.

In fact, the average internet speeds in New York's 22nd Congressional District do not even meet the FCC's current minimum definition for broadband of 25 Mbps download.[22]

Internet speeds in Upstate New York by Congressional District

Congressional District	Download (Mbps)	Upload (Mbps)	Combined (Mbps)
22	23.4	7.3	30.7
26	23.1	8.6	31.7
23	24.9	8.1	33.0
21	26.7	8.6	35.4
25	31.8	9.3	41.1
24	32.9	10.5	43.4
27	34.7	9.7	44.4
20	38.7	9.8	48.5
19	39.0	9.7	48.8
18	58.6	14.5	73.2
17	76.2	33.4	109.6



Average internet speeds in Upstate New York by Congressional District

[22] Federal Communications Commission. April 24, 2020. 2020 Broadband Deployment Report. https://docs.fcc.gov/public/attachments/FCC-20-50A1.pdf

Zip codes in New York's 22nd Congressional District with the slowest speeds

(minimum 15 tests in M-Lab's database)

Town	Zip Code	Download (Mbps)	Upload (Mbps)	Combined (Mbps)
South Plymouth	13844	0.6	0.3	0.9
Whitney Point	13862	0.9	0.3	1.2
Cold Brook	13324	1.2	0.5	1.7
Durhamville	13054	1.3	0.6	2.0
Newport	13416	2.4	0.4	2.8
South New Berlin	13843	2.5	0.5	3.0
Poland	13431	2.5	0.6	3.1
West Winfield	13491	2.4	0.8	3.2
Nichols	13812	2.3	1.1	3.4
Munnsville	13409	3.0	0.6	3.6
McDonough	13801	3.4	0.6	3.9
Oxford	13830	3.9	0.7	4.6
Sherburne	13460	4.1	0.7	4.8
Oriskany Falls	13425	4.5	0.9	5.4
Remsen	13438	4.8	0.6	5.4
West Edmeston	13485	4.6	0.8	5.4
Bainbridge	13733	4.8	0.9	5.8
Homer	13077	5.1	0.7	5.8
Norwich	13815	5.3	0.9	6.2
Marathon	13803	5.5	1.0	6.5
Vernon Center	13477	5.3	1.4	6.7

Of the 20 towns with the slowest internet speeds in the state, four are in New York's 22nd Congressional District: South Plymouth, Whitney Point, Cold Brook, and Durhamville.

Zip codes in New York's 22nd Congressional District with the fastest speeds

(minimum 15 tests in M-Lab's database)

Town	Zip Code	Download (Mbps)	Upload (Mbps)	Combined (Mbps)
New Berlin	13411	103.5	102.6	206.0
McGraw	13101	91.9	83.6	175.4
Morrisville	13408	111.3	18.9	130.3
Barneveld	13304	80.0	46.8	126.7
Parish	13131	63.3	44.3	107.6
Holland Patent	13354	63.5	23.4	86.9
DeRuyter	13052	66.3	9.5	75.8
North Bay	13123	38.4	25.6	64.0
Manlius	13104	44.9	10.3	55.3
Binghamton	13904	21.0	33.4	54.4
Chittenango	13037	42.1	10.8	52.9
Mexico	13114	41.6	9.6	51.2
New Hartford	13413	40.0	11.3	51.2
Williamstown	13493	40.9	7.9	48.8
Rome	13440	38.6	9.3	47.9
Sherrill	13461	41.4	5.6	47.1
Herkimer	13350	37.9	9.0	46.9
Binghamton	13903	36.2	9.6	45.8
Ilion	13357	35.8	9.0	44.8
Utica	13501	35.4	9.4	44.8

Although these 20 towns have the fastest average internet speeds in New York's 22nd Congressional District, none of them rank among the fastest in the state.

Average internet speeds in counties of New York's 22nd Congressional District

(According to M-Lab's database)

County	Download (Mbps)	Upload (Mbps)	Combined (Mbps)
Broome	29.6	8.5	38.2
Chenango	5.3	0.9	6.2
Cortland	23.2	7.2	30.4
Herkimer	22.0	6.8	28.8
Madison	29.5	9.0	38.5
Oneida	28.4	7.9	36.3
Oswego	31.4	8.6	40.0
Tioga	22.3	4.4	26.7

Of all the counties in New York State, Chenango County has the second-slowest internet speeds.

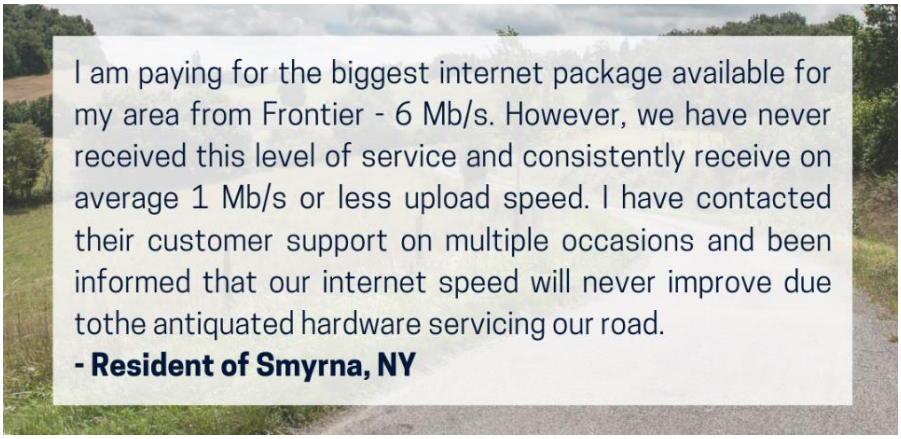
Use of federal programs

The two main methods by which the federal government directs investment in broadband infrastructure are the FCC's Universal Service Fund (USF) programs and the Department of Agriculture's Rural Utilities Service (RUS) programs.

The FCC's USF programs operate under a mandate to "make available, so far as possible, to all the people of the United States ... a rapid, efficient, Nation-wide, and world-wide wire and radio communications service with adequate facilities at reasonable charges."[23] Under Congressional guidance, the FCC has interpreted this mandate to include expanding high-speed internet access. As such, the FCC has created a number of federal programs to make high-speed internet access more affordable and to encourage private companies, non-profit entities, and government services to build out broadband capabilities.

One USF program of particular note is the Connect America Fund (CAF), a program which subsidizes the cost of building broadband infrastructure in rural, high-cost areas. ISPs that accepted funding through CAF Phase II must complete their buildout obligations by the end of 2020.

Under CAF, ISPs must provide service at a minimum speed of 10 Mbps download and 1 Mbps upload. However, there is evidence that ISPs participating in CAF may be delivering speeds slower than what is required by federal regulations.



Comparing data reported by ISPs participating in CAF[24] against data collected by M-Lab, we see that typical speed tests in rural areas served by CAF show speeds far below the 10/1 Mbps required by the program.

[23] Communications Act of 1934, as amended, Title I §1 (47 U.S.C. 151).
[24] Universal Service Administrative Co. Connect America Fund Broadband Map. https://data.usac.org/publicreports/caf-map/

Average internet speeds in towns served by Connect America Funds

Town	Zip code	Number of CAF locations served	CAF-required speed	M-Lab average speed
South Plymouth	13844	99	10/1 Mbps	0.6/0.3 Mbps
South New Berlin	13843	91	10/1 Mbps	2.5/0.5 Mbps
McDonough	13801	675	10/1 Mbps	3.4/0.6 Mbps
Oxford	13830	633	10/1 Mbps	3.9/0.7 Mbps
Sherburne	13460	350	10/1 Mbps	4.1/0.7 Mbps
West Edmeston	13485	132	10/1 Mbps	4.6/0.8 Mbps
Norwich	13815	329	10/1 Mbps	5.3/0.9 Mbps
Marathon	13803	444	10/1 Mbps	5.5/1.0 Mbps
Cincinnatus	13040	282	10/1 Mbps	6.0/2.4 Mbps

It is possible that every household connected by an ISP using CAF is receiving the speeds required by the program, as households not included in the program could be receiving internet speeds so slow that they dramatically reduce the town's average speeds as recorded by M-Lab.

However, the large difference between the CAF-required speed and the M-Lab average speed raises questions about how well ISPs are abiding by the requirements of the program. It may be that customers are receiving speeds far slower than they are entitled to. More oversight is needed by federal regulators to ensure that ISPs are fulfilling their obligations.

Legislation has been introduced to provide greater oversight of federal broadband dollars. The Accessible, Affordable Internet for All Act would create a new Office of Internet Connectivity and Growth to supervise programs such as CAF and its successor RDOF. Action by Congress can help ensure that ISPs are properly using taxpayer dollars to give customers the download an upload speeds they pay for.

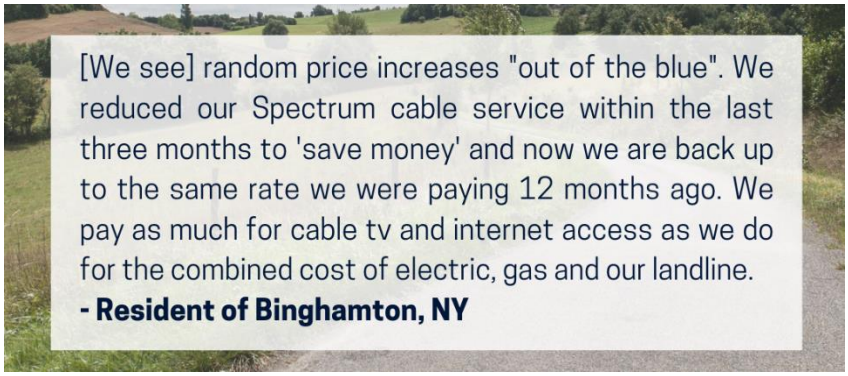
GREATER MARKET COMPETITION

One prominent theme from the survey results is dissatisfaction with the service of ISPs. Most respondents (51%) rate their overall experience with their ISP as "poor" or "terrible." Forty-two percent give "poor" or "terrible" marks to the ISP's customer service. A full two-thirds said that they had seen their cable or internet bill increase over the past year without a related improvement in service.

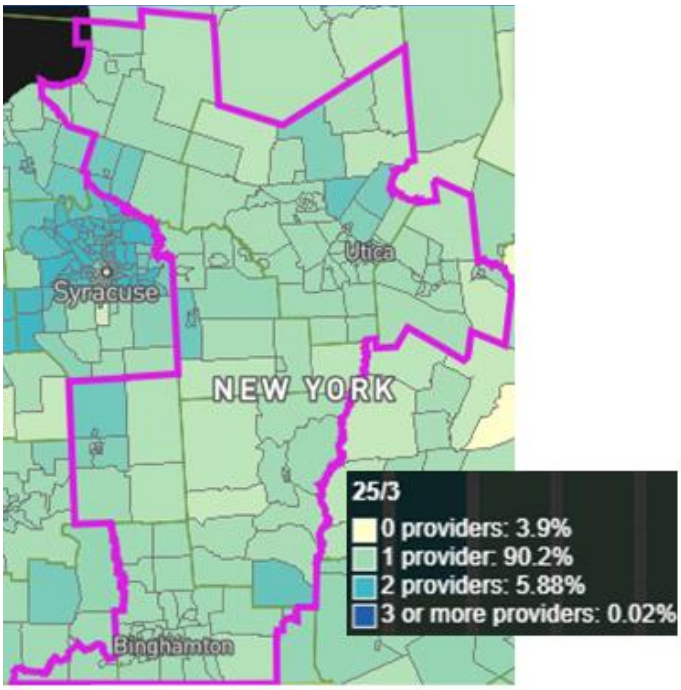
It's clear that something is wrong in the industry. Families are receiving a product that is too slow for too high a cost, and they receive little help when they contact customer service.

These problems are especially pronounced during the COVID-19 pandemic. Workers need internet access to do their jobs remotely, and students need to get online to do their schoolwork and interact with their teachers and classmates. When service crawls to a stop during an important video call, it can be a frustrating ordeal for families.

Furthermore, during an historic economic downturn, the last thing families need is added strain on their household budgets. Rising bills from their ISPs squeeze family finances even tighter at a time when one or more of the household's breadwinners may be working reduced hours or out of a job entirely.



According to the FCC's data[25], 90% of residents of New York's 22nd Congressional District live in census blocks with only one cable or fiber optic internet provider delivering broadband speeds. Only 6% of residents live in a census block where service is provided by two companies.



Map of cable and fiber optic service providers

[25] Federal Communications Commission. Fixed Broadband Deployment. https://broadbandmap.fcc.gov/

Connecting homes to quality internet service must remain the top priority. However, state and federal governments must work to encourage competition by making it easier for small ISPs, co-ops, and municipal broadband to flourish. Instead of a one-size-fits-all strategy, policymakers should help foster a competitive market of internet providers to bring down prices and increase service quality.

Furthermore, regulators on the state and local level must watch for monopolistic business practices by internet service providers who take advantage of the fact that they are the only service available. When companies violate antitrust standards by using their market share to drive up prices and disadvantage consumers, action must be taken to protect families and businesses.

ACTION TAKEN BY CONGRESSMAN ANTHONY BRINDISI

- **August 3, 2020:** Released comprehensive report on the state of broadband access in New York's 22nd Congressional District and detailed what is needed to close the rural digital divide.

- **July 30, 2020:** Secured report language in the House-passed Commerce, Justice, and Science appropriations bill instructing the Department of Justice Antitrust Division to investigate monopolistic business practices among cable companies and internet service providers, especially those like Spectrum who have broadband buildout as a condition of corporate merger agreements.[26]

- **July 21, 2020:** Submitted comments to the FCC opposing Spectrum's request to terminate the terms of their merger agreement two years early.[27]

- **July 1, 2020:** Secured key transparency and accountability measures in the House-passed infrastructure legislation (H.R.2), which would direct a newly-created Office of Internet Connectivity and Growth to investigate monopolistic business practices by broadband service providers like Spectrum and to ensure that customers are receiving the download and upload speeds required by federal programs.[28]

- **June 24, 2020:** Introduced the Accessible, Affordable Internet For All Act (H.R. 7302) along with other members of the House Rural Broadband Task Force. The bill invests $80 billion in broadband infrastructure, $5 billion for K-12 distance learning, and a $50 per month credit on customers' internet bills for those impacted by recent layoffs due to COVID-19. The bill also includes portions of Brindisi's Transparency for Cable Consumers Act, which would spur competition among broadband providers and bring prices down.[29]

- **May 15, 2020** - Voted to pass the Heroes Act (H.R. 6800) which codifies the FCC "Keep America Connected" pledge for the duration of the pandemic. Expands the restrictions on ISPs to include a ban on data caps. The bill also includes a provision granting low-

[26] US House of Representatives. Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2021. Report 116-455. https://www.govinfo.gov/content/pkg/CRPT-116hrpt455/pdf/CRPT-116hrpt455.pdf

[27] Congressman Anthony Brindisi. July 21, 2020. Comment on Petition by Charter Communications, Inc. to Sunset Merger Conditions. https://ecfsapi.fcc.gov/file/10721140293010/Brindisi_FCC_DA-20-652_072120.pdf

[28] Brindisi Continues Fight Against Spectrum & Secures Key Broadband Victories in House-Passed Infrastructure Package. July 1, 2020. https://brindisi.house.gov/media/press-releases/brindisi-continues-fight-against-cable-monopolies-spectrum-secures-key

[29] Brindisi's Rural Broadband Task Force Unveils Bold New Legislation Expanding Broadband, Investing in Infrastructure, & Holding Big Cable Companies Accountable. June 24, 2020. https://brindisi.house.gov/media/press-releases/brindisi-s-rural-broadband-task-force-unveils-bold-new-legislation-expanding

income households and those who have suffered a loss of income due to the pandemic a $50/month bill credit to help cover internet costs.[30]

- **April 15, 2020** - Successfully pushed Spectrum to extend service lines to local business park in the Binghamton area.[31]
- **April 13, 2020** – Sent a letter to FCC asking that they extend the "Keep Americans Connected" pledge and expand it to prohibit price increases, in response to reports that Spectrum is hiking prices during the pandemic.[32]
- **March 13, 2020** – Sent a letter to Charter CEO Tom Rutledge asking the company to suspend any planned price increases for the next 90 days.[33]
- **February 10, 2020** – Sent a letter to the NYS PSC calling for an investigation into Spectrum for widespread outages.[34] PSC announced an investigation three days later.[35] Spectrum announced they were giving customers a bill credit for the downtime.[36]
- **January 8, 2020** – Sent a letter to CFPB asking that they investigate Spectrum and their partnered debt collection company.[37]

[30] Brindisi Fights for & Secures Key Wins for Upstate in HEROES Act Including Millions for Testing, Frontline Workers, Rural Hospitals, & More. May 15, 2020. https://brindisi.house.gov/media/press-releases/brindisi-fights-secures-key-wins-upstate-heroes-act-including-millions-testing

[31] Oneonta Daily Star. April 15, 2020. In Your Opinion: Congressman Helped Us Obtain High Speed Internet https://www.thedailystar.com/opinion/letters_to_the_editor/in-your-opinion-congressman-helped-us-obtain-high-speed-internet/article_0b202b05-b1e6-501f-9160-d3cd3a2afc07.html

[32] Brindisi Calls on FCC to Protect Customers, End Price Hikes for Internet Service During Pandemic. April 13, 2020. https://brindisi.house.gov/media/press-releases/brindisi-calls-fcc-protect-customers-end-price-hikes-internet-service-during

[33] Letter to Charter Communications CEO Thomas Rutledge. March 13, 2020. https://brindisi.house.gov/sites/brindisi.house.gov/files/2020%203%2013%20Letter%20to%20Spectrum%20re%20services%20COVID-19.pdf

[34] Syracuse Post Standard. Rep. Anthony Brindisi Asks NY to Investigate Spectrum's Weekend Outage. February 10, 2020. https://www.syracuse.com/news/2020/02/rep-anthony-brindisi-asks-ny-to-investigate-spectrums-weekend-outage.html

[35] Brindisi Statement on New York State Public Service Commission Heeding His Call to Launch an Investigation into Recent Spectrum Outage. February 13, 2020. https://brindisi.house.gov/media/press-releases/brindisi-statement-new-york-state-public-service-commission-heeding-his-call

[36] Syracuse Post Standard. Spectrum Refund: How to Claim a Credit for Weekend's Big Outage. February 12, 2020. https://www.syracuse.com/news/2020/02/how-to-claim-a-credit-on-your-spectrum-bill-for-weekends-big-outage.html

[37] Brindisi Continues Fight Against Spectrum with New Warning on Debt Collection. January 8, 2020. https://brindisi.house.gov/media/press-releases/brindisi-continues-fight-against-spectrum-new-warning-debt-collection

- **November 22, 2019** - Announced rural broadband speed test and mapping tool so households can see what speeds they are getting and complete a survey on service quality.[38]

- **November 12, 2019** - Drafted bill language requiring the federal government to investigate Spectrum's business practices and propose regulatory consequences.[39]

- **August 6, 2019** – Hosted a Broadband Town Hall in Sherburne to discuss rural broadband access.[40]

- **July 25, 2019** - Testified before the House Energy and Commerce Committee on the need for more accountability for big cable companies.[41]

- **June 25, 2019** - Voted to invest more than $600 million in Re-Connect, which provides grants and loans for broadband access in rural areas. These funds will encourage competition and investment in rural America.[42]

- **May 14, 2019** - Joined the House Rural Broadband Task Force.[43]

- **April 30,2019** - Cosponsored the bipartisan TRUE FEES Act, which would require cable and satellite TV providers to disclose an all-in price to consumers, including fees and taxes, before consumers sign up for a service; send consumers a formal notice of fees and all-in prices within 24 hours of signing up for a service; and grant consumers 24 hours to cancel after receiving formal notice of fees, without penalty. The House passed this legislation in December 2019.[44]

[38] Brindisi Announced Rural Broadband Mapping Solution. November 22, 2019. https://brindisi.house.gov/media/press-releases/brindisi-announces-rural-broadband-mapping-solution
[39] Brindisi Announces Plan that Targets Spectrum's Rising Rates & their Overall Biz Practices. November 12, 2019. https://brindisi.house.gov/media/press-releases/brindisi-announces-plan-targets-spectrum-s-rising-rates-their-overall-biz
[40] Oneonta Daily Star. Rep. Brindisi, Voters Talk Broadband Frustration. August 6, 2019. https://brindisi.house.gov/media/in-the-news/rep-brindisi-voters-talk-broadband-frustration
[41] Brindisi Fights for Rural Broadband and Holds Cable Companies Accountable. July 25, 2019. https://brindisi.house.gov/media/press-releases/brindisi-fights-rural-broadband-and-holds-cable-companies-accountable
[42] Brindisi Votes to Invest in Rural Broadband and Better Care for Veterans. June 25, 2019. https://brindisi.house.gov/media/press-releases/brindisi-votes-invest-rural-broadband-and-better-care-veterans
[43] Blue Dog Coalition. Blue Dogs to Play Key Role on House Rural Broadband Task Force. May 14, 2019. https://bluedogcaucus-costa.house.gov/media-center/press-releases/icymi-blue-dogs-to-play-key-role-on-house-rural-broadband-task-force
[44] House Passes Eshoo Provisions to Protect Consumers and Crack Down on Unfair Billing Practices. December 10, 2019. https://eshoo.house.gov/media/press-releases/house-passes-eshoo-provisions-protect-consumers-and-crack-down-unfair-billing

- **April 10, 2019 -** Spoke on the House floor on the need for broadband access in rural areas as the House passes Brindisi amendment to the Save the Internet Act (H.R. 1644).[45]

- **March 28, 2019** - Hosted roundtable in Binghamton to discuss the lack of broadband access in rural areas.[46]

- **March 6, 2019** - Introduced first bill, the Transparency for Cable Consumers Act (H.R. 1555).[47]

- **January 20, 2019** – Sent a letter to the FCC asking that they hold Spectrum accountable for not abiding by terms of merger agreement and inviting FCC Chairman Ajit Pai to visit Upstate NY.[48]

[45] Brindisi Passes Amendment to Help Expand Rural Broadband Access. April 10, 2019. https://brindisi.house.gov/media/press-releases/video-brindisi-passes-amendment-help-expand-rural-broadband-access

[46] Brindisi Meets with Upstate New Yorkers Struggling with Cable Rate Hikes, Slow Internet Speeds. March 18, 2019. https://brindisi.house.gov/media/press-releases/brindisi-meets-upstate-new-yorkers-struggling-cable-rate-hikes-slow-internet

[47] In First Bill, Brindisi Fights for Upstate New York Consumers; Introduces Legislation to Hold Cable and Internet Companies Accountable. March 6, 2019. https://brindisi.house.gov/media/press-releases/first-bill-brindisi-fights-upstate-new-york-consumers-introduces-legislation

[48] On Heels of NY AG Action and PSC Investigation, Brindisi Tells FCC Chairman to Hold Charter/Spectrum Accountable. January 29, 2019. https://brindisi.house.gov/media/press-releases/heels-ny-ag-action-and-psc-investigation-brindisi-tells-fcc-chairman-hold