

Resolution on the 5G Fund”

Whereas in 2011 the Federal Communications Commission (“FCC”) in the Universal Service and Intercarrier Compensation Transformation Order outlined possible mechanisms for supporting improved mobile wireless coverage;

Whereas in 2017 the FCC approved the Mobility Fund Phase II Order creating the structure for making \$4.53 billion available over a ten-year period to support improved mobile-wireless coverage;

Whereas the Mobility Fund Phase II Order required mobile wireless providers to produce coverage maps using an FCC prescribed methodology, and to file their coverage maps with the FCC so that the FCC could identify those areas lacking wireless data coverage with a minimum of 5/1 mbps;

Whereas the Mobility Fund Phase II Order provided a mechanism for challenging those coverage maps to identify additional areas lacking mobile wireless data coverage with a minimum of 5/1mbps. Public utility commissions, local governments, private companies, and non-profit organizations expended millions of dollars and thousands of hours of time to compile and file 20.8 million challenges from 37 states. Approximately 36% of those challenges were found by the FCC to be presumptively successful challenges;

Whereas the FCC’s staff made a determination in 2019 based on these challenges and their own testing that the maps provided by mobile wireless carriers were not sufficiently reliable or accurate for carrying out the purposes of the Mobility Fund Phase II. The FCC simultaneously ended the Mobility Fund Phase II program without providing any dollars for improving mobile wireless coverage;

Whereas FCC Chairman Ajit Pai subsequently announced that the Mobility Fund Phase II would be replaced with a 5G Fund to provide \$9 billion in universal service fund assistance in building 5G infrastructure in rural America with \$1 billion of that targeted at improving access for precision agriculture;

Whereas because the FCC has not yet released a Notice of Proposed Rulemaking on the 5G Fund, there has been no indication regarding what areas the 5G Fund would target. There is concern that without current and accurate mapping these dollars may end up exacerbating the digital divide rather than solving the mobile wireless access problems that currently exist in rural America; now, therefore be it

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2020 Winter Policy Summit in Washington, DC, advocates for the FCC to require current and accurate mobile wireless data coverage mapping prior to awarding any dollars from the 5G Fund and that 5G Fund dollars be prioritized for areas that do not have mobile wireless data coverage meeting a 5/1 mbps threshold.

Sponsored by the Committee on Telecommunications

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