

117TH CONGRESS
1ST SESSION

H. R. 1650

To require the Federal Communications Commission to study the current and projected demands on rural broadband networks associated with services offered by edge providers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. MULLIN (for himself, Mr. LUCAS, Mr. WITTMAN, Mr. HERN, Mr. BAIRD, Mr. LATURNER, Mr. MEUSER, Mrs. BICE of Oklahoma, and Mr. COLE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require the Federal Communications Commission to study the current and projected demands on rural broadband networks associated with services offered by edge providers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) COMMISSION.—The term “Commission”
6 means the Federal Communications Commission.

1 (2) EDGE PROVIDER.—The term “edge pro-
2 vider”—

3 (A) means an entity that provides
4 (through, but as a separate product from, the
5 broadband internet service of a user) a service
6 or content—

7 (i) for which the entity requires the
8 user to subscribe or establish an account in
9 order to use the service;

10 (ii) through which the user purchases,
11 downloads, or accesses content, applica-
12 tions, or services from the entity without a
13 subscription or account;

14 (iii) by which a program searches for
15 and identifies items in a database that cor-
16 respond to keywords or characters speci-
17 fied by the user, used especially for finding
18 particular sites on the World Wide Web; or

19 (iv) by which the user divulges sen-
20 sitive information of the user;

21 (B) includes an entity that provides a serv-
22 ice described in subparagraph (A) through a
23 software program, including a mobile applica-
24 tion; and

1 (C) does not include an entity that solely
2 provides broadband internet service.

3 (3) EDGE PROVIDER DATA.—The term “edge
4 provider data” means data associated with services
5 or content offered by edge providers.

6 (4) HIGH-COST RURAL AREA.—The term “high-
7 cost rural area” means an area of the United States
8 that—

9 (A) is not contained within an incorporated
10 city or town; and

11 (B) has a population of fewer than 20,000
12 inhabitants.

13 (5) QUALIFYING BROADBAND SERVICE.—The
14 term “qualifying broadband service” means broad-
15 band internet service with measurable speeds of not
16 less than the speeds required for the Commission to
17 determine the service is advanced telecommuni-
18 cations capability, as that term is defined in section
19 706(d) of the Telecommunications Act of 1996 (47
20 U.S.C. 1302(d)).

21 (6) RURAL BROADBAND NETWORK.—The term
22 “rural broadband network” means the plant, equip-
23 ment, components, facilities, hardware, and software
24 used by a rural broadband provider to provide quali-
25 fying broadband service in a high-cost rural area.

1 (7) RURAL BROADBAND PROVIDER.—The term
2 “rural broadband provider” means an entity that—

3 (A) provides qualifying broadband service
4 in a high-cost rural area using any technology,
5 including a fixed or mobile wireless or wireline
6 network; and

7 (B) provides qualifying broadband service
8 to fewer than 250,000 customers.

9 **SEC. 2. RURAL BROADBAND NETWORK ADVANCEMENT**
10 **STUDY.**

11 (a) PROCEEDING BY FCC.—

12 (1) IN GENERAL.—

13 (A) INITIATION.—Not later than 1 year
14 after the date of the enactment of this Act, the
15 Commission shall initiate a proceeding to ana-
16 lyze the demands that have been or will be
17 placed on rural broadband networks during the
18 covered period that are associated with edge
19 provider data transmitted over such networks,
20 including internet browsing data and data asso-
21 ciated with video streaming services.

22 (B) CONCLUSION.—Not later than 1 year
23 after initiating the proceeding under subpara-
24 graph (A), the Commission shall conclude the
25 proceeding.

1 (2) MATTERS FOR ANALYSIS.—The analysis
2 conducted under paragraph (1) shall include the fol-
3 lowing:

4 (A) ESTIMATION OF EDGE PROVIDER
5 DATA.—An estimation of the quantity of edge
6 provider data that has been or will be trans-
7 mitted over rural broadband networks during
8 the covered period.

9 (B) CALCULATION OF COSTS.—A calcula-
10 tion of the costs to rural broadband providers
11 during the covered period associated with trans-
12 mission by such providers of edge provider data
13 over the rural broadband network that are not
14 already recovered through—

15 (i) user rates that are reasonably com-
16 parable to user rates in urban areas; or

17 (ii) Federal programs aimed at pro-
18 moting rural broadband deployment or sus-
19 taining rural broadband networks, includ-
20 ing Federal universal service support pro-
21 grams established under section 254 of the
22 Communications Act of 1934 (47 U.S.C.
23 254).

1 (3) COSTS DESCRIBED.—The categories of costs
2 to be calculated under paragraph (2)(B) shall in-
3 clude costs associated with—

4 (A) the initial deployment of rural broad-
5 band networks;

6 (B) the operation and maintenance of
7 rural broadband networks; and

8 (C) the delivery of services to users over
9 rural broadband networks, including the trans-
10 mission of data between high-cost rural areas
11 and urban or suburban interconnection points.

12 (4) PROVISION OF INFORMATION.—

13 (A) USE OF DATA.—To analyze the de-
14 mands described under paragraph (1), the
15 Commission shall—

16 (i) use any existing commercial or
17 government data or estimate concerning
18 the covered time period; and

19 (ii) collect data concerning the covered
20 time period from edge providers or rural
21 broadband providers.

22 (B) REQUIREMENT TO SUBMIT INFORMA-
23 TION.—In any case in which the Commission
24 determines that it is necessary to collect data
25 under subparagraph (A)(ii) from an edge pro-

1 vider or a rural broadband provider, such edge
2 provider or rural broadband provider shall pro-
3 vide any information necessary for the Commis-
4 sion to complete the proceeding under para-
5 graph (1).

6 (5) COVERED PERIOD DEFINED.—In this sub-
7 section, the term “covered period” means the 6-year
8 period that—

9 (A) begins on the date that is 3 years be-
10 fore the date on which the proceeding under
11 paragraph (1) is initiated; and

12 (B) ends on the date that is 3 years after
13 the date on which the proceeding is initiated.

14 (b) REPORT TO CONGRESS.—Not later than 120 days
15 after concluding the proceeding under subsection (a)(1),
16 the Commission shall publish on its website and submit
17 to the Committee on Commerce, Science, and Transpor-
18 tation of the Senate and the Committee on Energy and
19 Commerce of the House of Representatives a report on
20 the findings of the proceeding.

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