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**A Case for Modest Speed Benchmarks in the FCC's Next Broadband Report**

by

**Seth L. Cooper \***

Pending at the FCC is a proposal that would change the agency's upload/download benchmark for defining broadband Internet services in its annual deployment reports from 25 Mbps/3 Mbps to 100 Mbps/30 Mbps. Average broadband download speeds for U.S. consumers comfortably exceed 100 Mbps, and overwhelmingly most of the population has access to broadband services that exceed that threshold. But there are some sound reasons for the Commission to consider adopting a more modest standard for its upcoming broadband deployment report, such as 50 Mbps/10 Mbps.

Popular online services and applications that U.S. consumers widely use, including 4K/Ultra HD streaming video, video conference calls, and social media, rely on recommended minimum download speeds far below 50 Mbps or even 25 Mbps. Imposing a 100 Mbps threshold could give a highly misleading impression that many more Americans lack access to broadband than truly is the case. An unnecessarily high threshold could provide a pretense for regulatory intrusion into the effectively competitive broadband market and thereby hamper continuing progress in delivering broadband to all Americans. The Commission should not risk diverting attention away from the goal of promoting access for Americans who still are unserved.

On July 15, Chairwoman Jessica Rosenworcel [proposed](#) a 100 Mbps/30 Mbps benchmark for the Commission's upcoming broadband deployment report. Section 706(b) of the Telecommunications Act of 1996 requires the Commission to annually prepare a report in which it must "determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion." The Commission's benchmark is used for evaluating whether Americans have access to broadband Internet access services.

Perhaps it's not unexpected that the Commission aims to increase its broadband speed benchmark. The current 25 Mbps/ 3 Mbps standard has remain unchanged since 2015. Since that time, broadband speeds have continuously risen across fiber, cable, wireless, and satellite platforms. According to Ookla's [Speedtest Global Index](#), mean speeds in the U.S. in July 2022 were 159.31 Mbps/21.52 Mbps for fixed broadband. [Form 477 data](#) collected by the FCC indicates that, as of the end of June 2021, 97.64% of the U.S. population had access to a fixed broadband provider using ADSL, cable, fiber, or wireless technology offering speeds of at least 25 Mbps/3 Mbps – and about 94% had access to a provider offering speeds of 100 Mbps/10 Mbps. When satellite technology is included, Form 477 data indicates that 99.9% had access to a fixed broadband provider offering 25 Mbps/3 Mbps and nearly 95% had access to offerings at 100 Mbps/10 Mbps. And broadband services at both speed levels undoubtedly is more widely available now than in June 2021.

Form 477 data, it is widely conceded, overstates broadband network coverage. [Broadband maps](#) being prepared by the Commission and slated for release this year likely will offer more accurate and granular assessments of who has access in America. Even so, the Form 477 data provides at least a baseline indicator that progress is consistently being made, as the coverage figures have continuously trended in a positive direction. At the end of 2015, only 89.9% of the population had fixed access at 25 Mbps/3 Mbps and just 67.3% had fixed access at 100 Mbps/10 Mbps.

Admittedly, setting a 100 Mbps download speed requirement for receiving federal funding for building network facilities to unserved areas or for supporting universal service makes good sense. The Commission has a responsibility to spend taxpayer money wisely. It should demand that federal subsidy recipients be able to provide quality communications services that will meet current and future demands of American consumers. But the Commission's broadband deployment report exists in a different context with factors that weigh against a 100 Mbps speed requirement.

Section 706 is best understood to require a realistic analysis, based on actual market data, about advanced capabilities that a substantial majority or at least an early majority of American consumers use or demand. This means that the Commission's broadband speed benchmarks should be based on capabilities needed to support online edge services and applications that have relatively wide everyday use among consumers.

Today, many popular online services and applications operate with recommended download speeds that are significantly lower than 100 Mbps. [Netflix](#), for example, recommends 1 Mbps for standard definition video streaming, 5 Mbps for 1080p HD, and 15 Mbps for 4K/UltraHD. For group conferencing using 1080p HD video, [Zoom](#) recommends minimums of 3.8 Mbps/3 Mbps.

And a 50 Mbps connection easily supports social media, Web surfing, streaming audio, email, and voice calls.

Support for multiple broadband user households may be the strongest argument for raising the Commission's current benchmark. Government lockdowns as well as school and business office shutdowns during 2020 and early 2021 brought added attention to the bandwidth demands of homes with multiple connected devices and users. Notwithstanding that Americans overwhelmingly are back at work and that schools are open, even 35 Mbps or 50 Mbps broadband service can ably support two or three simultaneous users in a single household.

Indeed, a 100 Mbps download speed benchmark likely would create an odd result in which Americans classified as "unserved" would include subscribers to Internet access services that support online activities in multi-user homes such as 4K TV streams, multiple HD video conference calls, simultaneous web surfing, and more. And such a heightened benchmark would make it look like the Commission is advocating that consumers buy higher broadband speed tier offerings than they need to satisfy their everyday uses.

Moreover, significantly upping the broadband benchmark speed risks drawing attention away from efforts to promote deployment to the dwindling yet still existing number of Americans who have *zero* Mbps connections. Addressing the expensive and difficult problem of reaching the unserved should far and away be the Commission's priority, not ensuring that Americans with 70 Mbps or 80 Mbps connections get to 100 Mbps.

At the end of the day, defining the speeds that constitute broadband service in FCC reports is a policy judgment and not reducible to a mathematically correct answer. Given the current state of broadband availability and the strong momentum in next-generation network deployment, raising the benchmark speeds for broadband may be reasonable as a public policy matter. But it seems unreasonable for the Commission to pronounce that nothing less than 100 Mbps qualifies as broadband service. The Commission ought to consider a more moderate increase, perhaps to 50 Mbps/10 Mbps, and then, if warranted, phase in additional moderate increases in the years that follow.

\* Seth L. Cooper is Director of Policy Studies and a Senior Fellow of the Free State Foundation, a free market-oriented think tank in Rockville, MD. The views expressed in this *Perspectives* do not necessarily reflect the views of others on the staff of the Free State Foundation or those affiliated with it.

### **Further Readings**

Randolph J. May, "[The FCC's USF Report: Unprecedented Broadband Funding Requires Fundamental Universal Service Reforms](#)," *Perspectives from FSF Scholars*, Vol. 17, No. 42 (August 26, 2022).

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[Comments of the Free State Foundation](#), The State of Competition in the Broadband Marketplace, GN Docket No. 22-203 (July 1, 2022).

Seth L. Cooper, "[Congress Should Require Major Web Platforms to Support Universal Service](#)," *Perspectives from FSF Scholars*, Vol. 17, No. 31 (June 14, 2022).

Seth L. Cooper and Andrew Magloughlin, "[The FCC Should Preserve and Expand Its Broadband Infrastructure Reforms](#)," *Perspectives from FSF Scholars*, Vol. 17, No. 30 (June 8, 2022).

Seth L. Cooper, "[NTIA's Broadband Subsidies Must Respect State Law Limits on Government-Owned Networks](#)," *Perspectives from FSF Scholars*, Vol. 17, No. 28 (May 26, 2022).

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Seth L. Cooper, "[MEDIA ADVISORY: NTIA Releases Notice of Funding Opportunity for the BEAD Program](#)," *FSF Blog* (May 13, 2022).

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Andrew Long, "[Overlapping Broadband Appropriations Demand Agency Coordination: New FCC Maps Can Track Grants, Avert Waste](#)," *Perspectives from FSF Scholars*, Vol. 17, No. 12 (March 2, 2022).

Andrew Long, "[Lessons from the FCC's Broadband Deployment Report](#)," *Perspectives from FSF Scholars*, Vol. 16, No. 10 (February 25, 2021).

[Comments of the Free State Foundation](#), Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans, GN Docket No. 20-269 (September 18, 2020).