

TESTIMONY REGARDING LINKNYC

BEFORE THE NEW YORK CITY COUNCIL'S COMMITTEE ON TECHNOLOGY

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Thank you for the opportunity to offer testimony today.

My name is Michael Santorelli. I am a director of the Advanced Communications Law & Policy Institute (ACLP) at New York Law School.¹ The ACLP has been actively involved in broadband issues in New York City for the past 17 years. During that time, we have had numerous opportunities to work with stakeholders in the public, private, and nonprofit sectors on broadband connectivity challenges facing communities across the city.² A common thread evident in much of that work is that the city, for too long, has underinvested in addressing broadband adoption and digital literacy issues.³

The profound struggles of LinkNYC, which have been chronicled extensively in outlets like THE CITY, offer several lessons that should inform a more comprehensive broadband strategy for the city going forward.⁴

The first lesson is that broadband adoption challenges cannot be solved simply by increasing the supply of broadband. Respectfully, that is not the issue with which we should be grappling. In a city where broadband is universally available, the focus of policymakers and other stakeholders should be on doing everything possible to bring non-adopters online

via available connections.⁵ Connecting the unconnected is hard work because the reasons for non-adoption are largely personal and vary widely from community to community.⁶ Many can't afford a connection. Others don't see broadband as a useful investment. Some see the internet as a dangerous place, while others lack the skills to use broadband in a meaningful way. In short, connecting the unconnected requires intensive hands-on, neighborhood-by-neighborhood work. Fortunately, the city is home to a lot of great organizations that are doing this work every day.⁷ If the city truly is serious about closing the digital divide, then it will provide these groups with more resources so they can increase their reach and bring more people online.

The second lesson is that New York City does not have a broadband supply problem. Broadband abounds here. And for those who qualify, there are multiple options for *free* broadband service from Charter, T-Mobile, and Verizon, among others, thanks to federal subsidies available via the FCC's Affordable Connectivity Program.⁸ In other words, the affordability barrier has been substantially reduced, if not eliminated, for many non-adopters in the city. Is the city aware of these offerings? Does the city have a strategy for maximizing participation in the ACP? Is the city collecting data on ACP enrollment? Is there a strategy for ensuring that those who are availing themselves of these subsidies also have access to digital literacy programming? These questions deserve answers.

The third lesson is that 5G is a viable on-ramp to the internet. The city appears to agree given the nature of its renegotiated deal with CityBridge.⁹ Over the last few years, there has been significant organic growth in both fixed and mobile 5G availability across much of New York City. Offerings by providers like T-Mobile and Starry have injected

additional competition into an already competitive local market. Even so, the city needs to do much more to unlock additional investment in and deployment of 5G. The new CityBridge deal might be helpful in this regard, providing additional locations for antennas, but given LinkNYC's track-record of slow deployment and an inability to meet buildout and other contractual obligations, it is unwise at this time to view this as a viable part of the city's 5G strategy. What more can the city do to facilitate 5G deployment? At the top of the list is streamlining approvals for accessing city-owned assets by those building 5G infrastructure. It is well-documented that the city has been dragging its feet in this regard.¹⁰ Failure to speed up these processes will deprive residents of additional affordable on-ramps to the internet.

The fourth lesson is that there must be more oversight of city-led broadband actions. The city's recent track-record on broadband projects and policymaking is subpar.¹¹ The Council and the Committee on Technology are to be commended for convening this oversight hearing regarding LinkNYC. Additional hearings and scrutiny of other aspects of the city's broadband strategy are required. Is the city doing all that it can to hasten the equitable deployment of 5G? Is the city making enough resources available to support inclusive digital literacy training? Are there opportunities for the city to partner with ISPs to promote the availability of ACP subsidies and free internet subscriptions? Have the funds allocated in support of the city's Internet Master Plan been wisely invested?

In closing, the remaining broadband connectivity challenges in New York City are amenable to targeted interventions. More attention and resources must be allocated to

addressing these mostly demand-side issues. Projects like LinkNYC grab headlines but do little in practice to actually close the digital divide.

Thank you for the opportunity to offer testimony today.

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Notes & Sources

¹ For additional information, please visit www.nyls.edu/aclp.

² The ACLP has testified before the City Council several times before regarding these issues. See, e.g., Michael Santorelli, *Testimony Before the Committee on Technology Regarding Broadband and the Digital Divide*, Oct. 13, 2020, <http://comms.nyls.edu/ACLP/Santorelli%20-%20Testimony%20re%20Broadband%20and%20the%20Digital%20Divide%20-%20NYC%20Council%20-%20October%2013%202020.pdf> (“Santorelli Testimony – Oct. 2020”).

³ Among other things, the ACLP spearheaded the organization of the Digital Equity, Adoption & Literacy (DEAL) Coalition, which focused on educating policymakers and other stakeholders about the need for allocating more attention and resources to demand-side issues like broadband adoption and digital literacy training. These efforts included several letters to the De Blasio administration highlighting (1) guiding principles for effective broadband policymaking, <http://comms.nyls.edu/ACLP/NYC-RFI-Submission-DEAL-Principles-January-19-2018.pdf>, and (2) specific areas where policy reforms could unlock additional resources and make the provision of demand-side services more efficient and effective, <http://comms.nyls.edu/ACLP/DEAL-Coalition-Follow-Up-Letter-June-29-2018.pdf>.

⁴ Gabriel Sandoval and Joshua McWhirter, *Big Tech Pays to Supersize LinkNYC and Revive Broken Promise to Bridge Digital Divide*, April 27, 2022, The City, https://www.thecity.nyc/2022/4/27/23045122/link5g-free-wifi-tech-linknyc?mc_cid=c5beec427a&mc_eid=03ee07ec42 (“Supersize LinkNYC”).

⁵ The universality of broadband in NYC is supported by ample data from the FCC, which is available via its National Broadband Map, https://broadbandmap.fcc.gov/#/area-summary?version=dec2020&type=place&geoid=3651000&tech=acfosw&speed=25_3&vlat=40.697506625089716&vlon=-73.97950600000001&vzoom=7.980524740820521. Per that data, almost 99% of the population can choose from at least two providers of fixed broadband service. The data also indicate that, as of December 2020, 0.33% of the population lacked access to any provider of fixed broadband service.

⁶ For additional discussion, see generally *Santorelli Testimony – Oct. 2020*.

⁷ Many of these groups have participated in the DEAL Coalition. For an overview, see <http://comms.nyls.edu/ACLP/NYC-RFI-Submission-DEAL-Principles-January-19-2018.pdf>.

⁸ See, e.g., Diana Goovaerts, *Charter Joins Verizon, Comcast in Offering Free Internet for ACP Participants*, March 31, 2022, Fierce Telecom, <https://www.fiercetelecom.com/broadband/charter-joins-verizon-comcast-offering-free-internet-acp-participants>.

⁹ *Supersize LinkNYC*.

¹⁰ See, e.g., Max Parrott, *‘Year of 5G’ Falls Flat as DOT Stalls Node Approvals*, March 16, 2022, AM NY, <https://www.amny.com/news/year-of-5g-falls-flat-as-dot-stalls-node-approvals/>.

¹¹ See, e.g., Michael J. Santorelli, *Better Ways to Expand Broadband: City and State Can Expand Access Without Wasting Public Funds*, March 27, 2021, N.Y. Daily News, <https://www.nydailynews.com/opinion/ny-oped-better-broadband-20210327-xr7n6k5agbcgfbgvcmlk57bhi-story.html>.