



Congress of the United States
House of Representatives
Washington, DC 20515-3605

January 10, 2024

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Dear Chairwoman Rosenworcel:

We write to express our concern and opposition to the Federal Communications Commission's (FCC) decision to revoke SpaceX's Starlink 2020 Rural Digital Opportunity Fund (RDOF) award of \$885 million. This decision is a serious mistake in the effort to close the digital divide in America.

In 2020, Starlink participated in a competitive auction and successfully bid to provide high-speed, low-latency internet to 642,925 locations across 35 states. We understand Starlink was the only provider that bid to provide 100/20 Mbps service at a substantial portion of these locations. Unfortunately, the Wireline Competition Bureau later rejected Starlink's application for, allegedly, not meeting RDOF requirements *three years* before the 2025 milestone—a standard not required by the rules and evidently not imposed on any other RDOF awardee. The FCC's explanation for its differential treatment of Starlink is insufficient. In the conclusion to rescind Starlink's RDOF award, the FCC relied on unannounced third-party data from areas that Starlink would not serve under RDOF to declare that "Starlink failed to demonstrate that it could deliver the promised service" to its RDOF locations.

RDOF requires providers to meet 40 percent of their service obligations by 2025. We are concerned that the FCC ignored Starlink's demonstrated ability to rapidly expand and upgrade its network by increasing the quantity and quality of the satellites it operates in low Earth orbit. In fact, public filings show that Starlink has nearly doubled the number of satellites it has in orbit since the FCC's decision.¹ These satellites have already improved service, with Ookla speed tests demonstrating

¹ <https://planet4589.org/space/con/star/stats.html>

that Starlink's speeds have increased even as the number of Starlink users in the United States has grown to 1.3 million locations and worldwide network traffic has tripled.²

It is deeply concerning that the FCC has applied altogether different performance metrics and buildout standards to Starlink than it has to any other RDOF awardee, in direct contradiction with RDOF's program rules and stated goal to be the "next step in bridging the digital divide to fund the deployment of broadband networks in rural America efficiently." The Communications and Technology Subcommittee has been clear that an "all of the above" approach is critical to close the digital divide. The FCC's arbitrary decision demonstrates a clear bias against an "all of the above" technology approach by making a decision that seems to reject new, demonstrated broadband technologies. This decision has the potential to strand 642,925 households across America that it promised to serve more than four years ago, but who will, as a result of this decision, remain without quality internet today.

Please provide the Committee the following information by **January 31, 2024**:

- 1) What specific milestone dates did RDOF requirements impose for winning bidders to provide service at awarded locations?
- 2) Why did the FCC impose a requirement on Starlink that it provide service years in advance of RDOF deployment milestone dates?
- 3) Please identify any other RDOF awardee that was required to meet speed requirements in RDOF territories years in advance of stated RDOF deployment milestones. If there are none, please indicate this in your response.
- 4) Please identify where in the RDOF program rules the FCC indicated it would use nationwide third-party speed tests to make predictive judgements about service in RDOF territories. If the rules do not state this, please indicate this in your response.
- 5) Has the FCC ever previously used a third-party organization's national speed data to determine the capability of a provider to deliver program-required speeds at program locations? If so, please identify specific cases in your response.
- 6) Are you aware of any RDOF winners that met the RDOF speed requirements in all RDOF territories before the FCC approved their RDOF application?
- 7) Did the third-party data the FCC used include Starlink performance data from locations Starlink was not awarded to serve under RDOF? If so, what specific steps did the FCC take to disaggregate this data to ensure speed tests outside the RDOF territories did not

² <https://www.ookla.com/articles/us-satellite-performance-q3-2023#:~:text=SpaceX's%20Starlink%20satellite%20FNTN%20service,of%202023%2C%20exceeding%20%20million;https://radar.cloudflare.com/year-in-review/2023#starlink-traffic-trends>

affect speeds within the RDOF territories? What steps did the FCC take to verify the integrity of this third-party speed test data for Starlink and for all other RDOF awardees?

- 8) Since the FCC's short-form decision awarded Starlink to serve 642,925 households, did the FCC review updated third-party data showing that Starlink's national network performance has improved closer towards RDOF-required speeds? If not, why?
- 9) The FCC approved the applications for a number of RDOF participants that have since told the FCC that they are not able to meet the RDOF requirements without more funding, extended timelines, or relaxation of other RDOF requirements. Please describe the specific objective measures the FCC employed to determine that these participants would be able to meet the RDOF requirements, while Starlink—which has already deployed nationwide—could not?
- 10) What is the Commission's plan to connect the locations where Starlink was the only bidder?

Thank you for your attention to this matter.

Sincerely,



August Pfluger
Member of Congress



Gus M. Bilirakis
Member of Congress



Tim Walberg
Member of Congress



John Joyce
Member of Congress



Randy K. Weber
Member of Congress



Troy Balderson
Member of Congress



Diana Harshbarger
Member of Congress



Kat Cammack
Member of Congress



Jay Obernolte
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Larry Bucshon, M.D.
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