



Digital Discrimination

June 2024

As part of the federal infrastructure law passed by Congress, they gave the FCC a clear and important directive – ensure that all Americans have non-discriminatory access to high-quality broadband infrastructure.

That is a goal the cable broadband industry fully supports and has a proven track record of delivering, offering state-of-the-art broadband throughout our service areas regardless of income level, race, ethnicity, color, religion, or national origin.

In spring 2024, a new FCC rule, adopted on a party-line vote of 3-2, seeks to prevent “digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin.” In essence, it would hold ISPs accountable if their actions “differentially impact consumers’ access to broadband” — intentionally or not. That will include decisions about network upgrades, pricing, marketing, maintenance and more.

However, the application of such a rule would be counter to the Biden administration’s overall goal of Internet for All. Applying such a rule would chill investment to expand broadband access, which would fundamentally go beyond antidiscrimination authority granted to the FCC in the 2021 Infrastructure Investment and Jobs Act.

As broadband providers, we are committed to prevent discrimination wherever it may appear. In fact, a recent study by the Vernonburg Group shows what other studies and analyses have shown before — cable broadband networks are deployed equitably across a wide variety of demographics.

Data shows that low-income areas have similar access to cable broadband service as their high-income counterparts. The report also reveals no digital disparities on racial grounds, with some majority-minority areas having even greater broadband availability. The exception is pockets of certain communities affected by the combination of factors such as geography and low density impacting the economics of deployment.

- Available to 87% of the U.S., cable broadband networks are widespread throughout the markets they serve, including in areas with high rates of poverty.
- The data shows that communities with higher rates of poverty (defined as at least 25% of households living below the poverty level) have similar access to broadband compared with higher-income U.S. households.

- Those communities with higher levels of poverty are only slightly (approximately 1-2 percentage points) less likely to have access to high-speed broadband than their higher-income peers.
- These trends hold true for 100/20 Mbps speed tiers, as well as faster broadband connectivity delivering more than 1 Gbps. Even the lowest-income communities, where over 60% of people live below the poverty line, are only 0.9 percentage points less likely to have access to 100/20 Mbps fixed broadband than the highest-income areas.

Rural location, not race or income, leads to minor differences in service availability.

Where differences in access do occur, they often fall into scenarios where other factors, such as population density or highly remote communities, lead to the difference in service. These factors both make network deployment much more difficult and costly, as more infrastructure must be built across wide swaths of land to connect communities that are also made up of homes spread far apart. Again, this increases the cost, materials, labor, and time to extend a network.

As the data shows, cable broadband networks continue to be deployed across the country to communities of all income and racial backgrounds. Through decades of investment and billions of dollars in private capital, cable providers have built high-speed networks across the country and are continuously upgrading the technology and the quality of their service offerings.

Combined with its other anti-business rules they have proposed earlier this year, the FCC's regulatory overreach will prove impossible to administer and impossible in which to comply.