

Ajit Pai says he's fixed giant FCC error that exaggerated broadband growth

Enlarge / FCC Chairman Ajit Pai with his oversized coffee mug in November 2017.

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The Federal Communications Commission has fixed the gigantic error that skewed its broadband deployment data, Chairman Ajit Pai announced today—while claiming that the corrected data still shows his policies are boosting broadband access.

Pai initially released a summary of the data in February, claiming it showed that his deregulatory policies have sped up broadband deployment in the United States. Even this initial, exaggerated data only showed modest growth similar to the gains seen during the Obama administration, as we reported at the time.

Pai didn't release the full Broadband Deployment Report, instead providing just a few details in a one-page press release. Despite the limited information available, advocacy group Free Press was able to discover a huge error that showed broadband progress under Pai's leadership was less impressive than he claimed. Specifically, a new ISP called BarrierFree falsely told the FCC that it went from serving zero customers to 20 percent of the country in just six months, and the FCC didn't notice the mistake on its own.

This error—which BarrierFree admitted—led to several mistakes in the FCC’s press release.

Pai initially claimed that “the number of Americans lacking access to a fixed broadband connection meeting the FCC’s benchmark speed of [25Mbps downloads and 3Mbps uploads] has dropped by over 25 percent, from 26.1 million Americans at the end of 2016 to 19.4 million at the end of 2017.”

But the end-of-2017 number of Americans lacking access was really 21.3 million, not 19.4 million, after accounting for the BarrierFree error. The FCC also overstated the number of rural Americans who gained broadband access in 2017 and overstated the number of Americans who gained access to 100Mbps and 250Mbps service.

Pai fixes data, comes to same conclusion

Today, Pai announced that the FCC has fixed the mistakes in a press release titled, “Revised Draft Broadband Report Still Shows a Narrowing Digital Divide.”

As the press release title suggests, Pai said the mistakes don’t change his overall conclusion that broadband deployment is proceeding more rapidly because of his deregulatory policies. He also praised the FCC for being “open and transparent,” despite not actually releasing all of the data yet.

Pai said:

We’re pleased that the FCC’s policy of making deployment data open and transparent to the public resulted in this error being discovered. Fortunately, the new data doesn’t change the report’s fundamental conclusion: we are closing the digital divide, which means we’re delivering on the FCC’s top priority. We’re achieving this result by removing barriers to

infrastructure investment, promoting competition, and providing efficient, effective support for rural broadband expansion through our Universal Service Fund programs. I look forward to working with my fellow Commissioners to continue making progress toward that goal in the coming year.

Today's FCC press release didn't mention Free Press's discovery of the mistake. But it did say the revised report "reflects a thorough review of the initial draft triggered by the discovery that a company submitted drastically overstated deployment data to the FCC." When contacted by Ars, the FCC said none of the other errors discovered in this process were comparable to the BarrierFree mistake.

Free Press General Counsel and VP of policy Matt Wood provided this statement when contacted by Ars:

We're very glad to see that the FCC has addressed the error Free Press identified. While Chairman Pai isn't a big-enough person to say our name or to mention Free Press's role in discovering an error that had eluded staff, we will take heart in the good result and leave Pai's pettiness out of it. Of course, fixing this error doesn't fix the other huge flaw we cited in our letter about BarrierFree: the Pai FCC keeps trying to take credit for broadband deployment and speed increases well under way before and during Title II's reinstatement. So when Chairman Pai takes credit for ISP investment and improvements he quite literally had nothing to do with, it's an ongoing embarrassment that simply revising the numbers down cannot fix.

The FCC said the full report won't be released publicly until commissioners vote on it. Democratic Commissioner Jessica Rosenworcel said she won't support the report's conclusions.

"While it's a good thing the FCC has finally fixed this mess with its data, the fact of the matter is that millions of

American households—in rural and urban communities—have no access to high-speed service. That’s a problem,” Rosenworcel said in a statement provided to Ars. “With tens of millions of Americans without access to broadband, it’s simply not credible for the agency to conclude that broadband deployment across the country is reasonable and timely.”

The annual report stems from Section 706 of the Telecommunications Act of 1996, in which Congress required the FCC to encourage broadband deployment to all Americans and to make a regular determination of “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”

Corrected numbers

Today’s FCC press release confirms Free Press’s finding that the number of Americans without 25Mbps/3Mbps fixed broadband was 21.3 million.

The FCC today also said that 4.3 million Americans in rural areas gained broadband during the report period. Previously, the FCC incorrectly claimed this number was 5.6 million, but Free Press found that 2 million of those were due to BarrierFree’s erroneous filing. Some of those 2 million may have gotten new broadband access from other ISPs, which possibly explains why the FCC’s corrected number is 4.3 million and not 3.6 million.

Today’s press release also corrected the numbers for higher-speed access:

Higher-speed services are being deployed at a rapid rate as well. For example, the number of Americans with access to at least 250Mbps/25Mbps broadband grew in 2017 by more than 36 percent, to 191.5 million. And the number of rural Americans with access to such broadband increased by 85.1 percent in 2017. In addition, the number of Americans with access to

100Mbps/10Mbps broadband grew in 2017 by more than 18 percent, to 288.4 million, while the number of rural Americans with access to such broadband increased by 44 percent in 2017, to 37.4 million.

Before the BarrierFree mistake was discovered, the FCC said 250Mbps/50Mbps access increased by 45 percent to 205.2 million Americans and that access to 100Mbps/10Mbps increased by nearly 20 percent to 290.9 million Americans. In addition to changing those numbers, today's corrected press release switches from reporting speeds of 250Mbps/50Mbps to 250Mbps/25Mbps.

Pai's February press release also claimed that Internet providers "responded to FCC reforms by deploying fiber to 5.9 million new homes in 2018, the largest number ever recorded." But there wasn't any reason for Pai to take credit for all of that—about half of the new fiber lines probably came from an ongoing deployment that the Obama-era FCC required AT&T to complete in 2015 when AT&T was allowed to buy DirecTV. Today's corrected FCC press release doesn't mention that fiber claim, and it doesn't include a previous claim about broadband providers increasing capital expenditures.

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