

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

DANIEL K. INOUE, HAWAII
JOHN F. KERRY, MASSACHUSETTS
BYRON L. DORGAN, NORTH DAKOTA
BARBARA BOXER, CALIFORNIA
BILL NELSON, FLORIDA
MARIA CANTWELL, WASHINGTON
FRANK R. LAUTENBERG, NEW JERSEY
MARK PRYOR, ARKANSAS
CLAIRE McCASKILL, MISSOURI
AMY KLOBUCHAR, MINNESOTA
TOM UDALL, NEW MEXICO
MARK WARNER, VIRGINIA
MARK BEGICH, ALASKA

KAY BAILEY HUTCHISON, TEXAS
OLYMPIA J. SNOWE, MAINE
JOHN ENSIGN, NEVADA
JIM DEMINT, SOUTH CAROLINA
JOHN THUNE, SOUTH DAKOTA
ROGER F. WICKER, MISSISSIPPI
JOHNNY ISAKSON, GEORGIA
DAVID VITTER, LOUISIANA
SAM BROWNBACK, KANSAS
MEL MARTINEZ, FLORIDA
MIKE JOHANNIS, NEBRASKA

ELLEN DONESKI, CHIEF OF STAFF
CHRISTINE KURTH, REPUBLICAN STAFF DIRECTOR AND GENERAL COUNSEL

August 2, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

In April, 29 brave men were killed at the tragic explosion at the Upper Big Branch mine. They were men with a fierce determination to provide for their families. They knew there was danger in every work day. But their families bore this uncertainty with an uncommon grace, year-in and year-out.

The explosion, however, showed more than the physical danger in their jobs. It exposed a troubling lack of communications facilities in our rural communities.

Following the explosion, ambulances and helicopters were dispatched from surrounding counties. Rescue workers set out to drill holes to release dangerous concentrations of methane gas. But without wireless phone service available in the hills near the mine, communication and coordination were extraordinarily difficult. Before temporary satellite services were brought in, responders were forced to drive up and down the mountain from the drill site to the command center to get basic information.

The situation was no better for the families. Many of them had to stand in long lines to use two of the three traditional phone lines available in an on-site office. Wives, mothers, siblings, and children waited to relay difficult information about the fate of their husbands, fathers, and brothers.

Explosions like what happened at Upper Big Branch may be unique to mining states. But the communications deficit this tragedy exposed is not. The same challenges exist in other rural areas, where the terrible impact of floods, hurricanes, tornados, and even acts of terror, can be made worse still by inadequate communications infrastructure.

I believe that the residents of these rural communities need to know that they have the same access to quality communications as those in more urban areas. This is not just my opinion. As you know, it's the law.

Section 254 of the Communications Act directs the Federal Communications Commission (FCC) to develop a universal service policy that provides consumers in all regions of the Nation, including those in rural, insular, and high cost areas with access to telecommunications and information services that are reasonably comparable to those services provided in urban areas.

The truth is, on this charge, the current system has missed the mark. The existing universal service system has shortchanged too many residents of communities in West Virginia and in rural areas across the country. Statistics make this painfully clear. As I have noted before, in West Virginia as many as one in five households lacks access to broadband service. Only 71 percent of the state's population has access to 3G wireless service. The stark fact is that the present universal service system has failed to provide the kind of ubiquitous service that the law requires.

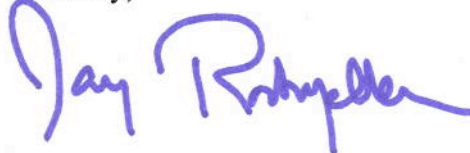
I believe that these shortcomings have been magnified by a FCC system in which support is dependent on the size and regulatory classification of the carrier rather than the underlying characteristics of the area to which support is directed. A more sensible and efficient system—that delivered true universal service—would focus less on the size of the carrier providing the service and more on providing support to those areas of the country that lack service today.

I believe that the time has come to fix this. Inequities in basic infrastructure, like the ones exposed by the mining disaster in West Virginia, are profoundly unacceptable. In order to honor the spirit of universal service and the legal requirements of Section 254, the FCC must act to remedy this situation. Everyone in this country, no matter who they are or where they live, deserves access to modern communications services, including broadband and wireless services.

I know this is neither an easy nor simple task. But I ask that you proceed with urgency. Disasters like the one at Upper Big Branch have demonstrated with painful clarity the gaps in our communications infrastructure and the pressing need for reform.

Thank you.

Sincerely,



John D. Rockefeller IV
Chairman

Cc: Commissioner Michael J. Copps
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker