



May 12, 2021

**Associated Press**  
**Emergency program to give people \$50 off internet bill**

**Broadcast Law Blog**  
**The First Amendment's Role in Broadcast and Online Regulation**

**Ars Technica**  
**Baltimore chief prosecutor asks FCC to stop negative news coverage about her**

**Variety**  
**What's fueling Fox Nation subscriber growth, per mobile data**

**Politico**  
**Ted Cruz bets big on Facebook**

**Pittsburgh Tribune-Review**  
**State Senate Majority Leader Kim Ward reveals breast cancer diagnosis**

**Spotlight PA**

The Biden administration's [broadband plan](#) read like a dream come true to Donnel Baird. The \$2 trillion American Jobs Plan, introduced in late March, had a whopping \$100 billion for broadband infrastructure baked in — and a promise to give that money first and foremost to affordable local networks owned by municipalities and co-ops.

Last year, at the start of the pandemic, Baird, who is CEO of the greentech startup BlocPower, helped launch one such co-op in the Bronx, which is now providing fiber connectivity to nearly 200,000 people in the local community for free. Before President Biden took office, Baird says he met with Biden transition staffers to talk about this work and how investing in community-owned broadband networks could help close the digital divide once and for all.

Months later, here was the White House's stamp of approval. Then came the phone calls. First, the director of a D.C. advocacy firm Baird works with called him. Then it was a friend who works for a tech giant. Two more New York lobbyists who knew BlocPower's general manager from his days as a Democratic organizer called, too. The message from all of them, Baird said, was simple: "Telecom lobbyists' heads are exploding."

Comcast, Charter, AT&T and their respective industry associations have spent years beating back municipal broadband networks in states across the country, lobbying for [laws](#) that prohibit such networks and arguing that government-funded broadband puts the thumb on the scale of competition. With potentially \$100 billion in federal funding on the line, the last thing the cable lobby wants is to see those restrictions lifted and funding diverted to cities, not their own coffers.

Not only that, but the Biden plan calls for funding "future-proof" networks, which, roughly translated from government-speak, means fiber, not cable. "Cable is treating [this plan] like hair on fire," said Gigi Sohn, distinguished fellow at the Georgetown Law Institute for Technology Law & Policy. Baird, a former field director for the 2008 Obama campaign, decided that in order to keep the proposed Biden plan intact, he had to get organized. Now, he's forming a coalition he hopes can help mount a defense against the cable lobby's attempts to rewrite the broadband plan as it makes its way through Congress.

**Taxpayers foot huge bill to run Pa.'s full-time legislature, but are blocked from many details**

**Pittsburgh Tribune-Review**

**Trump-backed Sean Parnell announces bid for U.S. Sen. Toomey's seat**

He's not alone. Across the country, advocates for locally-owned broadband — a loosely affiliated network of fiber providers, digital equity nonprofits, labor unions, churches, educators and municipalities — are girding for battle. Enabling municipalities and local communities to build their own networks, they argue, removes the profit incentives that cable giants have, driving down costs and leading to reinvestment in the community. The Biden plan, they say, is an opportunity unlike any they've seen before to put that idea into practice nationwide. "This is a moment where we just have to get more active than we've ever been," said Greta Byrum, director of nonprofit Community Tech NY.

Baird's company, BlocPower, does not on its face have much to do with broadband. It helps retrofit buildings to be more energy-efficient using data to analyze a given building's needs. But the technology BlocPower deploys at these locations requires a strong broadband connection, something Baird has found is lacking in low-income areas, even in an ultra-connected city like New York.

At the start of the pandemic, Baird said a group of congregations in the Bronx that he had worked with before began contacting him, asking whether he could help them secure free Wi-Fi for students in their community. Baird, who had already set up a mesh network in Brooklyn prior to the pandemic, agreed, and raised \$2 million in philanthropic funding to do the same in the Bronx. Baird recruited workers from an electricians union, who had been on strike from Spectrum for years, to build and maintain the network, which lives on the roofs of low-income housing buildings. Now, BlocPower, together with those workers and the South Bronx Churches, collectively own the ISP cooperative behind the network. As of mid-April, the mesh network was serving nearly 200,000 people in the Bronx for free, and Baird expects the co-op will charge users between \$7 and \$10 per month after the pandemic ends. "This is closer to the real cost," Baird said. "Once you get to 2,500 users onto the system, you're set. Anything after that is profits. You can invest those profits in expanding the system to more neighborhoods."

BlocPower, South Bronx Churches, the striking union workers and the workforce development nonprofit Bitwise Industries are all joining forces to push Congress on Biden's broadband plan. "We have a lot of relationships with a lot of members of Congress who care about what our constituents think and feel. We're going to make sure they know that," said Michael Stanley, lead organizer for South Bronx Churches, which is part of a national network of congregations called the Metro Industrial Areas Foundation.

Another powerful ally in Baird's corner? Software mogul and philanthropist Mitch Kapor, who is a BlocPower investor and a proponent of community-owned broadband. "It's about where the control is and the power is in society," Kapor said. "We're rethinking that. There are big stakes here." As co-founder of the Electronic Frontier Foundation, Kapor said he still has "scar tissue" from his days navigating Washington, and he's now working to help Baird do the same. It may well come in handy that President Biden has tasked Vice President Kamala Harris with shepherding the broadband plan through Congress — Kapor says he's known Harris since her days as California attorney general.

Still, Kapor acknowledges the lopsided nature of the fight. "You're fighting on their turf," he said of the cable industry. "The number of full-time paid lobbyists they have, both themselves and their consulting firms, give them the ability to target every single person in Congress who has a say on this and to persist at it and to continue to look for any opening whatsoever to introduce amendments."

Last quarter, Comcast and Charter alone spent more than \$7 million lobbying Congress. Their industry association — NCTA — and USTelecom, which represents the broader telecom industry, spent millions more. And that was before Biden introduced a plan that posed a grave threat to their businesses. Now, NCTA spokesperson Brian Dietz says talking to lawmakers about the

Biden plan is "clearly our No. 1 priority." Comcast declined to comment for this story, and Charter did not respond to Protocol's request for comment.

Telecom lobbyists "would rightly be spending a staggering sum on this because the threat of competition is existential to them," said Chris Mitchell, director of the community broadband initiative at the Institute for Local Self-Reliance. Cable companies' argument against municipal broadband is not new. Cable, they say, already blankets the country. Why build more capacity where it already exists when there are still parts of the country with no capacity at all? Besides, they argue, it's not the government's place to interfere with private competition. "The belief that municipalities deserve some type of preference in the distribution of funds and that that somehow is going to lead to some greater consumer benefit? We don't think that's true or that there's any real evidence," said James Assey, executive vice president of NCTA.

That argument has gotten cable companies their way in state after state, including in Tennessee, where AT&T fought efforts by Chattanooga's [successful](#) municipal network to [expand](#) in 2016. And it's gaining ground among lawmakers in Congress too. "The proposal today would prioritize, unfortunately, inefficient government-run networks, at the expense of private networks, and create arbitrary speed thresholds that favor fiber-only projects with no restrictions to prevent overbuilding in areas where broadband already exists," Republican congresswoman Cathy McMorris Rodgers said during a hearing of the House Energy and Commerce Committee last week.

But as this fight moves from the states to the federal level, local broadband proponents have some advantages they haven't had before. They don't just have the backing of the White House and support of Democrats who control Congress. They also have more than a year's worth of examples of how people on the wrong side of the digital divide in both cities and rural America have struggled during the pandemic — and how cable giants have [failed](#) to fill the gap.

That municipal network in Chattanooga, for instance? During the pandemic, Chattanooga was able to provide free broadband to the homes of more than 17,000 low-income students, offering an [example](#) local broadband advocates now point to as evidence of precisely the upside that cable lobbyists argue doesn't exist. "Thanks to the investments made by the city, they were able to connect them to really high-quality fiber broadband infrastructure for free," said Amina Fazlullah, policy counsel at the children's advocacy group Common Sense Media. "It's a lot more expensive to try to force an issue that doesn't make sense," Gary Bolton, CEO of the Fiber Broadband Association, said, noting his organization has met with at least 30 congressional offices and the White House to voice support for Biden's broadband plan. "Being able to talk about what makes sense to Americans and to the future means you don't have to have a bigger wallet," Bolton said.

While Baird makes the case for community broadband in bright blue cities, others are focusing on convincing Republican senators, many of whom have municipal broadband in their own backyards, of the value of those networks. In Utah, Utopia Fiber, which has municipal networks in 15 Utah cities, has grown [substantially](#) during the pandemic. Since the Biden plan came out, CMO Kim McKinley said Utopia has been in active conversations with Sen. Mitt Romney's office. Romney has been among the Republican lawmakers [meeting](#) with the Biden administration recently about reaching a compromise on an infrastructure package. "What we got from his staffer was: The more information you can send us, the better off," McKinley said. (Romney's office did not respond to a request for comment.)

For now, at least, the debate over the Biden broadband plan has mostly broken down along party lines, with familiar divisions emerging between those working to close the broadband availability gap in rural America and those working to close the access and affordability gap in cities. To Jonathan Chambers, a partner with the rural fiber-connectivity company Conexon, the Biden plan risks diverting funding to cities, when it ought to go toward building

out networks in rural America, where it's more costly to build and where a sparse population makes it harder to recover costs through subscription fees. "I'm in favor of spending money on infrastructure, but unless you identify the problem first and target the money toward the problem, you're just going to perpetuate the problem," said Chambers, who previously worked for both the Senate and the FCC. Chambers worried that the Biden plan is motivated by "the folks in the Biden administration want[ing] to support their constituency, which are cities."

Proponents of the Biden plan view the rural-urban divide as a false choice. "We have a real challenge in connecting both rural and urban populations," said Mitchell. "To the extent that we have to choose between them, I think we're doing something wrong." Yes, rural networks are expensive to build, said Sohn, but even in cities, where population density makes recuperating costs easier, the upfront expense of building a municipal network is enough to discourage cities from doing it. The same goes for community-owned co-ops like the one Baird launched. "If you see those numbers on the front end, you've got to figure out how to finance that," Sohn said. "Even though there are models everywhere, you're like: Oh, shit. I'm not gonna do this."

Fazlullah of Common Sense Media pointed out that students in both rural and urban America have faced difficulties with remote learning due to access and affordability issues. "Our own research found that urban communities that have been redlined or underserved were just as likely to experience high rates of folks on the digital divide as folks in rural areas who had zero or very few options," she said.

Republicans in Congress have come to the table with their own infrastructure [proposal](#). While it's significantly smaller than the plan Biden has put forward — \$568 billion compared to \$2.3 trillion — it does include \$65 billion for broadband infrastructure. Sohn views that as at least a show of bipartisan agreement in the idea that internet access is as vital to Americans' daily lives as clean water and public transit. "The pandemic changed everything for broadband," Sohn said. "At a certain point the impact of cable pressure and money starts to become diminished."

Baird isn't taking any chances. He knows he won't single-handedly convince Congress to keep the Biden plan intact, just as he didn't single-handedly convince Biden of the merits of local ownership. But in order to stand up to the cable industry, he believes it's important for local advocates like him to get involved. "I'm a little intimidated," he said, "but I'm not backing down."

— **Protocol**

