

Nos. 24-354 and 24-422

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**In the Supreme Court of the United States**

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FEDERAL COMMUNICATIONS  
COMMISSION, *ET AL.*, *Petitioners*,

v.

CONSUMERS' RESEARCH, *ET AL.*, *Respondents*.  
(For Continuation of Caption, See Inside Cover)

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**On Writs Of Certiorari to the United States Court of Appeals  
for the Fifth Circuit**

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**BRIEF FOR COBANK, ACB, NATIONAL  
COOPERATIVE SERVICES CORPORATION; CENTER FOR  
RURAL AFFAIRS; COMMUNITIES UNLIMITED; FARM  
CREDIT COUNCIL; FARMERS EDUCATIONAL AND  
COOPERATIVE UNION OF AMERICA; FEDERATION OF  
SOUTHERN COOPERATIVES/LAND ASSISTANCE FUND;  
NATIONAL ASSOCIATION OF RURAL HEALTH CLINICS;  
NATIONAL COOPERATIVE BUSINESS ASSOCIATION,  
CLUSA INTERNATIONAL; NATIONAL COUNCIL OF  
FARMER COOPERATIVES; NATIONAL RURAL  
ECONOMIC DEVELOPERS ASSOCIATION; NATIONAL  
RURAL ELECTRIC COOPERATIVE ASSOCIATION;  
NATIONAL RURAL EDUCATION ASSOCIATION;  
NATIONAL RURAL HEALTH ASSOCIATION; NATIONAL  
RURAL TELECOMMUNICATIONS COOPERATIVE;  
PARTNERS FOR RURAL TRANSFORMATION; RURAL  
COMMUNITY ASSISTANCE CORPORATION; AND RURAL  
COMMUNITY ASSISTANCE PARTNERSHIP AS AMICI  
CURIAE IN SUPPORT OF PETITIONERS**

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SCHOOLS, HEALTH & LIBRARIES BROADBAND  
COALITION, *ET AL.*, *Petitioners*,  
v.  
CONSUMERS' RESEARCH, *ET AL.*, *Respondents*.

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**INTEREST OF AMICI CURIAE<sup>1</sup>**

CoBank, ACB (“CoBank”) is a cooperative bank serving vital industries across rural America. The bank provides loans, leases, export financing, and other financial services to agribusinesses, and rural power, water, and communications providers in all 50 states. The bank also provides wholesale loans and other financial services to affiliated Farm Credit associations serving more than 77,000 farmers, ranchers, and other rural borrowers in 23 states around the country.

CoBank is a member of the Farm Credit System, a nationwide network of banks and retail lending associations chartered to support the borrowing needs of U.S. agriculture, rural infrastructure, and rural communities. In service of its mission, CoBank is a key lender to telecommunications service providers, including many recipients of funding through the Universal Service Fund (“USF”) programs.

National Cooperative Services Corporation (“NCSC”) is a taxable cooperative incorporated in 1981 in the District of Columbia as a member-owned cooperative association. The principal purpose of NCSC is to provide financing to its members and associates, which consist of two classes: NCSC electric and NCSC telecommunications. NCSC electric members and associates consist of members of the National Rural Utilities Cooperative Finance Corporation

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<sup>1</sup> In accordance with this Court’s Rule 37.6, amici state that no counsel for a party authored this brief in whole or in part, and that no person other than amici, their members, or their counsel made a monetary contribution intended to fund its preparation or submission.

(“CFC”), entities eligible to be members of CFC, government or quasi-government entities that own electric utility systems that meet the Rural Electrification Act definition of “rural,” and entities that are owned, operated or controlled by, or provide significant benefit to, Class A, B, and C members of CFC. NCSC telecommunications members and associates consist of rural telecommunications members and their affiliates.

NCSC lending benefits its members, which include subsidiaries and affiliates of electric cooperatives and rural telecommunications and broadband providers. NCSC services include financing in support of subsidiaries of electric cooperatives and rural telecommunications and broadband providers. As rural telecommunications providers, many of these members receive funding from the USF that allows them to reach all of their members.

The Center for Rural Affairs’ mission is to establish strong rural communities, social and economic justice, environmental stewardship, and genuine opportunity for all while engaging people in decisions that affect the quality of their lives and the future of their communities.

Communities Unlimited serves seven states in the southern United States, an area with many rural communities, a high minority population, high poverty and food insecurity. Communities Unlimited is a rural development hub working holistically with rural leaders, creating positive change in communities. Our technical assistance and lending impact rural and urban communities throughout our seven-state footprint.

The Farm Credit Council (“Farm Credit”) supports rural communities and agriculture with reliable, consistent credit and financial services, today and tomorrow. Farm Credit raises funds in the world’s capital markets and invests them in rural America. This steady flow of capital creates jobs and drives economic growth. Farm Credit helps ensure the vibrancy of communities throughout rural America.

The Farmers Educational and Cooperative Union of America (“National Farmers Union”) represents more than 230,000 family farmers and ranchers across the country. National Farmers Union believes that good opportunities in production agriculture are the foundation of strong farm and ranch families, and strong farm and ranch families are the basis for thriving rural communities. Vibrant rural communities, in turn, are vital to the health, security and economic well-being of our entire national economy.

The Federation of Southern Cooperatives/Land Assistance Fund (“Federation”) is a 58-year-old, non-profit cooperative association of Black farmers, landowners, and cooperatives. The Federation strives toward the development of self-supporting communities with programs that increase income and enhance other opportunities; and to assist in land retention and development, especially for African Americans, but essentially for all family farmers.

The National Association of Rural Health Clinics (“NARHC”) works to educate and advocate for Rural Health Clinics, enhancing their ability to deliver cost-effective, quality health care to patients in rural, underserved communities. The NARHC promotes rural health clinics as a means of improving and sustaining

the availability of quality, cost-effective health care to patients in rural, medically underserved areas. NARHC works with Congress, federal agencies, and rural health allies to expand and protect the interests of rural health clinics.

The National Cooperative Business Association CLUSA International (“NCBA CLUSA”) is the primary voice in the United States for people who use cooperatives to ensure everyone can participate in the economy. With a mission to develop, advance and defend cooperatives, NCBA CLUSA works on advocacy, public awareness, thought leadership and cooperative development.

Since 1929, the National Council of Farmer Cooperatives (“NCF”) has been the voice of America’s farmer cooperatives. NCF’s mission is to advance the business and policy interests of America’s cooperatives and other farmer-owned enterprises.

The National Rural Economic Developers Association (“NREDA”) is an individual-member, professional organization dedicated exclusively to the advancement of rural development, the development of member proficiency, and achievement of social and human service objectives in rural areas. NREDA’s membership base is comprised primarily of, but not limited to: Electric Cooperative Related; Telephone Cooperative Related; Economic Development Organizations; Associations; Government Related; or Consultants. As the only organization focusing exclusively on rural economic and community development, NREDA connects professionals in energy, telecommunications, water and sewer systems, transportation, housing, health care, education and financing. By

joining NREDA, you can take advantage of an extensive knowledge base and networking opportunities to make your own development program more successful. Eliminating the Universal Service Fund could result in a broadband cost increase for rural customers, which could hinder investments in vital services like telehealth, precision agriculture, and distance education. NREDA advocates for our members in the need to keep broadband costs low and improve access across health, education, business, and online services.

The National Rural Electric Cooperative Association (“NRECA”) is the national association for nearly 900 not-for-profit rural electric cooperatives and public power districts that provide electric service to roughly one in eight Americans, covering 56% of the nation’s landscape. Rural electric cooperatives serve millions of businesses, homes, schools, farms, irrigation systems, and other establishments in 2,500 of the nations over 3,100 counties, including 92% of the nation’s persistent poverty counties. America’s electric cooperatives are owned by the people they serve, and they comprise a unique sector of the electric industry. Electric cooperatives are focused on providing affordable, reliable, and safe electric power in an environmentally responsible manner. They are dedicated to improving the rural communities in which they serve, and the management and staff of rural electric cooperatives are active in rural economic development efforts.

The nation’s rural electric cooperatives are also committed to promoting the deployment of advanced

telecommunications capabilities within the rural communities and areas in which they serve, and electric cooperatives are expected to play a crucial role in the development of broadband infrastructure to serve rural unserved and underserved locations. Over 200 rural electric cooperatives currently are working to provide these much-needed broadband services themselves or through partnerships with affiliated or unaffiliated internet service providers. Other such projects are being considered. NRECA is not a publicly held corporation, and NRECA has no parent corporation. No publicly held company has 10% or greater ownership interest in NRECA.

Since 1907, the National Rural Education Association (“NREA”) has advocated for rural school administrators, teachers, board members, regional service agency personnel, researchers, business and industry representatives, and others interested in maintaining the vitality of rural school systems across the country. The NREA helps rural educators navigate through the noise by finding and helping them use the resources needed to educate today’s students. Whether that’s a rundown on current legislation and how it affects rural communities or guidance on how to meet specific educational needs within the community, this national organization can help.

The National Rural Health Association is a non-profit membership organization with more than 21,000 members nationwide that provides leadership on rural health issues. Our membership includes nearly every component of rural America’s health care, including rural community hospitals, critical access hospitals, doctors, nurses, and patients. We work

to improve rural America's health needs through government advocacy, communications, education, and research.

The National Rural Telecommunications Cooperative ("NRTC") serves more than 1,500 rural utilities and affiliates in 48 states. This member-driven organization helps electric and telephone members bring all the advantages of today's evolving technology to rural America. NRTC experts are dedicated to finding the optimal broadband, smart grid and mobile solutions for rural service providers to enhance their operations and benefit the rural communities and customers they proudly serve.

The Partners for Rural Transformation work collaboratively across geographies and cultures to collectively influence policy and simultaneously lead, advocate, innovate, and finance individual and community solutions to persistent poverty so that our rural neighbors can build sustainable and promising futures.

Founded in 1978, the Rural Community Assistance Corporation ("RCAC") is a 501(c)(3) nonprofit organization. The RCAC's work includes environmental infrastructure (water, wastewater and solid waste facilities); affordable housing development; community resilience and disaster planning; economic and leadership development; and community development finance.

The Rural Community Assistance Partnership ("RCAP") is a national network of non-profit partners working to provide technical assistance, training, resources, and support to rural communities across every state, the U.S. territories, and tribal lands. Through RCAP's regional partners, more than 350

technical assistance providers build long-term, trusted relationships with thousands of communities across the country.

### **SUMMARY OF ARGUMENT**

The USF funding mechanism and programs are constitutional and the Fifth Circuit decision should be reversed. These programs are vital to the direct recipients as well as individuals and businesses in rural communities. The elimination of USF will have economic and social impact on rural telecommunications service providers and the rural communities they serve including those lending institutions who have a reliance interest in USF when making loans to rural providers.

The nation's food production also relies upon USF-funded rural broadband to implement precision agriculture techniques and improve efficiencies. The manufacturing industry also has a growing reliance on broadband. Without these techniques and efficiencies, there will be an increase in waste and higher costs.

Rural communities also depend on telehealth to provides life-saving services. Telehealth services and the related benefits are only possible when telehealth providers and consumers of healthcare services have access to sufficient and reliable broadband services at rates they can afford, which is made possible through USF.

Finally, the elimination of USF will hinder remote work in general and the new administration's plans to move federal workers out of DC.



## ARGUMENT

### I. ELIMINATING USF WILL DISRUPT RELIABLE COMMUNICATIONS SERVICES AND DEVASTATE RURAL COMMUNITIES.

As Petitioners explain in their merits briefs, the Fifth Circuit’s decision holding USF unconstitutional is wrong and should be reversed. USF is like any number of federal programs administered by agencies, in which regulated businesses must engage in activities that benefit the public. There is no material difference between obligating regulated businesses to provide a service to others and obligating them to pay for someone else’s provision of that service. Yet the Fifth Circuit relied on that illusory distinction to order the defunding of programs that are vital to rural communities, which have relied on USF for decades.

Below, we illustrate just how vital the programs have become, not just to the direct recipients of USF, but also to the individuals and businesses that have, relying on USF-funded broadband, invested heavily in rural communities.

*a. Rural telecommunications service providers, the communities they serve, and the workers they employ will all suffer economic and social impacts.*

Universal service has been a core principle of telecommunications policy since 1934. See 47 U.S.C. § 151. In 1996, Congress expanded the universal service mission of the Federal Communications Commission (“FCC”) by directing the agency to ensure that “[c]onsumers in all regions of the Nation \* \* \* have access to telecommunications and information services \* \* \* that are reasonably comparable to those services

provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas” and to create “specific, predictable and sufficient Federal \* \* \* mechanisms to preserve and advance universal service.” See Telecommunications Act of 1996, Pub. L. No. 104-104, § 101(a), 110 Stat. 56, 71–72 (codified as amended at 47 U.S.C. § 254(b)(3)) (the “1996 Act”). In response, the FCC created four USF programs to advance the universal service mandate. Each USF program, though distinct, provides access to communications services.

One of those programs, the High Cost program, serves two main functions—access and affordability. As to access, the program ensures deployment to rural regions with disproportionately high network deployment costs and unserved or underserved homes. As to affordability, the program ensures that rural communities receive services at rates that are “reasonably comparable” to rates for similar services available to urban communities.

Due to its functions, the High Cost program supports telecommunications and broadband services in rural regions with mountainous or expansive terrain, natural features that increase costs and slow deployment. In certain regions—like Alaska, Montana, and Wyoming—weather shortens the construction season, which also interferes with efficient ongoing operations and maintenance. The program also funds deployment in rural areas with lower population densities and, therefore, smaller subscriber bases to cover deployment and operations expenses resulting in high per capita costs that often require service providers to

build longer distances between each customer served. A smaller user base exacerbates high deployment and operations costs and limits the potential return on investment.

Rural telecommunications service providers (and the communities they serve) rely on USF programs to support network deployment and to fund ongoing operations. There is a significantly weaker business case for network deployment in many rural communities if there is no USF support. For some, High Cost program support comprises 20 to 60 percent of their operating budgets. Without the USF funding, many rural providers would likely be unable to fulfill existing commitments, deploy new facilities, or maintain networks. Many smaller providers could be forced to choose between exorbitantly raising customer prices or shutting down.

The digital divide will also grow if USF is eliminated. Of the 24 million Americans who lack access to fixed broadband at speeds meeting the FCC's current broadband benchmark of 100/20 Mbps, 80 percent live in rural areas. See *In re Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 39 FCC Rcd 3247, 3367 (2024). The situation is even more dire for tribal communities: barely half of Native Americans have access to high-speed broadband, and affordability remains a significant barrier. *Id.* Many other Americans will likely face increased service costs and could eliminate potential expansions and enhancements to existing networks as well as higher speeds and capabilities that USF funding makes possible.

Without USF support, Americans could lose crucial access to voice and reliable broadband services. Voice services are a lifeline for consumers, businesses, and local governments. Providers receiving High Cost support are obligated to make voice service available to their customers. In many rural areas, where cellular signals remain sparse, weak, or unavailable, the USF-supported provider is often the only voice service ensuring access to critical services such as 911. Without access to USF-supported networks, rural Americans may lose access to critical emergency services—leaving them cut off from emergency responders in situations where quick communication can make the difference between life or death.

*b. Banks and lenders have reliance interests and could suffer significant financial impacts if USF is eliminated.*

Loss of USF will impact lending institutions, like Amici, that have made loans to rural service providers in reliance on the continued availability of USF support. Because High Cost support typically is paid over a period of years—sometimes as long as ten years—and reimburses only after costs have been incurred, service providers need to fill the financial gap by seeking and obtaining loans from commercial lending institutions like Amici. Before making a new loan, the lender evaluates whether the prospective borrower can repay the loan in full and on time. High Cost and other USF funding represent a significant source of future revenue that borrowers expect to use to pay off their loans.

For decades, Amici and other financial institutions have relied on the predictable and stable source

of funding made possible through the High Cost and other USF programs to extend billions in loans to support universal service. If USF is eliminated, rural operators will lose the cash flow. Lenders, in turn, will continue to support these vital services, but will re-evaluate their financial reliance interests and may not issue as many new loans or may need to provide smaller loans. For similar reasons, rural operators may be unable to repay existing loans without USF support, which may lead to default or bankruptcy.

Ending USF support could cause lending institutions, with investment-backed expectations that the loans will be repaid, to suffer direct monetary losses from defaults and bankruptcies.

*c. The agricultural industry will suffer waste and increased costs without precision agriculture methods, which rely on internet access.*

Farms rely on broadband for efficient and modern operations. The U.S. Department of Agriculture (“USDA”) estimates there are approximately two million farms in the United States. See U.S. Dep’t of Agric., *A Case for Rural Broadband: Insights on Rural Broadband Infrastructure and Next Generation Precision Agriculture Technologies*, 1 (Apr. 2019), <https://www.usda.gov/sites/default/files/documents/case-for-rural-broadband.pdf> (hereinafter “*Case for Rural Broadband*”). And those farms are responsible for production of about 30% of the world’s corn, 30% of soybeans, 13% of cotton, 12% of sorghum, and 8% of wheat. See *Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States*, 33 (Nov. 6, 2023), <https://www.fcc.gov/sites/default/files/2024-Report-PrecisionAg-Task->

Force-without-Signatures.pdf (hereinafter “*Precision Ag Connectivity Task Force*”). Domestically, American farms contributed \$222.3 billion to the U.S. gross domestic product in 2023 and exports of agricultural products were valued at \$178.7 billion. See U.S. Dep’t of Agric., *Ag and Food Sectors and the Economy*, <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/ag-and-food-sectors-and-the-economy/>; U.S. Dep’t of Agric., *Agricultural Trade*, <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/agricultural-trade/>.

The vast majority of agricultural production increasingly relies on broadband connectivity to conduct business and to use precision agriculture techniques to enhance efficiencies and production. According to the USDA, 27 percent of farmers and ranchers in the United States use precision agriculture to manage their crops and livestock. See U.S. Dep’t of Agric., *Technology Use (Farm Computer Usage and Ownership)*, 12 (Aug. 2023), <https://downloads.usda.library.cornell.edu/usda-esmis/files/h128nd689/4j03fg187/fj237k64f/fmpc0823.pdf>. Farms in all 48 contiguous states utilize precision agriculture, with more than 50 percent of farmers and ranchers using the technology in Illinois, Iowa, Nebraska, North Dakota, and South Dakota. *Id.*

Precision agriculture enables farmers to collect and analyze data to improve farming techniques, crop management, and efficiency of resources by identifying the optimal levels and locations for nutrients, seeds, and pesticides and to identify the right time and product types or amounts that will maximize

yield while reducing costs. See *Case for Rural Broadband, supra*, at 1. Precision agriculture also enhances productivity and provides time-saving efficiencies which also allows farming households to hold off-farm jobs which in turn increases household incomes. See U.S. Dep't of Agric., *Off-Farm Income, Technology Adoption, and Farm Economic Performance*, 17 (Jan. 2007), [https://www.ers.usda.gov/webdocs/publications/45734/11796\\_err36\\_1\\_.pdf?v=3755.1](https://www.ers.usda.gov/webdocs/publications/45734/11796_err36_1_.pdf?v=3755.1).

Furthermore, automated devices connected through broadband can be used to track livestock activity and alert farmers to potential problems. See *Case for Rural Broadband, supra*, at 18-19. It also improves logistics by providing real-time data that helps farmers overcome shipping and storage challenges to minimize spoilage by alerting staff to suboptimal temperatures, humidity, and capacity.

Ranchers also rely on broadband to procure cattle. Instead of traveling to live auctions, ranchers can participate in hundreds of online auctions. Animals also do not have to travel, sparing them the risk of exposure to disease and biohazards. See Joshua Seidemann, NTCA-THE RURAL BROADBAND ASSOCIATION, *From Fiber to Field: The Role of Rural Broadband in Emerging Agricultural Technology*, 10 (2021), <https://www.ntca.org/sites/default/files/documents/2021-07/06.14.21%20SRC%20Ag%20Tech%20Final.pdf>.

The USDA estimates the potential gross economic benefits of broadband infrastructure and next generation precision agriculture adoption is \$18 billion to \$23 billion per year. See *Case for Rural Broadband, supra*, at 24. Without affordable and reliable broad-

band, these gains cannot be realized, as costs will increase and the lack of adequate digital infrastructure will also contribute to “decreased agricultural productivity, lack of fresh food, education achievement gaps, declining rural communities and main streets, lower health care outcomes, hospital closures and lack of access to credit.” See *Precision Ag Connectivity Task Force, supra*, at 3.

If USF is no longer a source of economic sustainability for rural broadband, Americans are likely to experience price increases due to the higher costs of producing domestic food supply, reduced yields, and increased transaction costs for consumers to obtain their food.

*d. Rural access to broadband services provides efficiencies in the manufacturing sector that will be lost without USF.*

Like agriculture, manufacturing is an anchor for rural economies and accounts for a significant share of rural employment and income. Over 70 percent of all manufacturing-dependent counties are rural and contain nearly 25 percent of the rural population in the United States. See Sang Hoo Oh and Marcia A. Mardis, INFORMATION IN CONTEMPORARY SOCIETY, *Rural Broadband and Manufacturing: Research Implications for Information Studies*, 2 (2019) <https://par.nsf.gov/servlets/purl/10109974>.

In recent years, the manufacturing sector has been transformed with digitization and technology advancements. Information technology is applied to nearly every aspect of manufacturing. For example, broadband connectivity enables manufacturers to take advantage of cloud computing, the Internet of



Things, connected devices, and expanding e-commerce services. Manufacturers also leverage efficiencies enabled through machine learning, data analytics, robotics in industrial settings, advanced sensor technology, and enhanced machine-to-machine connections. As a result of these tools, all of which are made possible through broadband connections, manufacturers are more efficient, have more effective warehouse management and control systems, and, ultimately, reduce costs. These manufacturing benefits of broadband ultimately accrue to American consumers through lower prices and more innovation. However, a loss of broadband access, or degraded access below what is currently available, through the loss of USF, will impede gains in efficiency, reduce jobs, and ultimately increase costs for manufacturers.

*e. Telehealth provides life-saving services to rural communities and could suffer without internet services supported through USF.*

Eliminating the USF programs will have a devastating impact on the ability of rural Americans to benefit from life-saving telehealth services. Telehealth provides healthcare services through video and other communications platforms allowing patients to seek and receive care remotely using broadband. Telehealth provides significant economic and non-economic benefits and improvements, including access to specialists, timeliness of care, increased comfort, and limited transportation. See Rick Schadelbauer, NTCA-THE RURAL BROADBAND ASSOCIATION, *Anticipating Economic Returns of Rural Telehealth*, 7-8 (Mar. 2017), <https://www.ntca.org/sites/default/files/>

documents/2021-03/SRC\_whitepaper\_anticipatingeconomicreturns.pdf. Telehealth also allows healthcare providers to benefit from wider engagement with other providers and continuing education. *Id.*

Most importantly, telehealth improves healthcare outcomes. One study shows that only 6 percent of telehealth users required a follow up for a similar condition compared to 13 percent visiting a physician's office and 20 percent visiting an emergency room. See American Hospital Association, Issue Brief, Telehealth: Helping Hospitals Delivery Cost-Effective Care, 7, (April 2016), <https://www.aha.org/system/files/content/16/16telehealthissuebrief.pdf>. Telehealth generates economic benefits for consumers including reduced transportation costs and avoidance of lost wages from time spent seeking care. Healthcare providers and facilities also see economic benefits including reductions in personnel costs and increased revenues to local labs and pharmacies. See Schadelbauer, *supra*, at 8-9.

The capabilities and benefits made possible through telehealth are particularly important for rural communities, where physical hospital and medical provider facilities often are located far from home. Cf. Onyi Lam, *et al.*, PEW RESEARCH CENTER, *How Far Americans Live from the Closest Hospital Differs by Community Type* (Dec. 12, 2018), <https://www.pewresearch.org/short-reads/2018/12/12/how-far-americans-live-from-the-closest-hospital-differs-by-community-type/> (rural American live an average of 10.5 miles from a hospital compared to 4.4 miles in urban areas). Many rural Americans must travel long distances—sometimes hours and across states—to their closest

specialized medical facility. The transportation challenges facing rural consumers are exacerbated by recent trends of rural hospital closures, with at least 64 rural hospitals shutting their doors between 2013 and 2017. See U.S. Gov't Acct. Off., *Rural Hospital Closures: Number and Characteristics of Affected Hospitals and Contributing Factors*, 16 (Aug. 2018), <https://www.gao.gov/assets/gao-18-634.pdf>.

Telehealth services, and the economic and non-economic benefits that accrue from availability of telehealth services, can only be realized when telehealth providers and consumers of healthcare services have access to sufficient and reliable broadband services at rates they can afford. For rural communities, those broadband connections are most often only made possible through the support of the USF programs.

*f. Discontinuance of USF will stymie remote work in general and the new administration's plans to move federal workers out of DC.*

Discontinuing USF will make it harder for Americans to move to rural communities. The COVID-19 pandemic rapidly changed *where* Americans live, work, and play. For rural areas, “migration gains accelerated because pandemic-related remote work arrangements and early retirements gave people, including many from urban areas, more residential flexibility.” See Kenneth M. Johnson, CARSEY RESEARCH, *Migration Continues to Sustain Population Gains in Rural America* (2024), <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1498&context=carsey>. The population shift has resulted in new economic growth for the smallest metro areas and rural counties, increasing 13 percent faster from 2019 to 2023 than in more

populated areas. See Hamilton Lombard, WELDON COOPER CENTER FOR PUBLIC SERVICE, *Since the Pandemic, Young Adults Have Fueled the Revival of Small Towns and Rural Areas* (Sep. 17, 2024), <https://www.coopercenter.org/research/young-adults-fuel-revival-small-towns-rural-areas>.

Everyday Americans are not the only ones increasingly realizing the benefits of relocating to rural America. President-elect Trump announced plans to relocate one third of the federal agency employees currently working in Washington, D.C. To advance this plan, members of Congress have proposed legislation to move non-national security related agencies out of Washington, D.C. See Commission to Relocate the Federal Bureaucracy Act, H.R. 10410, 118th Cong. (2024).

Achieving these goals is possible only if broadband services are available throughout the country. Without access to high-quality broadband at reasonable rates, Americans lose the benefits of remote work, telehealth, online education, e-commerce, online socialization, and participation in online society. Rural businesses will suffer through loss of local employees and lack of access to the global marketplace. And without reliable broadband, federal agencies that move to rural areas will not be able to perform their duties or provide their services to the American public.

One bill for relocating agencies acknowledges the importance of broadband and requires that the proposed relocation plan to focus on areas that have “adequate preexisting infrastructure.” See Commission to Relocate the Federal Bureaucracy Act, H.R. 10410,

119th Cong. § 2(d)(2)(B) (2024). If insufficient broadband network availability and affordability becomes the norm, rural communities will be excluded from the economic and societal benefits that will result from an influx of new populations, including economic benefits to local businesses.

**CONCLUSION**

The judgment should be reversed.

Respectfully submitted,

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