March 12, 2020

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Dear Messrs. McElfresh, Esser, Rutledge, Combes, Storey, Legere, Watson, Vestberg:

As organizations around the country formulate their responses to the recent outbreak and spread of the novel coronavirus, or COVID-19, we write to discuss the steps that your company is taking to accommodate the unprecedented reliance we will likely see on telepresence services, including telework, online education, telehealth, and remote support services. Specifically, we ask that you temporarily suspend broadband caps and associated fees or throttling for all communities affected by COVID-19 and work with public school districts, colleges, and universities to provide free, or at-cost, broadband options for students whose schools close due to COVID-19 who don’t have access at home.

The novel coronavirus has sickened more than 113,000 people around the world, and killed more than 4,000 people to date. While this situation is rapidly evolving, including in the United States and Europe, the U.S. Centers for Disease Control and Prevention has said the potential public health threat posed by COVID-19 is very high and the spread of the disease in other countries shines a light on the need for a whole-of-society response.
On March 3, 2020, the CDC issued an interim guidance recommending that specific community actions be taken to limit exposure to the virus, on top of previously recommended community-based interventions in the event of a COVID-19 outbreak such as school dismissals, event cancellations, social distancing, and creating employee plans to work remotely. While the spread of COVID-19 is likely to affect different individuals, families, and communities differently, it is increasingly likely that a significant number of Americans will need to practice social distancing in some way.

During this period, it’s likely that we’ll see historic numbers of American students and their teachers relying on data-intensive services such as video teleconferencing, remote learning courses, and virtual mental health services. According to UNESCO, a “record number of school children are not attending school or university because of temporary or indefinite closures mandated by governments.” Selected schools have closed in at least 21 states and that number seems likely to rise as the number of new confirmed cases of COVID-19 increases. According to Education Week, over 1,300,000 students have been impacted thus far. Millions of workers have already begun teleworking in an effort to mitigate the spread of COVID-19; as evidence of the unprecedented demand for telework that we can expect to continue, videoconferencing software company Zoom has already added more active users this year than it did in all of 2019. To effectively contain the disruptive impact that social distancing measures will have on our economy and on American students, it will be essential that these students, teachers, and workers— including patients and providers using telehealth in place of in-person care—have access to affordable broadband.

No one should be penalized or suffer financial duress for following guidance from the CDC, their employer, local public health officials, or school leaders. Unfortunately, many Americans are subject to restrictive data caps for their home broadband service—caps that could be particularly onerous given the more intensive broadband usage of households practicing social distancing measures and the economic uncertainty for which too many people without paid sick leave are already bracing. While it’s likely that your networks will experience significantly greater traffic as a consequence of social distancing measures, we encourage you to forebear

5 Jordan Novet, “Zoom Has Added More Videoconferencing Users This Year Than in All of 2019 Thanks to Coronavirus, Bernstein Says,” CNBC (February 26, 2020), available at: https://www.cnbc.com/2020/02/26/zoom-has-added-more-users-so-far-this-year-than-in-2019-bernstein.html
from application of broadband caps and associated fees or throttling as workers and families cope with the effects of this health emergency.

These disruptions are also likely to acutely highlight the broadband gap that too many American households still face. According to some estimates, nearly one-third of American households lack meaningful broadband access, either because their homes are unserved or because they cannot afford broadband service. Nearly 12 million children, for instance, live in homes lacking a broadband connection—a gap that highlights wider inequities facing rural Americans, American communities of color, and economically disadvantaged communities. Without meaningful broadband access, students from these communities could be set back months in their learning—further exacerbating the socio-economic disparities these communities face. To that end, we encourage you to make efforts to work with local school districts, community colleges, and universities to provide under- and unserved households with free, or at-cost, broadband options, including through the provision of mobile hotspots.

We look forward to hearing swiftly from you about what steps you will take to help limit the economic and social disruption that COVID-19 is posing at this challenging time. Containing the health impact of COVID-19 will depend on observance of social distancing measures outlined by CDC and public health authorities. But containing the economic and social impact of COVID-19 requires a whole-of-society effort. At this time of great strain on our economic and education systems, we encourage you to do everything you can to cushion the impacts on American workers and students.

Thank you in advance for your prompt attention to this matter. We are anxious to hear your response.

Sincerely,

Mark R. Warner
United States Senator

Michael F. Bennet
United States Senator

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7 “America’s Digital Divide,” Democratic Staff of the U.S. Congress Joint Economic Committee (September 2017), available at: https://www.jec.senate.gov/public_files/f17b5d0b-bc00-4498-919d-3c56e1950881/the-digital-divide.pdf