

FCC Adopts New Minimum Standards for Broadband Services

March 28, 2024

The Federal Communications Commission (FCC), in a [Report to Congress](#), has adopted new standards for determining when internet services are fast enough to qualify as broadband services. The report sets the speed threshold at 100 megabits per second (Mbps) for downstream traffic and 20 Mbps for upstream traffic for fixed services; 35 Mbps downstream and three Mbps upstream for mobile service; and one gigabit per second (Gbps) downstream per 1,000 students and staff for services provided to schools. The report also sets a long-term goal of one Gbps downstream and 500 Mbps upstream for fixed broadband, but did not set a time when these new speeds would become the standard. These new minimum speeds will be used going forward by the FCC and could influence other agencies.

The speed standards for fixed service and schools represent significant increases from the previous minimum service levels, which were 35 Mbps downstream and three Mbps upstream for fixed service, and 500 Mbps per 1,000 students and staff for schools. The report also marks the first time that a mobile standard has been adopted. However, some existing and planned federal programs already incorporate these speeds. For example, the FCC's Rural Digital Opportunity Fund includes a service tier using the 100 Mbps/20 Mbps standard for fixed services. The new mobile standard is the same that the FCC plans to use for its 5G Fund universal service program, and most schools already meet the one Gb standard.

The FCC standards are based entirely on speed, and the agency chose not to adopt minimum requirements for latency or reliability.

The new standards will be used by the FCC to determine whether broadband is being deployed in a reasonable and timely fashion, which it is required to do periodically by Congress. Using these standards, the FCC determined in the report that there are deficiencies in deployment of broadband services today, particularly in rural areas and on tribal land. If service is not being deployed appropriately, the FCC is supposed to act to address the deficiency, such as by providing universal service funding.

The new standards also are likely to influence other federal and state agencies as they design broadband-related programs, and the long-term goal of one Gbps/500 Mbps for fixed service may have an incremental impact on the standards other agencies set in their programs as well. While most US customers have access to service at the speeds set by the FCC (and often at much higher speeds), adopting these standards may accelerate rollout of services to underserved areas.

For more information on the FCC's broadband standards and how they affect participants in the broadband marketplace, please reach out to one of the Cooley lawyers listed below.

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