

WASHINGTON  
1025 Connecticut Ave NW  
Suite 1110  
Washington, DC 20036  
tel. 202.265.1490



April 15, 2021

The Honorable Chairman Bernie Sanders  
U.S. Senate Committee on the Budget  
624 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Ranking Member Lindsey Graham  
U.S. Senate Committee on the Budget  
624 Dirksen Senate Office Building  
Washington, DC 20510

**Re: Hearing on the Cost of Inaction on Climate Change**

Dear Chairman Sanders & Ranking Member Graham:

Free Press<sup>1</sup> applauds the efforts of the Committee to examine the cost of inaction on the ongoing climate crisis. We submit this letter to highlight the intersection between the need for more resilient communications infrastructure and the costs of the climate crisis, and ask this Committee to ensure that any investigation into the climate crisis includes an analysis of the resiliency of communications networks.

The people in this country, and especially communities of color, require access to affordable, resilient, and open communications infrastructure. This Committee can help highlight the need for the conversation around climate crisis-resilient infrastructure to consider and incorporate a plan for a more resilient communications infrastructure — one that protects communities made especially vulnerable due to structural racism, the persisting legacy of U.S. colonialism, and poverty. Through our work, we have found a direct nexus between climate justice, racial justice, communications rights, and the need for more resilient communications infrastructure. A discussion of the climate crisis must include the role of electrical generation and grids and food security, but also the need for reliable and resilient access to communications networks as well.

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<sup>1</sup> Free Press is a national, nonpartisan, nonprofit organization that is focused on the intersection of media, technology, and democracy. We represent more than 1.4 million members in all 50 states, Puerto Rico, and Washington, D.C. Free Press was founded in 2003 to give the public a voice in the crucial decisions shaping the media. Media and technology are intertwined in our daily lives, vital to the health of our communities, and essential to a functioning democracy.

Over the past three and a half years, Free Press has commented in several proceedings at the Federal Communications Commission, and published several popular press pieces too,<sup>2</sup> on that agency's failure to comprehensively analyze widespread and prolonged communications blackouts<sup>3</sup> in Puerto Rico following Hurricanes Irma and Maria.<sup>4</sup> The inability of Puerto Ricans to make calls or access life-saving information contributed to the death toll. In the months that followed, between 3,000-5,000 people lost their lives in one of the deadliest disasters in U.S. history.<sup>5</sup>

We collected stories from people on the islands and hosted story circles in Puerto Rico.<sup>6</sup> We demanded that FCC officials go to the islands and engage directly with affected communities, and submitted letters from a broad coalition of Puerto Rican activists to the FCC and Congress. And we issued a report highlighting the shocking lack of agency clarity about what happened to Puerto Rican communications infrastructure after the hurricanes and the FCC's failure to

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<sup>2</sup> See, e.g., Carmen Scurato & Leo Fitzpatrick, Opinion, "Searching for Answers Three Years After Hurricane Maria," *Latino Rebels* (Oct. 14, 2020), <https://www.latinorebels.com/2020/10/14/searchingforanswersthreeyearsmaria/>; Joseph Torres & Leo Fitzpatrick, Opinion, "Lawmakers Join the Call to Hold the FCC Accountable in Puerto Rico," *Latino Rebels* (Jan. 8, 2020), <https://www.latinorebels.com/2020/01/06/fccpuertorico/>.

<sup>3</sup> Among infrastructure affected by the storms was the islands' telecommunications infrastructure. Two days after Maria's landfall, just six of 185 radio stations were back on the air, and not a single television station was broadcasting. Over 95 percent of cell sites were still offline the day later. The pace of recovery was excruciatingly slow. For example, by December 2017, less than 5 percent of TV stations were back on the air, two-thirds of radio stations were still silent, and cable and landline phone services were, in the words of the Federal Communications Commission ("FCC") "generally nonexistent." See Federal Communications Commission, "Communications Status Report for Areas Impacted by Hurricane Maria" (rel. Dec. 6, 2017) (while the FCC did regularly release aggregated outage data to the public after landfall, its analysis of that data was wholly insufficient and did not reflect the gravity of the communications outages experienced by Puerto Rico during the 2017 hurricane season).

<sup>4</sup> On September 6, 2017, Hurricane Irma struck Puerto Rico and left more than a million people without power while also weakening Puerto Rico's already fragile communications infrastructure. Then on September 20, during Hurricane Maria — a Category 4 storm when it made landfall — the islands' infrastructure was obliterated. See Alex Johnson, Daniel Arkin, Jason Cumming & Bill Karins, "Hurricane Irma Skirts Puerto Rico, Leaves 1 Million Without Power," *NBC News* (Sept. 6, 2017).

<sup>5</sup> See Milken Institute School of Public Health, George Washington University, "Ascertainment of the Estimated Excess Mortality from Hurricane Maria in Puerto Rico" (2018); Nishant Kishore *et al.*, "Mortality in Puerto Rico after Hurricane Maria," 379 *New England Journal of Medicine* 162, 162-170 (2018).

<sup>6</sup> See Joseph Torres, "Puerto Ricans Speak Out About Islands' Communications Crisis," *Free Press* (Oct. 18, 2018), <https://www.freepress.net/our-response/advocacy-organizing/stories-field/puerto-ricans-speak-out-about-islands-communications>.

thoroughly investigate the crisis.<sup>7</sup> Last year, we testified before the Subcommittee on Communications & Technology of the U.S. House Energy & Commerce Committee on the need for a thorough investigation of the failures which precipitated one of the most complete and prolonged communications outages in U.S. history and the need for more resilient communications infrastructure to prevent that from happening again in Puerto Rico and elsewhere too.<sup>8</sup>

After more than three and half years, we still don't know enough to take more decisive action, even if we do understand the root causes. When she was still a minority commissioner during the prior administration, current Acting FCC Chairwoman Jessica Rosenworcel discussed her belief that:

[W]e need to have a better playbook for disaster. Because the hard truth is that Hurricane Maria will not be the last extreme weather event to wreak havoc on communications infrastructure. It's time for the FCC to develop a consistent and reliable approach to ensuring the resiliency of networks in disaster.<sup>9</sup>

Without this full examination, the FCC and other government bodies will be ill-equipped to learn from these mistakes and to keep them from happening again.

At this juncture, our country is ill-prepared to take on the new risks facing our communications infrastructure and ensure the health and safety of low-income people and communities of color. We require a massive shift in how the government prepares for such disasters and the climate crisis.

We encourage this Committee, in coordination with the U.S. Senate Committee on Commerce, Science, and Transportation, to consider the pressing need for more resilient communications networks and costs of inaction if instead we fail to strengthen our ability to communicate in order to prepare for, respond to, and recover from disasters exacerbated by the climate crisis. We request a prompt and comprehensive review of the shortcomings in the current network resiliency regulatory regime to gain actionable policy recommendations for more resilient communications infrastructure. That review must look at Puerto Rico, as well as the impact on communities of color due to other climate change-exacerbated disasters, to better protect them and learn lessons that may protect all communities.

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<sup>7</sup> See Free Press, "Connecting the Dots: The Telecommunications Crisis in Puerto Rico" (May 2019).

<sup>8</sup> See Hearing on Strengthening Communications Networks to Help Americans in Crisis Before the Subcomm. on Commc'n & Tech. of the H. Comm. on Energy & Commerce, 116th Cong. (2020) (testimony of Joseph Torres, Senior Director of Strategy and Engagement, Free Press).

<sup>9</sup> Concurring Statement of Commissioner Jessica Rosenworcel, *Uniendo a Puerto Rico Fund and the Connection USVI Fund, et al.*, WC Docket No. 18-143, *et al.*, Report & Order on Reconsideration, FCC 19-95, 107 (2019).

The fate of Puerto Rico following the 2017 hurricanes should have been a wake-up call for the country. Yet we see the same mistakes play out over-and-over as happened with the recurring wildfires and intentional electrical shutdowns in California, and the recent collapse of electricity generation in Texas. Climate change is projected to increase the intensity and destructive potential of hurricanes,<sup>10</sup> wildfires,<sup>11</sup> and other extreme weather events.<sup>12</sup> And as President Biden has declared, “broadband is infrastructure.”<sup>13</sup> We agree, and the time to act is now.

We thank the Committee for considering this letter and for undertaking the important work of examining the costs of the impending climate crisis.

Respectfully Submitted,

/s/ Leo Fitzpatrick

Leo Fitzpatrick  
Carmen Scurato  
Joseph Torres

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<sup>10</sup> See generally Intergovernmental Panel on Climate Change, *Climate Change 2014: Synthesis Report* (2015).

<sup>11</sup> See Jill Cowan, “Are Wildfires Caused by Utilities or Climate Change? Yes,” *N.Y. Times* (Oct. 23, 2019), <https://www.nytimes.com/2019/10/23/us/wildfires-utilities-climate-change.html>.

<sup>12</sup> See Benjamin Storrow & Chelsea Harvey, “Texas Power Outage Underscores Looming Climate Tests,” *E&E News, Scientific American* (Feb. 17, 2021), <https://www.scientificamerican.com/article/texas-power-outage-underscores-looming-climate-tests/>; Brad Plumer, “A Glimpse of America’s Future: Climate Change Means Trouble for Power Grids,” *N.Y. Times* (Feb. 16, 2021), <https://www.nytimes.com/2021/02/16/climate/texas-power-grid-failures.html>; see also Carmen Scurato, Opinion, “Resilient Networks Can Save Lives,” *Common Dreams* (Mar. 10, 2021), <https://www.commondreams.org/views/2021/03/10/resilient-networks-can-save-lives>.

<sup>13</sup> Andrew Wyrich, “Biden is determined to make broadband spending part of his infrastructure bill,” *Daily Dot* (Apr. 13, 2021), <https://www.dailydot.com/debug/joe-biden-broadband-infrastructure/>.