

Congress of the United States

Washington, DC 20515

March 27, 2026

The Honorable Arielle Roth, Administrator
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Administrator Roth,

We write to express our deep concern about the impropriety of efforts by the company Space Exploration Technologies Corp. (“SpaceX”) to pressure state broadband offices to relax the requirements of the Broadband, Equity, Access and Deployment (BEAD) program on Starlink’s provision of internet service. This weakening of standards will undermine the service and performance of broadband promised to hundreds of thousands of underserved American families, and call into serious question the company's ability to act as a responsible steward of American taxpayer dollars.

When Congress authorized \$42.45 billion for the BEAD program via the Infrastructure Investment and Jobs Act in November of 2021, it articulated a clear directive: to deliver reliable connectivity to every unserved and underserved family across all 50 states, five U.S. territories, and Washington, D.C. While the current administration appropriately modified the BEAD program by adopting a more technology-neutral approach that allowed greater competition from non-fiber operators, all BEAD participants—regardless of technology—must comply with the same statutory requirements, with the goal of attaining universal service.

Low Earth Orbit (LEO) satellite technologies, such as Starlink, featured prominently in Final Proposals. According to [Connected Nation](#), SpaceX received BEAD awards totaling \$733.5 million in 45 of the 56 states/territories to serve 472,604 Broadband Serviceable Locations (BSLs) in Initial Proposals submitted by state broadband offices to the NTIA for approval. By participating, Starlink committed to BEAD’s statutory requirement of providing service at *minimum* speeds of 100/20 Mbps with latency at or below 100 milliseconds. This benchmark is not merely a technical detail; it comprises a minimal commitment to families long excluded from the modern economy.

However, SpaceX reportedly circulated a “[legal rider](#)” to state and territorial broadband offices which constitutes a troubling attempt to weaken protections for American families, shortchange taxpayers, and limit Starlink’s accountability under the law. Specifically, the rider casts doubt on SpaceX’s willingness or ability to meet its BEAD obligations in the following ways:

- 1. Redefines “standard installation” as shipping a box, not getting a working connection:** The rider redefines "standard installation" as simply mailing the Customer Premises Equipment (CPE) to the subscriber, explicitly absolving Starlink of responsibility for completing a permanent physical installation. Consequently, the rider shifts the labor and liability of mounting equipment, roof work, routing cables, lighting

protection for the home, and siting for a clear sky view entirely onto families. The company frames professional installation as an optional service for an additional fee, rather than a standard requirement. (Section 2, GRANTEE Performance, pg. 2)

- 2. Allows Starlink to falsely demonstrate compliance by excluding many users with underperforming service from testing:** The rider suggests that Starlink may not be able to guarantee the committed 100/20 Mbps service levels to all agreed-upon BSLs. Additionally, Starlink requests a pathway to influence state compliance efforts by curating the testing pool of American families receiving Starlink service who could be sampled to ensure Starlink meets its service requirements. By retaining the sole right to determine which subscribers are excluded from testing (based on “obstructions” or “malfunctioning CPE”), Starlink can effectively invalidate data from underperforming BSLs. This language allows Starlink to act as the sole arbiter of which BSLs are valid for testing, undermining independent verification of the service being offered. In rural communities, tree cover and topography commonly results in an “obstructed sky view” as the norm, not an edge case. This provision will whitewash Starlink’s performance compliance by removing the hardest-to-serve households from the dataset. (Section 2, GRANTEE Performance, pg. 3)
- 3. Requires payment of 50 percent of funding upon certification, not delivery of service:** The rider requests that states pay 50% of total grant funds obligated to Starlink when the grantee makes certification of service availability, not when American families actually receive broadband service. This would shift risk onto state broadband offices by disbursing large sums of taxpayer dollars before independently verified adoption occurs.

We agree that Starlink offers LEO satellite technology that offers an important tool to connect the most hyper-remote, hardest-to-reach locations where terrestrial infrastructure remains cost-prohibitive. Yet Starlink’s proposed rider constitutes an implicit admission that it cannot meet its obligations to taxpayers and the hundreds of thousands of families depending on BEAD as an economic and educational lifeline. If Starlink cannot comply with the standards that other BEAD providers have accepted, NTIA and state broadband offices must reconsider these awards.

More specifically, the legal rider and independent analyses pose serious questions regarding its affordability and reliability:

- **Affordability:** The high cost of LEO satellite service poses a barrier to adoption for low-income households. While BEAD does not obligate providers to provide affordable broadband service, they are expected to offer a low-cost service option for eligible, low-income customers. Starlink, in contrast, intends to offer an \$80 monthly subscription plan to meet BEAD service requirements—substantially higher than comparable plans of other providers—and Starlink’s high operational costs will constrain its ability to reduce prices in the future. (Section 5, Low-Cost Service Option, pg. 4). Starlink’s rider, moreover, seeks to constrain any other requirements regarding price, customer premises equipment, or one-time fees to which other providers routinely abide.


- **Reliability:** The law establishing BEAD clearly requires that participating providers must consistently offer service levels at a minimum of 100/20 Mbps and latency equal to or below 100 milliseconds. However, satellite internet service requires an unobstructed view of the sky and clear weather to operate at these speeds. LEO satellites rely on high-frequency, short-wavelength spectrum bands (particularly ku, ka, and V bands) easily absorbed by moisture-rich objects, such as leaves, with signals susceptible to scattering in rain and snow, and readily disrupted by topographic barriers. American families deserve broadband service that works 24 hours a day, 7 days a week, rain or shine. Importantly, the Federal Communications Commission [rejected](#) bids by Starlink to receive nearly \$900 million through the Rural Digital Opportunity Fund program based on its determination that Starlink could not deliver the promised service under the program requirements.
- **Speed:** Starlink struggles to consistently deliver the 20 Mbps upload speed that BEAD mandates, particularly in low-density areas. According to [data](#) collected by Ookla in Q4 of 2025, only 44.7% of Starlink users experienced speeds consistent with the 100/20 Mbps federal standard for broadband service, which deteriorates further during prime-time viewing hours from 5 p.m. to 10 p.m. Slowdowns occur due to spot beam capacity congestion, which requires allocating less downlink capacity per subscriber when many subscribers simultaneously watch streaming content.
- **Latency:** BEAD requires a duration of 100 milliseconds or less for 95% of round-trip latency tests. Testing reveals that latency spikes (jitter) occur during satellite handovers or network congestion, which can momentarily exceed 100 milliseconds, disrupting real-time applications like VoIP, video conferencing, or gaming.

To be clear, Starlink can and does provide broadband service to ultra-remote locations in the United States. But both SpaceX's legal rider and independent technical analyses indicate that Starlink cannot reliably provide the affordable, high-speed, low-latency broadband service that Congress intended the BEAD program to deliver, and that American families deserve.


NTIA affirmed in [BEAD FAQ Version 18](#) that subgrantees cannot negotiate terms that violate BEAD program requirements, as outlined in the Notice of Funding Opportunity, the Restructuring Policy Notice, and BEAD General Terms and Conditions. Unfortunately, SpaceX apparently seeks to violate those terms. In the [cover letter](#) accompanying the rider, the company implicitly admits that it cannot participate without falling short of the standards to which it previously committed, stating that "a number of issues remain that, if unaddressed, could render LEO participation in the program untenable."

Other providers that participated in BEAD presumably did so in good faith, with a clear understanding of the rules. Starlink's proposed rider suggests that it did not. If Starlink cannot comply with the standards that other BEAD providers have accepted, NTIA and state broadband offices must reconsider these awards. We cannot allow hundreds of thousands of underserved families to receive substandard and unaffordable service because a provider seeks special treatment after the awarding of bids.


Sincerely,



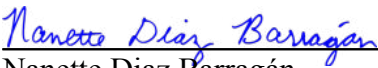
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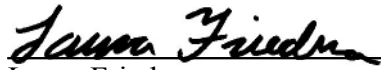
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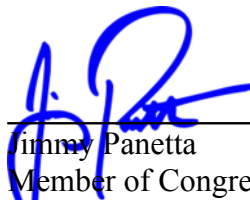
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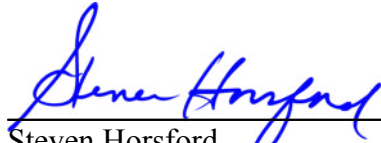
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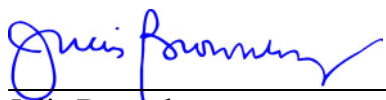
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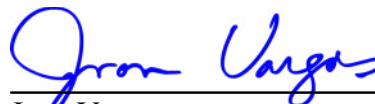
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