

January 29, 2021

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re:** WC Docket Nos. 20-445; 19-195; 17-287; 17-108; 17-84; 16-106; 13-184; 12-375; 11-42; and 11-10; GN Docket No. 17-142; CG Docket No. 02-278; ET Docket No. 18-295; MB Docket Nos. 20-31 and 18-349; PS Docket Nos. 15-80 and 14-174; WT Docket Nos. 19-348 and 18-120; File No. ITC-T/C-20200930-00173

Dear Ms. Dortch:

On Wednesday, January 27, 2021, a broad range of media justice, civil rights, public interest, labor, and consumer advocacy organizations spoke by video conference with Acting Chairwoman Jessica Rosenworcel; Kate Black, her Acting Chief Policy Advisor; Umair Javed, her Acting Chief Counsel; and Trent Harkrader, Acting Special Advisor to the Chairwoman and Deputy Bureau Chief, Wireline Competition Bureau.

Attending the meeting with the Acting Chairwoman and her staff were: Kathleen Ruane, ACLU; Adrienne B. Furniss, Andrew Jay Schwartzman, and Kevin Taglang, Benton Institute for Broadband & Society, as well as Gigi Sohn, Benton Senior Fellow & Public Advocate, and Distinguished Fellow, Georgetown Law Institute for Technology Law & Policy; Adam Conner, Center for American Progress; Marty Newell, Center for Rural Strategies; Johnny Mathias and Gabrielle Rejouis, Color Of Change; Brian Thorn, Communications Workers of America; Jonathan Schwantes, Consumer Reports; Mark Stanley, Demand Progress; Ernesto Falcon, Electronic Frontier Foundation; Norma E. Fernandez and Kurt Peluso, EveryoneOn; Craig Aaron, Jessica González, and Matt Wood, Free Press; Paul Goodman, The Greenlining Institute; Alejandro Roark, Hispanic Technology & Telecommunications Partnership; Christopher Wood and Carlos Gutierrez, LGBT Tech; Steven Renderos and Brandon Forester, MediaJustice; Maurita Coley and Dr. Fallon Wilson, MMTTC; Margot Saunders, National Consumer Law Center; Francella Ochillo and Ryan Johnston, Next Century Cities; Sean Davis Jr, National Digital Inclusion Alliance; Brenda Castillo, National Hispanic Media Coalition; Michael Calabrese and Joshua Stager, New America's Open Technology Institute; Kathryn de Wit, Broadband Research Initiative, The Pew Charitable Trusts; Harold Feld and Greg Guice, Public Knowledge; Brenda Villanueva, for TURN, and Regina Costa, for TURN and NASUCA; C. LeRoy Cavazos-Reyna and Santiago Salas Oliva, US Hispanic Chamber of Commerce; and Bianca Tylek, Worth Rises.

There was broad consensus and agreement from the organizations and advocates in attendance on priorities for the new administration at the Commission, and all who joined the video conference welcomed the chance to start a fresh chapter at the agency tackling the pressing communications challenges people currently face. That consensus is reflected in the summaries of their individual presentations below.

However, due the size and breadth of the group and the number of organizations participating, no position summarized below may be attributed to any organization other than the one listed as making the presentation in each instance. (And some attendees made no presentation during the course of the hour-long meeting.)

### **ACLU**

- The ACLU firmly supports swift implementation of the Emergency Broadband Benefit (“EBB”), and encouraged the FCC to ensure low barriers to enrollment.
- The ACLU encouraged the FCC to reclassify broadband internet access services under Title II of the Communications Act of 1934, as amended, and to rapidly implement Net Neutrality rules for those services.
- The ACLU also encouraged the FCC to reinstate strong privacy rules for broadband services as well.

### **Benton**

- In October, 2020, Benton issued a follow up report to its October 2019 report, in which former FCC General Counsel Jonathan Sallet provided a comprehensive national broadband agenda recommending full digital inclusion (including access, affordability, and digital literacy), strong competition, partnering with community anchor institutions, and local leadership.<sup>1</sup>
- Benton also noted the importance of establishing permanent lower rates for Inmate Calling Services, and the need for diversity of broadcast ownership.

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<sup>1</sup> See, e.g., Adrienne B. Furniss, “On Democracy, Unity, & Broadband,” *Digital Beat* (Jan. 27, 2021), <https://www.benton.org/blog/democracy-unity-broadband>; “Recommendations for a National Broadband Agenda” (Jan. 26, 2021), <https://www.benton.org/content/recommendations-national-broadband-agenda>.

## **CWA**

- The Communications Workers of America reiterated the urgent need for the Emergency Broadband Benefit and a strengthened Lifeline program.
- CWA also raised Verizon's proposed acquisition of TracFone, which has the potential to harm millions of low-income households that rely on Lifeline for communications services, and urged the Commission to seek answers to questions in the proceeding that go to the heart of whether the transaction is in the public interest -- and, if the Commission considers approving the transaction, to impose conditions that will protect Lifeline customers and address potential anticompetitive harms to the wireless market.

## **Consumer Reports**

- Consumer Reports agreed with other speakers that addressing broadband access and affordability should be the top priority for the FCC.
- It also encouraged Chairwoman Rosenworcel to vigorously enforce the Television Viewer Protection Act which went into effect last month, and called particular attention to a provision in the law that prohibits internet service providers from charging consumers for cable modems and/or wireless routers that they choose not to use.

## **Demand Progress**

- Demand Progress supported reclassifying broadband under Title II of the Communications Act and emphasized the importance of that step to the broader public.

## **Free Press**

- Free Press's first priority for the next few months is implementation of the EBB, which helps to address during the pandemic the often-overlooked affordability issues and discriminatory impacts that are the biggest part of the digital divide.
- Free Press also emphasized the need to re-establish the FCC's authority over broadband, because returning to Title II is crucial not only for Net Neutrality and nondiscrimination rules, but for all broadband affordability, deployment, competition, reliability and public safety goals. Failing to restore Title II classification would jeopardize everything from Lifeline to the FCC's ability to step in and get networks reliably running again after disasters like the devastating hurricanes in Puerto Rico.

- Free Press also stressed the need for the FCC back to promote broadcast ownership and other opportunities for people of color and women, rather than continuing to ignore and litigate the appalling lack of diverse ownership in the industry today.

### **Greenlining**

- Greenlining discussed the importance of eliminating the requirement that applicants for the Lifeline program provide a Social Security Number.
- Greenlining discussed the importance of accurate broadband mapping to identify racial disparities in broadband service.
- Greenlining also discussed the need to update the Commission's rules prohibiting exclusivity contracts between landlords and ISPs.

### **Hispanic Technology & Telecommunications Partnership**

- HTTP called on the FCC to expand eligibility for Lifeline and the EBB program. Covid-19 has driven record unemployment levels for the Latino community, disproportionately impacting Latina women and undocumented frontline workers. Undocumented immigrants have been left out of all previous stimulus efforts and are now facing a growing education gap due to the lack of an at-home broadband connection.
- HTTP also urged the FCC to expand EBB eligibility by including Individual Taxpayer Identification Numbers (“ITIN”) numbers as a form of identity verification and alternative to the Social Security Number requirement currently in place for the Lifeline program. It explained that many internet service providers have already adjusted their eligibility requirements to ensure that those most in need are able to access their low cost options, and encouraged the Commission to work with ISPs to establish a baseline of eligibility that considers the diverse needs of those most critically impacted by the ongoing health crisis.
- HTTP also urged the FCC to expand Latino, Black, and Indigenous representation in the agency’s workforce and on the various FCC advisory committees, in order to ensure the needs of historically excluded communities are better served by having a workforce that reflects the demography of the United States. Black, Indigenous and people of color (“BIPOC”) representation in federal agencies is critical to developing and implementing an inclusive tech policy agenda.

- HTTP also asked that the FCC investigate TV, radio, and digital news media for violations that led to the White Supremacist domestic terrorist attack on the United States Capitol through sustained misinformation broadcast through publicly owned broadcast airwaves.

### **LGBT Tech**

- LGBT Tech called for modernization and expansion of the Lifeline program, as well as the expansion of the Commission's telehealth programs and initiatives.
- LGBT Tech also stressed the importance of broadband mapping efforts necessary to improve the effectiveness of all of the Commission's universal service funding and policy efforts.

### **MediaJustice**

- MediaJustice stressed the importance of inclusive identity verification for Lifeline and the EBB program, also suggesting including measures besides Social Security Numbers, such as Individual Taxpayer Identification Numbers.
- MediaJustice encouraged the FCC to move immediately on pressing matters, such as allowing E-Rate funds for home learning, even before a fifth commissioner has been nominated and seated.
- MediaJustice also asked the FCC to examine Lifeline and EBB verification impacts for returning and re-entering citizens, and noted the risk that increases in the Lifeline Minimum Service Standards could cause providers to charge co-pays rather than offer service that is free to end-users.

### **Multicultural Media and Telecom Internet Council**

- MMTC explained that the Emergency Broadband Benefit can immediately connect under-connected and disconnected people with wired and wireless broadband. However, it is only the first step toward establishing an annually appropriated broadband subsidy beyond the limits of Lifeline.
- MMTC also stressed that inmate phone service affordability is a critical and urgent Civil Rights issue impacting our most vulnerable communities.

- MMTC noted that media and telecom ownership diversity are essential and must be activated with the reengagement of the FCC's Office of Communications Business Opportunities.

### **National Consumer Law Center**

NCLC spoke about the need for the FCC to issue protections against unwanted robocalls, specifically recommending that the FCC:

- Clarify that the requirement for consent for robocalls cannot be waived, and that consent can always be revoked in a reasonable manner.
- Clarify that the seller of the goods is always fully liable for unconsented-to calls made by third-party callers to sell their products.
- Clarify that both telephone service providers and callers must maintain and produce records of automated calls and consent for those calls for four years.

### **Next Century Cities**

- NCC explained that the Commission and USAC must act as a central repository for information on the EBB Program, and must work with state and local officials to ensure that all levels of government are speaking with the same voice with regards to program information.
- NCC said that on resilience, data sharing between the federal government is critical and the Commission has the tools to take federal leadership on this issue, but must share the reporting information it receives with its state and local partners on the ground.
- Finally, NCC said the Commission must continually work to break down the barriers to community broadband deployment. There is no singular solution for broadband deployment, but if communities are unable to explore every option available it may prevent them from getting connected at all.

## **OTI**

- OTI discussed the EBB program as well, including how to make the program a success; and why it is important for the program to target higher education students, who are dropping out at alarming rates due to lack of home broadband.
- OTI expressed concerns about the National Verifier's incomplete status and whether it can handle an influx of new EBB applications in addition to Lifeline. It urged the Commission to prioritize finishing the National Verifier.
- OTI discussed the petition it filed with a coalition of schools and libraries on January 26, asking the FCC to authorize use of E-Rate funds for home learning needs during the pandemic.
- OTI expressed support for completing the 6 GHz proceeding and ensuring that power levels for indoor-only Wi-Fi use are robust enough that consumers can take advantage of high-capacity home networks without the need to purchase multiple routers or extenders.
- OTI discussed the advantages of extending the three-tier spectrum sharing framework of the Citizens Broadband Radio Service ("CBRS") to the immediately adjacent 3450-3550 GHz band, as well as to unused military radar spectrum lower in the 3 GHz band.

## **Public Knowledge**

- Public Knowledge suggested that the FCC must develop consistent metrics for reliability of networks to ensure reliability and rapid recovery after disasters, and said with regard to back-up power requirements that the California wildfires have dramatically demonstrated the need to reexamine its rules adopted in 2016 as insufficient. In addition to residential back-up power, the Commission should ensure adequate power for towers and backhaul.
- Public Knowledge emphasized that broadband affordability policy cannot simply mean subsidy. People in the United States consistently pay some of the highest prices per bit for connectivity. The FCC must develop metrics of affordability ensuring that all Americans pay reasonable prices for broadband.
- Public Knowledge also stressed the need for broadband competition. One reason for high prices is the persistent lack of competition in broadband markets. The Commission needs to take steps to enhance and encourage competition in fixed and mobile broadband.

- On the topic of the Tech Transition, the Trump FCC eliminated the safeguards put in place by the Obama FCC to protect consumers and competition as providers transition the legacy phone network to new technologies. The Commission should examine how the Tech Transition is proceeding and whether the previous rules should be reinstated.
- Public Knowledge also explained that the Commission should open a second window for rural Tribal lands in the 2.5 GHz band.

### **TURN and NASUCA**

- Representatives for The Utility Reform Network (“TURN”) and National Association of State Utility Consumer Advocates (“NASUCA”) noted their support for Title II classification of broadband for several important reasons in addition to Net Neutrality, and also said they seek to clarify the classification of interconnected Voice over IP (“Interconnected VoIP”) services.
- They urged the Commission to consider efforts to share outage information with states to further enhance communication networks’ reliability and service quality, noting that California’s last few wildfire seasons provide stark and devastating examples of network reliability shortcomings during disasters or power outages. They noted the efforts of the California Public Utilities Commission to adopt wireless and wireline resiliency requirements, and said these important state efforts should not be preempted.
- They requested that the Commission act expeditiously to provide relief to incarcerated and detained families paying very high costs for calls with their loved ones. This is a very vulnerable population, and when the Commission addresses this issue it should consider the actions of states that are proactively working on this issue as well.

Respectfully Submitted,

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