

LGBT Technology Partnership

February 16, 2021

Via ECFS

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

RE: Emergency Broadband Connectivity Fund Assistance, WC Docket No. 20-445

Dear Ms. Dortch:

The LGBT Technology Partnership & Institute (“LGBT Tech”) respectfully submits these reply comments in response to the Wireline Competition Bureau’s Public Notice¹ on the implementation of the Emergency Broadband Benefit Program (EBB Program or the Program) enacted as part of the Consolidated Appropriations Act, 2021 (Act).² The Program aims to provide consumers with up to \$50 a month, through carrier subsidies, to use on internet services and associated equipment as well as additional reimbursement of up to \$100 for participating providers that also supply an eligible household with a laptop, desktop computer, or tablet (connected device) for use during the emergency period.³

LGBT Tech encourages the continued early adoption and use of cutting-edge, new and emerging technologies by providing information, education and strategic outreach for LGBTQ+ communities. We are a national, nonpartisan group of LGBTQ+ organizations, academics and high technology companies whose mission is to engage with critical technology and public policy leaders for strategic discussions at all levels. LGBT Tech empowers LGBTQ+ communities and individuals, and ensures that media, telecom and high technology issues of specific concern to LGBTQ+ communities are addressed in public policy conversations. LGBT Tech works with individuals and communities and engages in research, education, volunteerism, and partnerships to provide cutting-edge technology and resources to improve the lives of LGBTQ+ individuals, especially those that are disadvantaged in order to improve access, increase inclusion, ensure safety and empower entrepreneurship for LGBTQ+ communities around technology.

¹ *Wireline Competition Bureau Seeks Comments on Emergency Broadband Connectivity Fund Assistance*, Public Notice, WC Docket No. 20-445, DA 21-6 (rel. Jan. 4, 2021) (*Notice*).

² Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. (2020) (enacted), *available at* <https://www.congress.gov/bill/116th-congress/house-bill/133/text> (Consolidated Appropriations Act) (enrolled bill).

³ *Id.* § 904(a)(7).

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The COVID-19 pandemic has starkly revealed existing technological and digital inequalities and has made it even more clear and urgent how important access to high-speed internet is for everyone in America. However, it has also exposed significant gaps and barriers to affordable and reliable connectivity that persist across the country, especially for LGBTQ+ communities. As poverty rates for nearly all populations increased during the recession, LGBTQ+ Americans remained more likely to be poor than heterosexual people. While many have experienced financial hardship during this pandemic, LGBTQ+ people collectively have a poverty rate of 21.6%, which is much higher than the rate for the cisgender straight people of 15.7%. Gender, race, education and geography all influence poverty rates among LGBTQ+ populations, and children of same-sex couple are particularly vulnerable to poverty.⁴ LGBT Tech would like to underscore the importance of the EBB Program to LGBTQ+ communities and the need for this Program to focus on including tools to meet the needs of LGBTQ+ people. LGBT Tech believes that the policies below are necessary to ensure equitable participation by all low-income and minority communities in the Program.

The FCC Must Expand Provider Eligibility to Ensure That Providers Serving Underprivileged Communities Such as the LGBTQ+ Community Have Access to EBB Funds

One of the main goals of the EBB Program must be to encourage the broadest possible adoption of the Program by the broadest possible number of participants. To enable consumers to have the most competitive options possible, the EBB program should encourage the broadest possible participation by providers and give them an equal opportunity to participate, including non-ETCs that are not currently part of the FCC's Lifeline program. This is especially important in rural areas where providers may be scarce and competitive options almost non-existent. Thus, LGBT Tech welcomes efforts by the FCC to utilize an expedited process to approve new providers to enroll in the Program that are not already Eligible Telecommunications Carriers (ETCs). Specifically, providers that cater to underserved communities including low-income households in areas of the country with a major LGBTQ+ presence, communities of color and rural providers which may very well provide the only digital lifeline in their area for isolated LGBTQ+ individuals. Finally, the most important thing that the FCC can do to ensure widespread availability of the EBB Program is to keep the process for participating providers (as well as eligible consumers) simple and as easy to understand and implement as possible. Given the urgency of the situation and the need for individuals who need the Program the most to be able to take advantage of it without facing unnecessary hurdles, the process and requirements for providers joining the Program and implementing it to consumers needs to be as streamlined as possible while still protecting those consumers.

⁴ <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>

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The FCC and Providers Must Work with A Variety of Diverse Stakeholders on Outreach to Minority and Vulnerable Populations such as the LGBTQ+ Community

One of the questions that the Public Notice asks is "Should participating providers have any obligation under the program's rules to publicize the availability of the benefit? What are the most effective means of publicizing this benefit to the communities most in need?"⁵ Providers should absolutely advertise the availability of the EBB Program across different types of media (including publications and other media targeted to LGBTQ+ individuals) to ensure awareness and participation by the people that need it the most. Such advertising should include targeted and regional advertising as well as advertising in various languages and specialty media.

Additionally, the FCC as well as providers should work with a variety of stakeholders representing different populations to ensure the greatest reach to those most affected by the pandemic and who could benefit the most from the EBB Program. For maximum impact, the FCC and providers need to find non-profit and other civic and service organizations that speak to minority and low-income audiences directly. These groups can overcome the initial resistance and suspicion of the Program by qualified participants and can assist with logistics of signing up and answering questions related to the Program. We agree with Commissioner Starks when he says, "I have long been exasperated about the poor job the FCC has done in recent years to get the word out about the Lifeline program...For the Emergency Broadband Benefit to succeed, we're going to need to do much better."⁶ Working with community organizations that focus on minority, underserved and other low-income populations will be essential to get the word out on the benefits of this Program to the communities that need it the most.

LGBT Tech runs one such program that may be useful as an example of the potential of this type of outreach. LGBT Tech runs the PowerOn initiative, which is a first-of-its-kind program that distributes technology to homeless, isolated, and disadvantaged LGBTQ+ individuals across the country through our network of LGBTQ+ grantee organizations. This grantee network (our PowerOn partner centers) allows us to work at a national scale to distribute life-saving technology at the most impactful grassroots level, empowering individuals with the tools to take charge of their circumstances and tackle the digital divide head-on. With partner organizations spread across the United States, from Puerto Rico to Brooklyn, NY and to the northern most points of the U.S. in Anchorage, AK we serve incredibly diverse urban and rural populations spanning all races, ethnicities, ages, and socioeconomic groups. PowerOn's existing work and connections with these organizations and communities that would directly benefit from the EBB Program makes organizations like PowerOn uniquely suited to assist in the FCC's and providers' amplification and education efforts around the Program specifically to those populations that are the most affected.

⁵ Public Notice, *supra* at 10.

⁶ <https://www.rcrwireless.com/20210215/policy/fcc-focuses-on-partners-path-forward-for-emergency-broadband-benefit-program>

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The FCC Must Prioritize Transparency, Ongoing Reporting and Early Warning of the Conclusion of the Program for Consumers

The FCC asks how it should administer the conclusion of the program. What notice should it give to participating providers? How should participating providers give notice to eligible households that their benefit will conclude after a certain date? What precipitating events should trigger such notice, and what information should be included in that notice?⁷ LGBT Tech agrees with many of the commenters who urge the FCC to ensure that there is adequate notice of the termination of the Program or the exhaustion of Program funds as far in advance as possible so that providers and other stakeholders can communicate this information to Program participants as far in advance as possible. Lack of notice or inadequate notice of the Program's termination or exhaustion of funds will result in confusion and mistrust of the Program's aims by participants and will create unnecessary confusion and stress for participants.

LGBT Tech agrees with AT&T's comments that "it is crucial for participating providers and households to be updated on the funding levels of the Program and are provided a projection for the termination of the Program" and that the FCC "should issue a Public Notice announcing the conclusion of the Program 90 days before the funds are projected to be exhausted."⁸ Additionally, as CTIA points out, the FCC should "direct USAC to provide as much information as possible, as frequently as possible, during the term of the program about the amount of funding that remains available in the fund, the approximate "run rate" for the remaining funding, and its estimate for the likely termination date of the program."⁹ Transparency and information flow to Program participants, especially as the funds for the Program start decreasing will be a crucial aspect of the execution of this Program.

LGBT Tech believes that any policies developed by the FCC for the implementation of this Program must take into account the wide variety of stakeholders and participants that will take advantage of the Program. The LGBTQ+ community, as discussed above, has been hit particularly hard by the COVID pandemic and remains highly vulnerable to the digital inequities exacerbated as a result. Reaching communities like the LGBTQ+ community will require cooperation among a variety of stakeholders and creative solutions to long-standing problems. LGBT Tech believes that the proposals set forth herein will help reach those communities and is committed to working with providers, the FCC and other stakeholders to ensure the success of the EBB Program.

⁷ Public Notice, *supra* at 1.

⁸ Comments of AT&T Services, Inc. at 6.
<https://ecfsapi.fcc.gov/file/1012567002301/ATT%20Comments%20EBB%20%20WC%20Docket%2020-445%20012521%20final.pdf>

⁹ Comments of CTIA at 12.
<https://ecfsapi.fcc.gov/file/1012566888957/210125%20CTIA%20EBB%20Comments.pdf>

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Respectfully submitted,

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