

JUDSON H. HILL, ESQ.

October 10, 2019

BY ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Sage Telecom Communications, LLC and Telscape Communications, Inc. d/b/a TruConnect Notice of Oral Ex Parte Presentation; WC Docket No.11-42, 09-197and 10-90.

Dear Ms. Dortch:

On October 7, 2019 I, counsel to Telscape Communications, Inc. d/b/a TruConnect and Sage Telecom Communications, LLC (collectively TruConnect) communicated by telephone with Ryan Palmer, who is the Chief of the Telecommunications Access Policy Division of the Wireline Competition Bureau. We discussed the pending Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study filed by CTIA, the National Consumer Law Center, National Hispanic Media Coalition, OCA – The Asian Pacific American Advocates and the United Church of Christ, OC, Inc.¹ and the Commission’s Promoting Telehealth for Low-Income Consumers Notice of Proposed Rule Making.²

During the meeting I shared TruConnect’s view that the FCC’s authority to establish and enforce broadband minimum service standards under the 2016 Lifeline Order³ had been impacted as a result of the United States Court of Appeals decision in *Mozilla Corporation v. Federal Communications Commission* (D.C. Cir. October 1, 2019). I noted the Court ruled that “broadband’s eligibility for Lifeline subsidies turns on its common-carrier status” and that the 2018 Order’s reclassification of broadband “facially disqualifies broadband from inclusion in the Lifeline Program”. *Id.*, at 111.

I emphasized that the record before the Commission clearly demonstrates the substantial and broad support to suspend the announced increase in the mobile broadband minimum service standards as well as to keep full Lifeline support for the standalone voice and voice centric bundles, until after the Commission completes and submits their scheduled findings of the impact of changes in data levels, access to and affordability of Lifeline services for low-income consumers in their forthcoming *State of*

¹ See Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 et al. (filed June 27, 2019) (“Joint Petition”).

² See Resolutions Passed by The Board of Directors at The 2019 Summer Policy Summit Of The National Association of Regulatory Utility Commissioners (July 24, 2019), specifically TC-1 “*Resolution on the Lifeline National Verifier Launch and Minimum Service Standards*” (“NARUC Resolution”) ¶ 17.

³ See *In re Lifeline & Link UP Reform and Modernization*, 31 FCC Rcd. 3962, 3964 (2016) (“*Lifeline Order*”)

the Lifeline Marketplace Report due June 2021. I also emphasized that the Joint Petition drew no opposition. In fact, I noted that the Joint Petition is supported by the National Association of Regulatory Utility Commissioners (“NARUC”), which represents utility commissioners in every state and territory. NARUC unanimously passed a resolution to support the relief requested. Also, I discussed that several veterans’ groups filed comments supporting the Joint Petition and reminded that the Lifeline program provides low income veterans needed contact with both veterans’ services and healthcare providers which are so important to offer critical assistance and help lower the number of veteran suicides.

Before minimum standards for data was ever mandated, I emphasized that market competition, that is free market principles, incited Lifeline ETCs to provide mobile broadband. Minimum standard mandates and government over-regulation is not needed to ensure Lifeline subscribers have good access to voice and broadband. I also shared that the success of broadband adoption, especially in rural America, partially depends on the Lifeline program continuing to exist.

I further shared TruConnect’s support for, and commented on the importance of, both the Commission’s Rural Broadband and proposed Telehealth Pilot initiatives. I reinforced how critical telecommunications connectivity is to America’s economic development and job creation, not to mention the importance of calling a healthcare provider for care or calling emergency first responders. The access to communications service and devices is equally important to low-income Americans; many elderly and lower income veterans, who need a true lifeline.

I especially emphasized that the success of the Commission’s rural broadband and the telehealth pilot could very well be jeopardized by the projected severe decline in Lifeline participation caused by minimum service standards that force Lifeline program participants to purchase large and expensive broadband packages or drop off the program. I noted that with the planned minimum service standard monthly mandated increase to 8.75GB⁴ of data on December 2019 comes a projected \$30 per month additional price tag subscribers cannot afford.⁵ Thereafter, Lifeline will be unaffordable for most subscribers and not financially sustainable for Lifeline ETCs. The program will then collapse. That comes with a high cost. Lifeline’s demise will rapidly be felt by taxpayers through higher unemployment rates and even higher hospital emergency room visits.

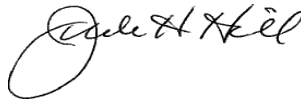
⁴ See Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount, DA 19-704 (July 25, 2019).

⁵ See National Lifeline Association Notice of Oral *Ex Parte* Presentation, WC Docket Nos. 17-287, 11-42, and 09-197 (dated April 4, 2019) (NaLA *Ex Parte*) ¶ 9; see also NARUC Resolution ¶ 17.

For the reasons stated, I renewed TruConnect's request to immediately pause the implementation of minimum service standards by granting the Joint Petition.

Pursuant to section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Judson H. Hill". The signature is fluid and cursive, with a large loop at the beginning.

Judson H. Hill, Esq.

Judson@judsonhill.com

cc: Ryan Palmer, Chief, Telecommunications Access Policy Division of the Wireline Competition Bureau