January 19, 2017

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th St., SW, Room TW-A325
Washington, DC 20554

Re: Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42
Telecommunications Carriers Eligible for Universal Service Support, WC Docket No. 09-197
Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

Sprint is writing to request clarification of two aspects of the mobile broadband Lifeline minimum service requirements adopted in the *Lifeline Modernization Order*[1]: whether Wi-Fi can be used to meet the minimum data allotment requirement; and whether the 3G technology standard is met if a Lifeline ETC provides the subscriber who is classified as a broadband customer with a feature phone that cannot accommodate such technology. Public clarification by the FCC of these issues will help ensure that Lifeline broadband customers are getting the service to which they are entitled; will help minimize the likelihood of waste, fraud and abuse; and will set a level playing field for all mobile ETCs as regards minimum service standards.

Section 54.408(b)(2) of the FCC's rules mandates, among other things, a minimum 3G mobile broadband speed for the prescribed data allotment, and a minimum mobile broadband data usage allowance of 500 megabytes per month for the period December 2016 – November 2017. It is Sprint's understanding that the 500 MB data allotment is for primary broadband service (*e.g.*, data carried over the ETC's own cellular network), and that if the Lifeline ETC provides a device to its broadband customers, that device must be capable of handling 3G or faster mobile technology.[2] However, it appears that other service providers are interpreting the rules differently, and have populated NLAD with customer broadband classifications that reflect their different interpretations.

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[1] *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, 31 FCC Rcd 3962, paras. 91-98 (2016). The Lifeline minimum service requirements, codified in Section 54.408 of the Commission's Rules, went into effect on Dec. 2, 2016.

[2] The Commission has emphasized that "it is vital that low-income consumers…have access to broadband-capable devices…" (*see, e.g.*, *Lifeline Modernization Order*, para. 374). Since the Commission has adopted 3G as the minimum broadband speed for purposes of Lifeline mobile broadband service standards, devices provided by ETCs to their Lifeline broadband customers after those service standards went into effect must accordingly be able to handle 3G technology. Devices that offer less than 3G speeds (*e.g.*, "2.5G EDGE technology") are not broadband-capable.

There is at least one service provider that offers a Lifeline service package with 10 MB of data plus unlimited Wi-Fi, and apparently considers end users enrolled in such package to be broadband customers.[3] There is no dispute that Wi-Fi capability is critical to helping Lifeline customers stay connected. But one key reason for providing Lifeline support for broadband service is to ensure that Lifeline customers have access to such service while at home or other places where Wi-Fi access is not available. As described in the *Order*, Wi-Fi is "a complement to a consumer's primary broadband service."[4] This language suggests that Wi-Fi access in any form does not count towards meeting the minimum mobile broadband service requirement – a position with which Sprint agrees. To ensure common understanding of this matter, Sprint urges the FCC to clarify whether a Lifeline ETC that offers less than 500 MB of primary (non-Wi-Fi) data is or is not meeting the minimum service standard.[5]

Sprint also is aware of at least one service provider that has "upgraded" its customers to a plan with 500 MB of data, even though the feature phones which it has provided to its subscribers are not capable of 3G speeds nor are they Wi-Fi enabled. As discussed above, the *Lifeline Modernization Order* strongly suggests that a device must be capable of handling 3G speeds in order for a subscriber to be classified as a broadband customer. Sprint urges the FCC to clarify whether service providers may classify a subscriber as a Lifeline broadband customer if the device they have provided cannot handle 3G speeds.

If it turns out to be the case that an ETC has improperly claimed the broadband Lifeline subsidy and erroneously subjected the customer to the twelve month broadband port freeze even though it has failed to satisfy the minimum service standards (either data allotment or speed), Sprint urges the FCC to clarify how NLAD is to be updated and how any port freezes on improperly classified end users will be removed.

If you have any questions, please feel free to contact me at (703) 433-4503.

Sincerely,

/s/ Norina T. Moy

Norina T. Moy
Director, Government Affairs

C: Garnet Hanley

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[3] At least some, and perhaps all, of these subscribers are marked in NLAD as being subject to the 12-month port freeze, indicating that they have been classified as broadband customers.
[4] *Lifeline Modernization Order*, para. 376.
[5] Some parties also have argued that "Premium Wi-Fi" is different from public Wi-Fi, and that Premium Wi-Fi thus counts towards the minimum broadband data allotment. *See, e.g.*, January 11, 2017 *ex parte* letter filed by the Lifeline Connects Coalition in WC Docket Nos. 11-42, 09-197 and 10-90, footnote 6.