I. Introduction

The City and County of San Francisco (“City” or “San Francisco”) submits these comments on the Public Notice of the Federal Communications Commission (“Commission”) on Emergency Broadband Connectivity Fund Assistance.

Through the Consolidated Appropriations Act, 2021, Congress established the Emergency Broadband Benefit and Emergency Broadband Connectivity Fund to make discounted internet service and connected devices available to eligible households during the COVID-19 public health emergency. By establishing this program, Congress made clear the importance of bridging the digital divide during this pandemic. While COVID-19 social distancing measures and stay-at-home orders necessitate all Americans have reliable broadband service to participate in essential activities, such as distance learning, telehealth, employment, civic engagement, millions of households lack adequate internet access largely due to the prohibitive costs of the service and equipment.

San Francisco strongly supports the purpose of this program, and to best meet its goals, we urge the Commission to take steps to maximize accessibility of this short-term, emergency benefit for all households who need this assistance. This includes removing barriers to access, streamlining the eligibility and verification processes, encouraging and supporting as many broadband providers as possible to participate, and placing strong emphasis on outreach in underserved communities.

II. San Francisco’s Responses to the Commission’s Questions

A. Participating Providers

The Commission should take steps now to expand the number of broadband providers that are eligible telecommunications carriers. There is a wide array of broadband providers that have not in the past had a good reason to become eligible telecommunications carriers, but could help reach unconnected low-income consumers through the Emergency Broadband Benefit if they became eligible. This includes smaller regional internet service providers and municipal providers. In many communities, these non-traditional providers often have the flexibility to respond to local conditions in ways that challenge national providers.

With regard to the Commission’s question on how to interpret the “standard rate” for supported offerings, San Francisco recommends that reimbursable rates be inclusive of all rate options, including promotional rates, offered to customers as of December 1, 2020, including promotional rates. Given that the legislation prohibits participating providers from charging an early termination fee, if promotional rates are excluded,
Emergency Broadband Benefit customers may be limited to only more expensive service options. In addition, the short duration of this program is within the term of the typical promotional offering.

B. Tracking and Verifying Household Eligibility

The enrollment process for public assistance programs is often a barrier for vulnerable populations. To help streamline this process, San Francisco recommends making the Emergency Broadband Benefit available to entities such as school districts, health care providers, assisted living or nursing facilities, and local governments who purchase service “in bulk” for eligible households, provided that the serving entity is required to submit verification documentation for each service recipient. These entities are already in close contact with eligible households and can likely combine Emergency Broadband Benefit enrollment with applications for other needs tested services. Engaging cities, counties and school districts in the verification process can reduce barriers on both providers and consumers thereby improving participation.

For example, the San Francisco Unified School District determines eligibility for free and reduced cost meals and the San Francisco Human Services Agency determines eligibility for the CalFresh food assistance program. These types of agencies could provide expedited eligibility verification, for example a discount code to their beneficiaries. In addition, they could provide outreach and distribution, ensuring that the benefit reaches households and individuals with the greatest need for broadband service.

In response to the Commission’s questions about multiple subscribers residing at the same address, San Francisco recommends against requiring a separate, more rigorous verification process for subscribers in these situations. Even pre-COVID-19, shared housing was becoming increasingly common. In addition, many low-income seniors and people with disabilities reside in group homes or “board and care” facilities under a single address. Residents in these housing situations may not be able to share a single broadband connection. Given the short-term, emergency nature and goals of this program, we recommend using the same verification process for those in shared living situations to reduce barriers to participation.

C. Covered Services and Devices

San Francisco recommends that any customer charges associated with broadband service be eligible for discount and reimbursement. This includes monthly rental fees for the broadband modem, router, or other customer-premise equipment.

Regarding devices, San Francisco agrees with the Commission that devices must be capable of video conferencing in order to be eligible for reimbursement. Video conferencing is an essential feature for distance learning, many types of telehealth care, and for working at home. We also recommend that reimbursable devices have standard accessibility features to assist use by people with disabilities. Finally, devices or operating systems with known security vulnerabilities, or which are no longer supported by the manufacturer, should be ineligible for reimbursement.


2 Preinstalled malware have been found on smartphones offered by Lifeline providers (ZDNet July 9, 2020) (available at https://www.zdnet.com/article/more-pre-installed-malware-has-been-found-in-budget-us-smartphones/).
D. Reimbursement

San Francisco recommends that the Commission requires participating providers to demonstrate the retail value or costs of connected devices to prevent waste.

E. Promoting awareness

Participating providers should be obligated to publicize the availability of the Emergency Broadband Benefit to new and existing customers. They should be encouraged to inform all new and existing subscribers about the program, including those who are cancelling service.

The most effective way to promote awareness among communities with greatest needs are through trusted intermediaries and local institutions, such as schools and community-based organizations (CBOs). In many cases, these local entities will also need to help eligible customers through the enrollment process. We recommend that the Commission and providers partner with local government agencies, schools, and CBOs to promote awareness of the program and available participating local providers, possibly through small grants or other funding to support outreach and enrollment assistance activities. Additionally, it would be helpful for the Commission to develop a guide with a summary of services and devices offered, that local participating providers could distribute to their customers. Local governments also have public, educational and government cable channels that can be used to disseminate information about the program.

F. Application of Part 54 Regulations and Additional Rules

The proposed additional rules on measuring data usage or requiring an affirmative response to written communication do not seem necessary for a short-term, emergency program. To reduce unnecessary burden on providers and customers, we recommend against these proposals.

We do agree that Emergency Broadband Benefit subscribers should be able to initiate de-enrollments or transfer their benefits to a different provider directly with Universal Service Administrative Company.

G. Reporting and Conclusion

Messaging from participating providers to subscribers should make clear that the Emergency Broadband Benefit is a temporary program tied to the COVID-19 pandemic. The temporary discount applied through the program should be clearly characterized as such by all participating providers in their billing. We recommend that the Commission notify participating providers four months prior to the program’s conclusion, and providers notify subscribers three months prior to conclusion.

Thank you for the opportunity to submit comments on the Emergency Broadband Benefit program we look forward to helping bring broadband access to eligible low income residents.

Sincerely,

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