

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Emergency Broadband Connectivity)	WC Docket No. 20-445
Fund Assistance)	

COMMENTS OF THE CITY OF AUSTIN

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The City of Austin appreciates the opportunity to submit these comments in response to the Public Notice released on January 4, 2021, seeking comment on the provision of assistance from the Emergency Broadband Connectivity Fund and through the Emergency Benefit Program.¹

In these comments, the City provides responses to some of the specific questions the Commission posed in its January 4, 2021 notice.

In addition to responses to some of the Commission's specific questions, the City urges the Commission to:

- Streamline the enrollment process and make it less complicated on the end users (for both providers and households),
- Ensure providers make current the details of all discounted internet service offerings requiring their agents, contractors and partners to offer discounted internet service offerings to anyone in a qualifying household;
- Ensure that broadband speeds for Emergency Broadband Benefit service offerings provided to eligible households under this program are consistent with speeds offered to market-rate customers.

Participating Providers/Designating Non-ETC Providers

The Commission is well aware that consumers receive broadband service from a wide array of providers and not just Title I common carriers. Outside of the world of the Commission and the related community of communications lawyers, most American consumers are not aware of the arcane differences between Title I common carriers, cable providers, and providers of "information services." To the average consumer, the final product is the same: broadband service, often coupled with some type of television and telecommunications service. The City therefore urges the Commission to cast a wide a net as possible and to make provider enrollment in the program as efficient and seamless as possible in order to serve the largest possible number of eligible households. (The City would point out that, thanks to former strong local franchising authority, cable is the most widely available broadband access medium in urbanized areas, with service provided throughout the City in all neighborhoods regardless of demographic or socioeconomic factors due to reasonable build-out requirements that were negotiated in local cable franchises.)

Tracking and Verifying Household Eligibility

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

The Commission's proposals for tracking and verifying household eligibility generally meet the City's priority of making the enrollment process as efficient and seamless as possible. In particular, the City believes that enrollment in the free and reduced lunch and school breakfast programs should be sufficient to confirm household eligibility, as should a school's participation in the E-rate Program for this program. Households with children enrolled in such schools almost universally meet the requirements for means-tested programs and generally live in communities that most suffer from lack of adequate and affordable broadband access. Anyone that is listed in the low income eligibility database" -- which is the database that includes, in part, all low-income individuals and all public and subsidized housing addresses should immediately qualify. Adopting this approach will minimize paperwork while maximizing the reach of the Emergency Broadband Connectivity Fund.

Covered Services and Devices

The City urges the Commission to adopt a broad definition of covered services and devices to include all equipment related to broadband access, including modems, routers, indoor and Wi-Fi signal repeaters that allow for internet service to be distributed and accessible throughout a residence and include laptops and computer devices. Providers must acquire devices that are equipped and meet the needs of the user. The City encourages the FCC to establish minimum standards and specifications for devices and connectivity to prevent the use of funds to provide inadequate service and inferior equipment to recipients of this program. Finally, funds should be allocated for tech support or extended warranties on computer devices issued to individuals and families.

Promoting Awareness

The City urges the Commission to take an "all of the above" approach to outreach, including outreach to current Lifeline subscribers. The City also believes that outreach via schools eligible for free or reduced lunch, school breakfast, and E-rate would be an effective way of reaching eligible households at a minimum.

Providers should allocate a portion of marketing and promotional materials funds to anchor institutions, non-profits, local government and other entities providing direct and indirect needs assistance to low-income. (1) Entities with digital inclusion expertise should be prioritized because the hurdles low-income individuals face in adopting the broadband and devices are cross-cutting issues in many cases related to the very nature of provider registration, use and payment digital tools. These cross-cutting issues common to all providers can be best resolved by skilled individuals in entities with digital inclusion expertise. (2) Anchor institutions providing basic needs such as housing, food and transportation and healthcare, are, in the COVID era, most dependent on participant adoption of online tools to safely and cost-effectively deploy basic needs and services.

Providers that do not have retail locations where they serve low-income customers should be required to partner with a commercial, nonprofit, or other community organization to offer site-

based information about low-cost offers for low-income communities. In addition, access to phone information is crucial.

Qualified Internet Service Providers as well as third-party marketers and contractors, should be required to provide low-income individuals offers for which they may qualify and they should be prohibited from offering low-income individuals promotional or other service options contingent on resolving their debt older than six months unless a consumer has explicitly declined, or opted out of, discounted internet service. (For example, Public and subsidized housing resident expected to pay commercial development internet service provider rates for low-income people. Housing is intrinsically tied to issues of transportation, access to education and access to healthcare and other social services. At a bulk rate, it is estimated that a subsidized housing resident pays the equivalent of 1/3 utilities for internet service.)

Providers should be required to disclose the dollar value of direct and indirect marketing of low-cost and discounted offers to low-income and marginalized communities.

Eligible Subscribers

The FCC should take steps to ensure single-payor models can rapidly be deployed under this program. For this program providers should be required to sell discounted services in bulk to public and affordable households including federal, state and locally subsidized housing. This means that providers who regularly offer a commercial-bulk rate to landlords serving people living in poverty must provide a bulk rate for discounted service under this program. This will enable housing authorities to cost-effectively and rapidly register hundreds of low-income people who might otherwise lose the opportunity to go to school, work or stay healthy from home.

Program Reporting and Conclusion

The City encourages the FCC to ensure that the program is implemented with the greatest degree of transparency with respect to providers' offerings on broadband connectivity, devices, and participation data.

Broadband service maps: Providers should be required to make available their broadband heat maps. Providers that sell mobile hotspots to agencies or institutions using federal funding must share at some reasonable level of aggregation their hotspot performance. For example, when a city agency or anchor institution buys a large number of hotspots, the city and the people they serve must have insight into whether that service can be equitably provided. Agencies wishing to purchase service in bulk must have open accessible provider service information to ensure services are accessible to the populations in areas where provider infrastructure is insufficient. Mobile hotspots are an effective way of quickly distributing broadband to students, remote workers and health care patients whose care may be conducted remotely. However mobile hotspots do not provide equitable and fair affordable internet access because they are dependent on equitable and fair distribution of wireless infrastructure to work the same way in

all parts of town. In cities where many low-income people live in “pockets” of gentrifying neighborhoods, affordable high-speed mobile service does not provide sufficient service.

For example, a Housing Authority of the City of Austin property in a rapidly gentrifying neighborhood. The property sits in a “donut hole,” a small area with poor mobile internet coverage surrounded by high speed mobile hotspot access. The 58, K-12 households in this 126-unit property are in close proximity to just one nearby provider tower. This past Fall, some parents reported their children’s hotspot performance was so poor, some children were counted absent because they could not sign into or stay connected to their school’s learning management system.

Federal, state and local agencies that purchase and distribute hotspots certainly focus on governing fairly and equitably by carefully examining mobile coverage. Decision-makers use a variety of tools, including speed test data, to determine how hotspots will perform across the city. However, insight into access and performance for low-income customers is largely unavailable: speed test data is often least available in parts of the city with little-to-no internet infrastructure and low-income are least likely to purchase high-speed plans or to perform speed-tests. Additionally, government decision-makers are often bound to inherently competing goals. Decision makers can decrease the incremental cost by buying the greatest number of devices; they can decrease the total cost-of-service by reducing variability, for example choosing a single type of computer or hotspot hardware. However, in the case of hotspots, because carriers are not required to provide a detailed and highly granular picture of hotspot performance, decision makers may only roughly know the service that works for a great number of people. Given the demands on government and nonprofit decision makers to steward funds, often federal funds, effectively, and given the importance of reducing variability in service used, government and nonprofit decision makers must have insight into how equitably a wireless or wireline service can be provided.