

February 7, 2019

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

Re: *Ex Parte* disclosure pursuant to 47 CFR § 1.1206(b) in MB Docket Nos. 09-182, 07-294, 14-50, 17-105, 18-23; WC Docket Nos. 09-197, 11-42, 12-375

Dear Ms. Dortch:

On February 6, 2019 the following individuals met with Commissioner Starks and his staff, Daudeline Meme, Michael Scurato, Randy Clarke, and Andrew Manley. Attending the meeting were: Thu Nguyen, OCA– Asian Pacific American Advocates; Kristine Lucius and Corrine Yu of the Leadership Conference on Civil and Human Rights; Cheryl Leanza, United Church of Christ, OC Inc.; Harin Contractor, Joint Center for Political and Economic Studies; K.J. Bagchi, Asian Americans Advancing Justice | AAJC; Kate Ruane, American Civil Liberties Union; Francella Ochillo and Daiquiri Ryan, National Hispanic Media Coalition; Maurita Coley and David Honig, MMTc; Gavin Logan, National Urban League; James Winston, National Association of Black Owned Broadcasters; Joe Torres, on behalf of the Voices for Internet Freedom Coalition (co-lead by the Center for Media Justice, Free Press, Color of Change, the National Hispanic Media Coalition and 18 Million Rising); Evan Feeney, Color of Change; Sindy M. Benavides, League of United Latin American Citizens and Bill Davenport. The participants discussed generally the top priorities of the civil rights community: strong support for the Lifeline program, promotion of diversity in broadcasting, and the inhumane cost of communication with incarcerated people. Further, the group expressed the deepest concern with the Commission's failures with regard to post-disaster relief in Puerto Rico. Each of the participants' advocacy is described individually herein.

Ms. Nguyen explained that many Asian Americans and Pacific Islanders (AAPIs) lack the income or education to properly access broadband. Besides implementing Lifeline without any of the proposed FCC cuts and caps, OCA also hopes to work with the Commissioner and FCC on reaching and connecting AAPIs on the ground level.

Ms. Lucius and Ms. Yu shared with the Commissioner the attached documents, including the Leadership Conference's priorities for 2019. They both expressed their interest in a strong Lifeline program and full implementation of the Lifeline Modernization Order and in the use of data to study the impact of proposed media ownership rules on ownership by women and people of color.

Ms. Leanza recommended that the Commission begin collecting EEO employment data as required by law and as the Commission voted to do in 2004. She emphasized the Commission's failure to study media ownership diversity by every FCC since the initiation of the Biennial and Quadrennial Review proceedings. She further requested the Commission focus on ensuring low-

income consumers can easily sign up for the Lifeline program and expressed concern that recent efforts by the FCC and USAC were impeding eligible consumers' access to the program. She highlighted the FCC's failure to follow up on Securus' practices of disclosing customers' geo-location data as promised.

Mr. Contractor made suggestions regarding USAC funds and data. Connectivity is key for the Black community, as currently the African American community faces low adoption and subscription to broadband and, more than others, uses mobile devices for resume and cover letters. Mr. Contractor started the data analytics team at USAC in 2016. The E-Rate take up rates for libraries is slow, particularly for geographic locations of little access or broadband take up. IMLS and DOL also provide grants to libraries regarding broadband and workforce. Libraries can be the center of workforce development in rural communities, particularly the Black Belt—the FCC can encourage data sharing between USAC, IMLS, and DOL to focus on grants to areas of need. Currently there is little to no discussion among the team and from each respective Chief Data Officer on data sharing and collaboration. Mr. Contractor also spoke about working with Congress, stakeholders, FCC, and USAC staff on revamping the entire USF program. Between 20 percent and 30 percent of E-rate USF dollars go to consultants. Whether its ideas like pushing E-Rate to include E-Tech for low-income communities or really thinking about how to use Lifeline to encourage competition, lower administrative costs, and provide greater connectivity, Mr. Contractor explained right now there is little to no discussion of how to approach USF if we had the ability to start over.

Mr. Bagchi emphasized the importance of in-language emergency alert information as well as disaster preparedness information. In particular, he questioned the existing FCC practice of translating materials according to the size of a population instead of the size of the population that experiences Limited English Proficiency (LEP). He suggested that the FCC partner with local community organizations to distribute disaster preparedness information and offered the assistance of AAJC to assist.

Ms. Ruane emphasized the importance of increasing access to communications networks and reducing phone call rates for incarcerated persons.

Ms. Ochillo and Ms. Ryan reiterated NHMC's request for the FCC to appoint an independent commission to both examine and document telecommunications failures in Puerto Rico. Considering the mass devastation and death toll caused by Hurricane Maria, NHMC implored the Commission to help rebuild resilient networks that can withstand natural disasters in the future in addition to ensuring that Puerto Ricans are given the same resources and oversight as their fellow Americans on the mainland. Finally, NHMC joined other advocates in requesting that the FCC reaffirm its commitment to strengthening the Lifeline program. It is imperative that the Commission brainstorm new, innovative ways to connect the disconnected.

Ms. Coley provided background on minority ownership of media, cable, and telecom, and encouraged the commissioner to support the removal of barriers to entry for small and diverse businesses to help bridge the digital divide. She voiced MMTC's opposition to the facilities-based-carriers-only requirement for Lifeline, noting that small and diverse businesses are ready to serve and have served the Lifeline program with distinction. Regarding open internet policy,

Coley encouraged the commissioner to consider the voices of small WISP operators who are concerned that mis-application of Title II regulation could destroy their businesses. Mr. Honig called attention to the Commission's inexorably long delays in acting on civil rights rulemaking matters, noting that it has taken or is taking 10-20+ years to secure action on such issues as EEO, prison payphones, extension of the cable procurement rule to other technologies, multilingual emergency alerts, and advertising nondiscrimination. Mr. Honig noted that if such delays had arisen in proceedings involving, *e.g.*, intercarrier compensation, it would be a national scandal – but it is unremarkable when fifteen years elapse without a ruling on, *e.g.*, combating race and gender discrimination in broadcast employment.

Mr. Logan explained that Lifeline should be preserved because it is absolutely necessary to communities of color and poor communities. Further, when the Commission considers infrastructure buildout, it should consider the diverse employment opportunities and encourage companies to hire diverse as well as encourage supplier diversity. This allows communities of color to participate fully in the tech economy, and not just as consumers. Mr. Logan stated that it most important that we have net neutrality and privacy rules, and it appears as though there is consensus on the need for and content of those rules. He suggested focusing on establishing rules and guidelines because the absence of protections is unacceptable. Mr. Logan expressed concern about digital redlining—within the context of wired broadband, but especially regarding wireless, which does not have clear buildout requirements like wire broadband providers did, particularly those which deployed their infrastructure subject to obligations as cable providers regulated by cable franchises.

Mr. Winston provided a history of how positive FCC policies increased the number of radio and TV stations from 50 radio and 2 TV stations in 1980 to 250 radio and 25 stations by 1995. Those numbers have declined to 180 and 10. Winston encouraged the commissioner to pay close attention to the proposals regarding the local radio ownership rule, including those related to the sub-caps, and their impact on minority broadcasters.

Mr. Torres discussed the Voices coalition's 2019 policy priorities. He talked about why Net Neutrality is a critical racial justice issue and why the coalition is advocating to restore the FCC's 2015 Net Neutrality rules that the current commission did away with in 2017. He also discussed the importance of saving the Lifeline program and restoring just prison phone rates. He highlighted a recent story in which inmates are required to enter their voices into a database to retain calling privileges.¹ He presented the Commissioner's office with a copy of the Coalition's 2019 policy priorities.² Mr. Torres also talked about — and was critical of — the FCC's failure to investigate all of the causes for the communication collapse in Puerto Rico following Hurricane Maria in 2017 which contributed to the island's death toll and was one of the worst disaster in U.S. history. He contrasted the response of the FCC Chairman after Hurricane Michael with his response after Hurricane Maria.

¹ George Joseph, Debbie Nathan, "Prisons Across the U.S. are Quietly Building Databases of Incarcerated People's Voice Prints," The Intercept, Jan. 30, 2019, <https://theintercept.com/2019/01/30/prison-voice-prints-databases-securus/>.

² The priorities are attached and available at: <https://www.freepress.net/sites/default/files/2019-01/Voices%20Booklet%20FINAL.pdf>.

Mr. Feeney discussed Color Of Change's 2019 policy priorities including reinstating the 2015 net neutrality rules, combating unjust prison phone rates, and bridging the digital divide for Black communities. He focused on the racial justice impacts of these policies. Mr. Feeney highlighted the FCC's need to address the disproportionate and unconstitutional use of cell phone surveillance devices targeted against Black communities - in particular, the use of IMSI-catchers, known as Stingrays, as well as carriers making private geo-location data on individuals available for purchase to bounty hunters. He mentioned a 2017 report by City Labs that demonstrated the disproportionate use of Stingray devices on Baltimore's Black communities.³

Ms. Benavides expressed concern for the lack of post-disaster access by LEP individuals, particularly for low-income and Spanish-speaking households. She cited recent analysis which showed low levels of readiness to serve Spanish-speaking households in an emergency. She expressed her strong concern with the FCC's response to the post-Maria recovery in Puerto Rico. She suggested the FCC develop a report to assess vulnerabilities in advance disasters so that it can better prepare for the future. She strongly opposed the unfair practices of inmate calling companies that overcharge families seeking to communicate with their loved ones.

The groups thanked the Commissioner for prioritizing civil rights and holding this meeting as his first outward-facing meeting of his term. If you have further questions about this ex parte, do not hesitate to contact Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at 202-904-2168 or cleanza@alhmail.com.

Sincerely,



Cheryl A. Leanza
United Church of Christ, OC Inc.

Attachments

³ George Joseph, "Racial Disparities in Police 'Stingray' Surveillance, Mapped," CityLab, Oct. 18, 2016, <https://www.citylab.com/equity/2016/10/racial-disparities-in-police-stingray-surveillance-mapped/502715/>.