

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
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

**Comments of
WTA – Advocates for Rural Broadband**

WTA – Advocates for Rural Broadband¹ (“WTA”) responds to the Wireline Competition Bureau’s Public Notice² and files these comments in support of the Petition³ filed by the Alaska Telephone Association (“ATA”) on December 4, 2017 requesting a temporary waiver of the minimum service standards applicable to fixed, wireline broadband Internet access service (“BIAS”) eligible for the Lifeline program in the state of Alaska as part of the Universal Service Fund (“USF”).

Specifically, ATA’s Petition requests that the Commission:

¹ *WTA -- Advocates for Rural Broadband* is a national trade association that represents more than 340 rural telecommunications providers offering voice, broadband, and video-related services in rural America. Its members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities.

² Public Notice, *Wireline Competition Bureau Seeks Comment on Alaska Telephone Association Petition for Clarification and Waiver of Lifeline Minimum Service Standards*, WC Docket Nos. 09-197, 10-90, 11-42, released January 11, 2018, available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0111/DA-18-34A1.pdf.

³ Petition for Clarification and Waiver of Lifeline Minimum Service Standards of Alaska Telephone Association, WC Docket Nos. 09-197, 10-90, 11-42, filed on December 4, 2017, “Petition”, available at <https://ecfsapi.fcc.gov/file/12040467819352/2017-12-04%20ATA%20Lifeline%20Waiver.pdf>.

waive the fallback minimum speed standard of 4/1 Mbps in areas of remote Alaska where such speeds are not available. Even if a Lifeline-eligible household in one of these areas decides that the best use of its Lifeline benefit is to reduce the cost of fixed broadband, that option is not available to it under the current rules. In addition, ATA requests a waiver of the requirement that providers of fixed Lifeline services that do not offer broadband speeds of at least 10 Mbps downward and 1 Mbps upward (“10/1 Mbps”) (or the current minimum speed standard) must offer their “highest performing” broadband service as their Lifeline offering.⁴

ATA argues in its Petition that good cause exists under Section 1.3 of the Commission’s rules because 4/1 mbps service is not yet available in many remote service territories in Alaska. ATA adds that the Commission endorsed the premise that many areas will be unable to have 4/1 mpbs service even when the Alaska Plan is completed. Finally, ATA argues that requiring a customer to subscribe to the highest offering would be counter to the goals of the program and would deny Lifeline subscribers service that they can actually afford. For the following reasons, WTA agrees with ATA’s assessment.

Waiving the 4/1 Mbps Fallback Speed Is Appropriate When Considering the Difficulties of Serving Remote Alaska

A waiver of the Commission’s rules should be granted when both “(i) special circumstances warrant a deviation from the general rule and (ii) such deviation would be in the public interest.”⁵ The goal of the Lifeline program is to help connect low-income households to the network by making it more affordable to do so. As a result, a subsidy of \$9.25 is given to those eligible to defray the cost of service.

⁴ Id. at 1-2.

⁵ 47 C.F.R. § 1.3.

However, as ATA notes, the new Lifeline minimum standards run counter to the realities on the ground in Alaska. Outside of urban areas such as Anchorage or Juneau, much of Alaska is remote and extremely difficult to serve. The Commission recognized this by creating the Alaska Plan, which is separate and apart from the rest of the High Cost mechanism. In the Alaska Plan, the Commission noted that 30 percent of locations in remote Alaska did not have 4/1 mbps service. Under the Plan, that number is expected to decrease to only 13 percent by 2026 with the Commission understanding that it would just not be economical to connect this remaining population. This means that for the foreseeable future, many Alaskans will be without 4/1 mbps service while for others it may be much longer.⁶

Currently, the Lifeline minimum service standards require that an eligible telecommunications carrier (“ETC”) offer its highest performing service of at least 4/1 mbps.⁷ If strictly enforced, this will leave many low-income Alaskans unable to use their Lifeline credit towards reducing their cost of service because their ETC does not offer 4/1 mbps service. Undoubtedly, such a situation will result in fewer Alaskans connected to the network. As ATA argues, a waiver would support the Commission’s goal of providing robust service “where available while also not precluding a subscriber from obtaining a Lifeline benefit in situations where the infrastructure does not yet support the

⁶ Petition at 14-15.

⁷ *In re Lifeline and Link Up Reform and Modernization, et al*, WC Docket No. 11-42, 09-197, 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, ¶ 111, (rel. Apr. 27, 2016), “Order”, available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-38A1.pdf.

minimum service standard.”⁸ Therefore, WTA agrees with ATA and supports a waiver of the Commission’s rules requiring a minimum of 4/1 mbps service.

Requiring Alaskan Lifeline Customers to Subscribe to the Highest Performing Service Will Make Service Unaffordable for Many Even With the Subsidy

As noted previously, offering service in remote Alaska is more difficult and expensive than the rest of the state, especially in urban areas. While the Alaska Plan is being achieved, many remote parts of the state will not have 4/1 mbps service for a period of time while for others it will be indefinite. However, there are low-income Lifeline customers that would still like to use their Lifeline credit in order to connect to the world.

Currently, the rules require that Lifeline customers subscribe to the “highest performing” residential offering, which (presuming the previously discussed waiver is granted) means that if an ETC does not offer 4/1 mbps, the Lifeline customer must subscribe to the ETC’s next best offering.⁹ As WTA has noted previously, the differences in pricing for various speed tiers can be stark, sometimes \$20 or more in between tiers.¹⁰ As the ATA Petition argues, many ETCs’ basic offerings begin between \$30-50 per month while the offerings for 2 mbps/256 kbps range in price from \$64-78.¹¹

⁸ Petition at 15.

⁹ Order at ¶ 112.

¹⁰ Comments of WTA – Advocates for Rural Broadband, WC Docket Nos. 09-197, 10-90, 11-42, filed on Nov. 27, 2017, at 3, available at <http://w-t-a.org/wp-content/uploads/2017/11/WTA.ntcalifelinepetition.comments.112717.pdf>.

¹¹ Petition at 17.

If the purpose of the Lifeline program is to connect low-income households, forcing them to pay more for service would run counter to the program's purpose. Even worse, a household forced to pay more may decide that it cannot afford the service and choose to do without.

A waiver of the Commission's "highest offering" rule would allow the customer to choose the speed and level of service that best correlates with their personal situation. If they feel that they need the increased speed, they can choose a higher tier and opt to spend the additional money. However, the low income customers who just want service for simple internet tasks such as messaging or receiving news updates should not be required to pay more if they feel the increased speed is unnecessary and if the added costs would deter them from connecting at all. As such, WTA supports ATA's request for a waiver of the "highest offering" rule.

Conclusion

For the reasons above, the Commission should grant ATA's Petition. The waivers will ensure that all Alaskan Lifeline customers are able to connect to the network and also ensure that their service is affordable.

Respectfully submitted,

WTA – Advocates for Rural Broadband

By: /s/ Derrick B. Owens

Derrick B. Owens

Senior Vice President of Government & Industry Affairs

By: /s/ Bill Durdach

Bill Durdach

Director of Government Affairs

400 Seventh Street NW, Suite 406

Washington, DC 20004

(202) 548-0202

February 12, 2018