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February 22, 2019

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**Re: WC Docket Nos. 18-143, 17-287, 12-375, 11-42, 09-197; WT Docket No. 18-197;
PS Docket No. 17-344; MB Docket Nos. 18-349, 17-318**

Dear Ms. Dortch:

On Tuesday, February 19, 2019, Free Press met with Commissioner Geoffrey Starks and his staff for an overview on a broad range of topics that Free Press currently prioritizes before the Commission. This notice is timely filed, pursuant to Section 1.1206(b)(2)(iii), in light of government agencies' weather-related closure on Wednesday the 20th.

Attending with Commissioner Starks were William Davenport, Chief of Staff & Senior Legal Advisor for Wireless and International; and Randy Clarke, Acting Legal Advisor for Wireline and Public Safety. Attending for Free Press were Carmen Scurato, Senior Policy Counsel; Gaurav Laroia, Policy Counsel; Dana Floberg, Policy Manager; Leo Fitzpatrick, Policy Counsel and C. Edwin Baker Fellow; and the undersigned. However, Carmen Scurato did not attend or take part in the last portion of the meeting that dealt with media ownership issues.

Free Press first reiterated our request made in a broader coalition meeting with Commissioner Starks and his staff on February 7, 2019, that the Commission terminate the harmful Lifeline proceeding it initiated in 2017. That item unfairly and unwisely proposed eliminating large classes of Lifeline providers from the program, and also restricting eligible recipients' ability to participate by imposing a co-pay and arbitrary budget cap. Free Press also raised several concerns about the additional eligibility criteria implemented by USAC for the National Lifeline Eligibility Verifier that are preventing people from certifying their eligibility for Lifeline.¹

We next urged the Commission to focus not only on deployment (as do so many who profess a desire to close the digital divide) but on broadband affordability too – and on the high price of service and other adoption barriers that prevent so many people from subscribing to high-speed options available to them today. In particular we cited research from the Free Press report *Digital Denied* demonstrating persistent racial and income-based adoption gaps, despite evidence of high demand for broadband service by both low-income people and people of color.² We reiterated that although rural deployment gaps do exist, the primary barrier to broadband adoption for disconnected communities is a lack of affordable options.

¹ See Comments of Public Interest Commenters, WC Docket Nos. 17-287, 11-42, 09-197 (filed Dec. 18, 2018); see also Emergency Petition of TracFone Wireless, Inc., WC Docket Nos. 17-287, 11-42, 09-197 (filed Nov. 30, 2018).

² See S. Derek Turner, Free Press, "Digital Denied: The Impact of Systemic Racial Discrimination on Home-Internet Adoption" (Dec. 2016).

We next turned to the proposed T-Mobile/Sprint merger, and emphasized the damage it would cause to affordability too. We explained that the transaction could not meet the public interest test under the FCC's merger rubric, and stressed that maintaining a diverse set of choices for the public at different price points is part of that test. We said the merger would fail on these grounds, and seriously imperil the availability of affordable mobile service options, as the merging parties themselves have conceded that prices may rise. This harm would especially be felt in low-income communities and would disproportionately impact communities of color.

We then provided an overview of Free Press's request for an independent and comprehensive investigation of the unacceptably prolonged failure of telecommunications in Puerto Rico following Hurricane Maria.³ We further demanded greater transparency and accountability from federal agencies and industry alike as they engage in the ongoing recovery efforts. We encouraged the Commissioner to focus on improving Wireless Network Resiliency, and on overseeing disbursements from Uniendo a Puerto Rico Fund and the Connect USVI Fund. We also referred to our pending FOIA request (attached to this letter) to the Commission regarding its efforts during the 2017 hurricane season.

We next updated Commissioner Starks on the prospect of an amendment to the Communications Act requiring the Commission to ensure just and reasonable charges for incarcerated persons using telephone and advanced communications services. We recommended that the Commission review a recent report by the Prison Policy Initiative highlighting exorbitant rates and hidden fees stemming from predatory contracts between county- or city-run jails and private phone service providers.

Turning next to broadband and telecommunications privacy concerns, we flagged recent reports by *Vice* that real-time A-GPS data from cell carriers had been sold to data brokers and then to bounty hunters. We noted that this is an apparent violation of Section 222, and explained that the seriousness of those violations merits a swift investigation by the Enforcement Bureau.

Finally, following Ms. Scurato's departure from the meeting, Free Press raised concerns about the new Quadrennial Review proceeding, urging the Commission not to continue its trend of reckless rollbacks of media ownership protections. We also discussed our objections to a recent *ex parte* from the National Association of Broadcasters⁴ that argued for expanding the outdated UHF discount to apply to VHF stations too. We urged the Commission to instead eliminate the discount entirely without unlawfully attempting to adjust the national audience reach cap.

Respectfully Submitted,

/s/ Matthew F. Wood

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³ See Letter Urging the FCC to Appoint an Independent Commission, PS Docket No. 17-344, WC Docket No. 18-143 (filed Sept. 20, 2018).

⁴ NAB Notice of *Ex Parte* Communication, MB Docket No. 17-318 (filed Feb. 13, 2019).