

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION**

Comments of the Digital Civil Society Lab  
of the Stanford Center on Philanthropy and  
Civil Society in response to the Federal  
Communications Commission Public  
Notice DA 20-168

WC Docket Nos. 17-108, 17-287,  
11-42

**COMMENTS BY THE DIGITAL CIVIL SOCIETY LAB (DCSL) RELATED TO THE  
NOTICE SEEKING TO REFRESH RECORD IN RESTORING INTERNET FREEDOM  
AND LIFELINE PROCEEDINGS IN LIGHT OF THE D.C. CIRCUIT'S MOZILLA  
DECISION**

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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Comments of the Digital Civil Society Lab  
of the Stanford Center on Philanthropy and  
Civil Society in response to the Federal  
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**I. INTRODUCTION**

The Digital Civil Society Lab (“DCSL”) of the Stanford Center on Philanthropy and Civil Society (“Stanford PACS”) respectfully submits comments in response to the Federal Communications Commission (“FCC”) February 19, 2020 Notice seeking to refresh the record in the Restoring Internet Freedom and Lifeline proceedings in light of the D.C. Circuit’s decision in *Mozilla Corp. v. FCC*.

The Digital Civil Society Lab is an independent research initiative, based at Stanford University, focused on understanding and improving the functioning of civil society in democracies in the digital age. We concentrate on the technological, organizational, and legal frameworks that enable broad and diverse participation in civic, charitable, religious, and political action.

## II. GENERAL COMMENTS

- A. Civil society actors, non-profit associations, and citizen organizations engaged in public safety rely on mass-market retail broadband services covered by the Restoring Internet Freedom Order for their communications and public safety responses and applications, including but not limited to online donations, volunteer and community organization, mutual aid networks, and kinship care.**

With its Public Notice, the Wireline Competition Bureau seeks to refresh the record regarding the issues remanded to the Commission by the U.S. Court of Appeals for the District of Columbia Circuit in *Mozilla Corp. v. FCC*.<sup>1</sup> In response to the first issue on how the changes adopted in the *Restoring Internet Freedom Order* might affect public safety, the FCC should consider the effects on civil society actors, non-profit associations, and citizen organizations engaged in public safety, particularly their ability to effectively communicate, mobilize, and respond to public safety threats and crises. These actors, associations, and organizations rely on mass-market retail broadband services covered by the Restoring Internet Freedom Order when mobilizing to respond to public safety threats and crises at their various levels of operation, both local and national. They typically cannot afford or otherwise have access to dedicated networks with quality-of-service guarantees (i.e., enterprise or business data services) for their communications and public safety responses and applications and are therefore relying on services that only promise “best efforts” in the delivery of content.

Furthermore, **civil society relies on broadband services covered by the Restoring Internet Freedom Order for communications to and from public safety authorities.** Meanwhile, **broadband providers do not have policies in place that facilitate or prioritize public safety communications of civil society actors and associations.**

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<sup>1</sup> *Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019).

Civil society's reliance upon broadband services covered by the Restoring Internet Freedom Order has become apparent, for example, during public safety crises such as the California Wildfires of 2017 and 2019 and the current COVID-19 Epidemic. An estimated 45% of the country's 1.5 million nonprofits provide basic health and human services (food, shelter, medical and legal care) to their communities.<sup>2</sup> The California wildfires reveal just how critical these services are in crisis. Following each of the state's major wildfires local community members and nonprofits have played critical roles in reaching out to displaced families, providing them with food and shelter. Groups such as food banks, volunteer coordination programs, farmworker support organizations, and housing groups work with County public safety departments to gather, secure, and distribute donated goods and funds. This relies on real-time communications between residents, these organizations, and the public safety departments. This work is communicated, organized, and reported on using retail mass-market broadband services.

The SonomaRecovers effort, created in the wake of the 2017 Kinkade Fire, is a coalition of more than three dozen nonprofit organizations, churches, unions, and individuals (it is still operating, three years after the fire). This alliance is a critical interface between residents and public agencies. Alliances like this involve organizations that represent our most vulnerable residents, including the elderly, undocumented, and disabled; public safety organizations, in turn, count on these alliances to ensure they reach these communities.

Similarly, during the current COVID-19 crisis, local food banks and in-home food and care programs, senior centers, childcare, mental health, and disability care providers are critical partners in ensuring that shelter-in-place rules can be observed safely. During this time, most of

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<sup>2</sup> Based on data from The Urban Institute, 2018 Nonprofit Sector Brief, available at: <https://nccs.urban.org/publication/nonprofit-sector-brief-2018#size>

the nonprofit social safety net partners are being staffed remotely. They depend on real-time, reliable communication, include bandwidth-intensive video conferencing, between organizational staff working from home, residents at home, and public safety agencies. **Civil society has been and remains dependent on commercial communications services for their regular and crisis-oriented work, including managing online donations of money and goods in response to public safety needs, coordinating volunteers and paid staff, functioning mutual aid networks, and coordinating kinship care and other vital activities that take place in civil society during public safety crises.**

**B. The changes adopted in the Restoring Internet Freedom Order compromise the independence of digital civil society and hinder civil society online participation and action in response to public safety threats.**

In our democracy, civil society is a sphere of action defined by its independence from market and government actors. It consists of nonprofits; community organizations; philanthropic foundations; mutual aid networks; and civic, religious, and political associations that act in concert with, or as supplements to, public agencies. Across the U.S. the social safety net consists of public agencies working through local nonprofits for the delivery of services such as food, elder care, in-home support for the disabled, afterschool and childcare programs, and shelter for both the unhoused and those seeking refuge from violence. In the best of times our communities are dependent on small, independent nonprofit organizations, community-based groups, and informal associations for basic services. In crises, these associations, organizations and alliances become critical allies to and extensions of public safety services.

Civil society's dependence upon broadband services covered by the Restoring Internet Freedom Order threatens the functioning of these public-private alliances and the very

independence of the private community partners when broadband services can only promise “best efforts” in the delivery of content. Broadband services do not have incentives to prioritize delivery of content to and from civil society actors and associations. In fact, **digital civil society communications between small, independent groups is more likely to suffer being deprioritized and underserved compared to both market and government actors.** Lacking the skills or resources to build secure, functional, private systems, civil society’s online presence is almost entirely dependent upon market products and providers. This compromises the nature and boundaries of civil society in the digital context and consequentially hinders civil society’s online participation and action in response to public safety threats.

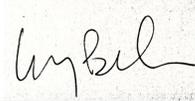
### **III. CONCLUSION**

Civil society’s reliance on broadband services covered by the Restoring Internet Freedom Order is heightened during public safety crises and has come into stark view during the current public safety crisis of the COVID-19 Pandemic. Broadband providers do not have policies in place that facilitate or prioritize public safety communications of civil society actors and associations. Therefore, permitting paid prioritization arrangements, the Restoring Internet Freedom Order deprioritizes the serving of civil society actors, non-profit associations, and citizen organizations and their broadband needs during public safety crises: it renders civil society vulnerable to slower or compromised service for internal communications, communications to and from public safety authorities, online donations, volunteer and community organization, mutual aid networks, kinship care and other vital activities during public safety crises. Finally, it places the independency of civil society online participation and action during public safety crises at risk.

The Digital Civil Society Lab thanks the Commission for the consideration of the matters discussed herein.

Dated: April, 20, 2020

Respectfully submitted,



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