

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	

**COMMENTS OF FREE PRESS
ON JOINT PETITION TO PAUSE MINIMUM STANDARDS CHANGES**

Free Press supports the joint petition seeking a pause in implementation of Lifeline minimum service standards – specifically, the pending decrease in support for voice-only service – until the Commission completes its State of the Lifeline Marketplace Report.¹ However, we urge the Commission to conduct this study expediently, to assess and potentially adjust predictions made in the *2016 Lifeline Modernization Order*² and make decisions accurately reflecting marketplace conditions rather than waiting until 2021 to complete that study as planned.

We do not, however, seek to undermine the minimum service standards rule that is a critical protection for Lifeline recipients. Therefore, a temporary and conditional pause that maintains the current minimum standards – as well as the subsidy for voice at its current level of \$9.25 – is appropriate until the Commission conducts its analysis of the current marketplace.

¹ See Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 *et al.* (filed June 27, 2019) (“Pause & Study Petition”).

² See generally *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (“*2016 Lifeline Modernization Order*”).

The Commission's predictions used to justify the *2016 Lifeline Modernization Order's* voice support phase-down bear little resemblance to the realities of 2019. What has not changed, however, is that voice-only service remains extremely important for low-income individuals. As we noted in 2015 in this proceeding, "[w]hile there is no doubt that broadband and SMS are rapidly replacing voice as the primary communications technology, voice remains a critical mode of communication for tens of millions of Americans . . . [and] there is no question that low-income individuals should retain access to voice-only Lifeline services."³ Reducing support now for voice-only service would leave people without access to emergency services or means of communications with loved ones. While there may be a point in the future when these individuals will turn to other options, it is not here now and will not be for some time.

Voice-only services remain essential. Over the objections of Free Press and other commenters, the *2016 Lifeline Modernization Order* phased down support for these services starting in December 2019.⁴ The impact of this decline in support is potentially severe. When the Commission sought comment on reinstating full financial support for voice-only service in rural areas only, the record showed widespread support for restoring full subsidies for voice services in all areas of the U.S.⁵ And the most recent Universal Service Administrative Company data shows that, as of February 2019, nearly 42 percent of Lifeline customers still subscribe to plans

³ Reply Comments of Free Press, WC Docket No. 11-42, at 11 (filed Sept. 30, 2015).

⁴ *2016 Lifeline Modernization Order* ¶ 64.

⁵ See, e.g., Reply Comments of AARP, WC Docket No. 17-287, at 27-30 (filed Mar. 23, 2018); Comments of Free Press, WC Docket No. 17-287, at 55 (filed Feb. 21, 2018); Comments of Low-Income Consumer Advocates, WC Docket No. 17-287, at 8 (filed Feb. 21, 2018); Reply Comments of the New America's Open Technology Institute, WC Docket No. 17-287, at 8, 12-21 (filed Mar. 23, 2018).

that qualify for Lifeline by virtue of meeting the minimum service standards for voice service.⁶ Without the pause the joint petition seeks, over 3.8 million Lifeline subscribers could be negatively impacted.⁷ The Commission should maintain the \$9.25 subsidy and support for 1,000 voice minutes per month packages while it studies the changing Lifeline marketplace.

As the country faces continued and worsening public safety crises such as wildfires and the new hurricane season, the importance of voice-only service becomes glaringly apparent: voice-only service still provides a critical access point for 911 and other emergency services. There is ample reason to doubt the Commission's longtime assurances of the sufficiency of the voluntary, industry-led Wireless Resilience Cooperative Framework.⁸ And the accelerating pace of technology transitions and rapid growth in the number of wireless substitution households has revealed possible public safety deficiencies requiring immediate redress by the Commission.

Subscribers still choose voice-only service for ensuring their personal safety, and even absent a choice they still can and do rely on more traditional legacy telephony service.⁹ Indeed, even as of last year, significant age and household-income segments still rely on typical

⁶ Pause & Study Petition at 8 n. 23 (citing USAC, High-Cost and Low Income Committee Briefing Book, at 41 (Apr. 29, 2019), which showed 27.81% of Lifeline customers taking bundled plans meeting voice minimum standards and 13.8% taking voice-only plans).

⁷ See Pause & Study Petition at 8 n.23 (citing calculations based on USAC, High-Cost and Low Income Committee Briefing Book).

⁸ See GAO, "FCC Should Improve Monitoring of Industry Efforts to Strengthen Wireless Network Resiliency" (Dec. 2017), <https://www.gao.gov/assets/690/688927.pdf>.

⁹ See, e.g., Anousha Sakoui, Todd Shields & Scott Moritz, "Phones Fail in California Fires, Highlighting Cell Vulnerability," *Bloomberg* (Nov. 16, 2018) (highlighting how mobile service "falls short of old-fashioned landlines when it comes to surviving catastrophic events."); see also Paige St. John, "Alarming failures left many in path of California wildfires vulnerable and without warning," *L.A. Times* (Dec. 29, 2017) (reporting that "[w]hen homes phones largely ran on copper wire land lines [sic.], emergency officials could use their 911 systems as a calling tree to deliver warnings. Private vendors have since stepped in to provide those services as well as the software and servers to call up cellphone owners").

cellphones as opposed to smartphones.¹⁰ The Commission must take immediate action to avoid costly unintended consequences from cutting off Lifeline support for such individuals.¹¹

The Lifeline marketplace study must be completed by June 2021 pursuant to the *2016 Lifeline Modernization Order*,¹² but the continued and significant reliance on voice service by many Lifeline recipients necessitates completion of this study as soon as practicable.¹³ We recognize that prompt issuance of this study should not come at the expense of thorough analysis, but urge the Bureau to prioritize this effort. The Commission should require carriers to submit all necessary information to enhance the record regarding their costs to provision the relevant minimum voice and data services alike. Given the grave risk to a significant portion of Lifeline consumers without the requested pause, Free Press supports the joint petition.

Respectfully Submitted,

/s/

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¹⁰ See “Mobile Fact Sheet,” Pew Research Center (June 12, 2019) (showing 39% of respondents 65 years of age or older own a cellphone but not a smartphone).

¹¹ Even in unique situations where wireless service was largely restored before wireline service, such as in Puerto Rico following Hurricanes Irma and Maria, the Commission must understand the role of voice-only service and greater reliance on wireless service as the only access point to emergency services including traditional 911 services. See Free Press, “Connecting the Dots: The Telecommunications Crisis in Puerto Rico” at 4 (May 2019).

¹² *2016 Lifeline Modernization Order* ¶ 66.

¹³ The civil rights community sought an early thorough analysis of the Lifeline marketplace during the Lifeline modernization order proceeding. See, e.g., Comments of the Leadership Conference on Civil and Human Rights, WC Docket No. 11-42 *et al.*, at 3 (filed Aug. 31, 2015).