



August 9, 2019

Chairman Ajit V. Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Universal Service Contribution Methodology, WC Docket No. 06-122

Dear Chairman Pai and Commissioners:

On behalf of The Leadership Conference on Civil and Human Rights and its Media/Telecommunications Task Force, we submit these comments in opposition to the Federal Communications Commission's (FCC) recent proposals to impose an overall budget cap on the Universal Service programs. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. Robust Lifeline and E-rate programs are top priorities of The Leadership Conference's Media/Telecommunications Task Force. As discussed in more detail below, we oppose the proposed cap because it will harm communities of color, will slow efforts to close the homework gap, and is counter to congressional intent.

As the Commission has consistently found, both voice and broadband services are essential for full participation in today's economy. Americans rely on broadband for access to news and information, education, employment, civic participation and health care. Unfortunately, some of our nation's most vulnerable and marginalized communities, including seniors, veterans, people of color, people with disabilities, low-income people and rural residents, are often on the wrong side of the digital divide.

The undersigned groups urge you to reject an overall cap on the four Universal Service Fund (USF) Programs (Lifeline, E-rate, the High-Cost program, and the Rural Health Care Program) and avoid harming the very consumers that these programs are intended to help. The proposals in this NPRM will stymie the goal of closing the broadband divide and will leave the most vulnerable consumers and communities further behind. Moreover, an overall cap of the USF programs will pit important public policy goals against each other, contrary to the intent of Congress.

Instituting a cap on Lifeline will harm communities of color and low-income households.

The Lifeline program was created to help close the affordability gap that keeps low-income households unconnected to 21st century communications services. Cost is often a barrier preventing people from getting online; more than half of low-income households cancel their

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service and fall offline due to cost. Cost also often prevents families from subscribing to broadband at home, thus leaving children stuck in the “homework gap.”¹ According to the American Library Association, reducing “Lifeline broadband services is a step back in efforts to close the homework gap and digital divide, and is at odds with Chairman Pai’s stated desire to advance digital empowerment.”²

The Lifeline program has never approached full participation rates by eligible populations; currently fewer than 30 percent of all Lifeline-eligible households have participated.³ Capping Lifeline would only create additional barriers to program enrollment, cutting off eligible Lifeline recipients when the cap is reached. Moreover, as The Leadership Conference has previously stated, capping Lifeline will lead to rationing,⁴ thereby endangering the health and well-being of the nation’s most vulnerable consumers by limiting affordable access to emergency services, particular during natural disasters.

An overall cap will harm E-rate and will slow efforts both to achieve educational attainment for all and close the homework gap, as well as hinder libraries’ service to communities.

E-rate is critical for libraries and schools to provide internet connectivity. Libraries can help ease online opportunities for users who cannot afford broadband internet at home. Libraries and schools rely on broadband connectivity and wi-fi access to help patrons and students find work, access online learning resources, pursue educational opportunities, and increase career development skills. Schools cannot operate without online access and many schools are in the process of upgrading their technology to support the new online resources available to support and augment learning in classrooms. Moreover, twelve million low-income students across the country suffer in the homework gap.⁵ According to a Department of Education report, 18 percent of 5- to 17-year-old students in “remote rural” districts have no broadband access at home and, in cities, 15 percent of students have no broadband access – meaning youth without access are both numerous and widespread.⁶ E-rate and Lifeline together will help bridge that gap.

An overall cap is contrary to congressional intent.

The Telecommunications Act of 1996 called for the creation of four distinct programs to achieve different public policy purposes. Congress’ intent for these Universal Services is evident in 47 USC §254(b) (3), which states: “Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services;” and in 47 USC §254(b)(6), which states: “Elementary and secondary schools and classrooms, health care providers, and libraries should have access to advanced telecommunications services.” Congress further directed in §254(e) that universal service support “should be explicit and sufficient to achieve the purposes of this section.”

Lifeline’s purpose is to increase affordability of essential communications services for low-income households. The E-rate and Rural Health Care programs support connectivity to underserved communities through their anchor institutions such as schools and libraries and are critical for closing educational attainment gaps and delivering telehealth. The High-Cost program supports the buildout of broadband in



rural and hard to reach parts of the country, including Indian Country. To impose an overall cap pits these interests against each other and is contrary to ensuring sufficient support for these critical programs, which was Congress's intent.

The opposition to the proposed USF cap has been overwhelming. We urge the FCC to affirmatively reject this proposal as expeditiously as possible. Should you require further information or have any questions regarding this issue, please contact Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, OC Inc., at 202-904-2168 or cleanza@alhmail.com, or Kathleen Ruane, on behalf of the American Civil Liberties Union, at (202) 675-2336 or kruane@aclu.org, or Corrine Yu, Leadership Conference Senior Program Director, Special Projects at 202-466-5670 or yu@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Asian Americans Advancing Justice | AAJC
Common Cause
Communications Workers of America
Media Justice
NAACP
National Consumer Law Center, on behalf of its low-income clients
National Disability Rights Network
National Education Association
National Hispanic Media Coalition
OCA-Asian Pacific American Advocates
United Church of Christ, OC Inc.

¹ Colin Rhinesmith, Bianca Reisdorf & Madison Bishop, "The ability to pay for broadband," *Communication Research and Practice*, 5:2, 121-138 (2019).

² American Library Association, Press Release, "ALA denounces recent FCC Lifeline revocations, report retractions," Feb. 6, 2017, <http://www.ala.org/news/press-releases/2017/02/ala-denounces-recent-fcc-lifeline-revocations-report-retractions>.

³ Universal Services Administration Co. Retrieved from <http://www.usac.org/li/about/process-overview/stats/participation.aspx>

⁴ The Leadership Conference on Civil and Human Rights, Reply Comments, WC Dockets 17-287, 11-42, 09-197 (filed March 23, 2018). Available at: <http://civilrightsdocs.info/pdf/policy/letters/2018/Leadership%20Conference%20Lifeline%20Reply%20Comments%203-23-18.pdf>

⁵ Chris Berdik, "Rural Kids Face an Internet 'Homework Gap.'" *Wired Magazine*, Nov. 12, 2018, <https://www.wired.com/story/rural-kids-internet-homework-gap-fcc-could-help/>

⁶ Id.