

June 10, 2015

Chairman Wheeler  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington DC 20554

Dear Chairman Wheeler:

On behalf of The Leadership Conference on Civil and Human Rights<sup>1</sup> and leading public interest, labor organizations, health providers, and consumer advocates, we urge you to move rapidly to expand the Lifeline program to support broadband Internet access for low-income people. We strongly support your statements, and those of Commissioners Clyburn and Rosenworcel, outlining steps to update the Lifeline program for the 21<sup>st</sup> century and align it with the modernization the Federal Communications Commission has already addressed in the three other universal service programs. **Given the urgent need, we urge the Commission to adopt an Order on Lifeline modernization this year.**

The Commission's National Broadband Plan's statement about the importance of broadband is as accurate today as it was five years ago:

*Broadband is a platform for social and economic opportunity. It can lower geographic barriers and help minimize socioeconomic disparities—connecting people from otherwise disconnected communities to job opportunities, avenues for educational advancement and channels for communication.<sup>2</sup>*

Not only is broadband access essential for individuals and families, it is also critical to increase our national competency in science, technology, engineering, and math (STEM) careers. And yet disparities in broadband adoption continue, depriving historically disadvantaged communities of the very opportunities they need to participate fully in America's success.

Current data illustrate the urgency of increasing broadband adoption. While 92 percent of households with incomes between \$100,000 and \$150,000 have broadband service, the adoption rate is only:

- 47 percent for households with income below \$25,000;<sup>3</sup>
- 64 percent for African Americans and 53 percent for Hispanics;<sup>4</sup>
- 63 percent for people with disabilities;<sup>5</sup>
- 51 percent for people with limited English proficiency;<sup>6</sup>
- 38 percent for households that prefer Spanish.<sup>7</sup>

Most alarming, the rate of change in broadband adoption is actually slowing down and, in fact, *posted a decline* for the lowest income households in 2013.<sup>8</sup> The problem is widespread. The Pew Research Center recently found that five million households with school-age children do not have high-speed Internet service at home, constituting nearly 20 percent of families with children between six and 17 years.<sup>9</sup> Cost is a significant factor. Half of Americans who rely on smartphones for broadband access have had to cancel their cell phone service because of financial hardship.<sup>10</sup>

A rapid and bold effort to update the Lifeline program for broadband is necessary to address the serious gap in broadband adoption among low-income communities. We believe the following principles are essential to ensuring a quality Lifeline program for broadband support and should form the basis of your work to modernize the program:

1. **Universality.** The Lifeline program must provide sufficient resources and be designed to ensure that all eligible households receive the support they need to afford the high-quality broadband services that are essential for participation in our nation’s economic, social, and political life.<sup>11</sup>
2. **Excellence.** As Commissioner Clyburn has noted, we need a Lifeline program for broadband that delivers maximum “bang for our buck.” Broadband Lifeline must support Internet connections of sufficient capacity to enable people who use it to perform a full range of online activities, including access to digital education, health care, social services, applying for jobs, performing job-related functions, closing the homework gap, reaching out for emergency services, accessing diverse and independent media, and participating as citizens in civic discourse. Substandard services are not worthy of federal support through the Lifeline program. For example, the Connect America Fund universal service program has adopted a 10 megabits per second downstream/one megabit per second upstream standard as the minimum speed qualifying as broadband. But minimum standards are not enough. A quality Lifeline for broadband program must aid users throughout the eligibility certification process.
3. **Choice and competition.** A strength of the current Lifeline program is that it leverages marketplace competition. The Commission should maintain this feature as it upgrades Lifeline for broadband. A Lifeline for broadband program should adopt mechanisms that will increase users’ knowledge of their choices and enhance their ability to compare products. A portable Lifeline benefit will encourage companies to improve offerings to compete for Lifeline customers. Centralized eligibility determinations are a crucial part of permitting consumers to seamlessly move from one carrier to another and enticing carriers that are not currently participating in the program.
4. **Innovation.** The Commission should structure the Lifeline for broadband program to support continuous innovation to improve program design and efficient operations. The Commission’s Lifeline broadband pilot projects are only a first step in experimentation to improve the program. Rather than delay these critical reform efforts, the Commission should integrate innovation into the Lifeline program itself. For example, the program should offer financial incentives to provide above-average services or achieve program objectives such as high participation rates; dedicate funding to engage local community organizations in outreach efforts to boost broadband adoption through a continuum of digital learning; and provide incentive grants to state governments to find the best ways to centralize and eligibility databases to boost enrollment, improve efficiency, and reduce fraud.<sup>12</sup>
5. **Efficiency, transparency, accountability.** The Commission has already made considerable progress in reforming the Lifeline program to conform to the highest ethical standards. The Commission must continue its vigilance to protect consumers’ pocketbooks and their privacy. We support continued use of the Lifeline strike force, audits, and enforcement actions, including penalties and fines, for carrier fraud. Furthermore, we urge the Commission to increase its data collection and analysis of the program’s effectiveness, which will help ensure accountability. We hope to see reports on successful carriers and states, data on participant choices, service offerings, enrollment numbers and more. The civil rights community is particularly interested in data identifying whether the communities it represents are being well-served. Finally, the Commission should make continuous service for eligible households a priority in the design of the enrollment and annual verification processes. This will reduce avoidable and harmful churn in program participation.

Broadband has become an essential service in modern life. It is as important now as electricity was during the last century. We urge you to move swiftly and take the necessary steps to expand the Lifeline program to support broadband within the year. If you have any questions, please contact Cheryl Leanza, United Church of Christ, OC Inc. at 202-904-2168 or cleanza@alhmail.com or Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670 or yu@civilrights.org.

Sincerely,

Access El Dorado (ACCEL)  
Access Humboldt  
American Federation of Teachers  
American Library Association  
Arizona Community Action Association  
Asian & Pacific Islander American Health Forum  
Asian Americans Advancing Justice | AAJC  
The Benton Foundation  
The California Endowment  
CA Seniors United  
California Primary Care Association  
California Telehealth Network  
The Center for APA Women  
Center for Media Justice  
Children's Hospital Los Angeles  
Children's Hospital of Philadelphia  
colorofchange.org  
Colorado Telehealth Network  
Common Cause  
Common Sense Kids Action  
Communications Workers of America  
Consumer Action  
Consumer Federation of America  
Energy Coordinating Agency  
The Greenlining Institute  
Healthy Communities, Inc.  
Kings View  
La Clínica de La Raza  
The Leadership Conference on Civil and Human Rights

Low Income Utility Advocacy Project  
Media Alliance  
Media Mobilizing Project  
NAACP  
National Consumer Law Center, on behalf of its low-income clients  
National Council of La Raza  
National Digital Inclusion Alliance  
National Disability Rights Network  
National Education Association  
National Hispanic Media Coalition  
National Queer Asian Pacific Islander Alliance (NQAPIA)  
National Urban League  
New America's Open Technology Institute  
New Mexico Telehealth Alliance  
Northeastern Rural Health Clinics  
OCA - Asian Pacific American Advocates  
Open Access Connections  
Pacific Asian Counseling Services  
Pennsylvania Utility Law Project  
Prometheus Radio Project  
Public Justice Center  
Public Knowledge  
Redwoods Rural Health Center  
The Utility Reform Network  
UCSF Benioff Children's Hospital Oakland  
United Church of Christ, OC Inc.  
Writers Guild of America, East  
X-Lab

cc: Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Reilly

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<sup>1</sup> 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.

<sup>2</sup> Federal Communications Commission, Omnibus Broadband Initiative, *Connecting America: The National Broadband Plan* at 169 (rel. March 16, 2010) (*National Broadband Plan*), available at <http://download.broadband.gov/plan/national-broadband-plan.pdf>.

<sup>3</sup> File, Thom and Camille Ryan, *Computer and Internet Use in the United States: 2013*, American Community Survey Reports, ACS-28, U.S. Census Bureau, Table 1 (2014) (ACS 2013) available online at: <http://www.census.gov/history/pdf/2013computeruse.pdf>.

<sup>4</sup> Zickuhr, Kathryn and Aaron Smith, *Home Broadband 2013*, Pew Research Center at 3 (Aug 2013) available at [http://www.pewinternet.org/files/old-media/Files/Reports/2013/PIP\\_Broadband%202013\\_082613.pdf](http://www.pewinternet.org/files/old-media/Files/Reports/2013/PIP_Broadband%202013_082613.pdf). In comparison, census data from the same year show a broadband adoption rate of 60% for African Americans and 66% for Hispanics. See ACS 2013 at Table 1. These differences are partially explained by the more expansive definition of broadband used by the ACS, but more data is needed.

<sup>5</sup> ACS 2013 at Table 1.

<sup>6</sup> *Id.*

<sup>7</sup> Lee Rainie, Director, Pew Internet and American Life Project, Presentation at Washington Post Live 2013 Bridging the Digital Divide forum (Nov. 5, 2013), available at <http://www.pewinternet.org/Presentations/2013/Nov/The-State-of-Digital-Divides.aspx>.

<sup>8</sup> Cf. ACS 2013 at Table 1 and U.S. Dept. of Commerce, NTIA, *Exploring the Digital Nation* at 16, Figure 10 (October 2014) (showing 48% broadband adoption under \$25,000) available at: [http://www.ntia.doc.gov/files/ntia/publications/exploring\\_the\\_digital\\_nation\\_embracing\\_the\\_mobile\\_internet\\_10162014.pdf](http://www.ntia.doc.gov/files/ntia/publications/exploring_the_digital_nation_embracing_the_mobile_internet_10162014.pdf).

<sup>9</sup> John Horrigan, *The Numbers Behind the Homework Gap* (Pew Research Center FactTank blog, April 20, 2015), available at: <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/> African-American and Latino families in this category trail white Americans by 10 percentage points.

<sup>10</sup> Pew Research Center, *U.S. Smartphone Use in 2015* at 14 (April 1, 2015) available at: <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>

<sup>11</sup> Even as we expand Lifeline to broadband, no consumer still relying on Lifeline for voice service should be forced off the program. Voice is still an important service, particularly for public safety.

<sup>12</sup> Most of these suggestions were laid out in the Leadership Conference Comments, CC Docket 95-45 (filed April 21, 2011). See also GAO 15-355 (April 2015) at 21-23 (discussing the importance of state databases).