January 20, 2016

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42  
Telecommunications Carriers Eligible for Universal Service Support, WC Docket No. 09-197  
Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

On January 15, 2016, Phillip Berenbroick and Dallas Harris of Public Knowledge; Olivia Wein of National Consumer Law Center; John Windhausen, Jr. of Schools, Health, and Libraries Broadband Coalition; Amina Fazlullah of Benton Foundation; Cheryl Leanza of United Church of Christ, OC Inc. (by telephone); and Praveen Fernandes of Raben Group (collectively, “the parties”) met with Trent Harkrader, Garnet Hanley, Charles Eberle, and Jodie Griffin of the Federal Communications Commission’s (“Commission” or “FCC”) Wireline Competition Bureau to discuss matters in the above-captioned proceedings.

The parties urged the Commission to move forward quickly with its proposed modernization of the Lifeline program to support broadband Internet access service.1 Additionally, the parties stressed that for the Commission to meet its goals of making broadband universally accessible and affordable for all Americans, the FCC should permit broadband providers that are not eligible telecommunications carriers (“ETCs”) to provide Lifeline-supported services.

The parties emphasized that the Commission has the requisite legal authority to allow non-ETCs to participate in the Lifeline program. First, a plain language reading of the statute makes clear that section 254(j) creates a broad general carve out for the Commission to modify the Lifeline program.2 Second, the legislative history of the Telecommunications Act of 1996 supports the parties’ interpretation of the statute as providing the Commission broad authority to amend Lifeline.3 Third, permitting non-ETCs to participate in Lifeline is a vastly superior policy with regards to meeting the Commission’s universal service goals.

Alternatively, the parties argued the Commission could allow non-ETCs to participate in Lifeline by forbearing from the requirement that providers in the Lifeline program must be ETCs.

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1 Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service
The parties suggested that the Commission could implement a centralized, streamlined process to certify broadband providers to provide Lifeline-supported services. A streamlined certification process, coupled with participation by ETCs and non-ETCs, will increase provider participation in the program, creating more competition and consumer choice in the Lifeline program.

There is a very real concern that millions of Americans in need of Lifeline assistance – particularly in urban markets where national providers dominate the residential broadband market – might not have access to a provider participating in the program under the current ETC requirement. If the FCC allowed non-ETCs to participate, including cable broadband providers and community anchor institutions such as schools, libraries, and community centers, new and innovative entrants would likely emerge to provide broadband Lifeline in underserved communities. Accordingly, the Commission should conclude that it will be most effective in achieving its goals of making broadband universally accessible and affordable to all Americans, particularly with regard to the principles in sections 254(b)(2) and (b)(3), if additional broadband providers participate in Lifeline.

The parties also urged the Commission to continue providing Lifeline support to both fixed and mobile voice services. The record overwhelmingly supports retaining support for standalone voice service. As the Commission has recognized, Americans continue to rely on voice service to transact business, communicate with loved ones, and access public safety resources. For millions of low-income and unemployed Americans, Lifeline-supported voice service enables them to maintain a means of communication, allowing families to arrange transportation and child care logistics and communicate with employers. In short, voice service remains critical for millions of Americans. The Commission should not eliminate Lifeline support for standalone voice service.

Finally, the parties encouraged the Commission to coordinate Lifeline outreach and enrollment efforts to reach low-income veterans.

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In accordance with Section 1.1206(b) of the Commission’s rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/ Phillip Berenbroick

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