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March 25, 2016

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

Re: *Ex Parte* disclosure pursuant to 47 C.F.R. § 1.1206(b) in WC Docket Nos. 11-42, 09-197, 10-90

Dear Ms. Dortch:

On March 24, 2016, the following individuals, representing public interest and civil rights organizations working on modernizing the Lifeline program: Olivia Wein, National Consumer Law Center; Cheryl Leanza, United Church of Christ, OC Inc.; Corrine Yu, Leadership Conference on Civil and Human Rights; Matt Wood, Free Press; Sarah Morris, Open Technology Institute; Phillip Berenbroick, Public Knowledge; and Amina Fazlullah, Benton Foundation; met with Gigi Sohn, OCH; Eric Feigenbaum, OMR; Trent Harkrader, WCB; Jodie Griffin, WCB/TAPD; and Tony Jones, OCH.

In our meeting the public interest groups expressed strong support for the proposed Lifeline modernization. From the beginning our organizations have been very supportive of high-quality services for Lifeline consumers and, at the same time, very supportive of maintaining affordable services for all Lifeline recipients too. That may include no-cost services within the marketplace of products for Lifeline consumers, especially those who are unbanked. Similarly, consumers should be able to choose to use voice-only mobile services if that best meets their needs. We urged the Commission to make careful and detailed projections of the impact on the program of the proposed minimum standards, paying close attention to not only long-term results but also more immediate impacts of the transition in real time. Lifeline consumers will have time to transition to broadband but a severe change for the existing voice customers could be problematic. We asked the Commission to think carefully about the consumer outreach by non-profits, anchor institutions and community broadband organizations that will be needed to transition the 13 million households that participate in Lifeline at this time to the modernized program. Such support for close tailoring of outreach and education to the pending transition by no means indicates an interest in maintaining the status quo or widespread grandfathering of existing plans.

The groups asked the FCC to conduct an analysis on the anniversary of the new rules to examine the impact of the reforms on Lifeline users and participation. Such an analysis need not be an elaborate undertaking, but would provide a status check to ensure the program changes are on-target. We asked the FCC to consider defaults in the rules in the case that such analysis shows a departure from expected trends.

The groups suggested the FCC make sure that Lifeline consumers have access to education on data usage since many of these households will be first-time broadband users. Lifeline users should not be required to pay high rates for top-up minutes or run through their data quickly without being able to understand and monitor data use.

We support a transition to devices that can use Wi-Fi. Wi-Fi will help families, in particular, to close the homework gap. Like all elements of minimum service, finding the right transition plan will require close attention to a balance between cost and high-quality service. The FCC should ensure these devices are widely available as soon as possible and no later than the end of the modernization plan's standards phase in. The recent filing by SHLB indicates the FCC's ability to adopt these requirements is an element of the minimum standards which are clearly within the FCC's authority.¹

The organizations represented look forward to the Lifeline modernization vote next week as a day of celebration. This will be a historic vote making an important step toward economic equity and a sound investment in the economic competitiveness of our nation.

Sincerely,



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cc: Gigi Sohn, OCH; Eric Feigenbaum, OMR; Trent Harkrader, WCB; Jodie Griffin, WCB/TAPD; Tony Jones, OCH

¹ See SHLB *ex parte*, WC Docket No.11-42, 09-197 and 10-90 (March 24, 2016) (In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014) at <http://www.ca10.uscourts.gov/opinions/11/11-9900.pdf>. The 10th Cir. decision upholds the Commission's CAF reform which conditioned the receipt of Universal Service Funds on the recipients' agreement to provide broadband service. Wi-Fi capability for Lifeline broadband is an extension of broadband service that increases the value and functionality of the broadband Lifeline service.)