



January 23, 2012

Via Electronic Filing

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

Re: Notice of Oral *Ex Parte* Communications, WC Docket Nos. 11-42, 03-109; CC Docket No. 96-45

Dear Ms. Dortch:

On January 23, 2012, Benjamin Lennett, Policy Director at New America Foundation's Open Technology Initiative and Sarah Morris, Policy Counsel at New America Foundation's Open Technology Initiative ("NAF"), met with Zachary Katz, Chief of Staff to Chairman Genachowski; Sharon Gillett, Wireline Competition Bureau Chief; Kim Scardino and Garnet Hanly, Wireline Competition Bureau Attorney Advisers, to discuss the Commission's proposed Lifeline Broadband Pilot Program. This notice is submitted in compliance with Section 1.1206(b) of the Commission's Rules.

NAF reiterated that it is critical that the Commission include a rigorous evaluation plan in its design of a broadband pilot, and that the pilot evaluation should examine broadband adoption not just as a question of whether or not an individual subscribes to a subsidized service, but as a nuanced outcome. While NAF recognizes that the Commission's pilot is limited in scope and will be designed to test variations in subsidy schemes, NAF also emphasized that in order to fully understand the effects of a given subsidy, the Commission must also consider related factors such as digital literacy training, equipment used to connect to the Internet, and other factors that could mitigate or enhance an individual's likelihood of obtaining or continuing a broadband subscription. To illustrate the types of questions that could be used to better understand these related factors, NAF pointed to its previously submitted Proposed Pilot Evaluation Design as a source for specific survey questions that it has developed through its partnerships with BTOP project participants.¹ Some or all of these questions could be easily incorporated into entry and exit surveys administered to pilot participants.

In addition, NAF also asked that any data collected through the pilot process to be made publicly available so that other entities could analyze and evaluate the data, particularly where it

¹ Comments of The Benton Foundation, The Open Technology Initiative at New America Foundation, Public Knowledge, United Church of Christ, OC Inc., The Center for Rural Strategies, Access Humboldt, and Deep Tech, WC Docket Nos. 11-42, 03-109; CC Docket No. 96-45, Appendix A at 3-5 (filed Aug. 24, 2011).

may be significant to research collected as a part of existing and future broadband adoption programs.

Finally, NAF noted that the Commission may wish to consider Institutional Review Board (“IRB”) approval for research related to its proposed pilot. NAF discussed the relevant statutory provisions concerning what research implicates institutional review, as well as to the statutory exemptions for such research.² While the Commission’s evaluation of the proposed pilot may fall within one or more listed exemptions, NAF also noted that there are merits to obtaining IRB approval, as it would facilitate standardization among projects and ensure that carriers receive uniform and informed consent from pilot program participants. This process would also be an opportunity for the Commission to consider setting up their own IRB within the agency, which could facilitate more streamlined research related to broadband adoption in the future.

Pursuant to the Commission’s rules, this notice is being filed in the above-referenced dockets for inclusion in the public record.

Respectfully submitted,

/s/ Sarah J. Morris

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² These statutory provisions can be found in 45 C.F.R. 46. Section 46.101(a) enumerates covered research, while §46.102(b) provides for several possible exemptions. Section 46.101(i) may also be relevant to the Commission’s consideration of this matter.