



March 9, 2012

Via Electronic Filing

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

Re: *Ex Parte* Presentation in Docket Numbers WT 11-65, WC 11-42, WC 03-109, CC 96-45, GN 09-191, WC 07-52, WC 08-7, CG 09-158, CG 10-207, GN 12-52

Dear Ms. Dortch:

On March 9 2012, Michael Scurato of the National Hispanic Media Coalition (NHMC) submitted the attached report entitled *Trends In Latino Mobile Phone Usage: And What They Mean For U.S. Telecommunications Policy* to Chairman Genachowski, Commissioner Clyburn, Commissioner McDowell, and advisors including Zachary Katz, Dave Grimaldi, and Angela Giancarlo, via e-mail. The report relates to the above-referenced dockets.

NHMC's report offers a comprehensive analysis of emerging trends in the way the Latino community uses cell phones. The compilation of the data indicates three major tendencies: Latinos are less likely to have broadband at home than other ethnic groups; are three times more likely than the general population to rely on mobile phones as their only means of Internet access; and are footing larger mobile phone bills than any other demographic group.

Based on the data compiled in the study, NHMC highlights policy recommendations that it has previously brought before the Commission in the above-referenced dockets. These policy recommendations include asking the Commission to: reform the Lifeline program to improve efficiency and adoption rates while also moving it towards full support of broadband services; preserve competition in the wireless industry; strengthen open Internet rules so that they prevent discrimination across all platforms; assert authority over text messaging to prevent bad behavior by wireless companies; ensure that bill shock protections include alerts in standardized, plain language that is easily understood, to include alerts in languages besides English; continue to take strong actions against calling card companies that exploit their customers; and prevent inappropriate disruptions of mobile phone service without due process.

NHMC hereby submits this notice of *ex parte* communication pursuant to 47 C.F.R. § 1.1206.



Respectfully submitted,

/s/

Michael J. Scurato, Esq.



TRENDS IN LATINO MOBILE PHONE USAGE

And What They Mean For U.S. Telecommunications Policy

A report by the
National Hispanic Media Coalition

February 2012

“Being connected is no longer a convenience; it is a necessity.”

Federal Communications Commission Broadband Adoption Task Force, Nov. 2011

Introduction

In the United States, mobile phone usage has exploded. With modern smartphones, a world of new possibilities exists, provided that the associated costs are affordable for all. Around 90% of whites, African Americans, and English-speaking Latinos own mobile phones.¹ It is undeniable that mobile phones have become a critical tool for people to stay connected to others no matter where they are. While mobile phones remain an important means of voice communication, they have also advanced to perform many functions of a personal computer, though at a slower rate and on a smaller screen. As mobile phone technology evolves, so too do the ways that it is used by those who embrace it.

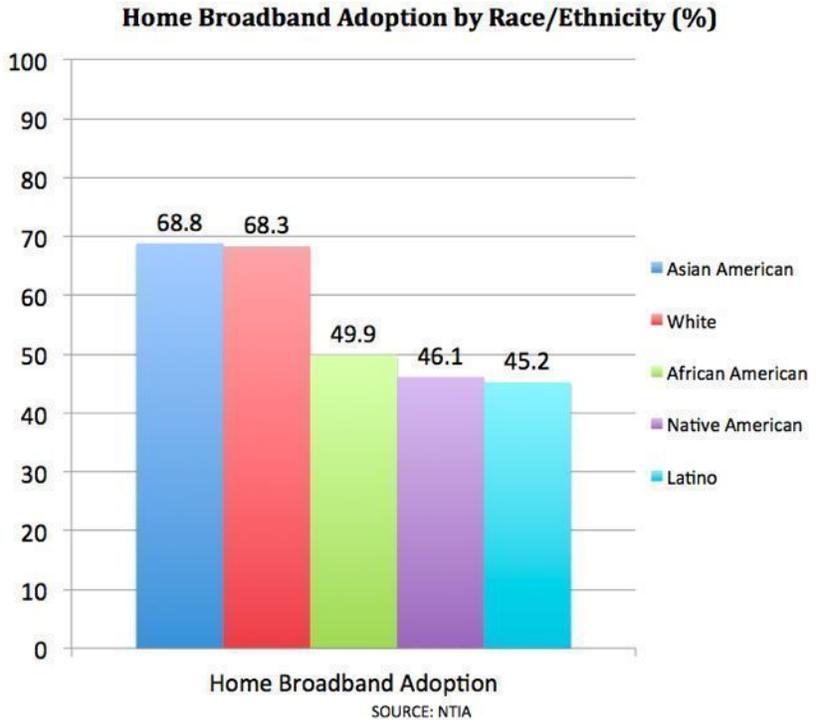


The Mobile Onramp

The intrinsic value of owning a mobile device has changed in recent years. What was once simply a constant voice connection to anyone with a telephone is now enabling communications in a variety of different ways such as text messages, e-mails, social media updates, instant messages, blog posts, and much more. Trend data indicates that these alternative means of communication have thrived among mobile phone users, particularly Latinos.

Mobile broadband facilitates many of these new communication methods. While the importance of the voice capabilities of mobile phones cannot be overstated, and will be explored later in this report, the explosion of mobile broadband usage, particularly among Latinos and other people of color, reveal the potential of the mobile device.

As broadband has exploded across the United States, studies have confirmed that it improves quality of life and enables communities to

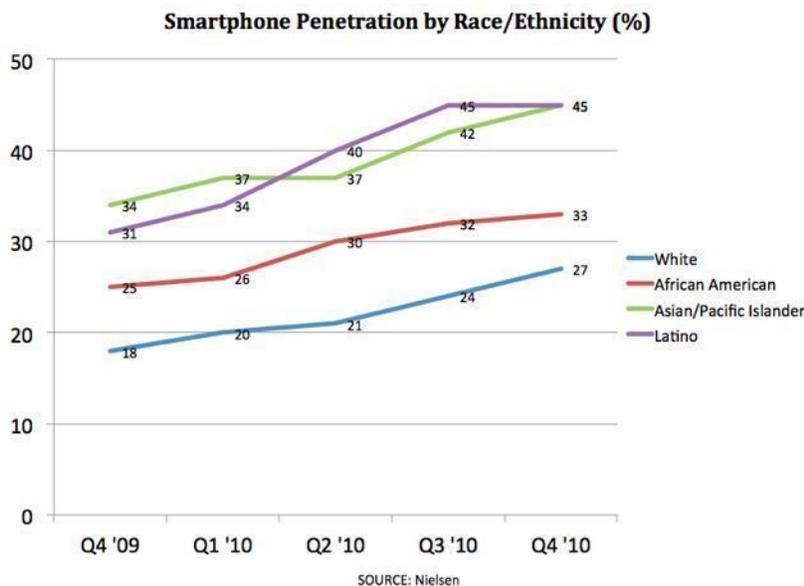


thrive. Indeed, the United Nations, and a number of countries around the world, recently declared broadband access a basic human right.²

Yet nearly one-third of Americans still lack home broadband access³ -

this is where the so-called “digital divide” manifests itself. Poor, rural, and ethnically diverse communities have long lagged behind affluent, white communities in the rate of home adoption.⁴ Latinos are less likely to have broadband at home than any other demographic group, and they are far less likely to have it than whites and Asian Americans: 68.3% of whites and 68.8% of Asian Americans have broadband at home, compared to only 45.2% of Latinos, 46.1% of Native Americans, and 49.9% of African Americans.⁵

People without broadband access are missing out on a lot more than the ability to surf the web. The Federal Communications Commission (FCC) Broadband Adoption Taskforce has defined the digital divide that exists between those that have broadband and those that do not, as an “opportunity divide” that manifests itself in a number of ways.⁶ For



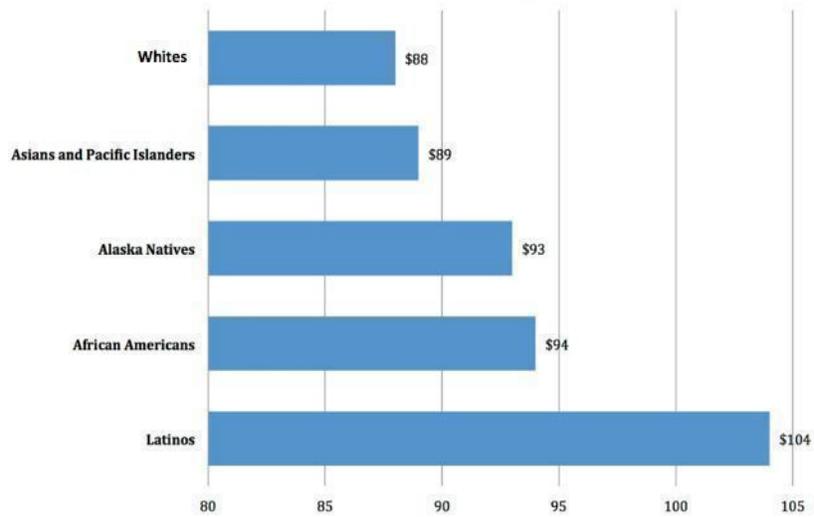
instance, more than 80% of Fortune 500 companies, including huge employers like Wal-Mart and Target, only accept job applications online.⁷ In the next decade, nearly 80% of jobs will require some digital literacy skills.⁸ And students with broadband at home graduate at a rate 6-8% higher than students who lack such access.⁹ Consumers with broadband at home can save up to \$7,000 per year on goods and services, and annual revenues of small businesses with broadband access are, on average, \$200,000 higher than those without broadband.¹⁰

At What Cost?

Even if poor and rural communities have home access to broadband service in their locales, they face a number of barriers to adoption, the most common being cost.¹¹ This is particularly true for the Latino community, as 35.9% of Latinos who lack broadband access at home have cited the costs associated with adoption as their main concern.¹² For many, owning a mobile device is a useful and necessary onramp to

the Internet as it is a more cost-effective option than owning a home computer and subscribing to home broadband service. Although it is still difficult to complete a number of important tasks on a mobile phone – such as filling out a job application or completing a homework assignment – mobile phones now provide increasingly robust functionality to users.

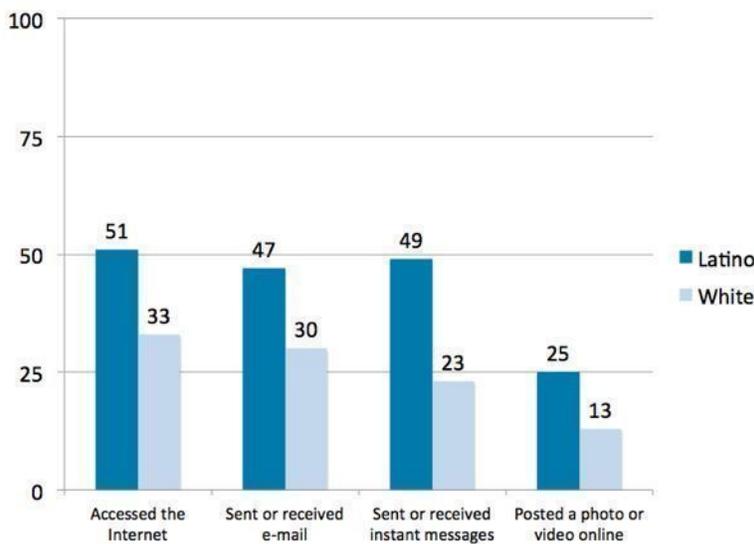
Average Monthly Cell Phone Bill, by Ethnicity



SOURCE: Nielsen

Despite concerns with cost, and despite the fact that mobile phones are typically a lower cost alternative to home access, Latinos’ pay more for mobile phone service than any other group. Latinos’ mobile phone bills average \$104 per month.¹³ Of the four major national carriers, Latinos pay the highest rates on AT&T, averaging \$120 per month, and the lowest on T-Mobile, averaging \$102 per month (Verizon’s Latino customers pay an average of \$115 per month, Sprint’s pay \$117).¹⁴ According to multiple data sets, 21-25% of T-Mobile’s customers are Latino, as compared to 16% of Sprint customers, 12% of AT&T customers and 9-10% of Verizon customers.¹⁵ One explanation for why Latinos pay higher bills could be that Latinos use a variety of functions on their mobile devices more than many other groups.

Use of Data Applications on Cell Phones, by Ethnicity (%)



SOURCE: Pew Internet & American Life Project

More Than Just A Phone Call

As mentioned above, mobile phone penetration is strong in the Latino community, hitting 91% in 2010.¹⁶ And what Latinos are doing on their mobile phones is constantly evolving. In 2010, 51% of English-speaking Latinos used mobile phones to access the Internet, as opposed to 40% in 2009.¹⁷ Similarly, between 2009 and 2010, English-speaking Latinos reported an 11% increase in mobile phone e-mail usage and a 17% increase in instant messaging from their mobile phones.¹⁸

According to a Pew survey, English-speaking Latinos access the Internet via mobile phones at a higher rate than their white counterparts. For instance, in 2010, only 33% of

whites accessed the Internet on their mobile phones compared to 51% of English-speaking Latinos.¹⁹ 30% of whites sent or received e-mail on their mobile phones compared to 47% of English-speaking Latinos.²⁰ 23% of whites sent or received instant messages compared to 49% of English-speaking Latinos.²¹ Finally, 13% of whites used their mobile phones to post a photo or video online compared to 25% of English-speaking Latinos.²²

Additionally, Latinos have adopted smartphones at a very high rate, with 44-45% of Latinos owning ,s, compared to about 30% of whites.²³ Further, 38% of people of color access the Internet “mostly” from a

mobile phone, compared to only 17% of whites.²⁴

Many low-wealth individuals and people of color rely on mobile phones as their *only* onramp to the Internet.²⁵ 18% of African-Americans and 16% of English-speaking Latinos are mobile phone-only wireless Internet users, compared to 10% of whites.²⁶ According to another measure, Latinos and African Americans are more than six times as likely as whites to use their mobile phones as their sole means to access the Internet.²⁷ Regardless of the dataset used, the demonstrated reliance on mobile devices by communities of color is evident.

Creating Opportunity

Those who face barriers to adopting home telephone or broadband services often rely on their mobile devices to complete a growing variety of tasks. From receiving health advice to keeping in touch with employers to participating in our democracy, the sense of freedom that one experiences when using a mobile device for any number of undertakings is undeniable. For instance, one of the most vulnerable groups in our society, homeless teenagers, stay connected via mobile phones and they use that connection to better their lives. A recent study shows that 62% of homeless teenagers have mobile phones and place a premium on maintaining a data plan.²⁸ Using this priceless tool, many of these teens are able to access opportunities that others cannot. This is just one out of countless examples of ways that mobile phones can unlock opportunity for the people that use them.

Childcare Arrangements

The use of a mobile phone is particularly important when it comes to juggling the many daily pressures of family life, from asking a partner to pick up some milk at the store to being informed if a child is sick while one is at work. Many child care providers expect to be able to reach a parent if a child is ill or being unruly, and may balk at providing care if the parent is unreachable during the day.²⁹

Access to and use of mobile communications services is also very important for divorced parents involved in joint custody arrangements, as frequent calls are necessary to coordinate care of the child.³⁰ A lack of communication in this context could lead to serious consequences, such as violating a court order or jeopardizing a child support payment.

Health Advice

One of the many novel uses of text messages is to provide individuals with pertinent information upon request. Recently, the White House highlighted the “Text4Baby” initiative, a free health education text messaging service for expecting or young mothers. Typically, those who sign up for Text4Baby alerts are people who are medically underserved, either because they lack health insurance or because

they do not schedule regular visits with their doctors. Text4Baby has proven incredibly effective for an “opt-in” service, already reaching over 250,000 individuals. These impressive numbers were gathered even before CTIA, the wireless industry trade association, launched a nationwide campaign to introduce Text4Baby to countless more mothers and mothers-to-be.³¹

Access To Social Services

Recently, the application or renewal processes for many federal and state aid programs have moved online or over the phone, leaving behind many individuals who rely on those services to care for themselves and their families. Access to a phone or a reliable Internet connection has become an absolute necessity for these

individuals. Programs such as the Supplemental Nutrition Assistance Program (SNAP or “food stamps”), Medicare, Medicaid, and the Children’s Health Insurance Program encourage use of online applications to receive benefits. This has caused enormous problems for those who do not have access to the Internet. For example:

When Georgia recently required all SNAP recipients to renew their eligibility on-line, with only its call center permitted to distribute paper renewal applications, large numbers of households were unable to reach the call center in time to get paper forms and were cut off from benefits.³²

Mobile phones open doors to these services through Internet access and voice telephone service.

Civic Participation

Often, individuals rely on mobile phones as a way to stay involved in our democracy. Tools that utilize mobile phones have become highly effective ways for individuals, and particularly Latinos, to engage on issues that matter to them. VozMob,³³ Text JUSTICIA,³⁴ Voto Latino,³⁵ and Project SED³⁶ are just a few examples – out of many – of ways that Latinos use mobile devices to raise their voices. Not only do these tools provide access to important information, but also they provide people with an outlet for their thoughts and ideas.



Employment

Mobile phones have become an increasingly important way for people to find employment or balance multiple jobs. This is particularly true where employment opportunities are unsteady or unpredictable. According to Georgetown Law Professor David Super:

“As the low-[wage] labor market comes increasingly to be dominated by contingent employment, this pattern is likely to become increasingly pronounced. Because many of these jobs offer wages at or near the federal minimum wage, bread-winners must work multiple part-time jobs to support their families even at a bare subsistence level. Coordinating their schedules on these various jobs often requires frequent telephone calls. The inability to receive timely a call from an employer can mean the loss of an opportunity to work a shift that has become available, potentially costing a low-income family a significant fraction of its weekly income.”³⁷

The many pressures and obstacles facing low-wage and itinerant workers can lead to attendance issues or the need for frequent

breaks to communicate with childcare providers and the like. Often, it is the employee who has his own mobile phone that is able to make contact with his or her employer in the event of a commuting issue or contact others during a break. This can limit or mitigate negative situations and help an employee keep his or her job. This also enables employees to demonstrate professionalism, even in the face of difficult situations, which could lead to opportunities for promotion or other forms of advancement.³⁸

Socialization And Information

Recent data indicates that Latinos use a variety of mobile phone functions more than any other group. In fact, according to one recent Nielsen survey, Latinos use mobile data services at a greater rate than any other ethnicity in five out of six categories measured.³⁹ Further, in each of the six categories measured, Latinos, African Americans, Asian/Pacific Islanders, and Native Americans/Alaskan Natives all reported higher adoption rates of mobile data services than whites.⁴⁰ Latino adoption led every category except mobile video, which African Americans dominated. Of the categories that Latinos led, the adoption rate was substantial. 43% of Latinos had accessed the mobile Internet from

their mobile phone, 38% said that they had e-mailed, 29% had downloaded pictures, 16% had accessed mobile video, and 16% had obtained a full-track music download using their mobile device.⁴¹

In addition, communities of color are heavy users of mobile phone application stores.⁴² A survey of people who had recently downloaded a mobile phone application revealed that Latinos account for about one in five of all application downloads.⁴³ Many of the Latino users who downloaded apps acknowledged that they used practical apps. For example, 42% had used news or weather apps in the prior month.⁴⁴ Forty-seven percent had used maps, navigation, or search apps; 21% had used productivity apps; and 32% had used banking or finance apps.⁴⁵ Furthermore, Latinos were far more likely to be daily users of YouTube applications than whites.⁴⁶

Businesses have discovered that, when it comes to reaching the Latino community, the mobile web is as good or better at engaging the target audience than traditional websites. Latinos are savvy shoppers as well, being the most likely to use a smartphone while shopping.⁴⁷

Policy Challenges

Although Latinos' love affair with mobile phones is apparent, and the devices undeniably enrich users' lives, the path forward for the use of these devices is not so clear. The availability, affordability, usability, and openness of mobile phones are constantly in peril due to the profit motives of the large companies that administer these services. The National Hispanic Media Coalition (NHMC) and others have charted a course forward that seeks to keep these devices working the way that they do now; ensure they become more – and not less – affordable; and facilitate access so that everyone has an opportunity to own this growing necessity.

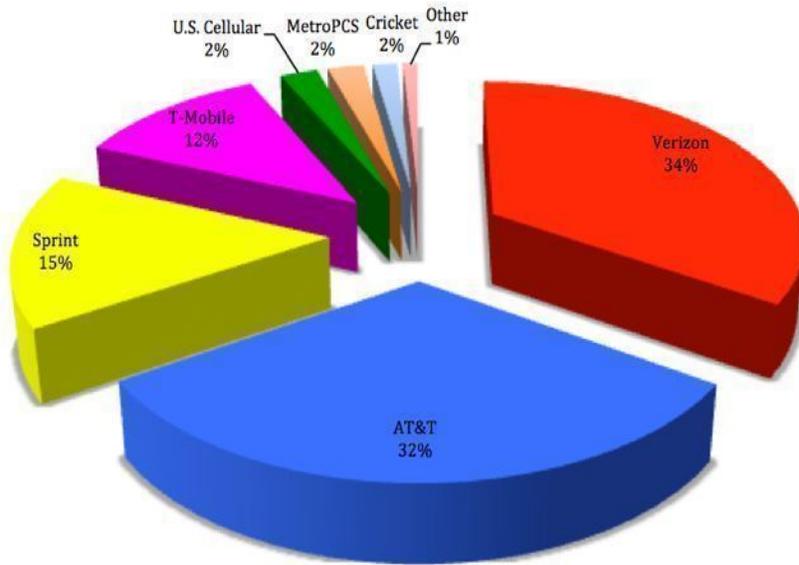
Universal Service Fund Reform

In recent years, NHMC has participated in a number of FCC proceedings to reform the Universal Service Fund. The Universal Service Fund, or USF, was established to ensure that individuals across the U.S. would have access to affordable telecommunications services. One particularly important USF program, Lifeline, was developed to subsidize telephone service for low-income households.

Given that mobile phones and broadband service are not affordable for many Latinos, NHMC has long advocated for the expansion of the FCC’s Lifeline program. NHMC has urged the FCC to adopt policies that remove barriers to participation in the Lifeline program and make it easier for the program to cover both prepaid and postpaid mobile phone service. NHMC has also advocated for expanding the list of programs that confer automatic Lifeline eligibility or enrollment, so that participants in other programs, such as the Homeless Veterans Program, can easily obtain the Lifeline benefit. Finally, NHMC has asked that Lifeline be expanded to cover some of the costs associated with broadband, in addition to voice service.

The FCC has made its first, significant step towards reforming and modernizing the Lifeline program by considering a Report and Order and Further Notice of Proposed Rulemaking at its January 2012 Open Meeting. The FCC continues to seek ways to improve the efficiency and adoption rate of the program while also moving it towards support of broadband services. NHMC will continue to

Estimated Wireless Industry Revenue Share



SOURCE: Individual company annual financial reports for 2010

participate in these proceedings and urge the FCC to move forward with the implementation of its reforms so that more people can afford to have a cell phone or a broadband connection.

Wireless Industry Competition

In recent years, the FCC has found that the market for mobile services has become “highly concentrated” in the hands of a few large providers.⁴⁸ As concentration in the market has increased, it appears that prices have leveled off, rather than continuing to decline.⁴⁹ In fact, customers in the U.S. pay higher prices for a variety of services than customers in many other countries around the world.⁵⁰ NHMC will continue to advocate for preservation of whatever competition still exists in the industry, so that Latinos and others can enjoy the fruits of a vibrant marketplace.

NHMC will analyze future transactions that could reduce competition in the wireless industry and determine how such transactions would impact the Latino community. Any future mergers that could lead to higher prices, fewer choices, or lower quality of service in the wireless market, without sufficient, offsetting public interest benefits, should be closely scrutinized.

Network Neutrality And The Open Internet

Net Neutrality is the basic principle that consumers should be able to get where they want to go on the Internet without interference from rich and powerful Internet service providers. An open Internet is necessary to ensure that all people – especially people of color, who have been traditionally under and misrepresented on mainstream media – enjoy opportunities to share their stories fairly and

accurately. The Internet is one of the very few places where Latinos can respond to the vitriolic anti-Latino rhetoric that airs unopposed on many mainstream media outlets.

NHMC urged the FCC to adopt six net neutrality principles. Those principles provided that, subject to reasonable network management, Internet service providers: (1) cannot prevent users from sending or receiving lawful content; (2) cannot prevent users from running lawful applications or services; (3) cannot prevent users from connecting to and using lawful devices so long as they do not harm the network; (4) cannot deprive users of competition among network providers, application providers, service providers and content providers; (5) cannot discriminate against, or in favor of, any content, application or service; and (6) “must disclose such information concerning network management and other practices as is reasonably required for users and content, application and service providers to enjoy the protections specified.”⁵¹ Because many Latinos rely exclusively on mobile devices for broadband access, NHMC urged the FCC to apply the six principles equally to fixed and mobile broadband.

In December of 2010, the FCC adopted some, but not all of these principles. The FCC failed to apply the rules equally to wired and mobile Internet access. Failure to apply net neutrality rules to mobile broadband runs the risk of a new digital divide between those who can afford all the costs associated with home broadband and those who use mobile. This will essentially

create two Internets, separate and unequal.

The rules are currently being challenged in court, and NHMC will continue to advocate for the strongest possible rules across all platforms and confront service providers that discriminate against certain types of traffic or users on their networks.

Text Messaging

In recent history, there have been a number of instances where mobile providers have discriminated amongst text messaging traffic and refused to deliver certain text messages with which they disagree. The FCC is aware of various attempts at limiting or censoring text messages over the past years. Many organizations invest a great deal of time and money into text message advocacy and they should not have to worry about the uncertainty of whether or not a service provider will deem their ideas worthy of transmittal.

As recounted above, text messaging is a necessary tool for many different constituencies and for countless public interest and civil rights groups. The Latino community has long used text messaging to encourage democratic participation and galvanize support for important causes. Wireless service providers should not be permitted to discriminate against certain types of text messages at the expense of the general public.

NHMC will continue to urge the FCC to exercise its lawful jurisdiction over text messaging services so that the agency can oversee and prevent bad behavior by wireless corporations.

Bill Shock

Bill Shock refers to the common occurrence of wireless subscribers being surprised by a higher than average monthly bill, usually due to unexpected overages or roaming charges. According to the FCC’s Bill Shock survey, nearly 30 million Americans have seen their mobile phone bill increase suddenly from one month to next on at least one occasion.⁵²

NHMC has strongly supported the FCC’s effort to bring greater transparency to consumers regarding the potential costs associated with wireless services. NHMC has asked the FCC to require providers to supply automatic and free usage and roaming alerts to protect consumers from excessive increases in their monthly bills. NHMC has also urged the FCC to establish clear disclosure rules – not just for usage limits, overage charges, and roaming fees, but for all the requisite information consumers need to make informed decisions when choosing among wireless plans and providers. Such disclosures should include: information on any additional fees; meaningful information about terms of service restrictions and any provider actions that monitor and interfere with a subscribers’ use of services; and obstacles to ending or transferring service including early termination fees and device locking mechanisms.

In 2011, FCC Chairman Genachowski announced that the four major wireless industry companies, AT&T, Verizon, Sprint, and T-Mobile, had agreed to implement voluntary “Wireless Consumer Usage Notification Guidelines” to combat Bill Shock. Under the voluntary

guidelines, the wireless providers agreed to send consumers free alerts when they approach and meet their monthly limits on voice, text, and data services. The guidelines also ask providers to alert consumers when they are about to incur international roaming charges and to clearly disclose any tools available to monitor and limit usage. The wireless industry has agreed to fully implement these guidelines by April 2013.

Although a step in the right direction, the guidelines do not reflect a number of NHMC's recommendations that are necessary to protect consumers, and particularly non-native English speakers. For consumers to fully benefit from these alerts they must be standardized, in plain language that is easy to understand. They should be available in other languages besides English – at the very least in any language in which the companies advertise. Also, the guidelines adopted are voluntary whereas any rule adopted by the FCC would have been mandatory. NHMC believes that enforceable rules are the best way to protect consumers from predatory practices. Finally, only the four major carriers have agreed to these rules, leaving consumers with other services in the dark and still susceptible to Bill Shock.

The FCC decided to keep its Bill Shock proceeding open and has indicated that it will resume the rulemaking process should the wireless companies fail to comply with the new, self-imposed guidelines.

NHMC will continue to monitor

reports of Bill Shock and urge the FCC to adopt the recommendations set out above.

Calling Cards

Latinos are prolific users of calling cards, using them to call friends and family in the U.S. and abroad. Near the end of 2011, the FCC levied fines of \$20 million against four calling card companies that falsely advertised the number of minutes on their cards.⁵³ The FCC found that, due to hidden fees and deceptive marketing, these calling cards failed to deliver the number of minutes advertised.

According to the FCC, the four companies “appear[ed] to target [their] marketing to immigrants” in the U.S. who “depend on prepaid calling cards to stay in touch with family and relatives in their home countries.”⁵⁴ One company sold cards with names such as “el Chavo” and “Organización Mundial de Adictos Al Fútbol” that offered minutes to destinations such as Guadalajara, Mexico.⁵⁵ Another company offered a product called “Latino Calendar” and advertised calling to destinations such as: Mexico City, Mexico; Lima, Peru; and Buenos Aires, Argentina.⁵⁶ A third company marketed products such as “Ahora” and “Puro Mexico” and was even found to offer its marketing materials and disclosures in Spanish only, requiring the FCC to translate a disclosure to English to include it in the Notice of Apparent Liability.⁵⁷

These companies were just the latest in a long history of calling card providers to take advantage of customers with fraudulent products and opaque fees. NHMC created a

fact sheet about calling cards and distributed it to constituents in both English and Spanish. The fact sheet described the FCC's enforcement action, named the companies involved, and compiled a number of useful tips that the FCC and FTC had issued on the matter.

NHMC will continue to monitor actions against calling card companies and alert constituents when appropriate.

BART Petition

On August 11, 2011, the Bay Area Rapid Transit (BART) shut down mobile phone service at its stations for three hours after it received information about a planned protest.⁵⁸ The move became a public relations nightmare for the transit system, with its actions being likened to those of oppressive regimes around the world.⁵⁹ This action has broad implications for citizens organizing civil protests over their mobile phones in the future. The episode also raised public safety concerns as all customers in the system were disconnected from access to emergency services.

NHMC joined Public Knowledge and a number of other public interest organizations to file a petition with the FCC, urging it to declare BART's disruption of mobile phone service to be in violation of the Telecommunications Act of 1996. The petition also sought to ensure that similar future actions would not be allowed without an appropriate order from a court or government agency with jurisdiction over phone service.⁶⁰ The petition is still outstanding.

The Path Ahead

As the use of mobile phones and mobile broadband continues to rise, particularly in the Latino community, the issues highlighted in this report will likely enter the consciousness of the general public and egalitarian telecommunications policies in the mobile space will become increasingly important. Both old and new issues will present themselves in a variety of ways, requiring multiple stakeholders – government, industry, public interest groups, civil rights organizations, and consumers – to be prepared to confront them. Any solutions must be thoughtful, and with a keen eye to any and all available data, to ensure that the intended effects are achieved.

NHMC will continue to study media and telecommunications policy issues that directly impact the Latino community. It will educate the public about possible outcomes, and alert the community if action is needed. In the coming months and years, some of the policy challenges highlighted in this report may be overcome, others may evolve, and some may be rendered obsolete by new ideas or innovations in technology. In the near term, action is needed to make sure that the Universal Service Fund continues to progress so that telecommunications services will be accessible to those who can least afford them. Competition should be preserved so that the market can work, as it ought to – to the benefit of consumers. The Internet should remain the vibrant marketplace of ideas that it has become, without the threat of gatekeepers controlling the experience to benefit themselves at the expense of their customers. Consumers, and new adopters of mobile technology in particular, should be protected from predatory practices so that they get what they pay for, and are not surprised by having to pay more than they expect. And finally, those in control of cell phone service should not be allowed to interfere with that service without first seeking and obtaining the appropriate authorization from the FCC.

Latinos and other users of mobile devices and services should have high expectations of mobile providers and should speak out if they witness something that seems unfair or unjust. For more information about the issues that NHMC follows, and to find out how you can help, please visit www.nhmc.org.

Endnotes

- ¹ Gretchen Livingston, *Latinos and Digital Technology 2010*, PEW HISPANIC CENTER 5-6, (Feb. 9, 2011), <http://www.pewhispanic.org/files/reports/134.pdf> (“Latinos and Digital Technology 2010”); Aaron Smith, *Mobile Access 2010*, PEW INTERNET & AMERICAN LIFE PROJECT 4 (Jul. 7, 2010), <http://www.pewinternet.org/Reports/2010/Mobile-Access-2010.aspx> (“Mobile Access 2010”).
- ² U.N. Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* ¶¶ 67, 68 U.N. Doc. A/HRC/17/27 (May 16, 2011) (by Frank La Rue), http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf.
- ³ FCC Broadband Adoption Taskforce, *Broadband Adoption Presentation to FCC Open Meeting*, at slide 7 (Nov. 30, 2011), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-311281A1.pdf (“Broadband Adoption Taskforce Presentation”).
- ⁴ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, FCC 10-129, at ¶¶ 23, 24 (rel. Jul. 20, 2010) (“Sixth Broadband Deployment Report”).
- ⁵ NTIA U.S. Dept. of Commerce, *Digital Nation: Expanding Internet Usage, (NTIA Research Preview 2011)* 21, 23 (Feb. 2011), http://www.ntia.doc.gov/reports/2011/NTIA_Internet_Use_Report_February_2011.pdf (“Digital Nation 2011”).
- ⁶ Broadband Adoption Taskforce Presentation at slides 4-5.
- ⁷ *Id.* at slide 10.
- ⁸ *Id.* at slide 11.
- ⁹ *Id.* at slide 14.
- ¹⁰ *Id.* at slide 19.
- ¹¹ John Horrigan, *Broadband Adoption and Use in America* 5 (FCC OBI Working Paper Series, Working Paper No. 1, 2010).
- ¹² Digital Nation 2011 at 21, 23. This cost includes subscription fees as well as other, veiled costs such as purchasing a home computer, and maintaining that computer by repairing malfunctioning hardware or removing software viruses. See, e.g., Dharma Dailey, Amelia Byrne, Allison Powell, Joe Karagnis & Jaewon Chung, *Broadband Adoption in Low-Income Communities*, SOCIAL SCIENCE RESEARCH COUNCIL 49 (Mar. 2010), http://webarchive.ssrc.org/pdfs/Broadband_Adoption_v1.1.pdf. Indeed, 16.1% of Latinos who lack a home broadband connection point to a lack of an adequate personal computer as their main barrier to adoption.¹² Assuming that these individuals lack the requisite computer due to cost concerns, which given the cost of new computers is not a misguided assumption, more than half of Latinos who have forgone a home broadband connection have done so due to cost. See Digital Nation 2011 at 21, 23.
- ¹³ Jerry Rocha, *Mobile and Social in Hispanic America 2010*, THE NIELSEN COMPANY & AD:TECH NEW YORK, at slide 8 (Nov. 2010), available at <http://www.slideshare.net/jerryrocha/hispanic-mobile-and-social-networking-for-ad-tech-11410> (“Nielsen PowerPoint”).
- ¹⁴ *Id.*
- ¹⁵ Michaela Mora, *T-Mobile is Popular Among Hispanics*, RELEVANT INSIGHTS (July 1, 2010), available at <http://relevantinsights.com/hispanics-and-tmobile>; Nielsen PowerPoint at slide 5.
- ¹⁶ Nielsen PowerPoint at slide 8.
- ¹⁷ Mobile Access 2010 at 4; John Horrigan, *Wireless Internet Use*, PEW INTERNET & AMERICAN LIFE PROJECT 28 (Jul. 22, 2009), <http://www.pewinternet.org/Reports/2009/12-Wireless-Internet-Use.aspx> (“Wireless Internet Use 2009”).
- ¹⁸ Mobile Access 2010 at 4; Wireless Internet Use 2009 at 28.
- ¹⁹ Mobile Access 2010 at 4.
- ²⁰ *Id.*
- ²¹ *Id.*

²² *Id.*

²³ Aaron Smith, *35% of American adults own a smartphone*, PEW INTERNET & AMERICAN LIFE PROJECT 6 (Jul. 11, 2011), http://www.pewinternet.org/~media/Files/Reports/2011/PIP_Smartphones.pdf.

²⁴ *Id.* at 15.

²⁵ Mobile Access 2010 at 19.

²⁶ Mobile Access 2010 at 11.

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NOTES

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