



June 22, 2012

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Federal Communications Commission
445 Twelfth Street, SW
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Re: Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42
Federal-State Joint Board on Universal Service, CC Docket No. 96-45
Lifeline and Link-Up, WC Docket No. 03-109
Advancing Broadband Availability Through Digital Literacy Training,
WC Docket No. 12-23

Dear Chairman and Commissioners:

The undersigned members of The Leadership Conference on Civil and Human Rights appreciate the opportunity to submit this letter in response to the Federal Communication Commission's recent Further Notice of Proposed Rulemaking,¹ and in particular, to the Commission's proposed digital literacy fund, as well as to respond to further refinements the Commission has proposed for the existing Lifeline fund. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. As members of The Leadership Conference's Media/Telecommunications Task Force, we are committed to ensuring that issues such as more access to advanced communications are front and center in the policy debates over how our nation should govern communications.

The Leadership Conference's Media and Telecommunications Task Force participated extensively in the previous Lifeline reform proceeding, offering several critical proposals for ensuring that low-income, minority and other unserved and underserved communities continue to have access to essential telecommunications services, and will eventually obtain assistance with high-speed Internet and broadband.

As the Commission noted, about one-third of the U.S. population has not adopted high-speed Internet at home, but that percentage may be as much as twice that for low-income people.² The digital divide is also disproportionately large in African-American and Latino

¹ *Lifeline and Link Up Reform and Modernization*, WC Dkt. No. 11-42; *Lifeline and Link Up*, WC Dkt. No. 03-109; *Federal-State Joint Board on Universal Service*, CC Dkt. No. 96-45; *Advancing Broadband Availability Through Digital Literacy Training*, WC Dkt. No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, (rel. Feb. 6, 2012) ("Further Notice").

² Further Notice at para. 416.



communities, where the home broadband adoption rate is only around 50 percent.³ Adoption rates also drop precipitously within populations of non-English speakers or foreign-born individuals.⁴

The Broadband Technology Opportunities' Program's (BTOP's) Sustainable Broadband Adoption and Public Computing Center programs are providing needed funding to improve digital literacy, but its projects are available only in certain communities and during certain times. Additionally, BTOP funding will end by 2013.⁵ Several members of The Leadership Conference, including the National Urban League, National Council of La Raza, and the Asian American Justice Center, are currently BTOP recipients and are providing these services in partnership with the federal government, private sector, and other non-profit organizations. Accordingly, and as discussed below we see added value in having ETCs, community based organizations, schools, libraries, and BTOP recipients partner with each other to collaborate and share their respective experiences and expertise in increasing broadband adoption in their communities.

As discussed below, The Leadership Conference recommends the following:

- Digital literacy funding should not be limited to Eligible Telecommunications Carriers (ETCs).
- The E-Rate program should be the vehicle for distribution of the digital literacy program, and the Commission should encourage E-Rate recipients to collaborate with community partners.
- The Commission's new eligibility verification database must include privacy protections for consumers.
- WIC recipients and homeless veterans should be included in the Lifeline program.
- ETCs' obligations to offer Lifeline services should not be scaled back, as these services are essential to our constituencies.

Economic Efficiency Dictates that E-Rate Be the Vehicle for Distributing the Digital Literacy Fund

If the Commission believes it needs to choose between the Lifeline program and the E-rate program as the place to house the new digital literacy fund, we urge the Commission to manage the fund through the E-rate Program, rather than through any of the other options discussed in the Commission's Further Notice.⁶ The E-Rate Program, and not the Lifeline program, is the more appropriate vehicle for this fund because the E-Rate Program is designed specifically to assist schools and libraries to utilize modern telecommunications for education and training, which is exactly what the digital literacy fund is seeking to achieve. By contrast, the Lifeline program funds only Eligible Telecommunications Carriers (ETCs).

We also believe that in these times of difficult budgetary constraints, government agencies that utilize taxpayers' funds must utilize those funds in the most efficient manner possible. Incorporating the digital literacy fund within the E-Rate Program will advance efficiency because libraries and schools already have sizeable digital literacy and other literacy programs provided as part of their general services.

³ Kathryn Zickuhr & Aaron Smith, Digital Differences, Pew Internet & American Life Project 10 (April 13, 2012), http://pewinternet.org/~media/Files/Reports/2012/PIP_Digital_differences_041312.pdf.

⁴ *Id.* at 9.

⁵ Further Notice at para. 410 (citing BTOP Quarterly Status Report, NTIA, Department of Commerce, at 9 (Dec. 2011), available at <http://www.ntia.doc.gov/files/ntia/publications/btop-quarterly-congressional-report-dec-2011.pdf>)

⁶ See Further Notice at para. 425.



Attaching the digital literacy fund to these programs will enable the FCC to achieve efficiencies of scale and scope that will go a long way toward ensuring that those in our communities who are most in need are the beneficiaries of these scarce resources.

Digital literacy must not be a service that stands alone, but rather is one that is linked closely to the broader efforts to create jobs and enhance the competitiveness of underserved communities to secure those jobs. Ensuring that all communities are undertaking economic activity at optimum capacity is essential for ensuring that the United States has a high-growth future. This approach also facilitates the creation of a workforce with skills that match the needs of industry with overall digital capability – a critically important component to this endeavor. Schools and libraries are an integral part of that education and job training pipeline and attaching the digital literacy fund to that pipeline will enable those institutions to increase their capacity and ability to provide digital components to their already existing education and job training functions.

We do not believe that the Commission should “limit funds to entities that do *not* already offer formal digital literacy training services” and to “those schools that offer community access after regular school hours.”⁷ Conditioning support in this way would frustrate the intent of the program by arbitrarily disqualifying many schools and libraries that could benefit most from this funding. First, many libraries currently offer digital literacy training with varying levels of formality, often at the expense of other programs or services as a result of the perceived demand from the community served. The provision of these classes is indicative of an even greater demand for training as many classes are oversubscribed or insufficiently staffed. Second, limiting funds to schools that are open after school hours could disproportionately limit support to schools in low-wealth communities that lack the resources needed to offer after hours access. These are the communities that would benefit most from the digital literacy fund.

Encourage Schools and Libraries to Partner With Community Based Organizations

As we have stated in previous comments regarding the reform of the Lifeline program, it is critically important that the FCC structure programs to fit the specific needs of diverse communities, markets, and regions, since “one size fits all” policies rarely work. We have consistently argued for efficient, microeconomic solutions that fits the diversity and complexity of the U.S. economy and its population. These kinds of microeconomic solutions are especially important in the current environment, where the benefits of the recovery have not been equally spread across all communities and regions, and where those communities and regions left behind require targeted attention.

That is why we were pleased by the sensible decision of the FCC to encourage ETCs to partner with non-profits, community based organizations, and recipients of BTOP grants for grants under the pilot programs of the Lifeline program. Such partnerships will enable pilot programs to fit the unique needs of different communities. We believe that a similar policy is warranted with respect to the digital literacy fund. We suggest that applicants for grants from the digital literacy fund be encouraged to partner with community based organizations, particularly if the Commission does not believe it can grant digital literacy funds directly to community organizations, and that the potential for such partnerships be among the criteria used in assessing grant applications. .

⁷ Further Notice at para 430.

The Cost and Privacy Concerns Regarding the Verification Database(s)

While the Leadership Conference has voiced strong concerns about a national verification database,⁸ it appears the Commission has concluded that the development of a fully automated verification database (state-level or national) will enhance program integrity.⁹ The cost of developing one or more databases is a concern. Since the Commission has adopted a \$200 million savings target for the Lifeline program, it is imperative that the Commission ensures that all eligible households that apply for Lifeline are able to participate in the program. Cutting into constrained Lifeline funds to pay for an automated verification database or databases will undermine the effectiveness of the Lifeline program. The Leadership Conference also urges the Commission to ensure that any database or databases protect consumer information.¹⁰

The Commission Should Add WIC and Facilitate Enrollment into Lifeline for Homeless Veterans

The Leadership Conference strongly supports the U.S. Department of Agriculture's request to add the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to the list of programs that confer eligibility for the Lifeline program.¹¹ As we've noted to the Commission, connectivity to medical care, childcare and the larger support network in general is very important to the parents of very young children who receive WIC assistance. Likewise, we encourage the Commission to include homeless veterans programs into the list of qualifying programs.¹² Homelessness afflicts Hispanic and African-American veterans at greater rates than all veterans. The Veterans Administration's Veterans Homeless Initiative Office has proposed that the Commission include homeless veterans programs (e.g., the Veterans Benefits Administration-Veterans Health Administration Special Outreach and Benefits Assistance Program and the Healthcare for Homeless Veterans program) in the list of qualifying programs. WIC and the homeless veterans programs target two very vulnerable groups that need the connectivity to the larger support network that Lifeline provides. Adding these programs would advance the universal service goals.

ETCs Must Continue to Be Required to Offer Lifeline

The Leadership Conference is strongly opposed to any dilution of the ETCs' duty to offer Lifeline.¹³ We note that ILECs are required to offer Lifeline service by statute and that there exists a process by which ETCs can relinquish their ETC designation.¹⁴ Furthermore, we oppose the proposal to allow incumbent wireline Lifeline providers to choose whether to participate in the Lifeline program, as it would undermine the very purpose of the program to promote connectivity.

⁸ See Leadership Conference Initial Comments, WC Docket No. 11-42 (filed April 21, 2011) at 4-7; Letter to Marlene Dortch re: Ex Parte disclosure pursuant to 47 CFR § 1.1206(b) in WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45 (Jan.26, 2012).

⁹ Further Notice at para. 403.

¹⁰ See Ex Parte Letter to Marlene Dortch re: WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45 (May 18, 2011)

¹¹ See Letter to Marlene Dortch re: WC Docket No. 11-42; WC Docket No. 03-109; CC Docket No. 96-45 (Sept. 2, 2011) (supporting the addition of WIC and homeless veterans programs to the list of qualifying programs).

¹² *Id.*

¹³ Further Notice at para. 503.

¹⁴ 47 USC 214(e) and section 254(c).



We appreciate your attention to these matters and we look forward to discussing these proposals with you in the future. Please contact Leadership Conference Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, UCC Office of Communication, Inc., at 202-841-6033, or Christopher Calabrese, ACLU, at 202-715-0839, or Corrine Yu, Leadership Conference Managing Policy Director at 202-466-5670, if you would like to discuss the above issues or any other issues of importance to The Leadership Conference

Sincerely,

American Civil Liberties Union
Asian American Justice Center
Common Cause
The Leadership Conference on Civil and Human Rights
NAACP
National Consumer Law Center, on behalf of its low-income clients
National Council of La Raza
National Hispanic Media Coalition
National Urban League
United Church of Christ, Office of Communication, Inc.