

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireline Competition Bureau Seeks	)	WC Docket No. 20-445
Comment on Emergency Broadband	)	
Connectivity Fund Assistance	)	

**COMMENTS OF INCOMPAS**

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INCOMPAS, by its undersigned counsel, hereby submits these comments in response to the Federal Communications Commission’s (“Commission” or “FCC”) *Public Notice* seeking comment on the provision of assistance from the Emergency Broadband Connectivity Fund through the Emergency Broadband Benefit Program.<sup>1</sup>

**I. INTRODUCTION & SUMMARY**

INCOMPAS, the Internet and competitive networks association, represents competitive broadband companies many of which are small businesses that serve their local communities in which they live and work. These companies have invested in fiber and fixed wireless service to residential and small business customers—offering them faster speeds, greater bandwidth capability, more affordable pricing, and better customer service. Affordable broadband availability and connectivity are more essential than ever as services continue to move online.

The COVID-19 crisis has further exposed the digital divide across the country, with an impact that is particularly pernicious on low-income individuals and others who have been hurt

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<sup>1</sup> See *Wireline Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, WC Docket No. 20-445, Public Notice, DA 21-6 (rel. Jan. 4, 2021) (“*Public Notice*”).

financially by the pandemic. Our dependence on broadband services has only been amplified over the past year, and it is more evident now than ever before that reliable, robust, and affordable high-speed broadband connectivity is a necessity in American homes as social distancing guidelines and stay-at-home orders have required more Americans to connect with their communities, vital services, jobs, schools, and commerce through online resources and services. During the pandemic, broadband service providers have taken extraordinary steps to help. Almost all of INCOMPAS' members participated in the FCC's Keep Americans Connected Pledge, and many have continued to offer their customers upgrades and free service when they need it, while working with their customers on payment plans that address the financial challenges wrought by the pandemic.

According to our members, the pandemic has had a disproportionate impact on low-income consumers, veterans, and those consumers whose livelihoods have been impacted by this crisis. Congress' inclusion of the Emergency Broadband Connectivity Fund ("EBCF") in the Consolidated Appropriations Act, 2021<sup>2</sup> is an acknowledgment of this concern and the Emergency Broadband Benefit Program ("EBBP" or "program") is a welcome addition to broadband providers' ability to provide assistance to consumers during the COVID pandemic. This important program will enable these citizens to connect to high-speed Internet and avail themselves of critical services and applications.

INCOMPAS and its members want the EBBP to be successful. To that end, INCOMPAS offers the following principles that our members believe are critical to ensuring low-income consumers will benefit from the \$3.2B program:

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<sup>2</sup> See Consolidated Appropriations Act, 2021 H.R. 133, div. N, tit. IX § 904(b) (1), 116th Cong. (2020) (enacted).

- **Competition is Key to the Success of the EBBP.** Enabling competitive alternatives will benefit consumers in the program. Because competitive networks typically offer better speeds and connectivity, competitors can help meet the needs of these families who require faster upload capability for video calls and other digital needs. Moreover, the program will benefit from more participation by competitors whose pricing typically is more affordable, allowing the program’s funding to meet more needs overall.
- **Streamlining Approval for Non-ETC Participation is Critical.** Many of the companies that are planning to participate in the EBBP are not ETCs and will need to be approved by the FCC to participate. INCOMPAS believes that participation by competitors will help this program succeed, and as such, it will be important that the program rules for designating broadband providers be simple, clear and easy to follow. Any designation process should not be overly burdensome for providers that can demonstrate that they have an ongoing relationship with FCC or USF programs like E-rate. Providers that regularly participate in Commission proceedings or engage in trade associations that advocate before the FCC and have a demonstrated track record of serving consumers should provide some assurance that streamlining their approval to participate is in the public interest and will help meet EBBP goals. Accordingly, INCOMPAS proposes a 30-day approval process with an automatic grant and an opportunity to cure if denied during the 30 days.
- **Broadband Services Must Be Sufficient to Meet Needs.** Low-income households usually are larger and may have numerous children and adults who need more upload capabilities for virtual learning, remote work, and telehealth services. And the program will benefit from more participation—increased choice ensures that providers offer better service with faster speeds and more affordable pricing options. At a minimum, providers must offer a speed of 25/3 Mbps in the program.
- **Begin Educating Non-ETCs Now for Program Implementation.** It is also important that the FCC and USAC take action *now* to educate interested, non-ETC designated companies and others like them on the steps they need to take to implement the program successfully. USAC and the FCC should begin the process of such education through webinars about the processes companies will need to implement to participate in the program. Helpful topics would include: eligibility verification, reimbursement and program reporting, and the technical requirements to access the Lifeline National Eligibility Verifier and National Lifeline Accountability Database for verification purposes and to seek reimbursement through the Lifeline Claims System.
- **Marketing the Program to Consumers is Important, and Regular Communications with EBB Providers Will Ensure Consumer Expectations are Achieved.**

INCOMPAS members are planning their marketing strategies so that low-income consumers who need service can obtain it through the EBBP, and INCOMPAS encourages the FCC and USAC to consider implementing communications to consumers, such as an online resource like a clearinghouse page, so they understand their competitive options in the program and choose the best option to meet their families' needs. Moreover, INCOMPAS believes that regular communications from the FCC and USAC about funding that will be available and the program's schedule will be important for providers and their management of consumer expectations regarding the length of the benefit.

In this comment, INCOMPAS discusses these points and offers specific suggestions related to the administration and operations of the EBBP.

**II. A SIMPLE AND STREAMLINED DESIGNATION PROCESS FOR BROADBAND PROVIDERS WILL LEAD TO GREATER PROGRAM PARTICIPATION AND ENSURE CONSUMERS RECEIVE BETTER BROADBAND.**

For the EBBP to be successful in reaching consumers impacted by the pandemic, the Commission must encourage as much provider participation as possible. While eligible telecommunications carriers ("ETCs") are well-positioned to offer the benefits of this program, consumers will be better served through broader participation. Opening the program up, as the Commission proposes, will allow providers with established programs offering discounted broadband service, like Comcast's Internet Essentials, to quickly provide current customers with needed relief, while simultaneously encouraging participating providers to reach unserved consumers. Competition for these customers will drive down the cost to the program (potentially prolonging the availability of EBCF), deliver faster speeds and provide more bandwidth which will enable consumers to use the kinds of applications that have thrived during the pandemic, such as streaming video, video conferencing, distance learning platforms, and telehealth applications.

To encourage more participation in the EBBP, INCOMPAS urges the Commission to establish a streamlined, and expedited approval process that will allow broadband providers to participate in the program in areas where they are not designated as ETCs. INCOMPAS believes that participation by competitors will help this program succeed, and as such, it will be important that the program rules for designating broadband providers be simple, clear and easy to follow.

INCOMPAS represents competitive, local providers operating facilities-based broadband networks and services that are best positioned to meet the needs of low-income consumers in their communities. Nearly all of our members participated in the Commission's Keep Americans Connected Pledge and some of these companies have implemented their own low-income programs, a step indicating their readiness to participate in the EBBP.<sup>3</sup> Any designation process should not be overly burdensome for providers that can demonstrate that they have an ongoing relationship with the FCC or USAC either through participation in the Keep Americans Connected Pledge or USF programs, like E-rate. Providers that regularly participate in Commission proceedings or engage in trade associations that advocate before the FCC and have a demonstrated track record of serving consumers should provide some assurance that streamlining their approval to participate is in the public interest and will help meet EBBP goals. INCOMPAS encourages the Commission to consider these developments as part of its application criteria and to issue swift approvals of companies that have been taking the burden off their customers throughout the pandemic by reducing service costs, increasing speeds, or making innovative broadband service available in previously unserved areas.

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<sup>3</sup> See Press Release, INCOMPAS, Competitive Broadband Builders Join FCC in Pledge to "Keep Americans Connected", Press Release (Mar. 13, 2020), available at <https://www.incompas.org/content.asp?admin=Y&contentid=543>.

**A. An Expedited Approval Process Will Help Level the Playing Field for Non-ETC Broadband Providers.**

In the *Notice*, the Commission seeks comment on several specific proposals on the implementation of provisions in the Consolidated Appropriations Act related to the approval of broadband providers that are not designated as ETCs.<sup>4</sup> As indicated above, several INCOMPAS members established and expanded programs intended to assist low-income customers last year at the beginning of the pandemic. INCOMPAS concurs that providers that established a low-income program that is “widely available”<sup>5</sup> to meet the needs of their community during the pandemic should receive automatic approval subject to their ability to meet the additional requirements in the Notice. Where providers have already put these programs in place, the Commission should take this opportunity to leverage them in order to reach those disproportionately impacted by the pandemic. While the statute requires the Commission to offer “automatic” approval to broadband providers that had established their program as of April 1, 2020, it would be appropriate for the Commission to consider expedited approval to any broadband provider that took this extraordinary step during the pandemic in response to consumer needs.

INCOMPAS and its members are also committed to working with the Commission and USAC to combat waste, fraud, and abuse and to ensure that the Emergency Broadband Benefit only reaches eligible households. Requiring broadband providers to adopt a compliance plan similar to those required of non-facilities based carriers seeking approval to participate in the

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<sup>4</sup> See *Public Notice* at 5-8.

<sup>5</sup> INCOMPAS interprets the term “widely available” as “making the program available to all eligible customers within its service area.”

Lifeline program should be sufficient to ensure that providers have procedures in place to prevent waste, fraud, and abuse. These compliance plans have proven to be a straightforward way to reform that program by mitigating the problem of duplicate Lifeline subscriptions and eliminating waste. However, INCOMPAS recommends that the Commission permit providers to participate in the EBBP while the FCC considers these compliance plans. Particularly if the Commission approves providers on a rolling basis, non-ETCs should not be disadvantaged by having to wait for Commission approval of its compliance plan. Any deficiencies can be cured in consultation with the Commission before the participating provider seeks reimbursement.

Finally, with respect to the application process that the Commission will require of broadband providers that are not ETCs to participate in the EBBP, INCOMPAS agrees that identification of the state(s) where service is offered should be provided. However, INCOMPAS suggests that a company's ability to provide consumers with information on their website about the availability of service should meet the application requirement for information about "the service areas in which the provider has the authority, if needed, to operate in each state but has not been designated an eligible telecommunications carrier."<sup>6</sup> To ensure that the application process is expedited, INCOMPAS recommends that the Commission allow providers to rely on information where it is already publicly available (such as via providers' websites). For example, providers can include such a link in their application and demonstrate that consumers can access this availability information, limiting the administrative burden of the application process.

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<sup>6</sup> *Public Notice* at 5 (proposing to require participating providers to submit an application concurrently with an election notice to USAC).

**B. An EBBP Application Should Receive Automatic Approval from the Commission if Not Acted Upon in 30 Days.**

INCOMPAS supports the Commission proposal to accept applications on a rolling basis and to delegate the Wireline Competition Bureau with the necessary authority to review and approve applications. With respect to processing applications, INCOMPAS urges the Commission to immediately approve an application to the extent that it seeks automatic approval, subject to later verification, if the provider makes a prima facie showing that its applications meets the Commission's requirements and, as mentioned above, has a track record with the FCC and/or USAC in other Commission programs, such as E-Rate or other programs, has participated in Commission rulemakings, or is a member of a trade association that regularly advocates before the Commission. INCOMPAS members have expressed no reservations about meeting the requirements of the program's application process, but are concerned about being at a disadvantage to sign up customers if they have not received Commission approval to participate in the program while providers with ETC designations are allowed to launch when the program commences. To this end, INCOMPAS believes that a single start date for the program is important to ensure that no one provider is favored in the program.

INCOMPAS also suggests an automatic approval process with a 30 day timeframe for acting on provider applications. If not acted upon within 30 days, providers' applications will receive automatic approval. When the Commission informs applicants of its determination, if an application is revoked, the Commission should provide specific reasons and give providers 30 days to cure their application and reapply. Over the last year, the Commission has moved swiftly to process applications for emergency pandemic relief programs,<sup>7</sup> and given the critical need for

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<sup>7</sup> See, e.g., Press Release, FCC, *FCC Approves First Set of COVID-19 Telehealth Program Applications* (rel. Apr. 16, 2020) (reporting that the Commission had approved six funding

veterans, low-income consumers and the unserved, 30 days should be sufficient to provide approval for the EBBP.

**C. Marshall USAC and FCC Resources to Begin Educating non-ETCs Now for Program Implementation.**

It is also important that the FCC and USAC take action *now* to educate interested, non-ETC designated companies and others like them on the steps they need to take to implement the program successfully. Taking affirmative steps to educate providers that are not designated as ETCs will ensure that participating providers are equipped to comply with program rules and are familiar with the policies and practices that USAC employs in its administration of Lifeline and other USF programs. USAC and the FCC could begin educating stakeholders through webinars about the processes companies will need to implement the program. Helpful topics would include, for example, eligibility verification, reimbursement and program reporting, and the technical requirements to access the Lifeline National Eligibility Verifier (“National Verifier”) and National Lifeline Accountability Database (“NLAD”) for verification purposes and reimbursement process through the Lifeline Claims System. Similarly, the Wireline Competition Bureau could conduct roundtables and stakeholder meetings with non-ETCs to educate them on the Commission’s proposals, and what they will likely need to do to prepare their program applications.

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applications worth \$3.23 million for the COVID-19 Telehealth Program just three days after the Commission began accepting applications on April 13, 2020); Press Release, FCC, *FCC Approves Second Set of COVID-19 Telehealth Program Applications* (rel. Apr. 21, 2020) (indicating that the Commission had approved five additional funding applications for the COVID-19 Telehealth Program).

**III. PERMITTING AN ALTERNATIVE VERIFICATION PROCESS AND INCREASING THE CAPABILITIES OF EXISTING VERIFICATION SYSTEMS WILL ENSURE THE BENEFITS OF THE EBBP REACH LOW-INCOME CONSUMERS.**

Given that the EBBP is targeting many of the same consumers as are eligible for the Lifeline program, it is appropriate for the Commission to use many of the same eligibility verification policies and mechanisms as that Universal Service program.<sup>8</sup> With the EBBP operating in much the same way—as a discount program for low-income consumers—using these rules as a starting point and guide should have tremendous value for providers that will be trying to educate themselves on FCC and USAC verification procedures and requirements in an attempt to mitigate waste, fraud, and abuse in the program.

As to how the Commission should define an “eligible household,” INCOMPAS suggests that it is appropriate to use the same definition of “household” provided in the Lifeline rules<sup>9</sup> for the purposes of administering the EBBP. The pandemic has had a significant financial impact on low-income individuals and families, and accelerated the rise in multigenerational and multifamily living.<sup>10</sup> Using the Lifeline definition of “household” for the EBBP program ensures

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<sup>8</sup> INCOMPAS and its members applaud the Commission for its decision to allow households to receive both Lifeline and EBBP benefits. *See Public Notice* at 6 (“We note that a household that is eligible for the Emergency Broadband Benefit is not disqualified by participating in the Lifeline program and also may receive both benefits either on the same or different services.”).

<sup>9</sup> For purposes of Lifeline, the FCC defines a household as “a group of people who live together and share money (even if they are not related to each other).” *See FCC, Lifeline Support for Affordable Communications*, <https://www.fcc.gov/lifeline-consumers> (last visited January 25, 2020) (describing a “household” under the FAQs tab).

<sup>10</sup> *See Sara Ventiera, All in the Family: How the Pandemic Accelerated the Rise in Multigenerational Living*, REALTOR.COM (Dec. 24, 2020) (reporting a four percentage point increase in the number of buyers who purchased a multigenerational home, compared with before the pandemic hit, and noting that Census data shows that high unemployment has led to the highest share of young adults 19 to 29 years old living at home since the Great Depression).

that multiple parties that do not share finances, but live at the same address, will be able to qualify for the program. Furthermore, the Commission seeks comment on how many connected devices eligible households should be allowed to receive through the EBBP. Since this program is intended to assist individuals and families seeking access to high-speed broadband for the purposes of remote work and distance learning, INCOMPAS recommends that the Commission establish rules that offer flexibility that would allow households with school-aged children to demonstrate that more than one connected device is needed to meet distance learning or school-based requirements.

With respect to tracking and verifying the eligibility of households, it is reasonable for the Commission to require participating providers to direct applicants to the National Verifier and NLAD or to use a preexisting verification process that has been approved by the Commission. INCOMPAS anticipates that some of our members may suggest an alternative verification process and we would encourage the Commission to consider these alternatives on a case-by-case basis where providers are capable of demonstrating they “are at least as stringent as the methods used by the National Verifier.”<sup>11</sup> For example, one of our members offers broadband service to multiple tenant environments (“MTEs”) that are subsidized public housing, whose residents are eligible low-income consumers. This provider should be given the opportunity to use this data to establish an alternative verification process that would be approved under the EBBP, and would allow these customers to receive quick eligibility approval simply by confirming their residential address.

On the issue of determining whether an alternative verification process is sufficient to avoid waste, fraud, and abuse, INCOMPAS recommends that while the Commission initially

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<sup>11</sup> *Public Notice* at 8.

institutes record keeping requirements that will allow participating providers to retain alternative proof of their customers' eligibility, it should simultaneously work to update the NLAD so that the system can become a more robust repository for verification. These alternative verification methods can then eventually be run through the system with minimal documentation retention requirements.

For example, if receipt of a Pell Grant qualifies a household for participation, then the Commission should update the NLAD so that the provider can indicate that it is relying upon that qualifier. Providers can then upload the documented proof of eligibility to the NLAD. At the same time, USAC should be making the necessary changes to the NLAD so that this information is available via an API from the U.S. Department of Education for automatic approval. Once the NLAD has been updated, document retention requirements would then shift from the provider to NLAD, which can store this eligibility information in the system. Members have indicated that they would prefer to upload eligibility documentation directly to the NLAD for safekeeping and audit purposes rather than be subject to burdensome document retention requirements.

As noted above, INCOMPAS urges the Commission to make training, webinars, or potential stakeholder meetings available early and often to participating providers. For those providers that do not participate in Lifeline, getting "trained up" on these systems as soon as possible is critical to the success of the program and ensuring that the program does not suffer from waste, fraud, and abuse.

#### **IV. COVERED SERVICES FOR THE EBBP SHOULD MEET COMMISSION BENCHMARKS FOR ADVANCED TELCOMMUNICATIONS CAPABILITIES.**

To ensure that households that qualify for the EBBP have sufficient broadband to meet their needs, INCOMPAS recommends that the Commission provide further clarity regarding

services that will be eligible for program reimbursement. Specifically, INCOMPAS suggests that the Commission require participating providers to offer broadband service at speeds of 25 Mbps download and 3 Mbps upload in order to qualify for EBBP reimbursement. Setting the minimum speed requirement for an internet service offering under the EBBP at 25/3 Mbps would meet the Commission’s current speed benchmark for fixed advanced telecommunications capability as indicated in the recently released *Fourteenth Broadband Deployment Report*.<sup>12</sup> While INCOMPAS has encouraged the Commission to set a new speed benchmark for fixed BIAS service of 1 Gigabit,<sup>13</sup> the 25/3 Mbps speed benchmark represents a baseline to ensure that low-income consumers will have access to the broadband speeds and applications that can help them manage their lives during the pandemic.

In a time when high-speed Internet is essential for data intensive applications like video streaming, virtual learning, video conferencing, and telehealth monitoring, broadband speeds of 10/1 Mbps may not provide low-income consumers with sufficient service. Consumers are now using broadband for the purposes described above, and furthermore, multiple family members are using broadband simultaneously in homes across America (and the number of connected devices is growing).<sup>14</sup> The recent shift to telework and virtual learning has led to a dramatic

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<sup>12</sup> See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 20-269, Fourteenth Broadband Deployment Report (rel. Jan. 19, 2021), at 6-7, para. 12 (concluding that fixed services with speeds of 25/3 Mbps continue to meet the statutory definition of advanced telecommunications capability).

<sup>13</sup> See Comments of INCOMPAS, GN Docket No. 20-269 (filed Sep. 18, 2020), at 8.

<sup>14</sup> See Angus Loten, *Pandemic Broadband Speeds Are Faster, but Insufficient for Some*, WALL ST. J. (Sep. 18, 2020) (reporting that “massive loads created by a combination of videoconferencing, home schooling, and online video streaming—sometimes all under the same roof—can cause congestion within home Wi-Fi networks and slow connections to a crawl”).

growth in upstream traffic, and at any speed under 25/3 Mbps, low-income families engaging in multiple video applications would likely see significant congestion on their network.<sup>15</sup>

According to the Fiber Broadband Association, a household of four “needs a minimum upload speed of 48 Mbps for good performance, and that number will soar to 400 Mbps by 2025, as more consumers embrace, telemedicine, virtual reality gaming, and 8K video applications.”<sup>16</sup>

Low-income consumers need sufficient bandwidth and speeds to meet their current needs and the Commission should reconsider approving providers that are incapable of delivering the 25/3 Mbps speeds for this program.

Additionally, enabling competitive alternatives will benefit consumers in the EBBP. Because competitive networks typically offer better speeds and connectivity, and low-income households usually are larger and have numerous children and adults, competitors can help meet the needs of these families who require faster upload capability for video calls and other digital needs. Moreover, the program will benefit from more participation by competitors whose pricing typically is more affordable, allowing the program’s funding to meet more needs overall.

**V. ONCE PROVIDERS ARE APPROVED FOR THE EBBP, THE COMMISSION SHOULD AVOID REIMBURSEMENT REQUIREMENTS THAT ARE UNNECESSARY OR BURDENSOME.**

In the *Public Notice*, the Commission proposes to reimburse participating providers through the Lifeline Claims System subject to a requirement that providers’ claims include sufficient information to verify that its customers have been enrolled in the NLAD and that the

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<sup>15</sup> See Doug Brake, *Lessons From the Pandemic: Broadband Policy After COVID-19*, INFORMATION TECHNOLOGY & INNOVATION FOUNDATION (July 13, 2020).

<sup>16</sup> See Hiawatha Bray, *Broadband users quick to criticize slow uploads*, BOSTON GLOBE (Jan. 10, 2021, 3:12 PM), <https://www.bostonglobe.com/2021/01/10/business/broadband-users-quick-criticize-slow-uploads/> (citing the Fiber Broadband Association study).

discount does not exceed the standard rate for the covered service. INCOMPAS supports these Commission's proposals, but urges the Commission not to burden the reimbursement process with additional requirements.

The Commission also seeks comment on a certification requirement that participating providers submit for each request for reimbursement. This certification requirement is proposed in addition to an annual certification by participating providers. INCOMPAS suggests that participating providers should instead certify under penalty of perjury at the time of their first reimbursement that they will meet these reimbursement requirements. Since providers will have had their participation in the program approved by the Commission based on a thorough analysis and review of their application (which includes the standard rate that providers were charging subscribers as of December 1, 2020), further certification seems unnecessary and potentially burdensome.

With respect to the Commission's consideration of the standard rate,<sup>17</sup> INCOMPAS posits that many providers will elect to offer service through the EBBP at an introductory rate for new customers. If providers elect to offer low-income consumers an introductory rate, rather than a standard rate, then the EBCF should receive the financial benefit of providers offering this further discounted services through the conclusion of the program. Broadband providers are unlikely to offer the introductory rate at a loss, thus the discount should ensure that the provider can remain profitable while ensuring that the fund will last longer and cover additional customers—a result that is consistent with Congress' intent for the program. This will also serve the public interest, as participating consumers will reap the benefits of this discounted services over the life of the program.

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<sup>17</sup> *Public Notice* at 3, 9.

**VI. A ROBUST PROMOTION CAMPAIGN BY PROVIDERS, THE COMMISSION, AND USAC ALIKE WILL ENSURE CONSUMERS CAN SELECT THE SERVICE THAT BEST MEETS THEIR NEEDS.**

In responding to how the Commission and providers should promote awareness of the EBBP, INCOMPAS supports a robust marketing and promotion campaign by all those participating including providers, the Commission, and USAC alike to ensure consumers can select the service that best meets their needs. The EBBP is more likely to draw providers and subscribers if there is more education, informative advertising, and promotion regarding the available ISPs that are serving in communities, as well as the options for faster speeds and lower prices. The purpose of this effort and using marketing and promotional materials to show these options (including the internet service and device) not only educates the consumer but also ensures that the Commission and USAC can be actively involved in this process and better positioned to oversee industry participation in the program to servicing eligible households. Based on our previous recommendation to help streamline the approval process for a non-ETC provider which would allow for greater competition ISP participation, INCOMPAS recommends that the FCC regularly update the USAC website either daily or weekly to serve as a clearinghouse so consumers can review the list of all providers available in their areas and see the types of options being offered including pricing, internet speeds, and devices. INCOMPAS also recommends further below that the FCC and USAC also coordinate with state and local organizations that could assist with educating low-income consumers about the program and the provider options that are available as a result.

INCOMPAS expects its members to be fully committed to advertising this program both in the community and in specific locations (such as anchor institutions, or with flyers in MTEs) to reach consumers as soon as possible. INCOMPAS members are already planning their

marketing strategies so that low-income consumers who need service can obtain it through the EBBP, and while the Commission can rely on participating providers to market their service to eligible households (similar to ETCs which have an affirmative obligation to market their services), the Commission and USAC should also take every available step to supplement this outreach and help make consumers aware of their local options so they can choose the best service to meet their families' needs. INCOMPAS also recommends that USAC conduct outreach to current Lifeline subscribers and make them aware of providers in their area so that these low-income consumers can avail themselves of the benefits in both programs.

Critical for the program's success and to engage more users, the Commission and ISPs must actively engage and partner with communities' anchor institutions such as schools, libraries, and hospitals to ensure that the public is aware of the EBBP. With the challenges of reaching low-income communities, both the Commission and providers should also consider using outside traditional channels including consumer-facing agencies or working with the National Digital Inclusion Alliance and other trade associations (*i.e.* state and local government-focused groups like NATOA and Next Century Cities) for gaining access to a number of channels for reaching consumers regarding their service options. In addition, INCOMPAS recommends further coordination between the Commission and USAC and regular engagement with interested participants to gauge their input through calls and stakeholder meetings, to determine which avenues of advertising work best in different rural or urban communities so funding is not wasted, but instead is more targeted based on the type of advertising and to share best practices based on experiences with Lifeline or other low-income programs already in the market.

Moreover, promoting awareness for the EBBP will require regular communications from the FCC and USAC on the program's funding and schedule to help participants plan and set consumer expectations from the start. Whether it is through a weekly, bi-weekly or monthly email or a funding alert provided on the program's website, INCOMPAS believes such transparency and action to inform will be critical for providers and their management of consumers' expectations. Such communication should also include the length of the benefit which will be beneficial for providers so they do not either undersell or oversell the program as part of advertising or marketing efforts.

**VII. THE COMMISSION SHOULD RELY PRIMARILY ON EXISTING AUDIT, ENFORCEMENT, AND USAC ADMINISTRATION REQUIREMENTS FOR PROGRAM OPERATIONS.**

As with the previously discussed requirements on eligibility verification and reimbursement, INCOMPAS urges the Commission to rely on established Lifeline procedures and rules as the basis for similar requirements in the areas of auditing, enforcement, and program administration. Specifically, INCOMPAS urges the Commission to adopt audit requirements similar to those procedures currently used in the Lifeline program to ensure compliance and to prevent waste, fraud, and abuse. However, INCOMPAS would urge the Commission to minimize the document retention requirements and use the NLAD for this purpose. Our members have indicated that the more the FCC and USAC can do to ensure that the NLAD serves as a repository for customer eligibility materials, the more efficient participant audits will be. Similarly, it is appropriate for the Commission to use its existing statutorily permitted enforcement powers to initiate investigations and impose administrative forfeitures.

Concerning USAC's administrative role in the program, INCOMPAS contends that, in order to keep administration simple and direct (and participation high), the Commission should

not require additional administrative burdens, such as requiring participating providers to measure data usage on subscribers who do not pay an end-user fee for their supported services. It is unlikely that most eligible households will be taking this benefit and not using it, particularly given the demands on employees and students to engage online. Capturing, recording, and reporting this data would be burdensome and require significant administrative support. Additionally, with respect to transferring an EBBP benefit to a different participating provider, the Commission should ensure that any requirements are consumer friendly. Furthermore, the Commission should allow subscribers to initiate these transfers directly with USAC.

**VIII. GIVEN THE UNCERTAINTY OVER THE LENGTH OF THE EBBP, CONSUMERS WILL REQUIRE FULL TRANSPARENCY ABOUT THE CONCLUSION OF THE PROGRAM FROM THE COMMISSION AND PROVIDERS.**

In the *Public Notice*, the Commission indicates that the EBBP will end either at the end of the emergency period or when the amount appropriated to the EBBP is expended, whichever is sooner.<sup>18</sup> Despite its temporary nature, INCOMPAS does not foresee providers or consumers being dissuaded from participating. Some of the broadband providers that INCOMPAS represents believe that they can attract an additional 5% or more in subscribers and can use the program as a jumping off point for closing the digital divide. Without a clear end date in sight, the Commission must take steps to track the program and ensure that providers will receive the necessary subsidies for their service. Therefore, INCOMPAS urges the Commission to have a detailed “off-ramp” in place to alert both providers and consumers about the end of the program and to ensure that providers can receive appropriate reimbursement for services rendered.

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<sup>18</sup> *Public Notice* at 13.

There are several steps that the Commission can take to ensure that the agency is able to wrap up the program in a matter that satisfies both providers and recipients. First, the Commission should be prepared to provide regular information about the program—for instance, via USAC or on the Commission’s EBBP website—tracking funding and forecasting the end of the program. This information could be provided every two weeks, but no less than every month. Providers will likely need two to three months’ notice from when USAC intends to end the EBBP. This will give providers time to coordinate the end of the benefit with customers. In this situation, the more data and information that providers have about USAC-funding levels, the easier it will be to alert customers and prepare them for the end of the program. Second, the Commission could also put into place a triggering event, such as the Emergency Broadband Connectivity Fund reaching 25% funds remaining, with notice being sent to providers with a time projection for the program’s reimbursement ending. Finally, the Commission could ask participating providers to provide budgets based on how many households and subscribers have signed up in low-income communities. This may give the Commission a better sense of how long the program will last.

## **IX. CONCLUSION**

INCOMPAS and its members stand ready to assist the Commission in its implementation of the EBBP, and it urges the Commission to consider its comments to promote and enable competition in the program that will benefit consumers with faster speeds and better customer service, and will achieve more affordable pricing that will benefit the program.

Respectfully submitted,

INCOMPAS

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