

**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)	

REPLY COMMENTS OF INCOMPAS

INCOMPAS, by its undersigned counsel, hereby submits these reply 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.¹

I. INTRODUCTION

INCOMPAS, the internet and competitive networks association, represents competitive broadband companies that are building fiber, fixed wireless, and mobile networks that connect residences, businesses, and community anchor institutions. These providers are well-positioned to assist the Commission in achieving the goals of the Emergency Broadband Benefit Program (“EBBP” or “program”) and are committed to finding solutions for communities that suffer on the wrong end of the digital divide or consumers that have been financially impacted by the global pandemic. Our initial comments in this proceeding provided recommendations on how to ensure that all interested providers, including any non-ETCs, could participate in this program as

¹ 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*”).

efficiently as possible and without any added hurdles or roadblocks from the start. In order to achieve the expedited process envisioned by Congress and the Commission, INCOMPAS believes the approval process needs simple and streamlined application guidelines, participation requirements, and program rules.

In following up from our comments filed in January, INCOMPAS submits the following reply comments to present further recommendations on how the EBBP can be more successful in its roll-out, with more streamlined processes to help ensure greater participation by both providers and consumers. Specifically, these reply comments highlight the support for previous suggestions and also encourage the Commission to take action to strengthen the National Lifeline Verifier for those applicants without automatic connections to state eligibility databases.

II. THE COMMISSION CAN ENSURE ROBUST PARTICIPATION IN THE EBBP THROUGH A STREAMLINED DESIGNATION PROCESS AND COMMON START DATE FOR ETCs AND NON-ETCs.

Given the need for broadband connectivity during this pandemic, the Commission should make every effort to maximize consumer choice and encourage broadband provider participation in the program. Providers are more likely to participate if they have assurances that the application process will be simple and streamlined and they are not disadvantaged by a later start date. At the same time, consumers will benefit from having a meaningful choice of providers and offerings in the program, as competitive providers are typically able to offer better speeds and connectivity at a more affordable price point.

Across the industry, there appears to be widespread support for the Commission adopting an “expedited” designation process, in keeping with the statutory language, for providers that seek to participate in the program, but are not designated as eligible telecommunications carriers. 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 the program rules for designating broadband providers should be simple, clear and easy to follow. In our comments, INCOMPAS called for a “simple and streamlined” designation process and encouraged the Commission to speed the approval process for non-ETCs so that they can begin to deliver the benefits to the program as quickly as possible. In its comments, the Competitive Carriers Association urged the Commission to “implement streamlined processes to approve provider participation, leverage existing systems to confirm household eligibility, and provide flexibility and transparency to providers participating in the program to ensure that the Act’s objectives are met.”² Similarly, Starry suggested that the Commission “streamline its approval process for any non-ETC provider that can objectively demonstrate that it currently offers a low-income access program or service in any state.”³ ACA Connects argued that Commission’s approval process should be “as streamlined as possible, especially for smaller broadband providers offering robust connectivity.”⁴ These comments and others support the Commission’s proposals to expedite the approval process of non-ETC designated providers and INCOMPAS urges the Commission to adopt rules for the EBBP program that ensure robust participation in the program.

Another way of encouraging provider participation and ensuring a wide set of service options is by establishing a common start date for the program. INCOMPAS is therefore

² Comments of the Competitive Carriers Association, WC Docket No. 20-445 (filed Jan. 25, 2021), at 5.

³ Comments of Starry, Inc., WC Docket No. 20-445 (filed Jan. 25, 2021), at 3.

⁴ Comments of ACA Connects, WC Docket No. 20-445 (filed Jan. 25, 2021), at 12 (“ACA Connects Comments”).

encouraged to see other commenters support this recommendation.⁵ ACA Connects contends that a common start date will “facilitate consumer choice among all available options” and “is necessary to make [the] EBBP work effectively as a competitive program open to a broad range of providers.”⁶ NCTA suggests that a common start date can “maximize participation and increase competition and consumer choice.”⁷ Additionally, the Hispanic Technology & Telecommunications Partnership encourages the Commission to allow providers “to begin participating in the program at the same time in order to give consumers the widest choice of options.”⁸ A common start date will ensure that ETCs and non-ETC designated providers can participate in the program on a level-playing field with equal opportunity to compete for recipients. Furthermore, a common start date will ensure that recipients will have the full list of participating providers so that they can make a choice with full transparency and information. INCOMPAS therefore renews its call for the Commission to establish a common start date for the EBBP.

⁵ See Comments of the Wireless Internet Service Providers Association, WC Docket No. 20-445 (filed Jan. 25, 2021), at 6 (contending that a common start date is one way the Commission can optimize the Program benefits).

⁶ ACA Connects Comments at 6-7.

⁷ Comments of NCTA—The Internet & Television Association, WC Docket No. 20-445 (filed Jan. 25, 2021), at 3.

⁸ Comments of Hispanic Technology & Telecommunications Partnership, WC Docket No. 20-445 (filed Jan. 23, 2021), at 2.

III. IMPLEMENTING CHANGES TO THE NATIONAL VERIFIER’S MANUAL REVIEW PROCESS WILL KEEP CONSUMERS FROM BEING UNFAIRLY DISADVANTAGED.

As noted in the *Public Notice*, the Consolidated Appropriations Act requires the Commission to “expedite the ability of all participating providers to access the Lifeline National Eligibility Verifier” (“National Verifier”) and the National Lifeline Accountability Database” (“NLAD”) for the purpose of determining program eligibility.⁹ INCOMPAS supports the use of these Lifeline eligibility verification policies and mechanisms in this instance given that the EBBP is targeting many of the same consumers as are eligible for that Universal Service program. However, INCOMPAS urges the Commission to examine the findings and implement the recommendations of a recent report issued by the Government Accountability Office (“GAO”) that indicates the agency has not taken the appropriate steps to educate eligible consumers about the National Verifier and must improve the National Verifier’s manual process by which consumers can prove their eligibility.¹⁰ As it considers ways to encourage consumer participation in the EBBP, raising awareness about the program will be critical and INCOMPAS urges the Commission to include information about the National Verifier and its requirements in any educational materials that are released to the public.

With respect to the National Verifier’s manual review process for consumers to submit documents proving their eligibility, INCOMPAS suggests that the Commission make the modifications necessary to ensure that manual EBBP applications will be processed more

⁹ *Public Notice* at 4.

¹⁰ See U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-21-235, FCC HAS IMPLEMENTED THE LIFELINE NATIONAL VERIFIER BUT SHOULD IMPROVE CONSUMER AWARENESS AND EXPERIENCE (rel. Jan. 28, 2021) (“GAO Report”).

efficiently so that those consumers are not unfairly disadvantaged. Consumers that cannot be processed through data matching agreements or automatic verification are required to submit eligibility documentation to USAC’s Lifeline Support Center for manual review. As noted in the report, consumers in 36 out of 56 states and territories that cannot be found in federal benefits databases are currently required to go through the manual review process because the National Verifier in those states and territories does not have automated connections to state benefits databases. Having to go through the manual review process can have a detrimental impact on program participation as “more than two-thirds of applicants who underwent manual review between June 2018 and June 2020 did not complete their applications.”¹¹ To ensure that as many eligible households can receive the benefits of the EBBP, INCOMPAS urges the Commission to adopt the recommendations of the GAO report on improving consumer experience with the National Verifier’s manual review process as soon as possible and to expedite the processing of these applications.

Furthermore, INCOMPAS supports the recent recommendations of Public Knowledge and the Higher Learning Advocates that the Commission accept self-certification of eligibility within the manual function of the National Verifier and urges the Commission to adopt these proposals in an effort to maximize consumer participation in the program.¹² These organizations have highlighted some of the immediate drawbacks associated with using the current eligibility verification mechanisms in the near term for the EBBP, including that the necessary data sharing agreements are not in place to ensure that non-Lifeline eligible consumers can be automatically

¹¹ GAO Report at 2.

¹² See Letter of Public Knowledge and Higher Learning Advocates, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 20-445 (filed Feb. 12, 2021).

verified for the program. Because most consumers will therefore be forced to go through the National Verifier’s manual review process, these organizations suggest and INCOMPAS agrees that self-certification “will be essential for ensuring that Congressional intent is met, and that households in new categories of eligibility can enroll and participate in modern life”¹³ and the EBBP. Public Knowledge and the Higher Learning Advocates also lay out important policy proposals to ensure that self-certification will not lead to waste, fraud, and abuse in the program, including requiring consumers to apply for benefits “under penalty of perjury and with an understanding that benefits wrongfully claimed must be returned.”¹⁴

IV. 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,

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¹³ *Id.* at 3.

¹⁴ *Id.* at 2.

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February 16, 2021