

February 16, 2021

Ms. Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Emergency Broadband Benefit Program, WC Docket No. 20-445

Dear Ms. Dortch:

The undersigned groups—American Civil Liberties Union, Benton Institute for Broadband & Society¹, Common Cause, Free Press, Joint Center for Political and Economic Studies, MediaJustice, National Hispanic Media Coalition, New America’s Open Technology Institute, Public Knowledge, UnidosUS—are looking forward to the implementation of the Emergency Broadband Benefit program, which will help millions of households across the country afford internet service during a time when they need it the most. We are particularly excited for the prospect of this program helping bridge the digital divide for those communities who already experience unequal access to basic resources like broadband, impacting their ability to exercise their civil rights. To ensure that this program reaches these historically marginalized groups who must be connected to the social, political, and economic opportunities that can sometimes only exclusively be found through internet access, we highlight several recommendations for the Commission to implement that were widely echoed in the record of comments in response to the Commission’s Public Notice for the above-captioned proceeding.²

¹ These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

² *Wireline Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, WC Docket No. 20-445 (Rel. Jan 4, 2021). Unless otherwise noted, all Comments referenced herein were filed in this docket on January 25, 2021.

Program messaging, marketing and outreach must be plain, culturally inclusive, available across as many languages as possible, and accessible.

There are currently millions of households without internet access nationwide, and to ensure that the Emergency Broadband Benefit is distributed equitably to as many of those people as possible, all messaging, marketing, and outreach around the program must prioritize inclusivity. Many who are eligible for the Emergency Broadband Benefit may have trouble learning about, understanding, and applying for the program if information about it is overly complicated, exclusively available online, only available in English, insensitive or not appropriate or relevant to cultural differences, and does not take into account differences in communication skills. Specific recommendations for improving the reach of the program that are also echoed in the record include:

- Using plain language.³
- Ensuring all information and publicity is available in many languages beyond English.⁴
- Using language and marketing practices that are culturally relevant and inclusive.
- Expanding publicity beyond FCC or USAC official websites to include presence on other official websites like state employment insurance offices, [usa.gov/benefits](https://www.usa.gov/benefits), websites for federal programs which can be used to prove eligibility for this program like SNAP and Medicaid, and online publicity beyond just governmental websites to include social media, email, and other online channels.
- Since those eligible for this program are likely to face difficulty getting online, all information and publicity must also be available offline through television, newspapers,

³ "Plain language," *Plain Language Action and Information Network (PLAIN)*, <https://www.plainlanguage.gov/>; Comments of the National Digital Inclusion Alliance (NDIA) at 4.

⁴ Comments of the National Hispanic Media Coalition (NHMC) at 8; Letter of ex parte for WC Docket No. 20-445 by the Media and Telecommunications Task Force, February 5, 2021, <https://ecfsapi.fcc.gov/file/1020598445922/Media%20and%20Telecommunications%20Task%20Force%20Ex%20Parte%20Commissioner%20Simington's%20Office%202.5.21.pdf>; Comments of the Aurora Institute at 4; Comments of Public Knowledge at 7; Comments of NDIA at 4.

magazines, and flyers—all in multiple languages that can be distributed through the U.S. mail, at schools, in bill statements, and through phone calls.

- Partnering with community based organizations (CBOs) and digital inclusion partners with ties to hard to reach and vulnerable communities to maximize participation rates for eligible households and ensure clarity in understanding available options and eligibility requirements.
- All information and publicity should fulfill the requirements of the Americans with Disabilities Act, and use effective communication that ensures people with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to the program.⁵

The program should strive to lower barriers to entry, and maximize consumer choice.

All program messaging should focus on making it as easy as possible for eligible people to learn about and sign up for the benefit. This means addressing any fears about participating in the program, like concerns that being in arrears or behind on bills will preclude receiving the benefit. Not only are Black, Indigenous, and Latinx communities disproportionately becoming infected, being hospitalized, and dying from COVID-19, the present economic crisis that has accompanied the pandemic has worsened the disproportionate material hardships these communities experience. According to a poll from September 2020, Black and Latino households are two times more likely than white households to have fallen behind on housing payments, and one in six households even reported missing or delaying major bills just so that they could buy food.⁶ During the latter half of 2020, the poverty rate for Black Americans alone

⁵ “Effective Communication,” U.S. Department of Justice, Civil Rights Division, Disability Rights Section September 15, 2020, <https://www.ada.gov/effective-comm.htm>

⁶

is estimated to have jumped by 5.4 percentage points, or by 2.4 million individuals.⁷ No one should be afraid of applying for the benefit because of these dire circumstances, and therefore, the Commission must ensure that those eligible households know past arrears do not disqualify them from the program, in both program messaging and outreach. This is already practiced in industry—Comcast has agreed to not hold debt more than one year old against applicants for their low-income internet service plan, and the company communicates that information directly on the webpage for their program.⁸ The Commission can look to existing practices in industry and also in cities that have implemented their own emergency broadband programs to quell concerns those eligible for the program might have about qualifying for the benefit.⁹

Furthermore, verification methods for identification should not rely solely on one's Social Security number (SSN). Many communities implementing their own emergency broadband benefit programs have proven that a SSN is unnecessary to verifying identity, finding that there are over 30 different forms of identification that can be provided to confirm name and address, including driver's licenses, utility bills, current employment badges and other forms of photo ID.¹⁰ Importantly, internet service providers, like AT&T and Comcast, do not require SSN to apply for low-cost programs.¹¹ Including alternative methods of identification will ensure that non-citizens, senior citizens, those who have temporary status like Deferred Action for

Chris Arnold, "NPR Poll: Black, Latino Households Struggle To Pay Rent, Mortgages," *National Public Radio*, September 23, 2020, <https://www.npr.org/2020/09/23/915959090/npr-poll-black-latino-households-struggle-to-pay-rent-mortgages>

⁷ Alexandre Tanzi and Catarina Saraiva, "U.S. Suffers Sharpest Rise in Poverty Rate in More Than 50 Years," *Bloomberg*, January 25, 2021, <https://www.bloomberg.com/news/articles/2021-01-25/u-s-suffers-sharpest-rise-in-poverty-rate-in-more-than-50-years>

⁸ "Apply for Internet Essentials from Comcast," *Comcast*, <https://www.xfinity.com/support/articles/comcast-broadband-opportunity-program>

⁹ Comments of Cities of Los Angeles, California; Chicago, Illinois; Portland, Oregon, Boston, Massachusetts; and the Texas Coalition of Cities For Utility Issues.

¹⁰ Comments of Cities of Los Angeles, California; Chicago, Illinois; Portland, Oregon, Boston, Massachusetts; and the Texas Coalition of Cities For Utility Issues at 13.

¹¹ <https://ecfsapi.fcc.gov/file/10125984917288/EBB%20FCC%20Comments%20-%20NHMC%20.pdf>

Childhood Arrivals (DACA) recipients, are members of mixed-immigration-status families, or are differently documented through Individual Taxpayer Identification Numbers, are covered by the benefit.¹²

Finally, those eligible for the benefit should be able to choose the internet service plan that best meets their needs. There is robust support on the record for the Commission to ensure that consumers can apply the EBB to whatever service they need.¹³ Providers offer a multitude of services at different speeds and prices at any given time, as they do not know what potential consumers are looking for or need in an internet service. Therefore, those eligible for the benefit should be the ones picking whichever service plan they need to work from home, attend school, hold a video call with their doctor, and whatever else they require, not providers.

The Commission must ensure transparency through the length of the program, and plan for a longer-term solution to broadband affordability to transition to when the Emergency Broadband Connectivity Fund is depleted.

Clarity around the program's benefits and eligibility requirements are not enough; the Commission should require that providers disclose information about internet service plans, including contract terms, expected speeds, and, most importantly, price, to EBB participants in a clear, standardized format. Since the benefit is capped at \$50 for service plans (and \$75 on Tribal lands), marketed prices must be all-inclusive, and hidden fees should be banned from the program. Consumers should also know going into the benefit program whether providers will

¹² Comments of the National Hispanic Media Coalition (NHMC) at 6; Comments of the Stewards of Affordable Housing for the Future at 4; Comments of Leading Age at 2.

¹³ See Comments of ACA Connects at 2, "Consumer choice must be a cornerstone of Emergency Broadband Benefit Program,"; Comments of Comcast at 16, "The Commission should promote consumer choice,"; Comments of CTIA at 8, "The Commission should ensure that consumers have the ability to use the EBB benefit for the services and devices of their choice,"; Comments of the National Digital Inclusion Alliance (NDIA) at 7, "The EBB should offer participating households the greatest degree of choice among internet services and plans that is possible within the requirements of the law,"; Comments of the National League of Cities at 1, "We urge the FCC to require participating providers offer their full suite of broadband options throughout their entire service area,"; Comments of NHMC at 3, "Under the Emergency Broadband program, consumers should have meaningful choice among Internet Service Providers available to them,"; Comments of NCTA - The Internet & Television Association at 3, "The Commission should maximize participation and increase competition and consumer choice."

also be offering a device covered by the program’s device subsidy, and how much those devices will cost.¹⁴ Those participating in the program who are already sensitive to immediate economic needs, like buying food and paying bills, must not be penalized with surprise fees for participating in the program. A standardized format that clearly lays out plan details and terms will not only build consumer trust, but also will make it easier for those who are eligible for the benefit to compare plans, and apply their benefit to the plan best fitting their needs.¹⁵

Furthermore, the Emergency Broadband Benefit program is a one-of-a-kind opportunity to connect those who have been excluded not just from the internet, but also from higher wages, food security, stable housing, and educational achievements.¹⁶ Therefore both participating providers and consumers should be made aware of the progress of the program—especially its funding status. A dashboard that is real-time or regularly updated with information about participating providers, their plans, zipcodes of participating providers and consumers, and percentage of the Emergency Broadband Connectivity Fund remaining will allow providers to plan and track funding so that they can transition participating households, and provide insight into penetration of the program to different areas and consumers. Tracking funding is particularly necessary to ensure that providers know when consumers can affirmatively opt out of their

¹⁴ Comments of the National Lifeline Association (NaLA) at 13.

¹⁵ Comments of New America’s Open Technology Institute at 3; Comments of NDIA at 3; Comments of the Benton Institute for Broadband & Society at 13; Comments of NHMC at 4; Comments of Next Century Cities at 3; Comments of Public Knowledge at 10.

¹⁶ Carmen Morris, “Race, Pay And Opportunity: How Inequality Breeds Contempt,” *Forbes*, September 15, 2020, <https://www.forbes.com/sites/carmenmorris/2020/09/15/race-pay-and-opportunity-how-inequality-breeds-contempt/?sh=55a9bebc72f8>; Jamila Taylor, “Racism, Inequality, and Health Care for African Americans,” The Century Foundations, December 19, 2019, <https://tcf.org/content/report/racism-inequality-health-care-african-americans/?agreed=1>; Alexis Butler, “Embedding Racial Equity in Housing,” National League of Cities, July 9, 2020, <https://www.nlc.org/article/2020/07/09/embedding-racial-equity-in-housing/>; “Food Justice & Racism in the Food System,” Roots of Change, <https://www.rootsofchange.org/our-positions/food-justice-racism-in-the-food-system/>; “Racial and Ethnic Achievement Gaps,” *Stanford Graduate School of Education’s Center for Education Policy Analysis*, <https://cepa.stanford.edu/educational-opportunity-monitoring-project/achievement-gaps/race/>

current, EBB-supported service plans once the Emergency Broadband Connectivity Fund begins to run out. Those eligible for the EBB may not be in a position to afford the internet service plan they need once the EBB program funding is depleted, and should not be punished for participating in the program by being required to pay for services they can't afford, or automatically signed up for such services, which would levy a heavy financial toll. Rather, the Commission should plan ahead for this inevitability, and ensure that those receiving the benefit stay connected through Lifeline or other programs.

If you have any further questions, please contact Claire Park, Program Associate, New America's Open Technology Institute, at park@opentechinstitute.org.

Respectfully Submitted,

American Civil Liberties Union
Benton Institute for Broadband & Society
Common Cause
Free Press
Joint Center for Political and Economic Studies
MediaJustice
National Hispanic Media Coalition
New America's Open Technology Institute
Public Knowledge
UnidosUS

/s/ Claire Park

Claire Park
Program Associate
New America's Open Technology Institute