Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
	)	
The Emergency Broadband Benefit Program	)	WC Docket No. 20-445
	)	
	)	
	)	

REPLY COMMENTS OF NEXT CENTURY CITIES

Francella Ochillo
Executive Director

Ryan Johnston
Policy Counsel
Federal Programs

Corian Zacher
Policy Counsel
State & Local Initiatives

TABLE OF CONTENTS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
)	
The Emergency Broadband Benefit Program)	WC Docket No. 20-445
)	
)	
)	

REPLY COMMENTS OF NEXT CENTURY CITIES

I.   INTRODUCTION AND SUMMARY

Next Century Cities ("NCC") submits these reply comments in response to the Wireline

Competition Bureau's request for input on how the Federal Communications Commission

("FCC" or "Commission") should implement and administer the Emergency Broadband Benefit

Program ("EBBP") instituted by the Consolidated Appropriations Act of 2021.[1] The rules that

the Commission distills from this public comment process must address the challenges that low-

income households face in learning about affordable service options and overcoming obstacles to

enrollment. The Commission should also work with providers to develop thoughtful phase out

protocols that support participants whose connectivity challenges persist after the EBBP expires.

Services provided under the EBBP program must address the reality that the current 25/3

Mbps broadband standard does not adequately allow multiple individuals in a single home to

simultaneously engage in work from home and distance learning applications.[2] Raising the

service requirement for the EBBP will help to ensure that, regardless of the demands placed on a

---

[1] *See generally, Wireline Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, Notice of Proposed Rulemaking, DA-21-6 (WCB 2021).
[2] Federal Communications Commission, Household Broadband Guide, https://www.fcc.gov/consumers/guides/household-broadband-guide (last visited Feb. 11, 2021).

home network, participating households will be able to meaningfully participate in work from home, distance learning, telehealth, and other online opportunities.

In addition to highlighting the necessity for a higher speed standard, the record contains robust support for transparent pricing. At minimum, providers must disclose how much participants are being charged for service, equipment, taxes, and fees associated with service in addition to the portion of the cost that must be covered by participants. Pricing disclosures must also identify when promotional rates expire and the cost of continuing service without EBBP support.

The Commission should also use this program as an opportunity to map current broadband infrastructure and verify which areas still lack baseline connectivity. The data collection should also identify which areas have the requisite infrastructure, but affordability is an insurmountable barrier to adoption. This complete view of the broadband landscape would provide critical insights for the FCC's programs as well as broadband initiatives at partner agencies.

Next Century Cities reiterates the importance of local and state collaboration in promoting and implementing the EBBP. Leveraging local governments and community-based organizations to publicize and build support for the EBBP will expand the number of eligible participants who get the information they need to apply. Eligible households who may not ordinarily take advantage of government services may be uneasy about signing up for a new program that could add debt at a time of uncertainty. They need to learn about the program through trusted messengers, be able to navigate the enrollment process with ease, and have service options for an affordable plan that meets current household needs. Further, the FCC should take advantage of local radio and public, education, government ("PEG") television

channels to build public awareness, ensuring that those who do not have reliable broadband access have reliable ways to learn about EBBP eligibility.

The record supports inviting Eligible Telecommunications Carriers ("ETCs") and non-ETC providers to apply for the EBBP. While the Commission has not historically partnered with municipal networks, mesh networks, and other nontraditional service models, these providers may be the only service option in underserved areas. What's more, municipal and cooperative broadband models provide high-speed, low-cost service options that would increase competition – driving down price and improving service options for EBBP participants.

It is also worth noting that the pandemic has expanded the need for Internet service providers which no longer need to look or operate with the same business models as others have in the past. In response to COVID-19 demands, nonprofits and other community organizations started to provide service themselves or partnered with providers to inventively connect students, the unemployed, and other disconnected residents throughout their communities. Including a wide array of providers in EBBP will help to ensure that communities have access to the greatest number of options to serve their vulnerable populations.

As various local and state officials have commented in this proceeding, the Commission should consider ways to incorporate single-payer models as part of provider eligibility under the EBBP. Housing authorities, assisted living facilities, and school districts, for example, can quickly and efficiently facilitate enrollment for low-income households that may not otherwise know of their EBBP eligibility. Many have conducted verification processes for other government service programs.

Additionally, the Commission should employ a broad definition of broadband related services and devices. Coverage for modems, routers, and computing devices will help

4

participants get the most of the EBBP. It should also consider making funds available for tech

support and extended warranties.[3] Many of the eligible devices that will be covered by this

program may include refurbished or older models which require more frequent repairs or tech

support to address minor problems than new equipment.

Employing a broad definition of services and devices that will be covered under EBBP

reimbursement will help to improve service options and boost consumer confidence, knowing

that the products they receive through the program will remain operable throughout the

pandemic. This, coupled with adequate notice about the program's eventual end, will ultimately

help boost participation.

II. SERVICES ELIGIBLE FOR REIMBURSEMENT SHOULD MEET INCREASED CONNECTIVITY NEEDS DURING THE PANDEMIC.

Municipal and state commenters agree that the minimum speeds for EBBP services

should adequately support working and learning from home.[4] Particularly concerning upload

---

[3] City of Austin Comments at 3 (Jan. 25, 2021), https://ecfsapi.fcc.gov/file/1012570853383/FCC%20Comments%20Emergency%20Broadband%20Connectivity%20Fund%20Jan%202021.pdf ("City of Austin Comments").

[4] *See* The City of Los Angeles, California; Chicago, Illinois; Portland, Oregon; Boston, Massachusetts; and the Texas Coalition of Cities for Utility Issues Comments at 19-20 (Jan. 25, 2021), https://ecfsapi.fcc.gov/file/10126410122548/LOCAL%20GOVERNMENTS%20FINAL%20COMMENTS%20IN%20BROADBAND%20BENEFITS%20DOCKET%20OF%20THE%20LOCALITIES.pdf ("City of Los Angeles Comments"); University of California Student Association Comments at 2 (Jan. 25, 2021), https://ecfsapi.fcc.gov/file/10125248149323/FCC%20Broadband%20Connectivity%20Fund%20(UC%20Student%20Association).pdf ("UC Student Association Comments"); City of Longmont, Colorado Comments at 4 (Jan. 25, 2021), https://ecfsapi.fcc.gov/file/1012514227765/Longmont%20EBBP%20comments%20(final%201.25.21).pdf ("City of Longmont Comments"); City of Seattle, Washington et al. Comments at 9-11 (Jan. 25, 2021), https://ecfsapi.fcc.gov/file/1012647135421/Seattle_and_WA_Comments_FCC%20Emergency_Broadband_Benefit_Program_WC%20Docket%20No.%2020-445%20(1.25.2021).pdf ("City of Seattle Comments"); The City of Oakland, California Comments at 2 (Jan. 26, 2021), https://ecfsapi.fcc.gov/file/101272965605781/Oakland%20Comment%20-%20FCC%20Broadband%201.18.2021_Final.pdf ("City of Oakland Comments"); California Public Utilities Commission Comments at 6, https://ecfsapi.fcc.gov/file/1012588886510/FCC%20WC%20Docket%2020-445%20CPUC%20Comments%20Emergency%20Broadband%20Benefit%20Program.pdf ("CPUC Comments"); Illinois Office of Broadband Comments at 7-8, https://ecfsapi.fcc.gov/file/1012575716890/IOB%20Comments%20re%20Emergency%20Broadband%20Fund%20(FINAL%202021-01-25).pdf ("IOB Comments").

speeds, local and state officials highlighted the fact that the current minimum upload speeds are not enough to support more than two children learning from home at the same time. For households that have more than two children working from home at the same time, 3 Mbps is often inadequate to support distance learning for all students.[5] Those concerns are only exacerbated when there are other family members teleworking or participating in telehealth platforms on the same network at the same time.

The purpose of the EBBP is to ensure that low-income households have the requisite connectivity to work, learn, obtain medical care, and access essential services from the safety of home. Many EBBP participants will subscribe to the most affordable broadband services packages at minimum speeds not knowing that the speeds delivered may fall short of those advertised, especially during peak usage times. The Commission itself has stated that two or more users connected to the same network require "advanced service" which the Commission defines as service over 25 Mbps.[6] That is why increasing the EBBP service standard is appropriate and necessary to meet increased connectivity needs imposed by the COVID-19 pandemic.

Several comments specifically advocated for speeds greater than 25/3 Mbps. For example, a coalition of the City of Los Angeles, California and other municipalities also recommended that the Commission "establish a speed of service that is sufficient to also support multiple, simultaneous video conferencing platforms for the benefit of households with more than two children in remote learning and caregivers/parents in remote work."[7] Considering the

---

[5] Common Sense Media, Closing the K–12 Digital Divide in the Age of Distance Learning at 8-9 (2020), https://www.commonsensemedia.org/sites/default/files/uploads/pdfs/common_sense_media_report_final_6_26_7.38 am_web_updated.pdf.
[6] Federal Communications Commission, Household Broadband Guide, https://www.fcc.gov/consumers/guides/household-broadband-guide (last visited Feb. 11, 2021).
[7] The Cities of Los Angeles at 20.

EBBP applies to households, rather than individuals, the Commission should pay particular attention to ensuring that households of all sizes have the broadband service they need to ensure that all family members remain connected throughout the program's duration.

Several comments reflected sentiments shared by numerous local officials across the country, identifying the low threshold for upload speeds as problematic. A coalition of Washington State entities recommended a minimum of 5 Mbps upload speed on the basis that 3 Mbps was only sufficient to support two students simultaneously and thus does not meet the needs of low-income families with more than two school-age children.[8] The City of Oakland recommended that the Commission limit reimbursement to speeds equal to higher than 25/10 Mbps, stating:

> In many cases, Oakland children have access to the internet in some way, but do not have access to reliable internet speeds that can handle the video conferencing needed for students to attend school remotely. Existing programs to provide new internet services overlook the needs of these students.[9]

These local insights are crucial for understanding current household connectivity needs. The Commission has good cause for increasing the EBBP upload speed requirement.

The University of California Student Association ("UCSA") recommended a higher standard for both upload and download speeds, urging the FCC to "[e]stablish a symmetrical upload/download speed of 100 Mbps per household."[10] This recommendation would provide an impactful and long-lasting threshold for service as new employment and distance learning applications demand greater service capacity in the future. Similarly, the Illinois Office for

---

[8] *See* City of Seattle Comments at 10.
[9] City of Oakland Comments at 2.
[10] UC Student Association Comments at 2.

Broadband ("IOB") noted that it only awards connectivity grants to projects which can deploy at symmetrical speed of 100 Mbps and urged the FCC to adapt to evolving needs and standards.[11]

These comments echo what community leaders who support low-income residents across the country know all too well—that high speeds connectivity is an essential component of enabling participation in various aspects of society that have migrated exclusively online during the pandemic.

III. THE COMMISSION SHOULD PUBLISH COVERAGE INFORMATION ABOUT EBBP PROVIDERS' SERVICE AREAS AND MAKE PRICING DATA AVAILABLE TO THE PUBLIC.

Accurate information about where broadband infrastructure is and is not available is critical to the successful functioning of all the Commission's broadband funding programs, including the EBBP. Many residents across the country, who will be eligible for the EBBP, have struggled to find low-income service programs in their area. Native Hawaiians living on Hawaiian Homelands are an example of those who may be eligible for the maximum Emergency Broadband Benefit Program but may not have a participating provider in their area. Accurate broadband mapping can both help EBBP candidates find and select a provider. Additionally, it will inform the Commission of which networks need targeted outreach to become authorized EBBP providers.

Two commenters rightly noted the importance of broadband mapping for equitable administration of the EBBP. The City of Austin encouraged the FCC to require providers to make their broadband heat maps available and share mobile hotspot performance information, stating:

---

[11] IOB Comments at 7-8.

For example, a Housing Authority of the City of Austin property in a rapidly

gentrifying neighborhood. The property sits in a "donut hole," a small area with

poor mobile internet coverage surrounded by high-speed mobile hotspot access.

The 58, K-12 households in this 126-unit property are in close proximity to just one

nearby provider tower. This past Fall, some parents reported their children's hotspot

performance was so poor, some children were counted absent because they could

not sign into or stay connected to their school's learning management system.[12]

Additionally, NeighborWorks America noted the role of accurate broadband maps in providing

coverage — particularly in rural areas — and asked the FCC in connection with this program to

ensure that its coverage maps are updated and accurate.[13] These suggestions would not only

improve EBBP implementation, but also provide critical information for other federal, state, and

local broadband programs.

Beyond improving broadband availability data, implementing transparency measures can

be instrumental in protecting low-income consumers. As some commenters have urged, the

Commission should require a basic "expectation of reasonableness" related to the documentation

a provider must preserve and make available to the Commission and the public.[14] Commenters

have also called on the Commission to partner with state public service and utilities

commissions.[15] These organizations have histories of working with ETCs to ensure that universal

service funds are used efficiently. In order to support COVID-19 emergency response efforts,

---

[12] City of Austin Comments at 5.
[13] NeighborWorks America Comments at 2 (Jan. 25, 2021),
https://ecfsapi.fcc.gov/file/1012504147759/NW%20Comment%20Letter%20on%20EBBP%20.pdf.
[14] NTCA - The Rural Broadband Association Comments at 10 (Jan. 25, 2021),
https://ecfsapi.fcc.gov/file/101252822158037/1.25.21%20EBB%20Comments%20WC%20Dkt%2020-
445_NTCA.pdf.
[15] *Id*. at 9.

many have also created relationships and developed outreach strategies in collaboration with broadband providers.

Working with public service agencies and utility commissions provide the dual effect of allowing heightened protections against potential waste, fraud, and abuse while simultaneously giving consumers a familiar point of contact for general complaints or concerns related to the program.[16]

IV. THE COMMISSION SHOULD LEVERAGE STATE AND LOCAL RESOURCES TO ADVERTISE THE EBBP.

The record overwhelmingly supports calls for both the Commission and USAC to work with state and local governments, as well as nonprofits and other community organizations in order to best advertise the program. Specifically, some commenters suggest that a potential starting place for advertisement is with local collaborations with USAC to advertise EBBP to current Lifeline recipients.[17] In areas with significant disparities based on income, race, and education level, working with USAC to reach out to consumers that are already enrolled in Lifeline will allow them to concurrently gain access to this vital resource.

Similarly, the FCC should work with state governments to determine which school districts across the state are enrolled in the federal E-rate program. Using E-rate as a tool to find EBBP eligible households capitalizes on limited resources while helping to identify households who are not enrolled in the Lifeline program. Much like single-payor agreements for public housing authorities, school districts that are recipients of E-rate funding are keenly aware of the students in their districts that continue to struggle with connectivity.[18]

---

[16] *Id.*
[17] Baltimore Digital Equity Coalition Comments at 2.
[18] IBO Comments at 9-10.

As the City of Austin points out, "Households with children enrolled in such schools almost universally meet the requirements for means-tested programs and generally live in communities that most suffer from lack of adequate and affordable broadband access."[19] These school districts are in prime position to work with students and their families to provide devices and potentially service if capacity allows. Allowing them to become eligible to provide services and devices at subsidized rates will help ensure that the EBBP connects the hard-to-reach populations that it was designed to support.

The FCC and USAC should also leverage the partnerships that already exist between communities and the providers that service them.[20] Working with communities to illuminate which local providers are participating in the EBBP, what service plans they offer, and the pricing for those service plans, will allow community leaders to confidently make recommendations to those who are seeking information.[21] These partnerships will also be essential for implementing offline advertising strategies.

Advertising for the EBBP should target all eligible consumers regardless of their connected status. Aside from working with radio stations and local PEG channels, the Commission should use its local and state partnerships to promote awareness via utility bill inserts, city council and mayoral newsletters, text notifications, grocery store signage, and a centralized EBBP information telephone number.

---

[19] City of Austin Comments at 3.
[20] *See* Glendale, Arizona Comments (2021).
[21] *Id.*

V. THE RECORD DOCUMENTS STRONG SUPPORT FOR INCLUDING AN ARRAY OF SERVICE PROVIDERS IN THE EBBP.

Small and municipal internet service providers may not already be authorized ETCs but could nonetheless provide tremendous benefits to EBBP recipients. Designing protocols that allow nontraditional providers to become authorized in a straightforward and easily understandable process would increase coverage while improving service options. The City of Longmont, Colorado, has a municipal network that has provided unsubsidized broadband service to low-income households throughout the COVID-19 pandemic. It aptly noted:

> As a baseline, applications for non-ETC broadband providers must be processed quickly and efficiently by the Universal Service Administrative Company ("USAC") to ensure that the intent of the program—providing support to low-income households for broadband during an unprecedented global pandemic where internet connectivity is of the utmost importance—is met to the fullest possible extent.[22]

Additionally, the City and County of San Francisco reiterated the importance of including smaller, regional, and municipal providers in the EBBP given that "these non-traditional providers often have the flexibility to respond to local conditions in ways that challenge national providers."[23]

The Commission must conduct direct outreach to non-ETC, nontraditional networks to ensure that that they understand the rules of a playing field that ETCs have been navigating for some time. Making eligibility, application requirements, and continuing responsibilities clear at the outset will help promote high non-ETC provider participation. Conducting direct outreach to

---

[22] City of Longmont, Colorado Comments at 3 ("City of Longmont Comment").
[23] City and County of San Francisco Comments at 1 ("San Francisco Comments").

non-ETC providers via direct invitation, trade association, state utility and regulatory authorities, and informational webinars helps to increase the likelihood that they will apply to participate in the EBBP. Additionally, the Commission should designate a singular start date after which all providers will begin receiving reimbursements at the same time.

The Commission should also consider providers that were not providing broadband internet services before December 1, 2020. As some commenters point out, there are providers and infrastructure extensions that were established as a result of the first round of CARES funding.[24] Those new providers and networks may not have been operational before December 1st, but should be included in, and would add value to, the EBBP.[25]

Much like calculated outreach strategies used to educate households about the eligibility and benefits associated with the EBBP, the Commission must deploy an equally aggressive outreach strategy to inform non-ETC providers, such as municipal networks, mesh networks, and tribal providers, of the program. Without an ambitious advertising campaign targeted at potential providers, service providers that are inexperienced with FCC partnerships may not receive timely notice. In turn, EBBP participants will have fewer service options.

VI. SINGLE-PAYER MODELS COULD HELP TO ENSURE THAT THE EMERGENCY BROADBAND BENEFIT REACHES MORE OF ITS INTENDED BENEFICIARES.

Single-payer distribution models could increase efficiency and effectiveness of the EBBP. Creating a framework that includes them could be revolutionary for those who live in low-income housing or nursing facilities that might not otherwise know that this program exists.

---

[24] Navajo Nation Telecommunications Regulatory Commission Comments at 7.
[25] *Id*.

For instance, partnering with local housing authorities or assisted living facilities would provide the Commission with access to a low-income network in which the management regularly communicates with tenants about other government service programs.[26] Here, EBBP providers could provide commercial-bulk rates to landlords serving low-income individuals in their housing developments.[27] This would enable housing authorities to cost-effectively and rapidly register a large number of eligible participants who are largely unable to work from home, distance learn, and engage in telehealth.[28] Local governments, housing authorities, and other social service entities can help advertise and serve as shepherds for those who would like to sign-up for the EBBP, especially in low-income neighborhoods that federal entities do not reach.[29]

VII.   THE COMMISSION SHOULD ENSURE THAT EMERGENCY BROADBAND BENEFIT RECIPIENTS HAVE SERVICE OPTIONS AFTER THE PROGRAM ENDS.

While there is no current expiration date for the EBBP, the harsh reality is that many EBBP participants will continue to struggle with reliable and affordable broadband access long after the COVID-19 emergency officially concludes. Accordingly, the Commission's rules should ensure that wrapping up the EBBP program does not result in the sudden connectivity loss for low-income residents who do not have alternatives.

Countless business, schools, and government services that migrated online because of COVID-19 have found efficient ways to operate online, meaning that even after the pandemic ends, broadband access will remain necessary for aspects of work and school that it was not

---

[26] *See* City of Seattle Comments at 9; San Francisco Comments at 2.
[27] City of Austin Comments at 4.
[28] *Id.*
[29] City of Seattle Comments at 9-10.

previously required. It will take families who have suffered job losses during the pandemic time to adjust to reemployment and upskill, which will likely require internet access.[30] Similarly, as students and teachers become more familiar with and improve online learning models, students will be expected to complete schoolwork online as a core part of their curriculum.

Several commenters offered useful recommendations for the rules and processes related to the EBBP's eventual termination. The Colorado Communications and Utility Alliance ("CCUA") requested that the FCC work with local governments to inform potential subscribers that there will be no obligation to pay for services once the EBBP ends.[31] Additionally, a coalition of municipal commenters rightly pointed out that, "Just as multiple communication channels will be needed to communicate the availability of low-cost offers, those same channels will be required to communicate the end of the program, or the transition to alternative support."[32] The comment goes on to propose that providers that participate in the EBBP be "required to conduct outreach and automatically convert any Emergency Broadband Benefit Program customer's access to the provider's low cost program," as a condition of eligibility assuming the customer is eligible for the provider's low cost program.[33]

EBBP participants need adequate notice of the program's expiration and explicit disclosure of their eligibility for, and the cost of, alternative low-income service programs. Equally important, they should be able to easily transition or terminate service upon the EBBP's conclusion.

---

[30] *See e.g.* Katherine Guyot and Isabel Sawhill, *Telecommuting Will Likely Continue Long After the Pandemic* (April 6, 2020), https://www.brookings.edu/blog/up-front/2020/04/06/telecommuting-will-likely-continue-long-after-the-pandemic/.
[31] CCUA Comments at 7-8.
[32] *See* City of Los Angeles Comments at 17.
[33] *Id.*

Finally, the Commission should articulate how the EBBP fits into its universal broadband strategy. Long after the program ends, under-resourced local and state governments will continue to grapple with remedies for the millions of Americans who will return to the wrong side of the digital divide. When neighbors, statesmen, family members, and friends remain disconnected, there is measurable impact on their communities which can be measured in lost revenue, population loss, underemployment, lower educational outcomes, limited civic participation, and more.

VIII. CONCLUSION

The EBBP was established with the express purpose of providing broadband access to the Americans who do have the means or connectivity to participate in distance learning, telehealth, and telework from the safety of home. The Commission must develop program rules that are clear and responsive to current connectivity needs while streamlining processes for providers and consumers to participate.

Strategic collaborations with state and local partners are critical for promoting information sharing and overall program effectiveness. Adopting recommendations from local and state officials who most frequently work with the populations that the EBBP is intended to serve will also help to minimize barriers to participation and ensure that it achieves its goal – connecting low-income individuals with the high-speed Internet connections during the COVID-19 pandemic.