

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

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90

**Comments of
WTA – Advocates for Rural Broadband**

WTA – Advocates for Rural Broadband (“WTA”) responds to the Wireline Competition Bureau’s Public Notice¹ and files these comments in support of the Petition² filed by NTCA on October 20, 2017 requesting a temporary waiver of the minimum service standards applicable to fixed, wireline broadband Internet access service (“BIAS”) eligible for the Lifeline program as part of the Universal Service Fund (“USF”).

Specifically, NTCA Petition requests that the Commission:

temporarily waive the strict application of the new minimum service speed standard and “grandfather” existing BIAS customers currently subscribing

¹ Public Notice, *Wireline Competition Bureau Seeks Comment of NTCA Petition for Temporary Waiver*, WC Docket Nos. 09-197, 10-90, 11-42, released Oct. 26, 2017, http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db1026/DA-17-1053A1.pdf.

² Petition for Temporary Waiver of NTCA – The Rural Broadband Association, WC Docket Nos. 09-197, 10-90, 11-42, filed on October 20, 2017, <https://www.ntca.org/images/stories/Documents/Advocacy/FederalFilings/10.20.17%20ntca%20pet.%20for%20waiver%20of%20updated%20lifeline%20minimum%20service%20standards,%20wc%2011-42%20et%20al.pdf>.

to 10 Mbps download/1 Mbps upload service, enabling such consumers to continue to receive that service *should they so choose to do so*.³

NTCA argues in its Petition that good cause exists under Section 1.3 of the Commission's rules because an increase in the minimum service standard to 15 Mbps download/2 Mbps upload would result in an increase in costs for Lifeline customers, reversing previous broadband adoptions gains and running counter to the goals of the Lifeline program.⁴ For the following reasons, WTA agrees with NTCA's assessment.

**Raising the Minimum Standards in the Lifeline Program
Would Result in Increased Prices and Decreased Lifeline Subscribership**

A waiver of the Commission's rules should be granted when both "(i) special circumstances warrant a deviation from the general rule and (ii) such deviation would be in the public interest."⁵ The goal of the Lifeline program is to help connect low-income households to broadband by making it more affordable to do so. As a result, a subsidy of \$9.25 is given to those eligible to defray the cost of service. However, as NTCA notes, there is a difference in price when considering different broadband speed tiers. This is a difference that is dictated by simple economics since an increase in the speed tier is an increase in the value of the service. As a result, requiring an increase of 15/2 mbps will mean that the customer will be forced to pay more for minimal service without an increase in Lifeline support.

A review of the pricing tiers of carriers, even of those in urban areas, reveals that an increase from 10/1 mbps to 15/2 mbps will likely negate any benefit a customer

³ Id. at 1-2.

⁴ Id. at 3.

⁵ 47 C.F.R. § 1.3.

received from the Lifeline support. In reality, such an increase in support tiers may result in Lifeline customers paying more even with the subsidy included since such a speed increase often results in increased costs of \$20 or more. If the purpose of the Lifeline program is to connect low-income households, forcing them to pay more for service would run counter to the program's purpose. Even worse, a household forced to pay more may decide that it cannot afford the service and choose to do without.

A waiver of the Commission's rules would allow the customer to choose the appropriate speed and level of service that meets the customer's needs. If they feel that they need the increased speed, they can choose that tier. However, one who is happy with their current service should not be required to pay more if they feel the increased speed is unnecessary.

**The Purpose of this Waiver Is Not to Force
Subpar Broadband on Low-Income Customers**

As WTA similarly noted in a previous but still yet undecided Petition for Reconsideration filed in this proceeding, a waiver of the program's minimum standards is not meant to punish low-income customers or reduce them to subpar service.⁶ Rather, it is only indicative of the facts on the ground where the High Cost program currently lacks sufficient funding to ensure that all customers have access to varying tiers of increased speeds. Thus, the increased 15/2 mbps speed may not be attainable for some in rural areas. As WTA has previously stated, "the Lifeline mechanism ... cannot on its own help

⁶ Petition for Reconsideration of WTA – Advocates for Rural Broadband & NTCA – The Rural Broadband Association, WC Docket Nos. 09-197, 10-90, 11-42, filed on June 23, 2017, <http://w-t-a.org/wp-content/uploads/2016/06/6.23.16-NTCA-WTA-WC-11-42-et-al-LL-Order-PFR-FINAL.pdf>.

justify network construction and ongoing operations.”⁷ Without adequate funding in the High Cost program, reasonable and comparable service, the goal of the Universal Service Fund, would be impossible for even the most privileged customers. Rather, the High Cost and Lifeline programs must work in tandem. The High Cost program must build out reliable, high-speed networks and the Lifeline program must help low-income customers in rural areas gain access to the network. Until the High Cost program is adequately funded, rural Lifeline customers will lack truly comparable and affordable service that many of their urban counterparts enjoy.

It is also worth noting that WTA has been consistent in advocating for reliable and affordable broadband for rural Americans. It is unknown what level of speeds will be needed in the future, yet there is little doubt that robust fiber-based networks will be needed for whatever the future holds. Future must-have necessities such as enhanced telemedicine or virtual education should not be available to only those in urban areas. However, as the Commission adopted the 10/1 mbps minimum service standard in the Lifeline Modernization Order just last year,⁸ 10/1 mbps still meets much of today’s needs for Lifeline customers. It gives job seekers access to email services and educational videos. It also gives children the ability to get online to do homework assignments and surf the web. Thus, it would be incorrect to say that Lifeline customers will receive

⁷ Id. at 3.

⁸ *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, *Connect America Fund*, WC Docket No. 10-90, Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-38, released April 27, 2016, para. 86, https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-38A1.pdf.

subpar broadband if NTCA's temporary waiver is granted while the issues with the High Cost program are being resolved.

Conclusion

For the reasons above, the Commission should grant NTCA's Petition for Temporary Waiver. The waiver will ensure that no Lifeline customer is forced to lose his or her service because it is no longer affordable.

Respectfully submitted,

/s/ Bill Durdach

Bill Durdach
Director of Government Affairs
WTA – Advocates for Rural Broadband
400 Seventh Street, NW, Suite 406
Washington, DC 20004
(202) 548-0202

November 27, 2017