

**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<sup>1</sup> (“WTA”) responds to the Wireline Competition Bureau’s Public Notice<sup>2</sup> and files these comments in support of the Petition<sup>3</sup> filed by NTCA on July 29, 2019 requesting a temporary waiver of the minimum service standard applicable to fixed, wireline broadband Internet access service (“BIAS”) eligible for the Lifeline program as part of the Universal Service Fund (“USF”). As NTCA notes in its Petition, it is renewing “nearly identical petitions” made in 2017 and 2018 that were supported by WTA.<sup>4</sup> In those Petitions, NTCA “requested that the Commission temporarily waive strict application of the new minimum service speed standard and “grandfather” low-income BIAS customers subscribing to

---

<sup>1</sup> *WTA - Advocates for Rural Broadband* is a national trade association that represents more than 340 rural telecommunications providers offering voice, broadband, and video-related services in rural America. Its members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities.

<sup>2</sup> Public Notice, *Wireline Competition Bureau Seeks Comment on NTCA Petition for Waiver*, WC Docket Nos. 09-197, 10-90, 11-42, released July 30, 2019.

<sup>3</sup> Petition for Temporary Waiver of NTCA – The Rural Broadband Association, WC Docket Nos. 09-197, 10-90, 11-42, filed on July 29, 2019, “Petition”.

<sup>4</sup> Petition at 2; Comments of WTA – Advocates for Rural Broadband, WC Docket Nos. 09-197, 10-90, 11-42, filed on Nov. 27, 2017; Comments of WTA – Advocates for Rural Broadband, WC Docket Nos. 09-197, 10-90, 11-42, filed on Aug. 30, 2018.

a service below the speed standard prior to the effective date.”<sup>5</sup> NTCA notes that the Commission never acted upon the previous Petitions, and since a new minimum standard was set, NTCA effectively resubmitted the Petition.<sup>6</sup>

In its renewed Petition, NTCA argues that good cause exists under Section 1.3 of the Commission’s rules because an increase in the minimum service standard to 20 Mbps download/3 Mbps upload would result in an increase in cost for Lifeline customers, reversing previous broadband adoption gains and running counter to the goals of the Lifeline program.<sup>7</sup> WTA again agrees with NTCA’s assessment for the same reasons as before.

### **Raising the Minimum Service Standard 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.”<sup>8</sup> The Lifeline program’s goal is to help connect low-income households to broadband by making the service more affordable. This is done through a \$9.25 subsidy that is given to those eligible to defray the cost of service. However, as NTCA notes, different broadband speed tiers have different prices. Simple economics dictate that an increase in the speed tier is an increase in the value of the service.<sup>9</sup> As a result, if a customer is forced to subscribe to a more expensive 20/3 Mbps service, the customer will have to pay more to keep his or her service because the Lifeline support amount stays the same.

---

<sup>5</sup> Petition at 1-2.

<sup>6</sup> Id.

<sup>7</sup> Id. at 4.

<sup>8</sup> 47 C.F.R. § 1.3.

<sup>9</sup> Petition at 2-3.

In most rural areas, and even in many urban areas, the price increase for upgrading from 18/2 Mbps to 20/3 Mbps will likely negate any benefit a customer received from the Lifeline support. In fact, such an increase in support tiers may result in Lifeline customers paying more even with the subsidy included since such an increase often results in incremental rate increases that exceed the amount of the subsidy. If the purpose of the Lifeline program is to connect low-income households by making broadband service more affordable, 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 customers to choose the appropriate speed and level of service that meets their needs. If a customer determines he or she needs the increased speed, he or she can choose the appropriate speed tier of their liking. However, a Lifeline household that is happy with its current service should not be required to pay more if it feels the increased speed is unnecessary.

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

A waiver of the program's minimum service standards is not meant to penalize low-income customers or restrict them to subpar service.<sup>10</sup> Rather, it is indicative of the facts on the ground where due to a number of reasons, customers do not have access to varying tiers of increased speeds at prices comparable to urban areas. Thus, the additional costs for a customer to increase his or her speed to 20/3Mbps from 18/2 Mbps may be cost prohibitive. As WTA has

---

<sup>10</sup> 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, at 3.

previously stated, “the Lifeline mechanism ... cannot on its own help justify network construction and ongoing operations.”<sup>11</sup> While recent Commission actions have increased the sufficiency of the High Cost fund, work remains to ensure that rural Americans truly have access to service that is reasonably comparable to that of their urban counterparts. 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 has built the underlying network, rural Lifeline customers will lack the same service that many of their urban counterparts enjoy.

WTA has consistently advocated for reliable and affordable broadband for rural Americans. It is unknown what level of speeds will be needed in the future, but 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 previous minimum service standards of 18/2 Mbps, 15/2 Mbps, and 10/1 Mbps in just the past few years,<sup>12</sup> these speeds can still meet most of the needs for today’s Lifeline customers. They give job seekers access to email services and educational videos. They also give 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 subpar broadband if NTCA’s temporary waiver is granted while broadband service is improved in rural America.

---

<sup>11</sup> *Id.*

<sup>12</sup> *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.

## 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,

WTA – Advocates for Rural Broadband

By: /s/ Derrick B. Owens

Derrick B. Owens

Senior Vice President of Government & Industry Affairs

400 Seventh Street, NW, Suite 406

Washington, DC 20004

(202) 548-0202

By: /s/ Bill Durdach

Bill Durdach

Director of Government Affairs

400 Seventh Street, NW, Suite 406

Washington, DC 20004

(202) 548-0202

By: /s/ Gerard J. Duffy

Gerard J. Duffy

Regulatory Counsel

Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP

2120 L Street NW, Suite 300

Washington, DC 20037

(202) 659-0830

August 30, 2019