



Advocates for Rural Broadband

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May 8, 2024

VIA ECFS

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

**RE: Lifeline and Link-Up Reform and Modernization, WC Docket No. 11-42
Affordable Connectivity Program, WC Docket No. 21-450**

Dear Ms. Dortch:

WTA – Advocates for Rural Broadband (“WTA”) supports the Tribal broadband adoption and affordability measures proposed in the “Smith Bagley, Inc. Petition for Temporary Waiver” (“Smith Bagley Petition”) which was filed in the referenced dockets on or about April 5, 2024. The Smith Bagley Petition requests a temporary waiver to increase the existing Section 54.403(a)(3) cap on the monthly Tribal Lifeline benefit in order to increase the amount of the monthly Tribal Lifeline benefit from \$25.00 to \$65.75. Together with the \$9.25 monthly Lifeline benefit, the aggregate temporary \$75.00 per month Tribal/Lifeline benefit would match the monthly \$75.00 Affordable Connectivity Program (“ACP”) broadband discount that has been available to Tribal subscribers, and thereby help to ease and minimize the hardships and disruptions that are likely to result from the looming interruption of the ACP program.

WTA is a national trade association whose approximately 400 rural local exchange carrier (“RLEC”) members include companies that provide voice and broadband services via wireline and fixed wireless networks to Tribal lands and Tribal customers.

WTA members have found the ACP program to be important and effective, particularly for the Tribal and other low-income customers that it has enabled to afford and utilize broadband for a variety of online economic, informational, educational, medical, social and entertainment purposes. Recently, WTA members have become increasingly concerned about the hardships, disruptions and other complications (for example, the difficulties in regaining the trust of frustrated customers and the time and effort necessary to requalify eligible customers and restore their service) that will result from the likely temporary interruption of the program (and even more so from the less likely permanent termination thereof).

These concerns are particularly urgent with respect to the potential interruption or termination of the ACP service of Tribal customers on Tribal lands. The Tribal customers of one WTA member and its affiliates will be greatly and adversely impacted by an ACP interruption because the companies have 10,702 ACP customers on the Tribal lands they serve. The resulting damage and disruption can be mitigated at least somewhat if the proposed temporary \$75.00 per month Tribal Lifeline benefit were available to the member’s 6,430 Tribal Lifeline customers (many of whom are also ACP beneficiaries).

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Other WTA members that serve Tribal lands face smaller, but still substantial, disruptions in the event of ACP interruption or termination. One member has 1,787 ACP customers (and 910 Lifeline customers). Two Tribal-owned RLEC members serve reservations and have 473 Tribal ACP customers (523 Tribal Lifeline customers) and 369 Tribal ACP customers (579 Tribal Lifeline customers) respectively. Other WTA members have 398 Tribal ACP customers (150 Tribal Lifeline customers), 61 Tribal ACP customers (44 Tribal Lifeline customers), 51 Tribal ACP customers (150 Tribal Lifeline customers) and 42 Tribal ACP customers (25 Tribal Lifeline customers). Finally, another member had 400 Tribal ACP customers, but has not been able to provide Tribal Lifeline customer counts because it is busy restoring service and operations after suffering extensive damage from one of the recent tornados that savaged the central portion of the country.

WTA urges the Commission to consider and grant the relief requested by the Smith Bagley Petition as soon as possible in order to avoid or at least minimize the interruption and disruption of critical broadband services to Tribal customers who need such service the most and who can least afford to lose it. Given the looming interruption of the ACP program as of mid-May, WTA recommends that the Commission consider granting the requested waiver relief on its own motion rather than initiating a comment and reply comment period that is likely to delay relief for several months. The proposed waiver relief would end at such time as Congress appropriates the funds necessary to re-start the existing or a modified ACP program, or when other statutory or regulatory changes provide similar broadband adoption and affordability relief for Tribal broadband customers.

Respectfully submitted,
WTA – ADVOCATES FOR RURAL BROADBAND
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