

June 18, 2020

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: *In the Matter of Federal-State Joint Board on Universal Service Lifeline and Link Up Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42; Bridging the Digital Divide for Low-Income Consumers, WC Docket No. 17-287; Telecommunications Carriers Eligible to Receive Universal Service Support, WC Docket No. 09-197*

Dear Ms. Dortch:

The undersigned groups—Benton Institute for Broadband & Society,¹ Common Cause, MediaJustice, the National Hispanic Media Coalition, New America’s Open Technology Institute, Open MIC (Open Media and Information Companies Initiative), Public Knowledge, and UnidosUS—agree that equitable access to voice and broadband services is a central aspect of the protection and promotion of civil rights in the 21st Century. The novel coronavirus (COVID-19) has revealed deep inequities in our society that have existed for a long time, and the digital divide is chief among them. The ability for all Americans to participate safely and remotely in society—including, in particular, health care services—is currently contingent on adequate phone and broadband service. The digital divide has become a central public health issue, and one that the Federal Communications Commission (“the Commission”) should act on urgently.

The current need for increased voice and broadband support through the Lifeline program is paramount, as many people in marginalized and impacted communities currently fighting COVID-19 are doing so without the communications services they require. The Commission should immediately require Lifeline carriers to provide unlimited voice minutes and unlimited texting and adequate voice-only financial support to address these needs.²

¹ Benton, a non-profit, operating foundation, believes that communication policy – rooted in the values of access, equity, and diversity - has the power to deliver new opportunities and strengthen communities to bridge our divides. Our goal is to bring open, affordable, high-capacity and competitive broadband to all people in the U.S. to ensure a thriving democracy. 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 See Emergency Request for Increased Lifeline Support During the COVID-19 Crisis, Docket Nos. 11-42, 09-197, 96-45, 17-287 (March 23, 2020) <https://mediajustice.org/wp-content/uploads/2020/03/Final-3-23-20-Lifeline-Emergency-Request-FCC-252-signers-updated.pdf> (“Emergency Request for Increased Lifeline Support from Over 250 Organizations.”).

The COVID-19 pandemic has devastated the United States as millions have been told to stay home to help stop the spread of the virus, and millions others have been forced to put themselves at great health risks by working on the front lines of the pandemic in delivery, food services, health care, and other essential jobs. More than 44 million people have filed initial unemployment claims since the coronavirus hit the U.S. in mid-March, and the Census Bureau recently reported that almost half of adults surveyed said that either they or another member of their household had lost their income from employment since mid-March.³

Meanwhile, as broadband and telephone access have become more necessary than ever before, existing inequities in adoption due to cost and other factors have become worse. An April Pew Research Center survey found that Black and Hispanic consumers are more worried about being able to pay their broadband or cellphone bills than white respondents—56 percent of Hispanic respondents and 39 percent of Black respondents said they were concerned about paying their cellphone bill compared to 22 percent of white respondents.⁴ This divide is compounded by the fact that the coronavirus has disproportionately harmed historically marginalized communities, resulting in a subsequent disproportionate number of deaths.⁵

³ Tiffany Hsu, “Sobering Jobs Outlook: ‘We’re Expecting a Long Haul,’” The New York Times (June 11, 2020), <https://www.nytimes.com/2020/06/11/business/economy/unemployment-claims-coronavirus.html>; Jane Callen, “Weekly Census Bureau Survey Provides Timely Info on Households During COVID-19 Pandemic,” United States Census Bureau (May 20, 2020) <https://www.census.gov/library/stories/2020/05/new-household-pulse-survey-shows-concern-over-food-security-loss-of-income.html>.

⁴ Emily A. Vogels et al., “53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak,” The Pew Research Center (April 30, 2020) <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/> (“At the same time, Hispanic adults are particularly likely to express concerns about paying their tech-related bills. For example, 54% of Hispanic broadband users say they worry about being able to pay for their home internet services, compared with 36% of black users and 21% of white users. Similar patterns are present when asked about worries related to paying cellphone bills over the next few months, with Hispanic smartphone owners being more likely than their black or white counterparts to say they worry about this.”).

⁵ Alicia Bell and Collette Watson, “Racial Justice: The Key to Truthful COVID-19 Reporting,” Free Press (May 20, 2020) <https://www.freepress.net/our-response/expert-analysis/insights-opinions/racial-justice-key-truthful-covid-19-reporting> (“Black, Latinx and Native American people have been sickening and dying at disproportionate rates. More than 36 million people — disproportionately people of color — have filed claims for unemployment. School systems have been scrambling to get tablets, laptops and Wi-Fi hotspots out to students on the wrong side of the digital divide. Essential workers are rising up in protest for hazard pay and basic safety equipment.”); Miriam Jordan and Richard A. Oppel Jr., “For Latinos and Covid-19, Doctors Are Seeing an ‘Alarming’ Disparity,” The New York Times (May 7, 2020) <https://www.nytimes.com/2020/05/07/us/coronavirus-latinos-disparity.html> (“Oregon is one of many states where Latinos are showing a disproportionate level of impact, and the effects are seen among both immigrants and Latinos from multigenerational American families. In Iowa, Latinos account for more than 20 percent of coronavirus cases though they are only 6 percent of the population. Latinos in Washington State make up 13 percent of the population but 31 percent of cases. In Florida, they are just over a quarter of the population but account for two of every five virus cases where ethnicity is known... Public health experts say Latinos may be more vulnerable to the virus as a result of the same factors that

Right now, communities that are heavily impacted by the virus need access to basic communications services for health care, education, searching for work, financial services, staying in touch with loved ones, and crucial information services to stay up-to-date on how to stay safe as the situation evolves daily.

The need for unlimited voice and texting services for communication and organization is even greater as people in all 50 states have assembled to demonstrate in mass protests and advocate against police brutality and systemic racism. Ensuring everyone, particularly those in impacted communities, has the ability to participate in the Black Lives Matter protests and demand change requires assisting those who cannot afford phone service. Phone and texting services are essential to the ability of people to organize and lend their voice to urge progress in our society and democracy. As this moment coincides with the COVID-19 pandemic, temporary unlimited voice and texting support in the Lifeline program would advance the goals of both universal service and civil rights.

As the nation's only existing program tailored to assist low-income consumers in affording essential communications services, the Commission should leverage Lifeline to extend voice and broadband service as a matter of public health and public safety. A group of more than 250 organizations detailed the urgent need for the Commission to support unlimited voice minutes and unlimited texting with sufficient voice-only financial support two months ago, and the Commission has not yet made an effort to do so.⁶ As the letter highlighted:

Immediate action is needed. Our organizations are hearing urgent requests from frontline public health providers, legal services, public housing authorities and others that highlight the public health threat from limited Lifeline minutes. For example, just this week a community health care professional was alarmed to see many low-income patients coming in-person to the clinic because they could not afford to use voice minutes to call ahead. And public housing authority workers reported elderly Lifeline tenants rationing their Lifeline minutes to their detriment. Public health and the economy will be severely impacted if millions of low-income people do not have access to adequate telephone and Internet connections.⁷

have put minorities at risk across the country. Many have low-paying service jobs that require them to work through the pandemic, interacting with the public. A large number also lack access to health care, which contributes to higher rates of diabetes and other conditions that can worsen infections.”); John Eligon and Audra D. S. Burch, “Questions of Bias in Covid-19 Treatment Add to the Mourning for Black Families,” *The New York Times* (May 10, 2020) <https://www.nytimes.com/2020/05/10/us/coronavirus-african-americans-bias.html>.

⁶ Emergency Request for Increased Lifeline Support from Over 250 Organizations at 1.

⁷ *Id.*

As detailed above, the situation has only gotten more dire since that letter was filed. The Commission must ensure that people are able to adequately adhere to social distancing and stay-at-home requests and orders. Further, those who are going into work every day to fulfill jobs that are keeping their communities going at the moment also require assistance for critical telecommunications services. The Commission took action in the aftermath of Hurricane Katrina to assist people whose lives were completely uprooted and who needed help to afford the connectivity they needed at the time, citing “unique and devastating circumstances.”⁸ The Commission further noted that its action was “consistent with the purpose of section 254 because it is reasonably necessary to ensure that low income consumers have immediate access to telecommunications services.”⁹ The Commission must now, as it did then, uphold its statutory mandate to promote universal service and invoke its authority under Section 254 to ensure low-income consumers have access to the voice and texting services they need. This pandemic falls squarely under the category of “unique and devastating,” and the Commission should act immediately to uphold its duty to provide low-income consumers in this country with the unlimited voice minutes and unlimited texting that they currently require.

The Commission has already acted to uphold one key request from the aforementioned letter—prohibiting the disconnections of Lifeline subscribers—and our organizations commend the Commission for this action. However, the Commission has the authority to do much more to support those harmed most by this pandemic, and must use it without delay. This pandemic has exacerbated existing inequities in our society, leaving historically marginalized communities further disconnected and put in harm’s way once again. It is time for the Commission to take swift action.

Respectfully submitted,

Benton Institute for Broadband & Society
Common Cause
MediaJustice
National Hispanic Media Coalition
New America’s Open Technology Institute
Open MIC (Open Media and Information Companies Initiative)
Public Knowledge
UnidosUS

⁸ In the Matter of Federal-State Joint Board on Universal Service et al., 20 FCC Rcd 16883, Docket Nos. 96-45, 02- 6, 02-60, 03-109, FCC 05-178 (2005) ¶ 13 (“... Under the unique and devastating circumstances caused by the hurricane and its aftermath... provision of this support, including a free wireless handset, is consistent with the purpose of section 254 because it is reasonably necessary to ensure that low income consumers have immediate access to telecommunications services.”).

⁹ *Id.*