

**Before the
Federal Communications Commission
Washington, DC 20554**

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

**REPLY COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

I. INTRODUCTION

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these Reply Comments in response to comments filed pursuant to the Public Notice released by the Federal Communications Commission (“Commission”) seeking comment on the Petition for Waiver (“Petition”) filed by NTCA, which sought to “grandfather” the minimum service standards for Lifeline subscribers.² Commenters universally supported NTCA’s Petition, noting that absent a waiver of the updated minimum service standards scheduled to take effect December 1, 2019, a

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

² *Wireline Competition Bureau Seeks Comment on NTCA Petition for Waiver*, WC Docket No. 11-42, DA 19-722, Public Notice (rel. July 30, 2019).

number of Lifeline subscribers will likely be forced to disconnect their broadband service due to the service becoming unaffordable following the increase in minimum service standards to which the Lifeline discount may be applied. Accordingly, NTCA requests the Commission grant the Petition and permit Lifeline subscribers the option of applying the Lifeline discount to either the current minimum service standards or to any future minimum service standards prescribed by the Commission.

II. GRANT OF THE PETITION WILL HELP ENSURE BROADBAND ACCESS IS AVAILABLE TO ALL CONSUMERS.

Pursuant to the *2016 Lifeline Modernization Order*, the Commission released a Public Notice on July 25, 2019, announcing the Lifeline minimum service standards for fixed broadband service beginning December 1, 2019, would be 20/3 Mbps, up from the 18/2 Mbps prescribed in July 2018.³ As a result of this Public Notice, on December 1, 2019, all Lifeline broadband service subscribers who do not currently subscribe to 20/3 Mbps service will be required to either upgrade the service tier to which they subscribe so that it is at least 20/3 Mbps⁴ or lose their Lifeline discount. Some Lifeline subscribers will likely be forced to discontinue their service because they cannot afford the increased cost. In an attempt to avoid this seemingly unintended outcome, NTCA filed the instant Petition, requesting the Commission allow Lifeline

³ *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, Public Notice, WC Docket No. 11-42, DA 19-704 (rel. July 25, 2019) (“Public Notice”); *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, Public Notice, WC Docket No. 11-42, DA 18-739 (rel. July 18, 2018).

⁴ Not all broadband service providers offer a 20/3 Mbps speed tier, but rather, speed tiers such as 25/10 Mbps or 20/10 Mbps, resulting in an even higher monthly rate increase between that and the next lowest tier offered.

subscribers the option of applying their discount to either the broadband service tier to which they subscribe as of December 1, 2019, or to the higher speed set forth in the Public Notice.⁵

NTCA noted in its Petition that while the minimum service standards were intended to ensure Lifeline subscribers are not relegated to lower speed tiers than other subscribers, the increase could have the unintended consequence of forcing some Lifeline subscribers to discontinue their service due to the increased cost associated with being required to subscribe to a higher speed tier.⁶ The Public Utility Commission of Oregon (“OPUC”) agreed, citing to filings it has made with the Commission demonstrating “the detrimental effect of annual speed standard increases for [fixed broadband service] on Lifeline subscribers.”⁷ WTA – Advocates for Rural Broadband also agreed, noting that requiring Lifeline subscribers to upgrade their service from 18/2 Mbps to 20/3 Mbps “may result in Lifeline customers paying more even with the subsidy” because the difference in cost between the two service tiers often exceeds \$9.25 – the amount of the Lifeline discount.⁸

To ensure future Lifeline subscribers are not limited to a higher speed tier than current Lifeline subscribers if the Commission were to grant the relief sought in the Petition, OPUC requested in its Comments that the Commission apply the relief requested in NTCA’s Petition to

⁵ NTCA filed similar Petitions for Waiver in previous years, seeking the same relief from that year’s minimum service standard. *See* NTCA Petition for Temporary Waiver, WC Docket No. 11-42 et al. (filed Oct. 20, 2017); NTCA Petition for Temporary Waiver, WC Docket No. 11-42 et al. (filed July 23, 2018).

⁶ Petition at p. 5.

⁷ Comments of the Public Utility Commission of Oregon, WC Docket No. 11-42 et al. (filed Aug. 28, 2019) (“OPUC Comments”).

⁸ Comments of WTA – Advocates for Rural Broadband, WC Docket No. 11-42 et al. (filed Aug. 30, 2019).

new, and existing, Lifeline subscribers.⁹ Similarly, CTIA and others filed a Petition with the Commission requesting the Commission pause implementation of the scheduled December 1, 2019, increase in the minimum broadband data usage requirement and phase down in voice support for Lifeline subscribers.¹⁰ Such a pause would benefit both existing and new Lifeline subscribers. NTCA supports both OPUC’s and CTIA’s requests to apply the relief requested to new and existing Lifeline subscribers.¹¹ The cost of service is often a barrier to broadband adoption; granting the relief requested by NTCA and others would help reduce this barrier and be consistent with the Commission’s goal of increasing broadband adoption by low-income individuals.¹²

. TCA, Inc. further pointed out that often, the broadband provider from whom a Lifeline subscriber receives service is “the only service provider offering Lifeline within their service area.”¹³ Thus, Lifeline subscribers don’t have the option of “shopping around” for another provider that may offer the Lifeline minimum service standards at a lower price. Accordingly, absent grant of the Petition, Lifeline subscribers do not have the ability to decide whether an

⁹ OPUC Comments at p. 2.

¹⁰ CTIA et al., Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 et al. (filed June 27, 2019).

¹¹ NTCA filed Comments in support of CTIA’s Petition, noting, “[w]hether wireless or fixed, voice or broadband service, low-income individuals should not be precluded from the ability to subscribe to such services due to what must be unintended consequences of Commission rules.” Comments of NTCA – The Rural Broadband Ass’n, WC Docket No. 11-42 et al. (filed July 31, 2019).

¹² See *2016 Lifeline Modernization Order* at ¶ 29, citing *2012 Lifeline Reform Order*, WC Docket Nos. 12-23, 11-42, 03-109, CC Docket No. 96-45, 27 FCC Rcd at 6673-74, ¶¶ 33-34 (2012) (“the Commission established an express goal for Lifeline to ensure the availability of broadband service for low-income Americans.”).

¹³ Comments of TCA, Inc., WC Docket No. 11-42 et al. (filed Aug. 29, 2019).

increased broadband speed tier fits their needs or budget. Instead, these subscribers must either upgrade their service – if they can afford to do so – or disconnect their service if they cannot. Non-Lifeline subscribers are not forced to make such a choice. Accordingly, requiring Lifeline subscribers to choose between a higher tier of more expensive service or no service at all is inequitable and contrary to the Commission’s stated goals. Clearly, this result is unintended by the *2016 Lifeline Modernization Order* and should be remedied.

III. CONCLUSION

For the reasons stated above, NTCA respectfully requests the Commission grant the relief requested in the Petition and allow new and existing Lifeline subscribers to apply their Lifeline discount to either the minimum service standards currently in effect or to any minimum service standards adopted by the Commission in the future. This will allow Lifeline subscribers to choose the option that best fits their needs and budget, just as non-Lifeline subscribers are able to do. Such relief will also ensure that low-income individuals will continue to have the ability to subscribe to affordable broadband services and that any broadband adoption gains made possible by the Lifeline program are not lost.

Respectfully submitted,



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