

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

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

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

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits this reply in the above-referenced proceedings with respect to the Petition for Reconsideration filed by WTA-Advocates for Rural Broadband (“WTA”).<sup>2</sup> With no oppositions having been filed to the petition, the Federal Communications Commission (“Commission”) should proceed immediately to direct revision of the policy that requires employees of eligible telecommunications carriers (“ETCs”) to submit multiple pieces of personally identifiable information (“PII”) to the Universal Service Administrative Company (“USAC”) for registration and retention in the Representative Accountability Database (“RAD”). As presently constituted, absent the submission of such PII into the RAD by March 26, 2020, individual ETC employees will be

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<sup>1</sup> 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 and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

<sup>2</sup> Petition for Reconsideration of WTA, WC Docket No. 17-287, *et al.* (filed Jan. 27, 2020).

precluded from interacting with systems necessary to administer Lifeline-related matters on behalf of the ETC's subscribers.

Since requirements for the submission of PII were first articulated, NTCA has consistently urged the Commission to craft a solution for Lifeline system registration accountability that is tailored to the actual problems that have been identified as requiring resolution. In particular, NTCA has noted that:

the concerns that had given rise to the need for such requirements in the first instance did not extend to employees of service providers. Instead, the issues giving rise to such concerns clearly surrounded “sales agent accountability” and a desire for such agents to provide “sufficient information so that USAC can verify the agent’s identity and determine the [eligible telecommunications carriers] he or she works for.”<sup>3</sup>

In the wake of first making this observation and raising such concerns in June 2019, NTCA has engaged with Commission staff on several subsequent occasions, observing that while efforts to combat fraud in the use of universal service resources are of course critical, differentiated treatment is justified for ETC employees as compared to independent contractors or agents that may serve on behalf of multiple ETCs.<sup>4</sup> Moreover, because ETC employees’ PII is presumably on file with the ETC for business matters such as payroll, taxes, and other administrative and human resources-related reasons, USAC need not compel submission of such employee information for purposes of the RAD; rather, USAC could contact the ETC to obtain

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<sup>3</sup> *Ex Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed June 26, 2019), (“NTCA June Ex Parte”) at 1 (quoting Letter from Ajit Pai, Chairman, Commission, to Vickie Robinson, Acting Chief Executive Officer and General Counsel, USAC (July 11, 2017), at 4).

<sup>4</sup> *See Ex Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed Dec. 19, 2019); *Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed Jan. 28, 2020).

any such information only if and when necessary to validate an employee's identity or in the event that additional questions arise.<sup>5</sup>

Because the development of specific requirements with respect to RAD registration had already been delegated to USAC in consultation with Commission staff,<sup>6</sup> NTCA had hoped that its prior engagement and the engagement of other stakeholders expressing a similar position<sup>7</sup> regarding ETC employees' submission of PII would have led promptly and without the need for further process to a resolution that properly recognized the logical distinctions between such employees and independent contractors and agents. Although the Commission indicated that it wanted sufficient information to identify and contact a given individual registrant, it did not *mandate* that any specific kind of information be provided as part of its delegation. Instead, it provided *examples* of such information and observed that the ultimate goal was to verify identity and assign individual identifier numbers to representatives interacting with Lifeline systems.<sup>8</sup> Thus, a framework that required more detailed information upfront from independent contractors and agents, but refrained from collecting PII from ETC employees who could be reached (and for whom more information could be obtained) through their employers, would have squarely met the Commission's objectives.

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<sup>5</sup> NTCA June Ex Parte at 2.

<sup>6</sup> *Bridging the Digital Divide for Low-Income Consumers, et al.*, WC Docket No. 17-287, *et al.*, Report and Order, 34 FCC Rcd 10886, 10920 (2019) ("2019 Lifeline Order"), at ¶ 81.

<sup>7</sup> *See, e.g., Ex Parte* Letter from Kristine Hackman, Vice President, USTelecom, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed Oct. 22, 2019); *Ex Parte* Letter from Michael J. Jacobs, Vice President, ITTA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed Sept. 10, 2019); *Ex Parte* Letter from Bill Durdach, Director, WTA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 17-287, *et al.* (filed Aug. 19, 2019).

<sup>8</sup> 2019 Lifeline Order, 34 FCC Rcd at 10920, ¶ 81.

Nonetheless, USAC is poised within the next two weeks to proceed full speed ahead in compelling the submission of PII from *all* registrants – whether or not an independent agent or contractor. This is a wholly unnecessary data collection that puts at risk sensitive information without any logical tether to the problem to be solved or the actual need for such data. To the extent that USAC will not of its own accord change course within the next two weeks with respect to this unwarranted and intrusive collection of sensitive PII from ETC employees, the Commission should act immediately to direct USAC to gather from each ETC employee registrant “only full name, position with the provider, and other appropriate business-related information (such as business telephone number and email),” along with “confirmation [from an officer of the ETC] of the individual’s status as an employee of the provider.”<sup>9</sup>

Respectfully submitted,



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<sup>9</sup> NTCA June Ex Parte at 2.