Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of

Lifeline and Link Up Reform and Modernization

Telecommunications Carriers Eligible for Universal Service Support

Connect America Fund

) WT Docket No. 11-42
) WC Docket No. 09-197
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customers. Petitioners requested a stay of the December 1, 2019, increase in Lifeline minimum service standards pending Commission review of the impact of the increased service standards on Lifeline customers in the *State of the Lifeline Marketplace Report* scheduled to be completed by the Wireline Competition Bureau no later than June 30, 2021. Petitioners are seeking to ensure that current Lifeline customers are not forced to disconnect their services because the services become unaffordable following the Commission’s scheduled December 1, 2019, increase in minimum service standards to which the Lifeline discount may be applied. NTCA shares Petitioners’ concerns and requests the Commission grant Petitioners’ request for stay.

II. THE COMMISSION’S MINIMUM SERVICE STANDARDS FOR LIFELINE SUPPORT WERE NEVER INTENDED TO MAKE MOBILE WIRELESS AND FIXED BROADBAND SERVICES UNAFFORDABLE

The Commission adopted changes to the Lifeline program in 2016 to permit Lifeline support to be used for stand-alone broadband services while at the same time establishing minimum service and speed standards for fixed and mobile voice services to which Lifeline support could be applied. Pursuant to the *2016 Lifeline Modernization Order*, the Commission updated the minimum service standards to require a minimum mobile broadband data usage of

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4 *Id.*

8.75 GB per month beginning December 1, 2019. The Commission’s goal in adopting these minimum service standards was to ensure fixed and wireless providers offer “competitive service options for Lifeline consumers” and that Lifeline subscribers receive “robust service levels” rather than be relegated to slow service speeds and/or minimal data usage.”

Despite the Commission’s good intentions, the minimum service and speed standard increases have resulted in Lifeline customers being forced to transition to higher speed or higher data usage service plans - plans that routinely are accompanied by a higher monthly fee - while the amount of Lifeline support that can be applied to the plans has remained the same, or, in the case of voice services, will decrease by $2 per month, to $7.25, on December 1, 2019. Furthermore, the Commission’s rules do not allow Lifeline customers the ability to decide whether such increased speed or data plans fit their needs (or budget). Instead, Lifeline subscribers are forced to either upgrade their service – if they can afford to do so – or disconnect their service if they cannot afford to upgrade to the increased speed or data plan. Non-Lifeline subscribers are not forced to make such a choice. Thus, 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 “express goal for Lifeline to ensure the availability of broadband service for low-income Americans.”

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7 FCC Modernizes Lifeline Program for the Digital Age, News Release, WC Docket No. 11-42 et al. (March 31, 2016); 2016 Lifeline Modernization Order at ¶ 45.

Petitioners pointed out that although the 2016 Lifeline Modernization Order was intended to gradually phase in a higher mobile data usage allowance, the scheduled December 1, 2019, increase will result in “an increase of nearly 500 percent in a single day” for Lifeline-supported plans, from 2 GB per month to approximately 9.5 GB per month. Based on recent data published by the Universal Service Administrative Company, Petitioners predict that over 3.8 million subscribers will be negatively impacted by this significant increase. Similarly, NTCA pointed out in a recent Petition for Waiver of the Lifeline Minimum Service Standard that the Commission’s 2019 Urban Rate Survey shows an increased monthly rate of $5.36 for 25/3 Mbps fixed broadband service versus 10/1 service. This increased rate could force some Lifeline subscribers to discontinue their fixed broadband service due to the inability to afford the increase. Whether 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. Low-income subscribers have come to rely on voice and/or broadband services just as much as any other subscriber and, consistent with Commission goals, should have access to the same public safety, education, employment and health opportunities that these services make available.

III. CONCLUSION

For the reasons stated above, NTCA respectfully requests the Commission grant the relief requested in the Petition or in the alternative, “grandfather” existing Lifeline subscribers at their

9 Petition at p. 4.

10 Petition at p. 8.

11 NTCA Petition for Waiver, WC Docket No. 11-42 et al. (filed July 29, 2019) at p. 4.
current service level so that when the minimum speed or data allowance increases, existing Lifeline subscribers will have the option of either upgrading their service to the higher level or continuing to subscribe to the service at the current level, while still having the ability to apply their Lifeline discount to whichever option the subscriber decides best fits their needs and budget. Such relief will ensure that low-income consumers will continue to have the ability to subscribe to affordable fixed and/or wireless services and that any broadband adoption gains made possible by the Lifeline program are not lost.

Respectfully submitted,

By: __/s/ Jill Canfield_____
   Jill Canfield
   Vice President, Legal
   jcanfield@ntca.org

By: /s/ Tamber Ray_____
   Tamber Ray
   Regulatory Counsel
   tray@ntca.org

   4121 Wilson Boulevard, Suite 1000
   Arlington, VA 22203
   703-351-2000 (Tel)

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