

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Wireline Competition Bureau Seeks to Refresh)	WC Docket No. 11-42
the Record on a Petition for Reconsideration)	
Filed by the National Association of State Utility)	
Consumer Advocates)	

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

NTCA–The Rural Broadband Association (NTCA)¹ hereby submits these reply comments in response to the Wireline Competition Bureau’s invitation to refresh the record on a petition for reconsideration filed by the National Association of State Utility Consumer Advocates (NASUCA).² In its petition, NASUCA sought reconsideration of several changes implemented in the 2016 Lifeline Order.³ NTCA joined the unanimous chorus of voices supporting the NASUCA petition requesting that the Commission retain support for stand-alone voice service. NTCA also agrees with commenters that the Commission should take this

¹ NTCA represents approximately 850 rural local exchange carriers. All of NTCA’s members are voice and broadband providers, and many of its members provide wireless, video, and other competitive services to their communities.

² See, Petition of NASUCA for Reconsideration, WC Docket No. 11-42 (filed June 23, 2016), [https://ecfsapi.fcc.gov/file/1062324901351/WC%2011 42 NASUCA Pet for Recon Final.pdf](https://ecfsapi.fcc.gov/file/1062324901351/WC%2011%2042%20NASUCA%20Pet%20for%20Recon%20Final.pdf) (NASUCA Petition).

³ *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (Lifeline Modernization Order).

opportunity to grant outstanding petitions on the minimum service standards – another long-festering issue that frustrates efforts to get and keep consumers connected to services of their choosing.

The Lifeline voice support phase-down was adopted in 2016 when the Commission expected that “Lifeline should transition to focus more on broadband Internet access service given the increasingly important role that broadband service plays in the marketplace.”⁴ However, as CTIA explains in its comments, the decision to phase out Lifeline support for voice services has not spurred low-income consumers to shift in droves to broadband-only services supported by Lifeline.⁵ Instead, more than 99 percent of the nearly 7 million low-income consumers enrolled in Lifeline continue to choose to apply Lifeline support to services plans that include voice service.⁶

Since the Lifeline phase-down was announced, there has been consistent and overwhelming support for reversing course and retaining Lifeline support for voice service.⁷ For example, 1) NTCA and others submitted petitions for reconsideration on the issue;⁸ 2) earlier

⁴ 2016 Lifeline Modernization Order, ¶119.

⁵ Comments of CTIA, p. 2.

⁶ High Cost & Low Income, Briefing Book, at 59-60 (July 26, 2021), available at <https://www.usac.org/wp-content/uploads/about/documents/leadership/materials/hcli/2021/2021-07-HCLI-Briefing-Book.pdf> (“USAC Briefing Book”).

⁷ *See*, Comments of the National Lifeline Association at p. 3.

⁸ *See*, Petition for Reconsideration and/or Clarification of NTCA – The Rural Broadband Association and WTA – Advocates for Rural Broadband, WC Docket No. 11-42, et al. (June 23, 2016), Joint Lifeline ETC Petitioners’ Petition for Partial Reconsideration and Clarification, WC Docket No. 11-42 et al., 10-11 (June 23, 2016) Petition for Reconsideration of TracFone Wireless, Inc., WC Docket No. 11-42 et al., 2-6 (June 23, 2016).

this year, commenters on the State of the Lifeline Marketplace Report Public Notice unanimously supported retaining or reinstating full Lifeline support for voice service; 3) the Wireline Competition Bureau concluded in that report that “the removal of Lifeline support for voice-only services may push some Lifeline consumers into bundled plans that they are unable to afford;”⁹ and 4) in response to this invitation to refresh the record, all commenters support NASUCA.¹⁰

The record here demonstrates that wireline voice is still an essential service for low-income households and continues to be a critical connection point to 911 emergency services. NTCA therefore encourages the Commission to grant NASUCA’s Petition to maintain and retain Lifeline support for voice service.

Furthermore, NTCA joins the United Church of Christ OC and the National Consumer Law Center in requesting (yet again) that the Commission address the automatic increase in minimum service standards.¹¹ The decision to increase minimum service standards annually, with changes most recently announced on July 30, 2021,¹² has resulted in unforeseen and unsustainable increases in minimum service requirements for Lifeline products – making it harder for consumers to afford such services on a fixed and relatively low subsidy. Petitions for

⁹ Report on the State of the Lifeline Marketplace, WC Docket Nos. 09-197, 11-42, 20-437 at 23 (WCB June 2021).

¹⁰ See, Comments of the National Lifeline Association, Free Press, CTIA, United Church of Christ OC and the National Consumer Law Center, California Public Utilities Commission, NYSPSC, and Public Service Commission of the District of Columbia.

¹¹ See, Comments of the United Church of Christ OC and the National Consumer Law Center, pp. 2-3.

¹² *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, DA 21-930 (July 30, 2021).

Reconsideration remain pending on the issue¹³ and NTCA has repeatedly requested that the Commission waive these standards at least as to *existing* customers.¹⁴ As these requests for relief have noted, much like any other service offered for sale, providers' rates for broadband service typically increase as the level of performance provided increases – as a result, the value of the Lifeline subsidy to the consumer is eroding year after year. This forced escalation hinders consumer choice because they can no longer apply the Lifeline subsidy to the affordable service they previously purchased.

NTCA continues to believe that providers should be required to offer low-income consumers a variety of services that comport with minimum standards where available – but also that customers should have the choice then to apply the subsidy to a service of their choosing rather than being compelled to migrate to a different service tier that costs them more out-of-pocket. When adopting the provision requiring the Bureau to annually update the program's minimum service speed standards, the Commission surely did not intend that such a process would negatively affect existing broadband utilization by low-income consumers. Yet the minimum service standards pose just such a risk by eroding the value of the subsidy in the face of increased prices for higher-speed services to which the customer is forced to subscribe year after year.

¹³ *E.g.*, Petition for Reconsideration of CTIA, WC Docket Nos. 11-42, et.al. (June 23, 2016); Joint Lifeline ETC Petitions' Petition for Partial Reconsideration and Clarification, WC Docket Nos. 11-42, et al. (June 23, 2016).

¹⁴ *See*, NTCA Petition for Temporary Waiver, WC Docket No. 11-42, et al. (Oct. 20, 2017); NTCA Petition for Temporary Waiver, WC Docket No. 11-42, et al. (Jul. 23, 2018); NTCA Petition for Temporary Waiver, WC Docket No. 11-42, et al (Jul. 29, 2019).

The Commission recently completed its Lifeline Marketplace Study and outlined issues with the Lifeline program that may warrant Commission consideration and change.¹⁵ Regarding the minimum service standards, in suggesting that the Commission revise its approach, it found, “the minimum service standards for speed and data capacity have continued to increase gradually over the years. However, the structure of the rule may create a situation where a consumer could be forced into a higher-priced plan in order to receive Lifeline service.”¹⁶

For the foregoing reasons, NTCA urges the Commission to reconsider its decisions to: 1) remove Lifeline support for standalone voice and 2) impose automatic increases for the minimum service standards. At bottom, each of these results would empower the customer to decide how they want to use their Lifeline subsidy rather than having a federal agency dictate what it believes best for would-be users of such services.

Respectfully submitted,

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¹⁵ Report on the State of the Lifeline Marketplace, WC Docket Nos. 09-197, 11-42, 20-437 (WCB June 2021).

¹⁶ *Id.*, p. 18.