



June 9, 2022

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C., 20554

**RE: Affordable Connectivity Program,
WC Docket No. 21-450
Emergency Broadband Benefit Program,
WC Docket No. 20-445**

Dear Ms. Dortch:

On Tuesday June 7, 2022, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”)¹ spoke with the following staff from the office of Commissioner Geoffrey Starks of the Federal Communications Commission (“Commission”): Justin Faulb, Legal Advisor for Wireline and National Security, as well as Case Smith and Alexis Desautel. The parties discussed issues raised in a Petition for Waiver filed by NTCA with respect to the Affordable Connectivity Program’s (“ACP”) “non-usage” provisions that require providers to track the broadband usage of subscribers enrolled in the program and that are not assessed any monthly charges after the application of the subsidy to their bill.²

NTCA reiterated its support for promoting program integrity through a usage requirement for ACP enrollees, but also pointed to the substantial complexities and costs faced by operators attempting to comply with the rule. NTCA emphasized that compliance with the rule will prove particularly burdensome for its approximately 100 member companies that serve Tribal consumers. This is because the \$75 Tribal ACP discount translates to a large enough number of subscribers subject to the rule to necessitate use by providers of “automated” processes in order to comply with the rule – and, these operators do not have this capability today. The expense involved is not only extensive but also out of proportion to the benefits associated with the rule considering that these companies can comply with the non-usage rule adopted for the

¹ NTCA represents approximately 850 providers of high-quality voice and broadband services in the most rural parts of the United States. In addition to voice and broadband, many NTCA members provide wireless, video, and other advanced services in their communities.

² Petition for Waiver, NTCA – The Rural Broadband Association, WC Docket Nos. 21-450, 20-445 (fil. May 13, 2022) (“Petition”). In its Petition, NTCA seeks a modification (or, in the alternative, an effective date of September 15, 2022) with respect only to the “uniform rolling 30-day.” The waiver is sought for “small” broadband Internet access service providers that apply a \$75 per month ACP benefit to the bills of qualifying Tribal consumers and thus resulting in no out-of-pocket payment from such consumers. The waiver is also sought for the Lifeline non-usage rules to the extent that an eligible Tribal consumer also applies that program’s subsidy to the same broadband service discounted by the ACP.

Marlene H. Dortch

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Emergency Broadband Benefit Program (“EBB”), thereby ensuring that supported services to low-income subscribers do not go unused.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Brian Ford

Brian Ford

Vice President – Federal Regulatory

NTCA-The Rural Broadband Association

cc: Justin Faulb
Case Smith
Alexis Desautel