

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

In the Matter of)
)
Emergency Broadband Connectivity) **WC Docket No. 20-445**
Fund Assistance)
)
)

**COMMENTS OF
THE NATIONAL HISPANIC MEDIA COALITION**

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The National Hispanic Media Coalition (NHMC) submits these comments in response to the Federal Communication Commission's Public Notice seeking comments on the provision of assistance from the Emergency Broadband Connectivity Fund and through the Emergency

Benefit Program and other related matters, consistent with the directive from Congress.¹ NHMC is a 35 year old nonprofit 501(c)(3) civil rights organization that was founded to eliminate hate, discrimination, and racism towards the Latinx community. We educate and increase visibility of Latinx from Washington D.C. to Hollywood and around the world. NHMC works in collaboration with other civil rights organizations to safeguard democracy in the United States of America. For over a decade, NHMC has been a leading Latinx voice in the fight for increased digital rights and justice for our community, including our advocacy to close the digital divide which disproportionately affects Latinx and BIPOC communities.

In December 2020, The Consolidated Appropriations Act was passed and signed into law, under which, in Section 904 of Division N–Additional Coronavirus Response and Relief, Title IX–Broadband Internet Access Service, an Emergency Broadband Connectivity Fund of \$3.2 billion was established.² Thus, Congress has directed the Federal Communications Commission (Commission) to use that fund to establish an Emergency Broadband Benefit Program, under which eligible households may receive a discount to offset the cost of broadband service and certain connected devices during the COVID-19 pandemic emergency period, and participating Internet Service Providers (ISPs) can receive a reimbursement for such discounts.

Access to the internet is more crucial than ever, as a majority of this country’s population is relying upon broadband infrastructure and service to work, learn, access essential goods,

¹ *Wireline Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, WC Docket No. 20-445, Public Notice (2021) (*EBB Public Notice*).

² Consolidated Appropriations Act, 2021, H.R. 133, div. N, tit. IX, § 904(b)(1) (2020). Section 904 of the Act is reproduced in its entirety in the attached Appendix.

socialize, and engage in civic activities. NHMC supports the Commission’s establishment of an Emergency Broadband program, and urges immediate equitable implementation to ease the burdens faced by communities hardest hit by the Coronavirus Pandemic.

I. The Emergency Broadband Program Must Encourage Competition in the Broadband Marketplace, and Give Consumers Meaningful Choice Among Internet Service Providers.

To provide the most effective assistance to consumers struggling to afford broadband service during these troubling times, the Commission must extend its Congressional mandate to promote competition to the Emergency Broadband program. In particular, the Commission has a duty “To promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies”.³ It should logically flow that any regulation the Commission puts forth in the establishment of the Emergency Broadband program should also be governed by this original mandate from Congress to ensure adequate competition exists in the broadband marketplace.

Under the Emergency Broadband program, consumers should have meaningful choice among Internet Service Providers available to them. Without meaningful choice the Commission runs the risk of diminishing the value of an emergency broadband benefit depending on what zip code any given person lives in. Low-cost offerings vary immensely across the country and across

³ Preamble, Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996).

ISPs. If a consumer has a meaningful choice between at least two providers, the Commission then gives that consumer the ability to choose what offering and price point is best suited for their lifestyle or their family. In the absence of a meaningful choice between providers, consumers may be forced into an offering that is not adequate for their needs—or worse—passes on a cost in excess of the Emergency Broadband program monetary benefit.

II. Pricing of Broadband Offerings Must be Transparent.

One of the most effective ways to gain public trust and encourage participation from communities vulnerable to pandemic-related economic distress is to require that all pricing of broadband offerings be transparent. Surprise fees or hikes in cost at the end of the emergency period will deter many from participating in this crucial program, and thus, will temper the impact of the Emergency Broadband program.

This is particularly true for communities of color, who are already increasingly worried about the cost of their broadband and communications services. In April of 2020, the Pew Research Center found that while roughly half of adults felt that access to the internet had been essential to them during the Coronavirus outbreak, 54 percent of Latinx and 52 percent of low-income adults were “especially worried” about paying their home broadband bills during the pandemic.⁴ Because Latinx, BIPOC, and low-income people continue to be the hardest

⁴ Emily A. Vogels, et. al, *53% of Americans Say the Internet Has Been Essential During the COVID-19 Outbreak*, Pew Research Center (Apr. 30, 2020), <https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/>.

populations hit by the health, death, and economic fallout due to COVID-19,⁵ it is paramount that the Commission require pricing transparency from ISPs, and protect those who could benefit the most from broadband affordability assistance from surprise or predatory charges.

III. The Commission Must Make Eligibility as Inclusive as Possible, Particularly for Immigrant Families.

The purpose of the Emergency Broadband program is to provide financial assistance to those who are most struggling in our country due to the pandemic and previous government inaction. In order to fulfill this purpose, the Commission must expand eligibility to be as inclusive as possible, including for those among us who are non-citizens, have temporary status like DACA, are members of mixed-immigration-status families, or who are differently documented through Individual Taxpayer Identification Numbers.

Should the Commission utilize the infrastructure of the United States Administrative Company (USAC) or the Universal Service Fund (USF), it must do so with important modifications to enrollment and identification verification. Currently, the FCC's Lifeline rules require a Social Security Number (SSN) from a consumer in order to move from eligibility to enrollment.⁶ This practice is exclusionary and wholly unnecessary. NHMC recommends the Commission find alternative ways to verify identification of an eligible individual, as this is the only valid use for requiring a SSN.

⁵ Richard A. Oppel, Jr., et. al, *The Fullest Look Yet at the Racial Inequity of Coronavirus*, NEW YORK TIMES (July 5, 2020), <https://www.nytimes.com/interactive/2020/07/05/us/coronavirus-latinos-african-americans-cdc-data.html>.

⁶ 47 CFR 54.404(c)(4) and 54.410(d)(2)(vi).

There are a number of different ways the Commission can alter its identification verification processes to be more inclusive and thus allow the Emergency Broadband program to reach more households. For example, Comcast Xfinity does not and has not required SSNs for identification verification for several years for their Internet Essentials program. Instead, the company has experimented with innovative technologies and alternate forms of ID, like the uploading of a picture, proof of a driver's license, ITINs, Passports and more.⁷ Similarly, Access from AT&T (AT&T's low-cost program) also does not require a SSN to apply.⁸ NHMC urges the Commission to consider lessons learned from Internet Essentials and other private sector best practices to ensure the Emergency Broadband program does not exclude those who need access to it the most.

In addition, the Commission should ensure that any benefit under the Emergency Broadband program is stackable with other federal benefits, especially communications benefits, like Lifeline. This ensures that consumers have the ability to access the most assistance according to their needs.

⁷ *Upload a Photo to Your Internet Essentials Application*, Xfinity Internet Essentials Application, <https://www.xfinity.com/support/articles/upload-ie-selfie> (last accessed Jan. 22, 2021) (“We need to verify your identity to confirm your eligibility for Internet Essentials, so we ask that you upload a selfie to your application. Read this article to learn how.”); *Acceptable Forms of Identification*, Internet Essentials, <https://internetessentials.com/IDforms> (last accessed Jan. 22, 2021).

⁸ Access AT&T Application Form, Access AT&T, <https://accessatt.solixcs.com/#/applicant> (last accessed Jan. 22, 2021).

IV. Marketing, Advertising, and Rollout of the Emergency Broadband Program Must be Inclusive, Far-reaching, and User-friendly.

As discussed above, it is critical that the Emergency Broadband program have low barriers to entry in order to have the highest impact as intended by Congress. A key component of making this program impactful is the program's public awareness and rollout campaign. NHMC is deeply concerned that traditional methods of marketing government benefit programs will not reach the Latinx, rural areas, and low-income communities, and thus will not provide much needed assistance to those populations.

In particular, NHMC urges the Commission to prioritize marketing and public awareness advertising that is inclusive for non-English speaking people, and that is culturally-relevant in its methods of outreach. It is simply no longer enough to advertise through anchor institutions and limited government websites. Digital advertising tailored to specific audiences, as well as radio and television advertising will be necessary to drive awareness for those individuals who would benefit most from the Emergency Broadband program.

It will be critical to build trust between the public, the Commission, and ISPs during the rollout of the Emergency Broadband program. NHMC urges the Commission to establish public-private partnerships—in addition to public interest partnerships, and to allocate funds specifically for outreach of the new program to build public trust, and ensure marginalized communities have the chance to utilize the Emergency Broadband benefit.

In addition, NHMC recommends the Commission design its rollout website and all marketing materials to be as user-friendly as possible. The use of pictures and visual cues can be

extremely beneficial for those with limited English or literacy skills. In addition, NHMC recommends the Emergency Broadband program rollout materials and website be translated into popular non-English languages, including Spanish. Accessibility, for individuals with disabilities, as well as those who are disenfranchised, should be a top priority for the Commission in order to successfully introduce the Emergency Broadband program.

V. Conclusion

NHMC encourages the Commission to do everything in its power to expand eligibility and the reach of the Emergency Broadband program, including practices that will attract the most ISPs to participate in the program. With limited funds, this program has the potential to help millions of families stay connected during a critical time. The Commission must act quickly to equitably implement the Emergency Broadband program, and set a first example of the impact a comprehensive broadband assistance program can have for struggling communities.