

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544**

In the Matter of)
)
Affordable Connectivity Program) WC Docket No. 21-450
)

COMMENTS OF

**THE NATIONAL CONSUMER LAW CENTER
THE BENTON INSTITUTE FOR BROADBAND & SOCIETY
THE NATIONAL DIGITAL INCLUSION ALLIANCE
COMMON CAUSE
CENTER FOR RURAL STRATEGIES
NEXT CENTURY CITIES
MASSACHUSETTS LAW REFORM INSTITUTE
THE GREENLINING INSTITUTE
COMMON SENSE
UNITED CHURCH OF CHRIST MEDIA JUSTICE MINISTRY
PENNSYLVANIA UTILITY LAW PROJECT, ON BEHALF
OF ITS LOW INCOME CLIENTS
PUBLIC KNOWLEDGE
MEDIAJUSTICE**

**ON THE PETITIONS FOR A LIMITED WAIVER FILED BY THE COMPETITIVE
CARRIERS ASSOCIATION AND AT&T**

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April 5, 2022

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The National Consumer Law Center, on behalf of its low-income clients, the Benton Institute for
Broadband & Society¹, the National Digital Inclusion Alliance, Common Cause, Center for

¹ Benton, a non-profit, operating foundation, believes that communication policy – rooted in the values of access, equity, and diversity – has the power to deliver new opportunities and strengthen communities. Our goal is to bring open, affordable, high-capacity and competitive broadband to all people in the U.S. to ensure a thriving democracy. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

Rural Strategies, Next Century Cities, Massachusetts Law Reform Institute, the Greenlining Institute, Common Sense, United Church of Christ Media Justice Ministry, Pennsylvania Utility Law Project, on behalf of its low income clients, Public Knowledge and MediaJustice provide these comments on the petitions for limited, temporary waiver of section 54.1802(b) of the Commission’s Affordable Connectivity Program Rules that would provide an additional 60 days (120 days in the case of AT&T’s petition) from April 15, 2022 for providers to apply the ACP benefit to all plans.² As Chair Rosenworcel stated in her testimony to the U.S. House Subcommittee on Communications & Technology, Committee on Energy and Commerce on March 31, 2022:

“The pandemic has proven with clarity what this Committee and the Commission have long known to be true: Broadband access is essential for full participation in modern life. When we masked up and hunkered down, we relied on communications to stay working, stay healthy, stay informed, stay in school, stay in touch, and stay entertained. But as we leave this period, we need to acknowledge that the connected world we’ve relied on is not going away. High-speed internet access is no longer just nice-to-have. It is need-to-have for everyone, everywhere. For this reason, the Commission has been hard at work—using tools both new and old—to connect people to the broadband they now need for everyday life.”

The \$14.2 billion Affordable Connectivity Program (ACP) was established by Congress to help low-income households afford essential broadband service. The ACP became effective on December 31, 2021, and legacy Emergency Broadband Benefit (EBB) customers transitioned from the EBB benefit level of \$50 per month to the ACP benefit level of \$30 per month on April

² Petition of Competitive Carriers Association for Limited Partial Waiver, WC Docket No 21-450 (filed Mar. 31, 2022)(seeks a 60-day waiver of the rule for its members) and AT&T Petition for Limited Waiver, WC Docket No 21-450 (filed Mar. 25, 2022)(seeks a 120-day waiver of the rule for postpaid mobile broadband plans of AT&T Mobility LLC and New Cingular Wireless PCS, LLC). We also note that Verizon filed a similar limited waiver petition in this docket on March 21, 2022 seeking a 60-day waiver for TracFone’s plans priced above \$30 and below \$30.

1, 2022. The Commission, providers, local governments and public interest communities are to be commended for facilitating this fairly smooth transition from the EBB to the ACP.

It is both disappointing and unfortunate that so many of the larger providers are seeking an extension on one of the main advantages of the ACP over EBB -- consumers' ability to apply the ACP benefit to any participating provider's services. This ability to apply the ACP to any of the participating provider's services will allow consumers to truly choose the best broadband service that meets their household's needs. Under the Commission's January 21, 2022 ACP Order, this rule is to go into effect on April 15, 2022. Now select providers are seeking to move that date to mid-June or much later. This program design feature is required by the Infrastructure Investment and Jobs Act which was signed into law on November 15, 2021. The Commission's ACP Order was released on January 21, 2022. Providers should have been aware of this rule for months.

However, if some providers can demonstrate that timely compliance is not feasible, and that their waiver request is based on necessity and not convenience, they should be provided with some limited reasonable amount of time conditioned on the following requirement regarding notice.

If any participating provider uses the extension provided pursuant to these petitions, the providers must be required to notify their existing customers and new ACP customers that the provider has received an extension for compliance with the rule allowing ACP customers to apply their benefit to any participating providers services; list the new date that the provider will be in compliance with the rule; provide notice that the ACP benefit is portable; provide instructions on how to port the ACP benefit; provide notice of the ACP complaint process, and where to go for additional information. Once providers are in compliance with ACP rule

54.1802(b), they should notify their ACP customers that they can apply their benefit to any participating provider's services, provide notice that the ACP benefit is portable, provide instructions on how to port the ACP benefit, provide notice of the ACP complaint process and where to go for additional information.

Respectfully submitted,

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Authorized to sign on behalf of the parties

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