



RACIAL JUSTICE &
EQUAL ECONOMIC
OPPORTUNITY PROJECT

NATIONAL CONSUMER LAW CENTER

Helping Communities of Color Access Opportunity: An overview of the Lifeline program and current threats to its scope and purpose

February 7th, 2018

Cheryl Leanza
Kham Moua
Carmen Scurato

with Moderator, Olivia Wein

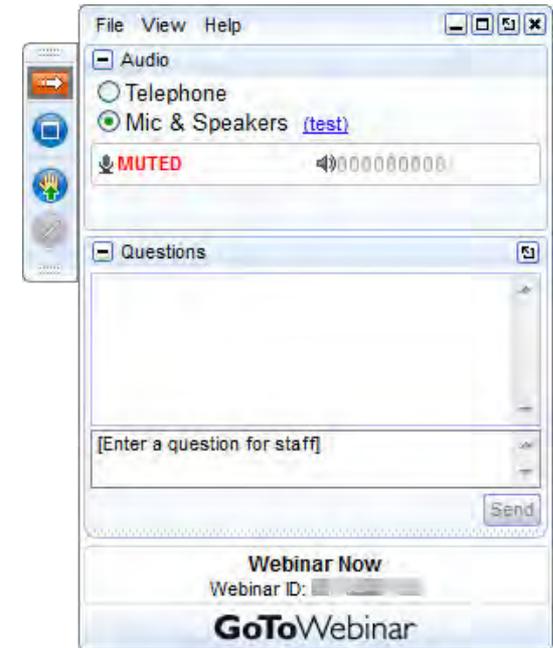
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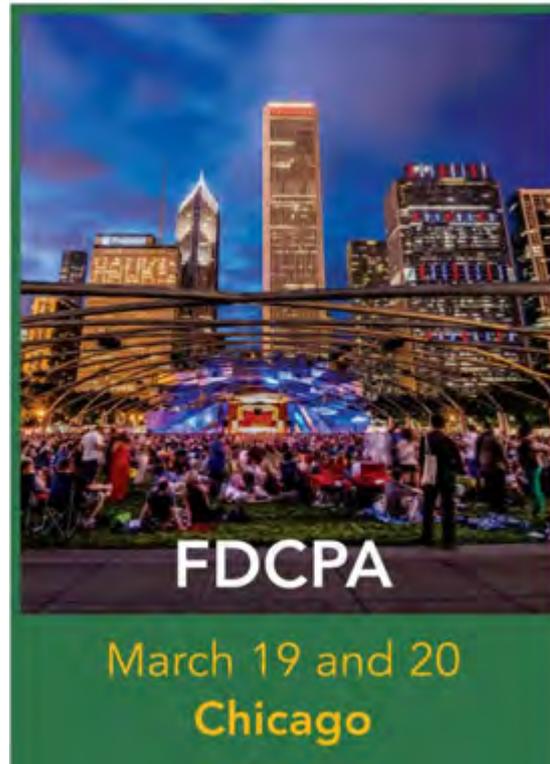
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Moderator – Olivia Wein

Olivia Wein is an attorney at the National Consumer Law Center (NCLC) focusing on policies and programs that protect low-income consumers' access to essential utility services. She advocates for a strong federal Lifeline program and for programs and policies that will close the broadband divide. She is co-author of the fifth edition of NCLC's manual *Access to Utility Service* and co-author of *The Rights of Utility Consumers*. Olivia is a member of the Universal Service Administrative Company Board of Directors and serves on the Federal Communication Commission's Consumer Advisory Committee. Ms. Wein was an Economic Justice Fellow at Consumers Union prior to her work at NCLC.





Presenter – Cheryl Leanza

Cheryl A. Leanza is the President of her consulting firm, A Learned Hand, LLC, www.alearnedhand.com. In this capacity she serves as policy advisor to the United Church of Christ's historic media advocacy ministry and as the Co-Chair of the Leadership Conference of Civil Rights Media & Telecommunications Task Force. Ms. Leanza plays a key role at the intersection of civil rights and media justice, with a focus on advocacy on behalf of those who are least served by the media and communications ecosystems. Ms. Leanza co-founded the Faithful Internet campaign and helped to lead the victorious effort to pass the Local Community Radio Act. She has been a leader in public interest advocacy for more than 20 years, including advocacy for diversity in media ownership, net neutrality, capping predatory prison phone rates, and other policies furthering First Amendment principles. She has represented non-profits before the Federal Communications Commission and in the U.S. Appellate courts, and has been widely quoted in the trade and mainstream press on these issues. Ms. Leanza is a *cum laude* graduate of the University of Michigan Law School and the Ford School of Public Policy.



Presenter – Kham Moua

Kham S. Moua directs OCA – Asian Pacific American Advocates’ policy, advocacy, and campaign efforts, as well as communications within those areas. Policy and advocacy areas currently under his supervision include immigration, education, military justice, telecommunications and technology, and civic engagement. Moua co-chairs the National Council of Asian Pacific American committee on immigration. He also sits on the board of the National Queer Asian Pacific Islander Alliance (NQAPIA). Issues close to him include LGBTQ rights, Southeast Asian and Pacific Islander equity, and immigration reform. Before working at OCA, he coordinated programming, along with state and local advocacy for Hmong National Development. In his free time, Moua enjoys playing videogames, kayaking, and reading. You can check out his sparse twitter account @KhamMoua.

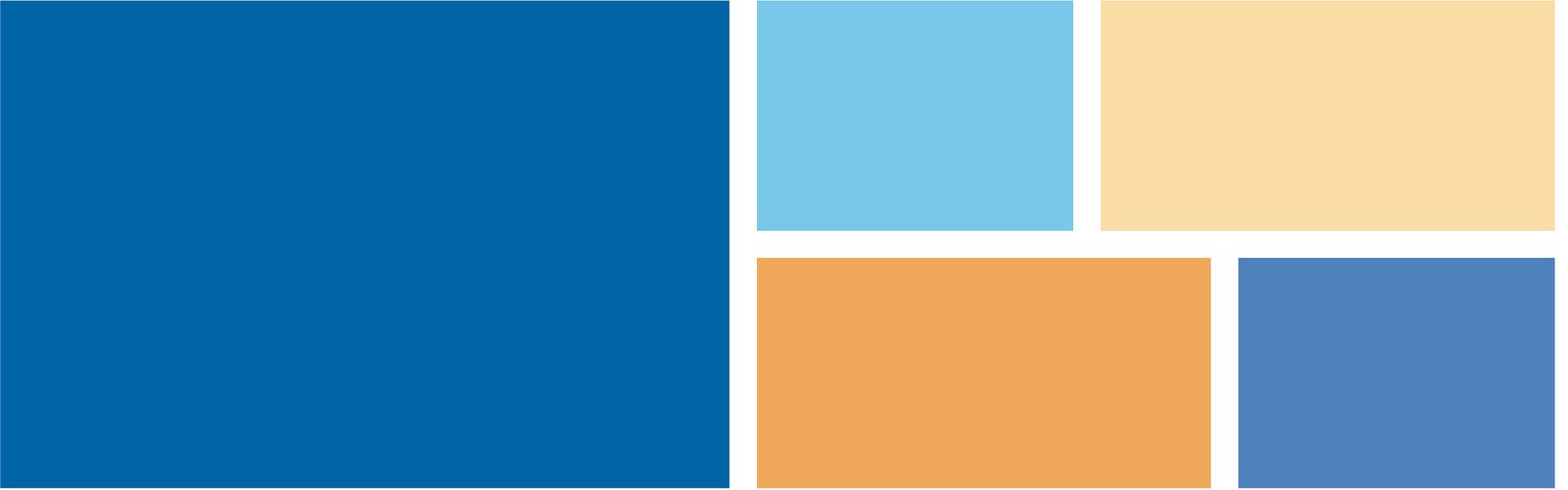


Presenter – Carmen Scurato

Carmen Scurato leads the National Hispanic Media Coalition’s policy and government affairs office in Washington, D.C. and is responsible for developing policy and legal strategies that encourage open and affordable communications, innovation, competition, and diversity. Carmen represents NHMC in meetings with decision makers in Congress and at federal regulatory agencies. She has spoken extensively on the ways that communications policy impacts people of color and regularly appears in outlets such as [Fast Company](#), [Fortune](#), [The Root](#) and the [Guardian](#) to highlight NHMC’s policy and advocacy efforts. Before joining NHMC, Carmen worked at the Department of Justice and assisted in Medicare fraud investigations, including a False Claims Act case that resulted in the recovery of hundreds of millions of dollars. She also worked at the DOJ Office of Legislative Affairs on large document requests received from congressional oversight committees. Carmen, a native of Puerto Rico, earned her J.D. from Villanova University School of Law and her B.A. cum laude from New York University.

Carmen also serves on the public policy advisory council to the American Library Association and is a member of the FCC Consumer Advisory Committee. She is a member of the Pennsylvania Bar, Hispanic National Bar Association, and the Federal Communications Bar Association.





Broadband Demographics

Kham S. Moua

OCA – Asian Pacific American Advocates

kmoua@ocanational.org

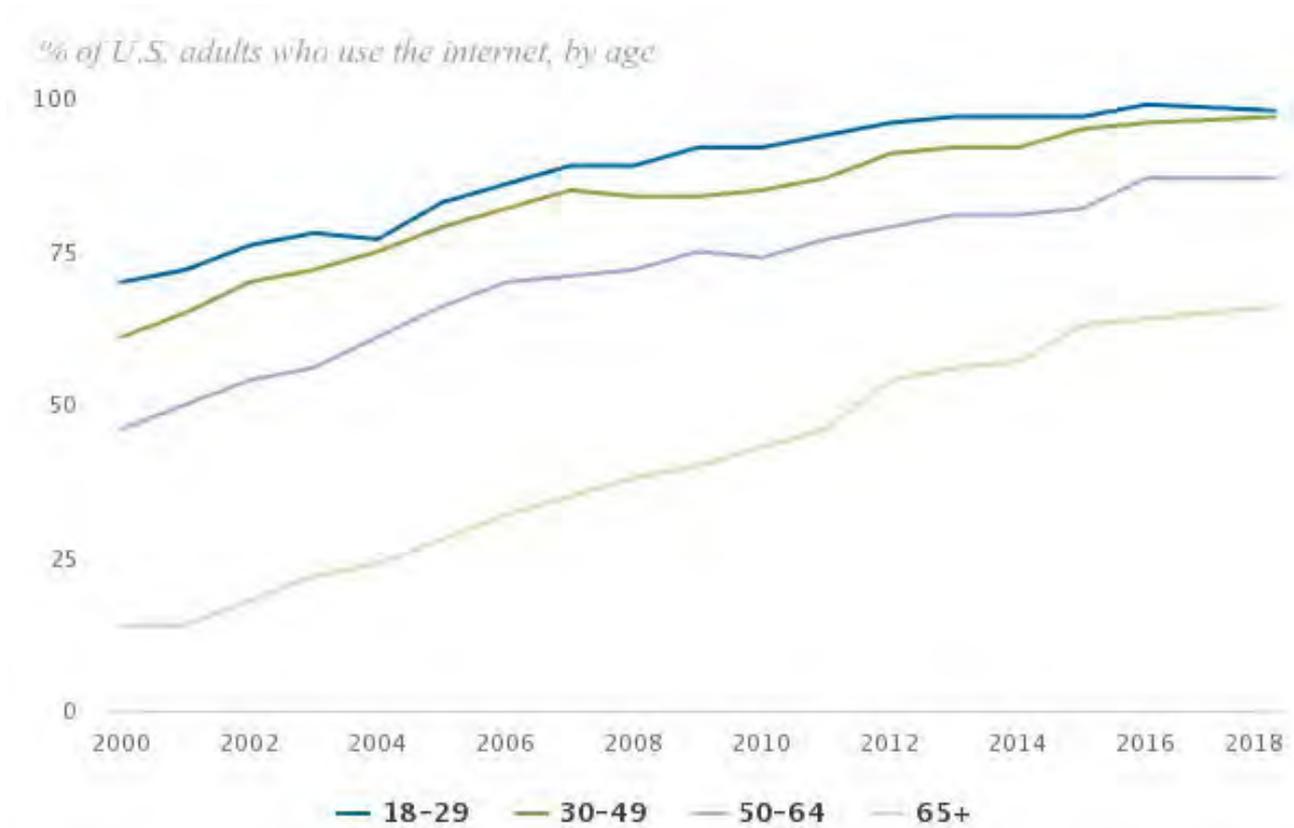
Indicators of Broadband Adoption

Indicators of Broadband Adoption

- Age
- Race
- Income
- Education
- Community



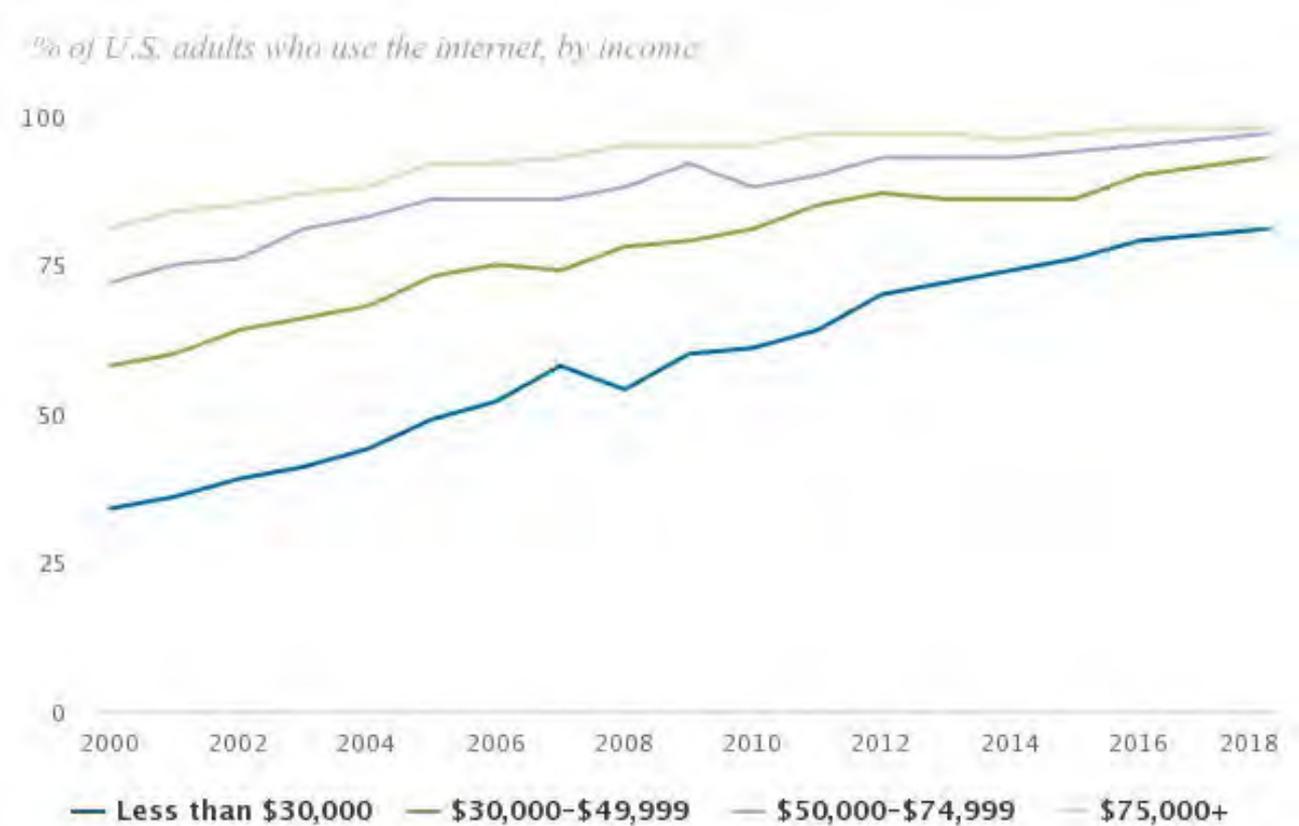
Broadband Adoption by Age



Source: Surveys conducted 2000–2018. Data for each year based on a pooled analysis of all surveys conducted during that year.

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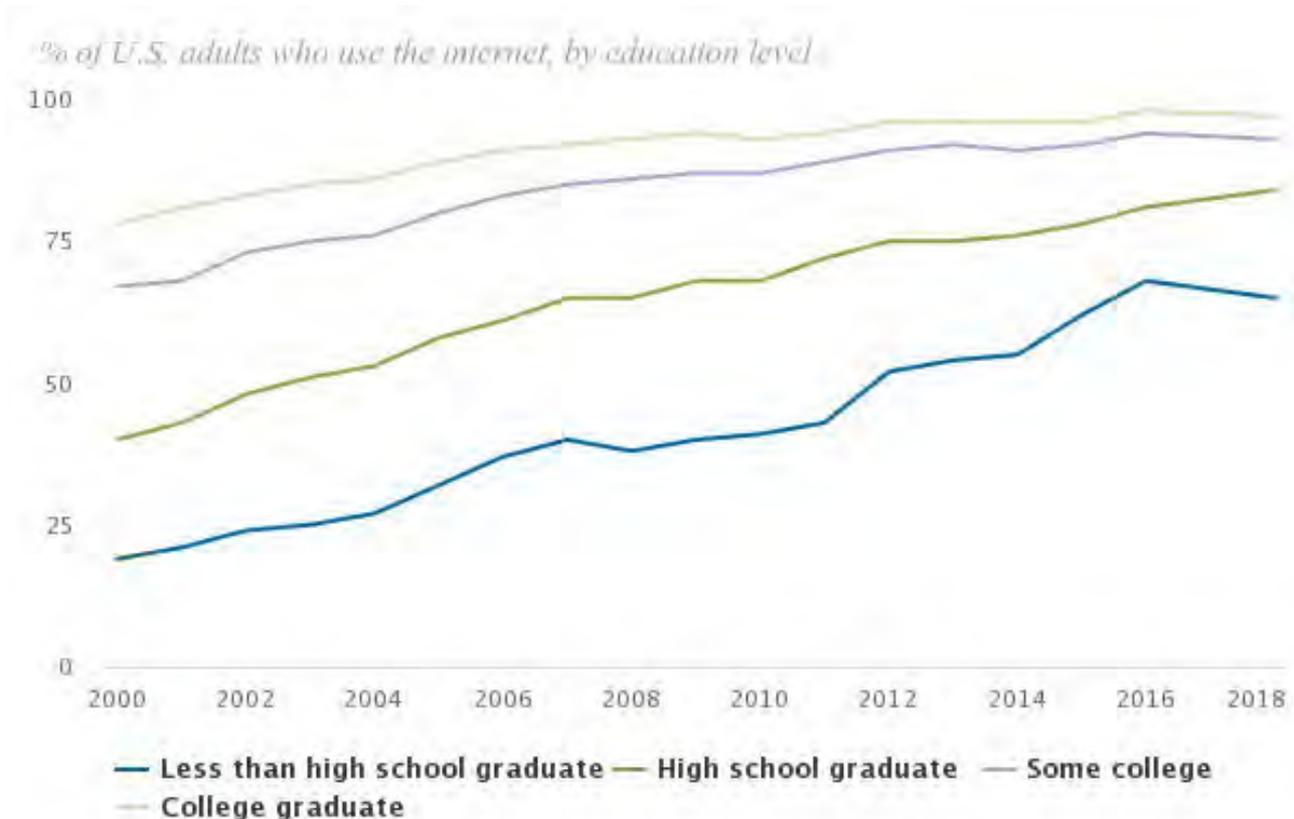
Broadband Adoption by Income



Source: Surveys conducted 2000-2018. Data for each year based on a pooled analysis of all surveys conducted during that year.

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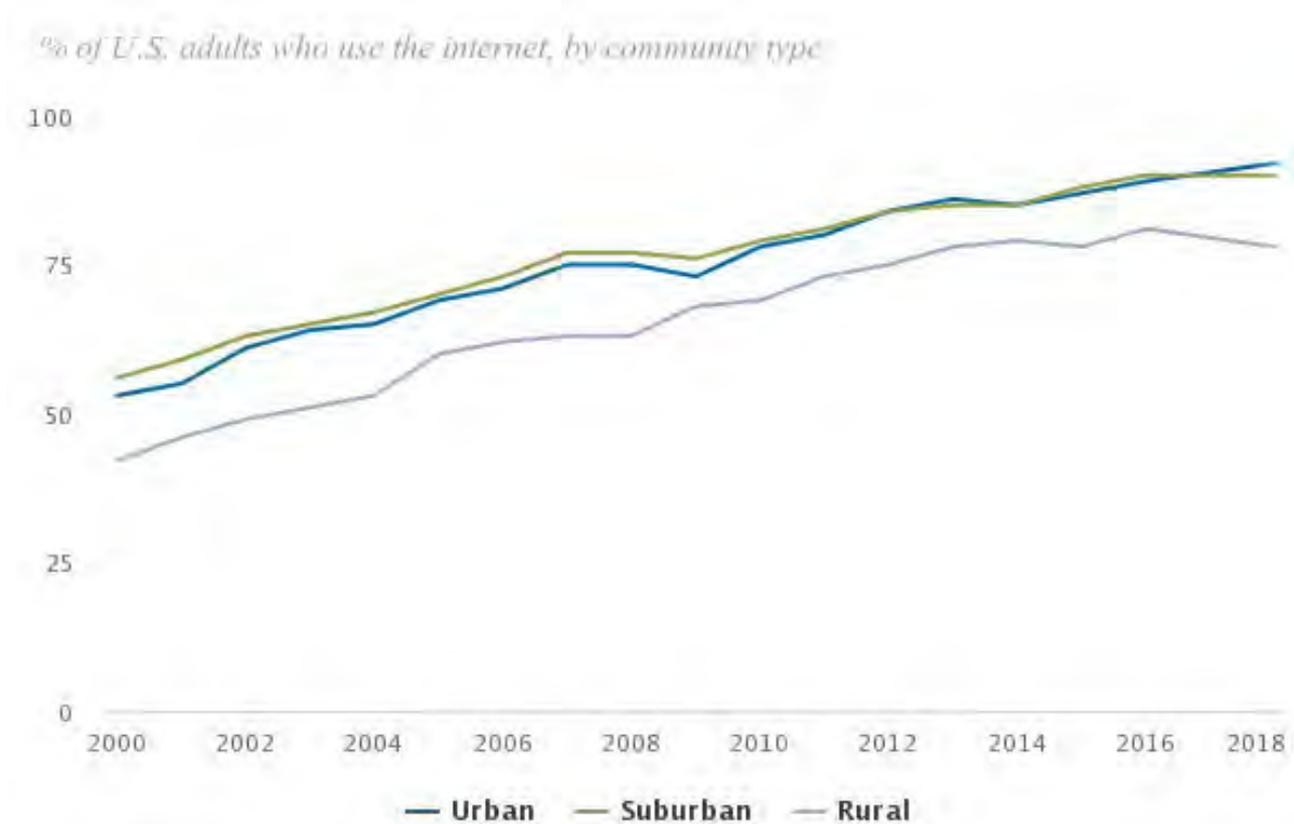
Broadband Adoption by Education



Source: Surveys conducted 2000–2018. Data for each year based on a pooled analysis of all surveys conducted during that year.

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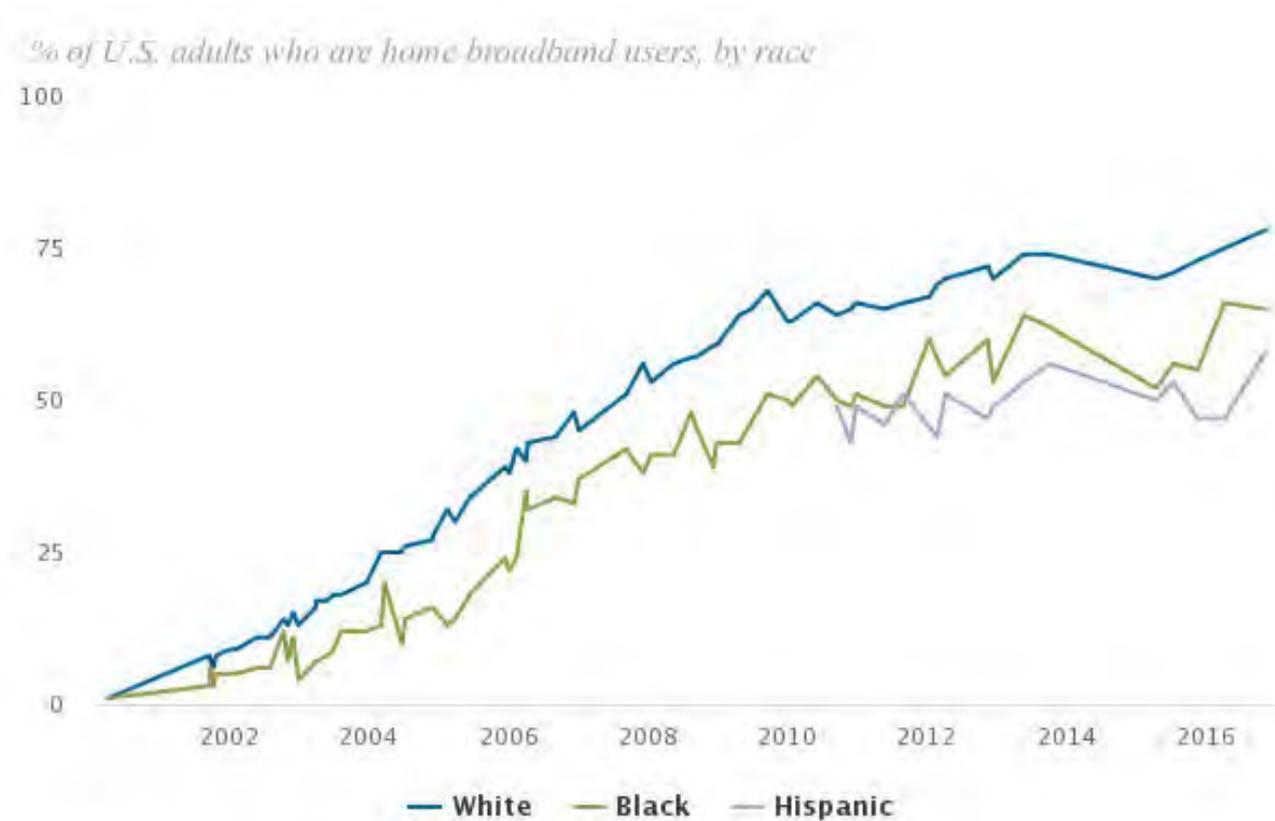
Broadband Adoption by Community



Source: Surveys conducted 2000–2018. Data for each year based on a pooled analysis of all surveys conducted during that year.

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Broadband Adoption By Race

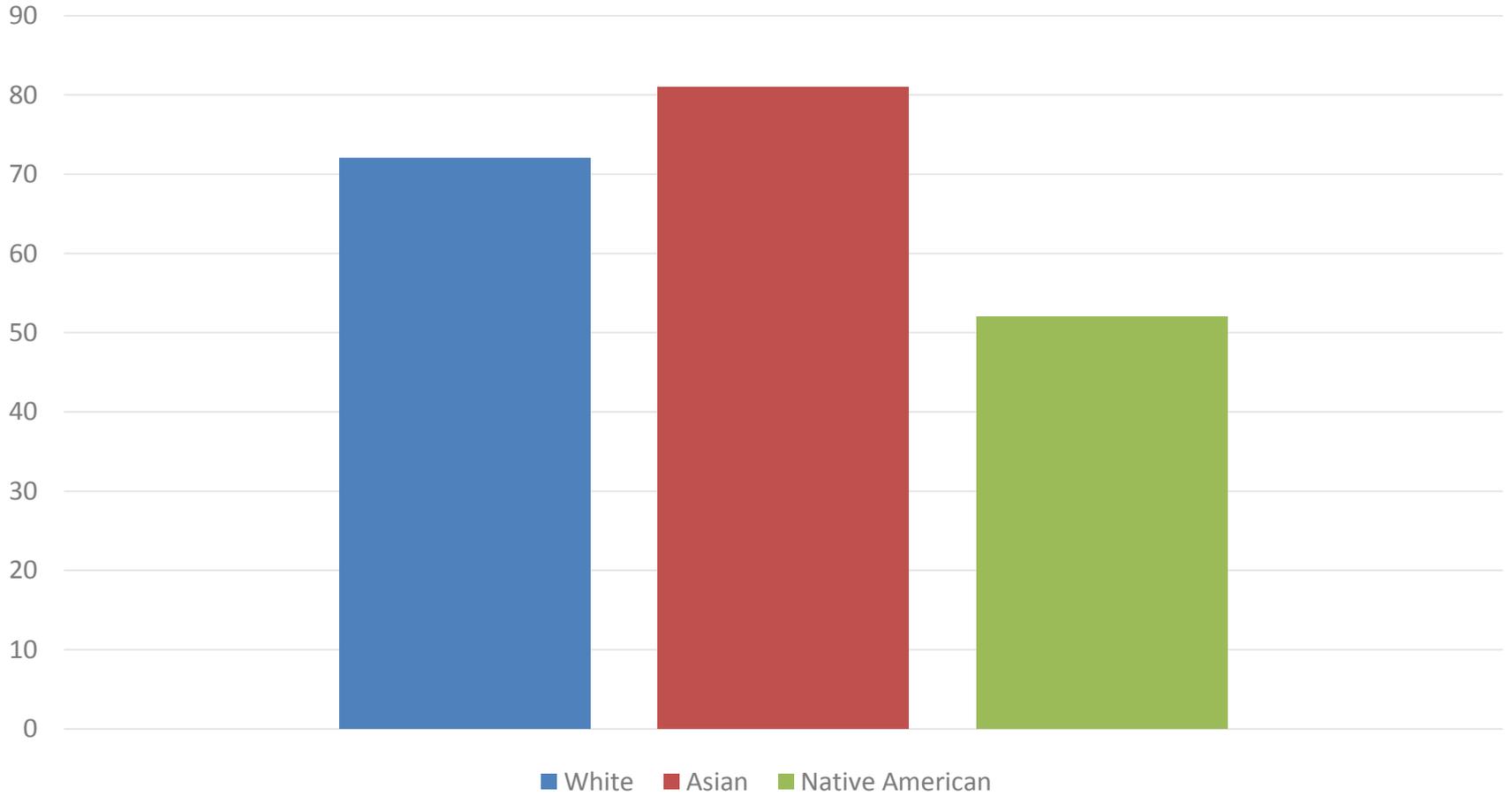


Source: Surveys conducted 2000–2016. Data for Hispanics includes only surveys that included Spanish-language interviews.

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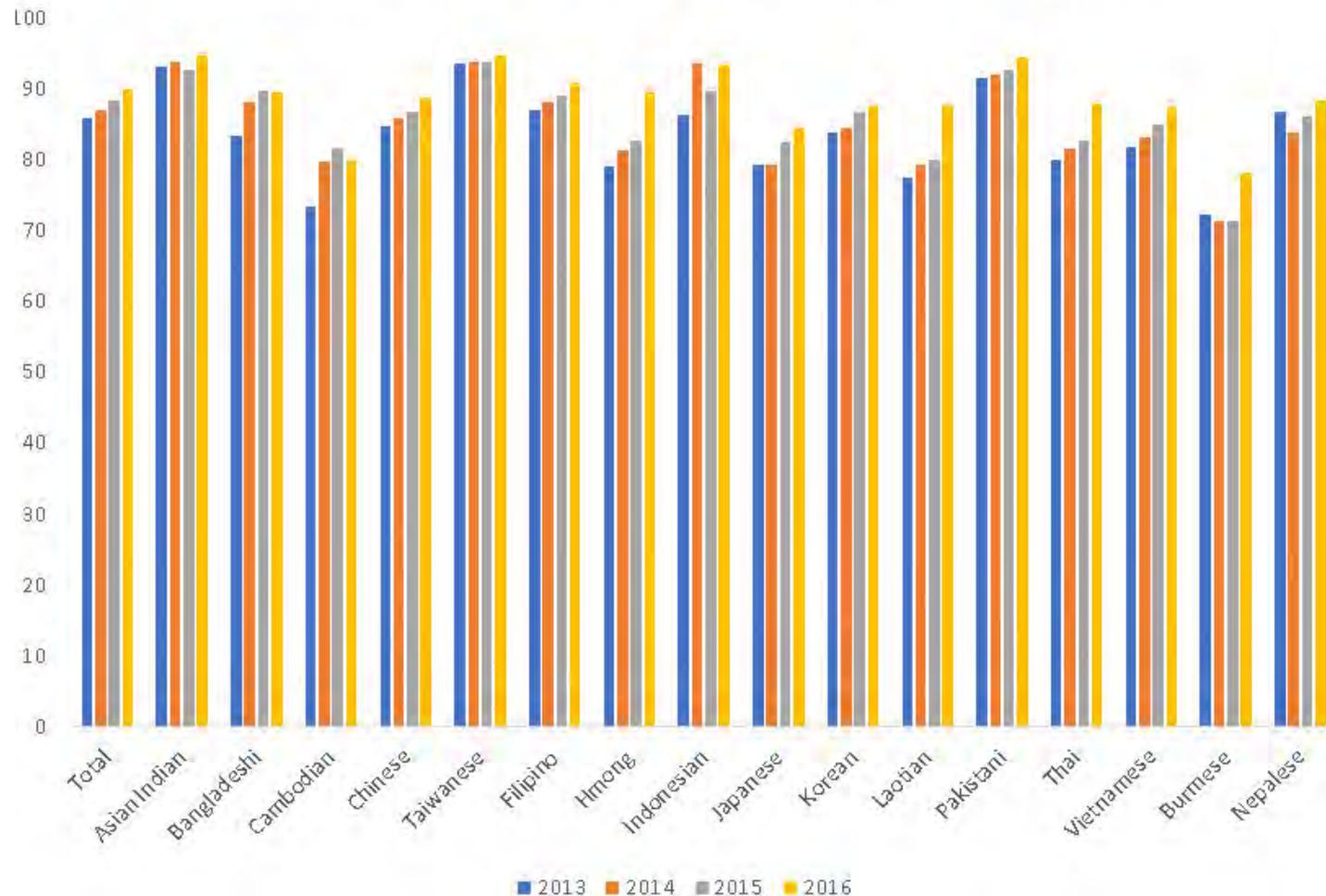


Broadband Adoption by Race

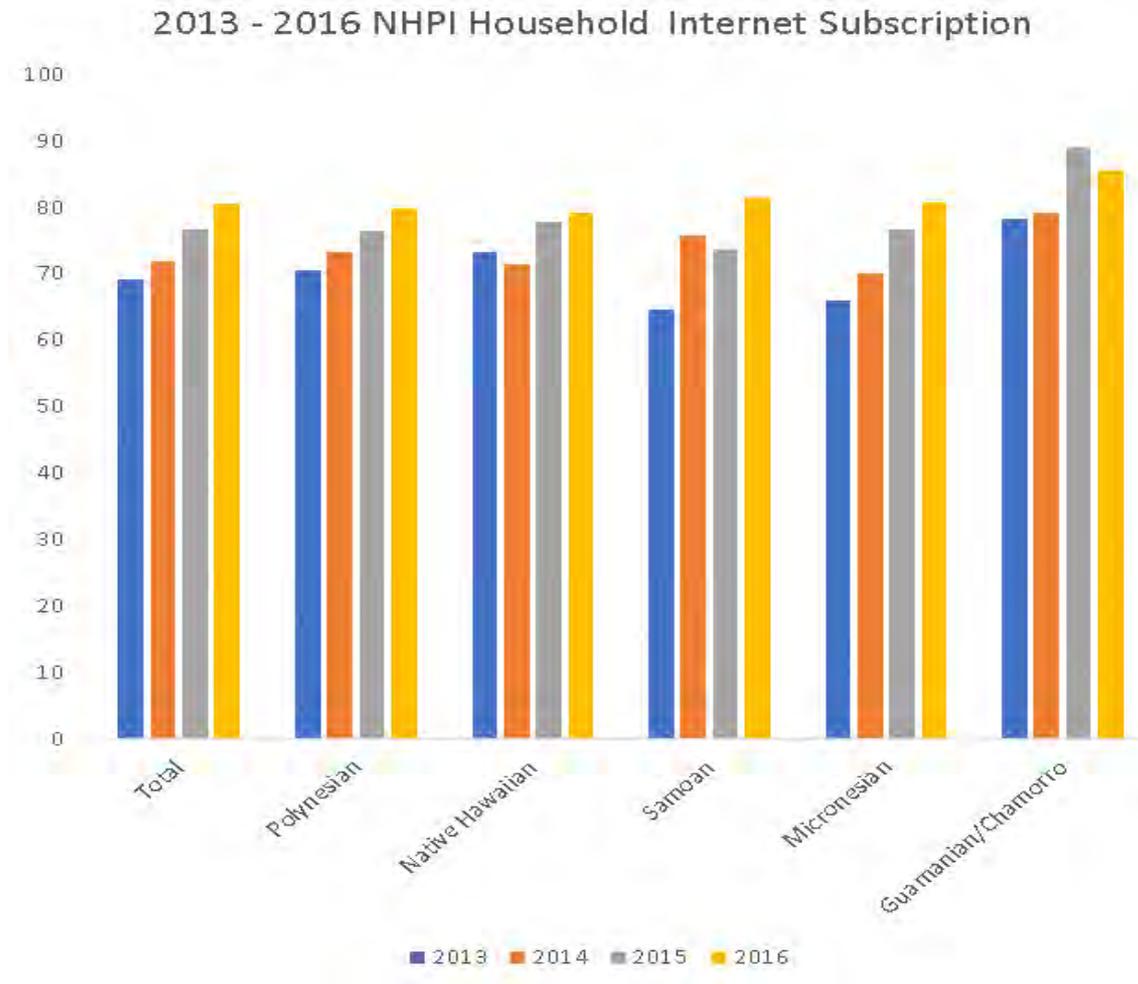


Asian Americans and Internet

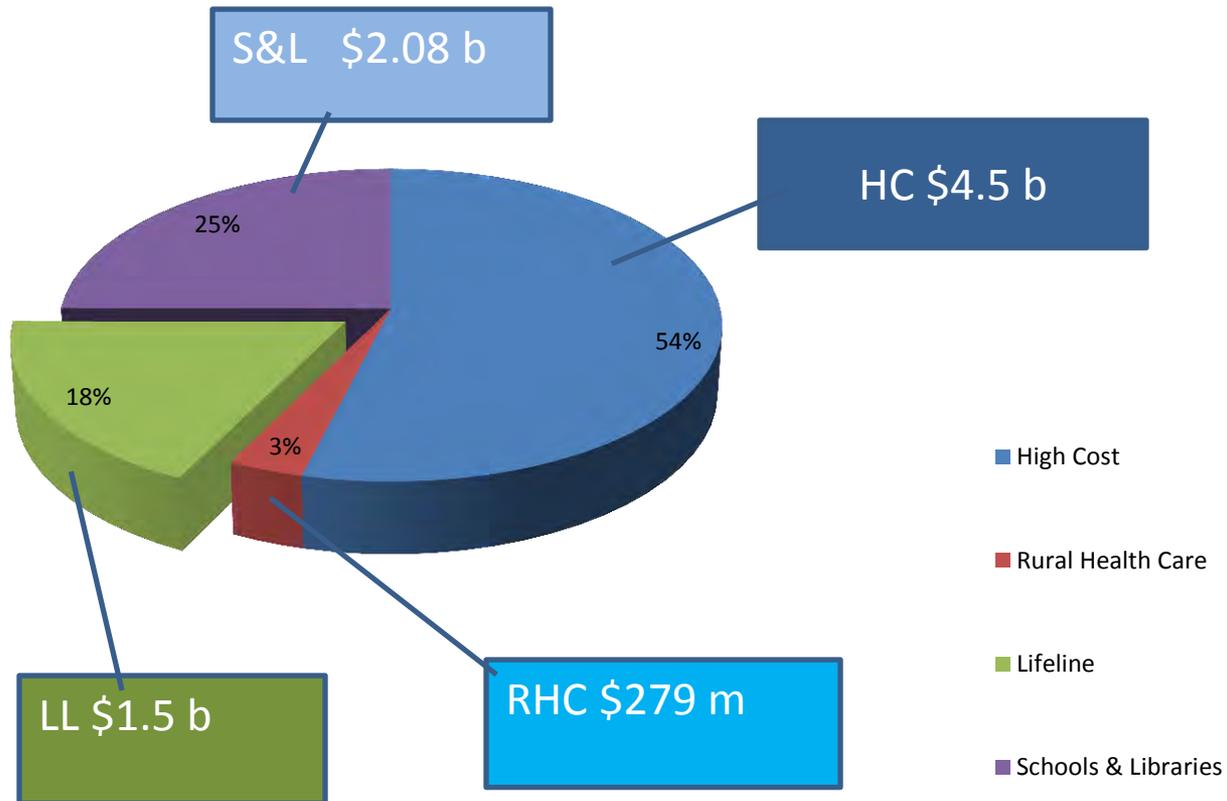
2013 - 2016 Asian American Household Internet Subscription



NHPIs and the Internet



Lifeline is 1 of 4 Federal Universal Service Programs



Source: Data from USAC2015 Annual Report

Lifeline Modernization Recap

- When Lifeline was created in 1985, it helped low-income households afford voice service.
- A March 2016 FCC Order modernized the Lifeline program so that it now provides eligible households with a monthly benefit (currently \$9.25) to subsidize voice, broadband or a bundle.
- The Lifeline modernization order also changes the process for how consumers will apply for Lifeline (National Eligibility Verifier)



Implementation Timeline Eligibility Criteria Changes

As of December 2, 2016 there is new eligibility criteria

NEW LIFELINE ELIGIBILITY	TERMINATED QUALIFYING PROGRAMS*
<p>SNAP</p> <p>SSI</p> <p>Medicaid</p> <p>Federal Public Housing Assistance</p> <p>Veterans Pension and Survivors Benefit</p> <p>Tribal Programs (BIA General Assistance, Tribal</p> <p>Head Start, Tribally Administered TANF, Food</p> <p>Distribution Programs on Indian Reservations</p> <p>Income Eligibility</p>	<p>Low Income Home Energy Assistance Program (LIHEAP)</p> <p>National School Lunch Program - Free Lunch</p> <p>TANF</p> <p>State Eligibility</p>



Who can provide Lifeline Broadband?

- Lifeline service providers must be approved by the state Public Utility Commission or Federal Communications Commission to be “Eligible Telecommunications Carriers” (“ETCs”).
- You can find participating Lifeline ETCs offering service in a particular zip code at this website:
<https://data.usac.org/publicreports/CompaniesNearMe/Download/Report>

Minimum Standards

From the FCC's Lifeline webpage at: <https://www.fcc.gov/general/lifeline-program-low-income-consumers#block-menu-block-4>

Date	Mobile Voice	Mobile Broadband	Fixed Broadband	Voice Support Amount (Per Month)	Broadband Support Amount (Per Month)
December 1, 2016*	500 Minutes	Speed: 3G Usage Allowance: 500 MB	Speed: 10/1*** Usage Allowance: 150 GB	\$9.25	\$9.25
December 1, 2017	750 Minutes	Speed: 3G or Bureau Determination Usage Allowance: 1 GB	Speed: Updating Mechanism Usage Allowance: CAF Standard or Bureau Determination	\$9.25	\$9.25
December 1, 2018	1000 Minutes	Speed: 3G or Bureau Determination Usage Allowance: 2 GB	Speed: Mechanism Usage Allowance: CAF Standard or Bureau Determination	\$9.25	\$9.25
December 1, 2019	1000 Minutes	Speed: 3G or Bureau Determination Usage Allowance: Updating Mechanism	Speed: Mechanism Usage Allowance: CAF Standard or Bureau Determination	\$7.25	\$9.25
December 1, 2020	1000 Minutes	Speed: 3G or Bureau Determination Usage Allowance: Updating Mechanism	Speed: Mechanism Usage Allowance: CAF Standard or Bureau Determination	\$5.25	\$9.25
December 1, 2021	1000 Minutes**	Speed: 3G or Bureau Determination Usage Allowance: Updating Mechanism	Speed: Mechanism Usage Allowance: CAF Standard or Bureau Determination	\$0**	\$9.25

* Minimum service standards and support amounts will be implemented on the later of December 1, 2016 or 60 days after PRA approval.

** Continued voice support of \$5.25 per month in areas with only one Lifeline provider.

*** Fixed broadband providers that do not offer a product meeting the minimum service standards to a particular customer's residence may receive the \$9.25 benefit if that customer purchases a fixed broadband offering that meets or exceeds 4 Mbps download and 1 Mbps upload.



National Hispanic
Media Coalition

The FCC's Proposed Changes to Lifeline

Carmen Scurato
Vice President, Policy & General Counsel
email: cscurato@nhmc.org
twitter: @CarmenScurato



Overview: the FCC's Lifeline Item

- The Federal Communications Commission (FCC) released the [final Lifeline item](#) on December 1, 2017.
- The Lifeline item included a Notice of Proposed Rulemaking (NPRM) and a Notice of Inquiry (NOI).
- The NPRM and NOI contain numerous proposed changes to the Lifeline program.



The FCC Wants to Bridge the Digital Divide by Prioritizing Networks

- The FCC states it wants to bridge the digital divide.
- Yet, this goal is in sharp contrast with the NPRM and NOI which propose changes to both the purpose and scope of the Lifeline program.
- Fundamentally, the FCC believes that Lifeline should be a program that prioritizes networks over people.



Proposed Change: Remove Non-Facilities Based Providers

- Non-facilities based providers (also referred to as “resellers”) provide numerous Lifeline offerings in all 50 states including Puerto Rico.
- Currently, non-facilities based providers offer service to 70% of Lifeline customers.
- Removing these providers from the program would potentially cut off 7 million people in need of Lifeline.



Proposed Change: Revoke LBP Designation Process

- In the 2016 Lifeline Modernization Order the FCC established a federal Lifeline Broadband Provider (LBP) designation process.
- In February 2017 the FCC revoked the designations of 9 LBPs approved by the previous administration.
- The purpose of the LBP designation process was to inject competition and choice into the Lifeline program. The FCC now wants to revoke this process.



Proposed Change: Self-Enforcing Budget Cap

- According to USAC, Lifeline has about a 1/3 participation rate based on the eligible population.
- FCC proposes to set the cap based on “historic levels” of disbursement.
- Disbursement levels could shift mid-year, potentially reducing the subsidy to remain within the budget.
- In the event that spending is near the cap, the FCC propose to prioritize Lifeline funds based on geographic locations: (1) Tribal lands; (2) rural areas; and (3) all other areas.
- This proposal would potentially exclude millions from receiving a much-needed subsidy, and guarantee that Lifeline will not reach 100% of the eligible population.



Proposed Change: Maximum Discount Level / Co-Pay

- FCC is proposing a mandatory co-pay for Lifeline, a cost increase that would impact all subscribers.
- The FCC is eliminating “free” options.
- Could be a cost increase that means the difference between staying connected or providing for food, healthcare costs, or clothing.



Proposed Change: Lifetime Cap for Lifeline Benefit

- Propose a lifetime limit to the Lifeline benefit based on either a monetary or temporal basis.
- This would require that Lifeline recipients be tracked for life, increasing administrative burdens.
- Under the current proposals, being poverty-stricken by natural disaster at one point in life may prevent getting the help required as a senior citizen decades later.
- Lifeline should remain a program that helps all marginalized and vulnerable communities across our nation that meet the eligibility criteria, without any specific time limitation.



Taking All Proposals Together Will Cripple Lifeline

- Although the FCC states that it wants to “bridge the digital divide” nothing in the Lifeline item moves us closer to that goal.
- Instead, the proposals will:
 1. Thwart Lifeline’s purpose
 2. Drastically narrow the scope of the program
 3. Cut-off current Lifeline subscribers
 4. Limit the ability of Lifeline to help connect poor and marginalized communities to service



Moving Forward

- Lifeline must remain a program that helps ensure low-income families, marginalized, and vulnerable populations are able to connect and stay connected in the 21st century.
- The FCC must turn its efforts to implementing the 2016 Lifeline Modernization Order.



Lifeline under attack – How to take action

Cheryl A. Leanza
United Church of Christ, OC Inc.
www.uccmediajustice.org



Take Action!

- Free Press is hosting a petition for individuals, feel free to share in newsletters or on social media:

[Tell the FCC: Leave Lifeline Alone](#)

- The Leadership Conference on Civil and Human Rights is circulating a sign-on letter for state and national organizations.

- Deadline Monday February 19.

[End the Digital Divide: Protect Lifeline](#)



Collect Stories

- Write your own letter.

*You can file at the FCC yourself. Write a letter and use the FCC's interface to file in proceeding number 17-287.

<https://www.fcc.gov/ecfs/filings>

*We are happy to assist you with this. National Digital Inclusion Alliance also has a template letter and [resources for filing](#).

- Stories are really important.

*If have stories or examples of people who have benefitted from Lifeline, and can't file them yourself, please reach out to any of us on the call.



Further ways to take action

- Write your Senator or member of Congress. Target the majority on the Senate Commerce Committee or the House Energy & Commerce Committee.

[Senate Commerce Committee.](#)

[House Energy & Commerce Committee.](#)

- Write an op-ed.

*We have a public [Google folder](#) with resources that includes a fact sheet, op-ed toolkit and resource pages for connecting Lifeline to: veterans, senior citizens, and domestic violence survivors.

*We have resources available for drafting and pitching. Contact any of the presenters if you need help.



Questions for the audience!

1. Are you able to gather one or many stories about how Lifeline benefits your community?
2. With our support, would you be willing to organize a local sign-on letter or write an op-ed?
3. Could you or your organization be a contact point for journalists writing about Lifeline?

Instructions: To answer any of these questions, please type in the “Questions” box and we will contact you after the webinar!



Q&A

Please submit any remaining questions in the “Questions” box.

Still have unanswered questions? Feel free to reach out to speakers individually:

Cheryl Leanza: cleanza@alhmail.com

Kham Moua: kmoua@ocanational.org

Carmen Scurato: cscurato@nhmc.org

Olivia Wein: owein@nclc.org

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 - A survey
 - Instructions for receiving a certificate of attendance.
- Thank you to our speaker!

