

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of

RE: DELETE, DELETE, DELETE

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Docket No. 25-133

**REPLY COMMENTS OF ACCESS HUMBOLDT, THE BENTON INSTITUTE
FOR BROADBAND & SOCIETY, COMMON SENSE MEDIA, EVERYONE ON,
MASSACHUSETTS LAW REFORM INSTITUTE, NATIONAL DIGITAL
INCLUSION ALLIANCE, NEW AMERICA'S OPEN TECHNOLOGY
INSTITUTE, AND PUBLIC KNOWLEDGE**

/s/ Drew Garner

Drew Garner
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April 28, 2025

Public Notice DA 25-219 seeks comment on every rule, regulation, or guidance document that the Commission should eliminate for the purposes of alleviating unnecessary regulatory burdens.¹ Upon review of the docket, Access Humboldt, the Benton Institute for Broadband & Society, Common Sense Media, Everyone On, Massachusetts Law Reform Institute, National Digital Inclusion Alliance, New America’s Open Technology Institute, and Public Knowledge (hereafter referred to as “Commenters”) highlight a few areas of consensus, agreement, and opposition relating to the Commission’s top priority: closing the digital divide.

I. Consensus on Improving the Lifeline Program

The Lifeline Coalition and the National Lifeline Association (NaLA) are the two main organizations offering comments on the Commission’s Lifeline program. Both offer ways to improve the program through the deletion of particular Lifeline rules, and there is agreement on two key rules:

1. The Lifeline Coalition and NaLA support the Commission deleting Section 54.403(a)(2) of its Lifeline rules, which phases down and then out Lifeline support for standalone voice service.²
2. The Lifeline Coalition and NaLA support elimination of the Commission’s rules (47 C.F.R. §§ 54.405(c), (e)(2)) limiting the Lifeline discount to one per household.³

¹ In *Re: Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (Mar. 12, 2025) (Delete Public Notice). As several parties have observed, this Public Notice was not issued pursuant to a vote of the Commission or by any Commission bureau or office subject to any identified delegation of authority.

² Lifeline Coalition at p.1 and NaLA at p. 9.

³ Lifeline Coalition at p.2 and NaLA at p. 19.

II. Commenters Support Additional USF Programs that Help Bridge the Digital Divide

In addition to the Lifeline program, other important Universal Service Fund (USF) programs help address the digital divide. Commenters support arguments in the docket for improving the E-Rate and Rural Health Care programs.

Commenters support the recommendations of the Schools, Health & Libraries Broadband (SHLB) Coalition to improve the E-Rate and Rural Health care programs and agree the Commission should:

- Delete FCC Form 486⁴
- Eliminate the “extraordinary circumstance” invoice deadline waiver standard⁵
- Delete USAC post-audit “policies and procedures” requirement⁶
- Delete statement that Demand Payment Letters cannot be appealed⁷
- Eliminate program procedures that hinder transitioning between service providers⁸
- Eliminate program procedures that disallow bandwidth increases⁹
- Eliminate Form 470 drop-down menu categories confusion¹⁰
- Delete rule section 54.605 – Methods 1, 2, and 3 for Telecom Program rural rates¹¹
- Delete rule section 54.622(i)(3) – approval of “evergreen” contracts¹²

⁴ SHLB Coalition at p. 2.

⁵ *Ibid.*

⁶ SHLB Coalition at p. 3.

⁷ *Ibid.*

⁸ SHLB Coalition at p. 4.

⁹ *Ibid.*

¹⁰ SHLB Coalition at p. 5.

¹¹ *Ibid.*

¹² SHLB Coalition at p. 6.

Commenters also support the recommendations of the American Library Association (ALA) on the following E-Rate rules: competitive bidding requirements (47 CFR § 54.503),¹³ service substitution (47 CFR § 54.504(d)),¹⁴ Category 2 funding cap (47 CFR § 54.507),¹⁵ Children's Internet Protection Act (CIPA) certifications (47 CFR § 54.520(c)(1)),¹⁶ and Discounts/free and reduced-price lunch data collection (47 CFR § 54.505).¹⁷

III. Commenters Oppose Deletion of Any Rules Aimed at Closing the Digital Divide

A. Preserve Rules that Eliminate and Prevent Digital Discrimination

Commenters oppose recommendations to curtail or eliminate the Commission's Digital Discrimination rules.¹⁸ Those rules were adopted pursuant to a statutory mandate and the Commission lacks authority to fail to enforce the requirement to police practices that constitute digital discrimination.

The Congressional directive to end digital discrimination has a solid factual underpinning. Digital discrimination is well documented.¹⁹ Market forces steer investment toward more affluent areas, leaving marginalized communities with inferior service and less access to the economic, health, and educational opportunities that broadband enables. The Commission must use its newly-created statutory powers to help correct this trend as required by statute.²⁰

¹³ ALA comments at p. 2-3.

¹⁴ ALA comments at p. 3.

¹⁵ *Ibid.*

¹⁶ ALA comments at p. 4.

¹⁷ *Ibid.*

¹⁸ See, for example, ACA Connects comments at p. 8 and Vantage Point Solutions reply comments at pg. 6.

¹⁹ See The Markup: Dollars to Megabits, 2022; NDIA: AT&T's Digital Redlining Of Cleveland, 2017

²⁰ 47 U.S.C. § 1754

To the extent that ACA Connects and others call for complete evisceration of these rules, they would have the Commission ignore its Congressional mandate. ACA's reference to pending litigation to justify wholesale repeal of the FCC's rules vastly overstates the matter. The central challenge in that case is to the disparate impact standard that the Commission adopted.²¹ Even were the reviewing Court to grant the requested relief, such a decision would leave in place the mandate to enforce the statute's prohibition on digital discrimination, albeit perhaps using a different standard for assessing discrimination.

B. Preserve Broadband Label Rules that Empower Consumers

Commenters oppose recommendations to reduce important information on broadband labels.²² Labels should include the total price (i.e. inclusive of all taxes and fees), be fully displayed (i.e. not simply linked to), and be provided in multiple languages.

C. Protect the Integrity of the Broadband Data Collection Process

Some commenters have suggested changing rules pertaining to the Broadband Data Collection (BDC), which is used to inform the National Broadband Map.²³ We oppose any changes to BDC rules that would risk creating even more inaccuracies in the National Broadband Map. Despite the Commission's investment in creating the BDC and National Broadband Map, all 50 states have found inaccuracies as they implement the Broadband Equity, Access, and Deployment

²¹ *Minnesota Telecom Alliance v. FCC*, No. 24-1179 (8th Cir). The petitioners in that case also disputed the Commission's inclusion of certain parties as covered entities and its power to assess forfeitures.

²² See, for example, USTelecom comments at p. 8 and Vantage Point Solutions reply comments at pg. 7.

²³ See, for example, CTIA.

(BEAD) Program. Therefore, we suggest the Commission not loosen or eliminate any rules that would risk the integrity of the National Broadband Map.

D. Oppose Efforts to Scale Back the Universal Service Fund

As recently as 2021, Congress directed the Commission to consider options for improving its effectiveness in achieving the universal service goals for broadband.²⁴ These goals include universal deployment, affordability, adoption, availability, and equitable access to broadband. The Commission’s most powerful tools for achieving these goals are the Universal Service Fund (USF) programs. Congress also instructed the Commission not to make recommendations that “in any way reduce the congressional mandate to achieve the universal service goals for broadband” but, rather, to make recommendations “to expand the universal service goals for broadband, if the Commission believes such an expansion is in the public interest.”²⁵

Congress’s intent is clear, and the Commission should thus reject the Reason Foundation’s recommendations that:

- USF should be scaled back.²⁶
- The FCC should impose budget caps (and eliminate budget floors) on USF programs.²⁷
- The FCC should rely more on satellites to deliver broadband in rural areas.²⁸

²⁴ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, div. F, tit. I, § 60104(c), 135 Stat. 429, 1205 (2021) (Infrastructure Act).

²⁵ Id. § 60104(c)(3).

²⁶ Reason Foundation comments at p. 5.

²⁷ *Ibid* p. 6.

²⁸ *Ibid*.

IV. Conclusion

This proceeding should not be used as a tool to undermine the Commission's core mission of closing the digital divide. Internet service is essential in our modern digital world, and every household deserves equal access to it. Any proceedings that the Commission might initiate as a result of the record developed in response to the Public Notice should focus on deleting the digital divide rather than consumer protections and programs that promote fast, affordable, universal broadband. Any additions, deletions, or modifications of the Commission's rules must be promulgated pursuant to the notice and comment provisions of the Administrative Procedure Act.