



January 11, 2017

Commissioner Mignon Clyburn
Federal Communications Commission
445 Twelfth Street, SW
Washington DC 20554

Re: Solutions 2020 Call to Action Plan; MB Docket Nos. 16-41, 09-182, 07-294, 14-50; WC Docket Nos. 11-42, 09-197, 10-90.

Dear Commissioner Clyburn:

Benton Foundation (“Benton”) is pleased to submit comments in response to the publication and request for input on your #Solutions2020 Call to Action Plan. Benton works to ensure that media and telecommunications serve the public interest and enhance our democracy. Benton pursues this mission by: 1) seeking policy solutions that support the values of access, diversity and equity; 2) demonstrating the value of media and telecommunications for improving the quality of life for all; and 3) providing information resources to policymakers and advocates to inform communications policy debates. Benton is a member of the Commission’s Consumer Advisory Committee (CAC) and chairs the CAC Universal Service Working and Digital Inclusion Group. Benton has long advocated for universal, affordable telecommunications access for all citizens.

Benton is grateful to Commissioner Clyburn and Commission staff for taking the time to meet with communities and advocates to better understand the connectivity needs of Americans around the country. As co-hosts of the #Solutions2020 Forum held in Washington DC, Benton is especially supportive of the significant efforts made by Commissioner Clyburn and her staff in the development of the #Solutions2020 Call to Action Plan. Our comments today focus on areas where Benton has previously engaged with the FCC.

I. Ensuring Affordable Communications

a) Comprehensive Reform of Inmate Calling Services

Benton strongly supports efforts to introduce real competition and establish reasonable rates for Inmate Calling and video visitation services. We agree with Commissioner Clyburn that efforts to create affordable voice and video services with the prison system lead to better



outcomes for inmates, their families and prison administrations. The Commission should keep a close watch on positive efforts in states and localities to eliminate kickbacks to correctional facilities.

b) Streamlined Access to Lifeline Service

Benton has a long history of supporting the Commission’s efforts to develop policies that expand affordable access to telecommunications services to all Americans. We strongly supported the modernization of the Lifeline program to include broadband services. The reforms adopted by the Commission created the first federal policy initiative to support vulnerable communities as they struggle with the costs of broadband Internet access service. To ensure the success of this critical program, we plan to collaborate with the Commission as it implements the Lifeline order’s reform and updates. The Commission should continue to streamline the programs’ eligibility, verification, and outreach efforts. The Commission will need to build strong relationships with Federal and State government offices managing assistance programs to encourage smooth development of the third party verifier, the efficient education of Lifeline eligible participants, and the simplification of the application process to reduce burdens on the applicants, while ensuring an efficient, dependable, and secure process for the Lifeline administrator. On the ground, the Commission will need to bring in community-based broadband organizations working on the front lines of digital inclusion to ensure that these local leaders help guide the development and deployment of Lifeline outreach efforts. Benton looks forward to working with the Commission as it further refines and implements changes to Lifeline.

c) Deployment of Next Generation Communications Services

The idea of voice service for all has been an ideal going back to the earliest days of telephone service. Universal service was a principle of the first federal communications law, the Communications Act of 1934, and was enacted as a federal program in its current form as part of the Telecommunications Act of 1996. U.S. communications law imposes an obligation on the Federal Communications Commission to take affirmative steps to provide all Americans with an equal opportunity to access broadband. The law both compels the Commission to promote ubiquitous access to broadband and to avoid steps that would undermine this goal.

Under the Communications Act, Congress directed the FCC to promote the deployment of broadband services to all Americans. In particular, in 1996, Congress stated that the FCC “shall encourage the deployment on a reasonable and timely basis of advanced



telecommunications capability to all Americans.”¹ Congress specifically determined that broadband offerings are included within the definition of “advanced telecommunications capability.”²

Moreover, the law obligates the FCC to monitor the deployment of broadband and to take steps to promote broadband deployment if it is not being deployed to all Americans on a timely basis.³ If this determination is made, the FCC “shall take immediate action to accelerate deployment of such capability by removing barriers to infrastructure investment and by promoting competition in the telecommunications market.”⁴

Likewise, Congress determined that “[i]t shall be the policy of the United States to encourage the provision of new technologies and services to the public.”⁵ Congress also mandated that “[a]ccess to advanced telecommunications and information services should be provided in all regions of the Nation.”⁶

In February 2009, Congress reaffirmed its commitment to ensuring ubiquitous access to broadband. Under the American Recovery and Reinvestment Act of 2009 (the “ARRA”), Congress charged the FCC with developing a national broadband plan that “shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal.”⁷ As the FCC has noted, the ARRA “reshaped national priorities by bringing increased intensity to the national goal of ubiquitous broadband deployment.”⁸ In light of the ARRA, “the nation’s broadband policy goals now seek to encourage increased utilization of broadband in addition to the ubiquitous deployment of

¹ Section 706(a) of the Telecommunications Act of 1996 (codified at 47 U.S.C. §1302(a)).

² 47 U.S.C. §1302(d)(1) (“The term ‘advanced telecommunications capability’ is defined . . . as high-speed, switched, broadband telecommunications capability . . .”).

³ See 47 U.S.C. §1302(b) (stating that “the Commission shall determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”).

⁴ 47 U.S.C. §1302(b). The legislative history underlying Section 706 confirms Congress’s intent regarding the Commission’s obligation to promote the ubiquitous availability of broadband. The Joint Conference Report provides that the Commission – as part of its obligation to monitor whether advanced broadband offerings are being deployed to all Americans – “shall include an assessment . . . of the availability, at reasonable cost, of equipment needed to deliver advanced broadband capability. If the Commission makes a negative determination, it is required to take immediate action to accelerate deployment.” H.R. Conf. Rep. No. 104-458, at 210 (1996) (emphasis added), reprinted in 1996 U.S.C.C.A.N. 10.

⁵ 47 U.S.C. §157(a). Broadband is certainly a new technology or service within the meaning of the statute.

⁶ 47 U.S.C. §254(b)(2).

⁷ American Recovery and Reinvestment Act of 2009, §6001(k)(2), Pub. L. No. 111-5, 123 Stat. 115 (2009).

⁸ Sixth Section 706 NOI ¶13, n. 43.



broadband facilities.”⁹

The FCC has repeatedly recognized Congress’s goal of promoting the ubiquitous availability of broadband and has embraced it as an agency goal as well. The FCC determined that the “[r]apid deployment and ubiquitous availability of broadband services across the country are among the Commission’s most critical policy objectives.”¹⁰ The FCC also stated that its “end goal is to ensure the ubiquitous and affordable availability of broadband for all Americans.”¹¹

Easing rules regarding pole attachments is an important step forward to speed innovative efforts around deployment. To further the streamlining of potential barriers to deployment Benton also encourages the Commission to provide expert support to other Federal government entities that may affect deployment through their permitting processes. Benton strongly agrees with Commissioner Clyburn’s agonistic approach to partnerships to help support the economic case for buildout. Benton has worked close with innovative states and cities to highlight successful partnerships to build broadband through community-led efforts.

II. Empowering Communities

a) *Deploying Broadband through Community-Led Efforts*

Benton supports policies that promote competition in the broadband Internet access service market and preserve the ability of local governments to provide broadband capability and services.

⁹ Sixth Section 706 NOI ¶46; see also ARRA §6001(k)(2)(B), (D) (declaring that the National Broadband Plan shall include “a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public” and “a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety” and a number of other national purposes); see also ARRA §6001(b)(5) (declaring that one of the purposes of the Broadband Technology Opportunities Program is to “stimulate the demand for broadband”). Underscoring the importance of broadband and Congress’s commitment to achieving ubiquitous access to broadband, the ARRA provides up to \$7.2 billion in broadband stimulus funds to accelerate the deployment of broadband infrastructure and services throughout the nation.

¹⁰ Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, Second Report and Order, 22 FCC Rcd 15289, 15362 ¶196 (2007) (the “700 MHz Order”); see also Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, Further Notice of Proposed Rulemaking, 23 FCC Rcd 9859, 9859 ¶1 (2008) (stating “our goal is to promote the deployment and ubiquitous availability of broadband services across the country.”).

¹¹ Inquiry Concerning the Deployment of Advanced Telecommunications Capability to all Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, Fifth Report, 23 FCC Rcd 9615 ¶76 (2008) (the “Fifth Section 706 Report”).



b) Tribal Communities

Benton strongly supports Commissioner Clyburn's recommendation to better fund and empower the Commission's Office of Native Affairs. Benton strongly supports efforts to encourage strong use of existing programs like the Connect America Fund, the Mobility Fund, the E-rate, and Lifeline to improve connectivity on Tribal lands. We are prepared to support the Commission as it determines how to better address the communications needs of Tribal communities.

III. 5G and Beyond for All Americans

a) Identifying Spectrum Bands Suitable for Unlicensed Use

Benton strongly supports efforts to free up spectrum for unlicensed use as it would enhance competition, innovation, and deployment.

b) Promoting Efficient and Collaborative Infrastructure Siting Policies

Benton strongly supports a thorough review and streamlining of the permitting and deployment process. The Commission should work closely with local community and industry leaders to craft a more efficient and timely process.

c) Advancing Policies to Promote 5G Deployment in Rural America

Benton agrees with Commissioner Clyburn's analysis that the Commission must act to ensure that rural communities can benefit from mobile voice and data services. We support the recommendations to further spur the Commission's efforts to encourage deployment in rural communities, particularly to rural community anchor institutions as a cost-effective first step to full deployment.

d) Promote Security and Reliability in Communications Networks

Benton supports efforts to improve reliability and encourage the Commission to support the best possible cybersecurity practices to protect our networks.

IV. Enhancing Consumer Protections

As technology moves forward, consumers must retain key protections that ensure a fair and safe experience. This includes -- but is not limited to -- consumer protections like privacy, truth-in-billing, blocking unwanted solicitation and preventing cramming and slamming.



a) Enhancing Text Messaging for people with Disabilities

Benton supports the recommendations to expand text messaging capability to include Americans with disabilities. As technology changes the way we communicate, it is critically important that the Commission ensure that all Americans are able to benefit from these shifts in how we communicate.

b) Improving Point-of-Sale Transparency

As a member of the Commission’s Consumer Advisory Committee, Benton is very supportive of the “No Surprises Task Force” and its recommendations on consumer education. Benton supports efforts by the Commissioner to encourage industry to take up and implement these recommendations to help foster trust and better inform consumers.

V. Broadband as a Driver of Improved Health Services

a) Expanding Provider Access to the FCC’s Healthcare Connect Fund

Benton strongly supports Commissioner Clyburn’s recommendation to expand funding eligibility to include non-rural hospitals and healthcare providers that can provide telehealth services to rural communities. Funding for telemedicine in rural communities is critical and changes to the program to reflect the reality of the providers of rural health care on the ground is an important step forward for the Healthcare Connect Fund.

b) Adopting a Public Notice to Support Adoption and Accessibility of Broadband-Enabled Healthcare Solutions

We strongly support the Commissioner efforts to begin a detail dialogue on Broadband and healthcare. The information gleaned on gaps and needs will help the Commission update and improve health-related initiatives.

c) Rulemaking to modernize the Commission’s Rural Health Care Program

As a member of the Schools, Health & Libraries Broadband (“SHLB”) Coalition, Benton joined many organizations in a Petition for Rulemaking calling on the Commission to Modernize the Rural Health Care Program so it can help improve the quality of healthcare available to patients in rural communities and ensure that rural healthcare providers have access to telecommunications and broadband services.¹² We asked that the Commission increase the

¹² See <https://ecfsapi.fcc.gov/file/60001352027.pdf>



availability of affordable, modern, quality broadband capable of meeting the needs of healthcare in the 21st Century. These changes include lowering the applicant match in the Healthcare Connect Fund to ensure rural healthcare providers have access to, and can afford, the quality broadband necessary to support broadband-enabled care. We also proposed changes to support the deployment of remote patient monitoring and to further spur the formation of consortia capable of ensuring all safety-net healthcare providers participate in the unfolding broadband revolution.

To ensure the Rural Health Care program remains on sound financial footing, we asked the Commission to:

Update its analysis of eligible healthcare providers, to consider minimum levels of connectivity needed by those providers, and to recalibrate the Rural Health Care program cap based on such an analysis;

- Choose from a number of options to ensure there is sufficient funding to address rural broadband health needs; and
- Ensure efficient program administration by clarifying existing rules and ensuring that the program’s administrator, the Universal Service Administrative Company, has the resources necessary to support program reforms and program growth.

SHLB also sought changes to the FCC’s definition of “rural” and the establishment of a limited waiver process for entities that serve rural areas but don’t meet the definition of rural. We want the Commission to clarify eligibility categories and issue guidance to ensure potential program beneficiaries can reasonably determine their eligibility status in advance. Finally, in order to encourage skilled nursing facilities and other presently-ineligible healthcare providers to participate in consortia networks, we’d like the Commission to expand the scope of what constitutes an “eligible connection” for consortia participating in the Healthcare Connect Fund.

VI. Promoting a More Diverse Media Landscape

The Commission has for many years adopted policies to promote diversity; it should continue to embrace this goal.

Diversity advances the values of the First Amendment, which, as the Supreme Court stated, “rests on the assumption that the widest possible dissemination of information from



diverse and antagonistic sources is essential to the welfare of the public.”¹³ In considering media ownership regulation, the Commission has elaborated on the Supreme Court’s view, stating that “the greater the diversity of ownership in a particular area, the less chance there is that a single person or group can have an inordinate effect, in a political, editorial, or similar programming sense, on public opinion at the regional level.” These values do not change with the migration to digital networks. In fact, since, as FCC Commissioner Ajit Pai recently said, “[c]onvergence is now the norm,”¹⁴ it only makes more sense to keep diversity in mind when considering all information and telecommunications services. The Commission should advance:

Viewpoint diversity to make sure that the public has access to a wide range of diverse and antagonistic opinions and interpretations. The diversity of viewpoints ultimately received by the public should be increased by providing opportunities for varied groups, entities and individuals to participate in the different phases of the broadband industry.

Outlet diversity to ensure a variety of independent owners control broadband outlets.

Source diversity so the public has access to information and programming from multiple content providers.

Program diversity to provide a variety of programming formats and content.

a) Promote Independent Programming

By adopting an order on Independent programming the Commission could ensure that diverse voices are represented in our media.

b) Reinstate the FCC’s Minority Tax Certificate Program

Benton supports the recommendation to bring back the Minority Tax Certificate Program to improve diversity of broadcast ownership.

c) Establish a Pilot Incubator Program to Increase Female and Minority Ownership

The Commission should encourage minorities and women to participate in the broadcast industry. We support the Commission as it explores innovative ways to incentivize the participation of minorities and women.

d) Improving Diversity at Tech Companies

¹³ Associated Press v. United States - 326 U.S. 1 (1945)

¹⁴ Statement of Commissioner Ajit Pai on Revising the Communications Act of 1934. December 3, 2013. (<http://www.fcc.gov/document/pai-statement-revising-communications-act-1934>)



We support the Commission as it explores efforts to increase diversity in technology companies, especially communications technology. As new technology develops and drives audiences to content, the ownership and staff who develop these new tools and services should reflect the diversity of our country. We encourage the Commission to work closely with the U.S. Equal Employment Opportunity Commission (EEOC) and industry leaders to better understand how to support diversity in this critical sector.

Benton thanks Commissioner Clyburn and the Commission staff for their efforts and we strongly support the #Solutions2020 Call to Action Plan. Thank you for this opportunity to offer feedback.

Sincerely,

/s/

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