

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**In the Matter of** )  
 )  
**Emergency Broadband Benefit** )  
**Program** )

**WC Docket No. 20-445**

**REPLY COMMENTS OF  
THE SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION**

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## I. Introduction

The Schools, Health & Libraries Broadband (SHLB) Coalition<sup>1</sup> appreciates the opportunity to file these reply comments to support the Federal Communications Commission's (FCC's) administration of the Emergency Broadband Benefit (EBB) program. SHLB strongly supports rapid implementation of the EBB program and encourages the FCC to reduce barriers to enrollment and broadband provider participation.

The SHLB Coalition's mission is to promote open, affordable, high-quality broadband for anchor institutions and their communities.<sup>2</sup> As trusted members of their communities, anchor institutions can play an especially important role in accomplishing the objectives of the EBB program to expand broadband use and adoption, but only if the rules allow and if they are given the resources to do so. While there are many issues to resolve, we focus these comments on what the Commission can do to incentivize anchor institutions to help make the program successful.

The Commission faces a difficult task. The Commission's prior experience with the Lifeline program has been underwhelming, as only 25% of eligible households participate (according to a [January 2021 GAO Report](#)). Connecting households to broadband Internet through the EBB program is arguably more necessary for the health of the country, and the urgency is high. The rate of transmission of the COVID virus surged over the holidays, and experts warn that the infection rate could surge again with the spread of newer, more contagious strains of the disease this spring. The unfortunate reality is that thousands of people remain isolated at home, and many of them cannot afford broadband Internet access or Internet-enabled devices to communicate with the outside world. According to [one study](#), 42% of elderly people (the segment most at risk of COVID illness and death) do not have wired broadband internet access at home, even though most organizations distributing the vaccine require you to make an appointment on-line.

Given the enormity and immediacy of the challenge, the Commission must take an "all-hands-on-deck" approach and marshal as many players as possible to work together to implement the EBB program subsidies successfully. The Commission should embrace

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<sup>1</sup> The SHLB Coalition is a non-profit, public interest advocacy organization with over 230 members from across the United States. More information and a list of our members is available at [www.shlb.org](http://www.shlb.org).

<sup>2</sup> The SHLB Coalition supports a broad definition of anchor institutions that includes schools, colleges and universities, libraries, hospitals and health clinics, community centers, public housing, public media, museums, houses of worship and other public and non-profit organizations that serve the public good. Homeless shelters should be considered a household and should be eligible for the subsidies directly.

the role that anchor institutions can play in helping to make the program run as smoothly and effectively as possible.<sup>3</sup>

There are at least four (somewhat overlapping) ways that community anchor institutions could, if the rules allow, help make the EBB program successful:

- Anchor institutions can help to market the EBB program discounts by distributing information to their communities and spreading the word to eligible households;
- Anchor institutions can partner with service providers to help consumers sign up for service;
- Anchor institutions can sign up eligible consumers themselves, acting as agents for the households; and
- Anchor institutions can participate in the program as service providers.

Before discussing each of these four activities, it must first be emphasized that anchor institutions are much more likely to support the EBB program if the Commission makes clear that they will not be subject to liability for any errors as long as they make good faith efforts to comply with the Commission's policies and rules. The statute gives Internet Service Providers (ISPs) a "safe harbor" to be free from liability as long as they explain to potential consumers the nature of the program.<sup>4</sup> For instance, ACA Connects says "the Commission should affirm that a provider's reliance on an approved 'alternative verification process' to verify household eligibility constitutes 'good faith' reliance for purposes of the statutory safe harbor." (ACA Connects Feb. 11 ex parte, page 5). The same "safe harbor" should be given to schools, libraries and other anchor institutions and community-based organizations that sign up customers or help people sign up for this program.

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<sup>3</sup> The GAO Report supports the notion that involving the anchor institutions would help to remedy the excessive reliance on broadband providers in the existing Lifeline program: "Developing and implementing a comprehensive consumer education plan that aligns with key practices would guide USAC's efforts, helping it leverage third-party organizations, such as service organizations, who could reach and educate eligible populations that carriers currently do not. By doing so, USAC could enable more eligible consumers to enroll in Lifeline by applying on their own or with third-party assistance as FCC envisioned in the 2016 Modernization Order. (GAO Report. P. 26).

<sup>4</sup> "(j) SAFE HARBOR.—The Commission may not enforce a violation of this section under section 501, 502, or 503 of the Communications Act of 1934 (47 U.S.C. 501; 502; 503), or any rules of the Commission promulgated under such sections of such Act, if a participating provider demonstrates to the Commission that such provider relied in good faith on information provided to such provider to make the verification required by subsection (b)(2)."

**II. The Commission should permit and encourage anchor institutions to support the success of the EBB program in four ways.**

**A. The Commission should empower anchor institutions to help market the EBB discounts by providing information and materials and by providing funding to anchor institutions to spread the word to eligible households.**

Anchor institutions are trusted members of the community because of the vitally important role they play in distributing information, educating our students and adult learners, providing medical care and other public services. Anchor institutions are thus in a good position to help to advertise the availability of the EBB program discounts to eligible households, especially those who do not currently have Internet access at home.

Having said that, anchor institutions have encountered severe funding shortages due to the COVID pandemic, which has reduced business activity and local government revenues over the past year.<sup>5</sup> Anchor institutions on tight budgets may need financial support to develop and distribute materials to eligible families. SHLB supports the Common Sense Media suggestion that anchors should be eligible to receive funding to distribute marketing materials to their consumers. (“To support awareness and guidance the Commission should provide funding to schools and other anchor institutions that are well positioned to lift up the EBB program as a trusted resource for potential recipients.”)(Common Sense Media comments, p. 5).

This view is also supported by the Seattle commenters:

For example, Housing Authorities need funding to help offset the costs of conducting outreach and helping tenants enroll in internet service. It is a very time-consuming and challenging process, especially working with ISPs around language capacity. Translation services are often needed to ensure that ELL understand the program and hands-on support is almost always needed to navigate the final connectivity. Seattle comments, p. 14

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<sup>5</sup> According to a report from the Brookings Institution, “We project that state and local government revenues will decline \$155 billion in 2020, \$167 billion in 2021, and \$145 billion in 2022—about 5.5 percent, 5.7 percent, and 4.7 percent, respectively—excluding the declines in fees to hospitals and higher education. Including those fees to hospitals and higher education would bring these totals to \$188 billion, \$189 billion, and \$167 billion.” <https://www.brookings.edu/blog/up-front/2020/09/24/how-much-is-covid-19-hurting-state-and-local-revenues/>. See also an article from the Council of Foreign Relations, which says “U.S. state and local governments, on the front lines of the response to the coronavirus pandemic, are facing severe budget shortfalls. A distressing combination of dwindling tax revenues, record unemployment, and rising health costs have pushed many to cut back on spending for infrastructure and education—of which states and cities are by far the primary funders.” <https://www.cfr.org/backgrounder/how-covid-19-harming-state-and-city-budgets>.

We further agree with the National Digital Inclusion Alliance (NDIA) that funding should be made available to state agencies and local partners, who can then coordinate with schools, libraries, cities, counties, and other local institutions to encourage participation in this program. SHLB supports NDIA's request that

[t]he FCC and USAC should fund directly and/or ensure and incentivize providers to fund outreach and sign-up assistance partnerships via local and state government, tribes, anchor institutions, local ethnic media, libraries, faith institutions and culturally competent community based-organizations that residents often turn to first as trusted facilitators to learn about and access essential services." (NDIA comments, p. 4)

We note that the legislation allows the FCC to use up to 2% of the appropriated funds for its costs of administering these funds, which comes to \$64 million. This is surely more funding than the FCC needs to implement this program, especially considering that the funding and the program could come to a close by the end of 2021. We respectfully suggest that the Commission should make a portion of this funding available through a grant process to anchor institutions and other community-based organizations to help support and promote the EBB program (somewhat similar to the manner in which the Commission is making funding available for the COVID-19 Telehealth program).

SHLB also agrees with NDIA that USAC should take the lead role in developing educational materials that anchor institutions and broadband providers can use in their marketing efforts. USAC should make such information available in multiple languages and use clear language that makes it easy for households to understand and subscribe. The greater variety of materials the more confusing it will be for eligible households. As NDIA notes, "EBB marketing should not rely solely or even primarily on the efforts of providers, who may be in competition with each other and not in the best position to offer neutral advice or assistance to program participants."<sup>6</sup>

SHLB also agrees with the Wisconsin Department of Public Instruction that the FCC itself should develop and make publicly available marketing materials that schools,

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<sup>6</sup> SHLB notes that the GAO Report found that USAC had not done enough to bring awareness of the lifeline program to eligible consumers:

"USAC has not developed a comprehensive plan to educate consumers, which may have contributed to consumers' lack of awareness of Lifeline and the Verifier. We reviewed USAC's consumer education efforts and its communications working plan for 2020, which USAC officials told us serves as its consumer education plan, and found USAC had not planned a coordinated effort to fulfill its responsibility to educate consumers about Lifeline and the Verifier. In our prior work, we determined that agencies should have a plan for consumer education campaigns to help them overcome challenges that may emerge and identified nine key practices for such planning." (GAO report p. 23)

<https://www.gao.gov/assets/720/712068.pdf>.

libraries, and anchor institutions and other community-based organizations could use to promote the program with accurate information.

Furthermore, SHLB supports the suggestion of Higher Learning Advocates that

the FCC should produce and disseminate outreach materials in multiple languages and work with postsecondary institutions, particularly Historically Black College and Universities (HBCUs), Minority Serving Institutions (MSIs), and Tribal Colleges and Universities (TCUs), to make Pell recipients aware of their eligibility for the EBB, provide them with information on how to sign up and explain what documentation is required. (Higher Learning Advocates, Feb. 10, 2021 ex parte, pp. 2-3).

**B. Anchor institutions should be permitted to partner with service providers to help consumers sign up for EBB service discounts.**

SHLB agrees completely with NDIA's comment that providing information to low-income households is not sufficient to ensure widespread participation in the EBB program. According to NDIA

Academic research finds that simply providing information to low-income households about low-cost broadband offerings does not increase broadband adoption. The more burden placed upon the individual to sign-up for a program decreases its effectiveness. Programs that significantly increase the likelihood of successful adoption include an informed advocate that understands low-cost broadband offerings and the needs of low-income households.

Broadband providers should be permitted and encouraged to partner with local anchor institutions not just to make information available but also to help people sign up for service with those providers. While other programs with a competitive bidding process, such as E-rate, call for broadband providers and anchor institutions to keep each other at "arms-length", adopting an "arms-length" strategy for distributing EBB funding would undermine the purposes of the program to expedite broadband connectivity during the COVID crisis.

For instance, SHLB agrees with the VTPUC and VTDPs that "participating providers work with advocacy groups such as senior centers, libraries, childcare centers, community action centers, state consumer advocacy agencies and health clinics as means for reaching the most vulnerable populations eligible for the benefit." (VTPUC and VTDPs comments, p. 8)

SHLB supports the use of EBB funds to extend “sponsored agreements” or “single-payer” agreements between an anchor institution and an industry provider. For instance, Seattle commenters note that

these contracts involve a community anchor institution (such as a school district or city) or a community-based organization agreeing to directly pay for hundreds, if not thousands, of internet service accounts for a year or more. These bulk contracts are entered so that low-income residents can afford to participate in distance learning, telemedicine, etc. in the absence of Federal assistance. Seattle comments, p. 16

According to the National Cable and Telecommunications Association (NCTA), by November 2020, cable ISPs had participated in hundreds of sponsored service agreements with school districts and community partners to address the distance learning digital divide. NCTA found that this, “represented more than 12,000 schools with roughly 7 million enrolled students—over half of which (roughly 3.7 million students) are eligible for free or reduced-price lunches, which is determining eligibility in many sponsored service programs.<sup>7</sup> These programs should be encouraged for all broadband providers.

**C. Anchor institutions themselves should be allowed to act as agents for consumers and sign up eligible households for the discounted offerings.**

Anchor institutions can do more than partner with broadband providers - they should be able to sign up consumers directly to the program, or to pay for the broadband connection themselves (even without participating with a broadband provider). The FCC needs to make this explicit. In the Lifeline program, GAO found that the FCC had not made it clear whether anchor institutions needed the help of a broadband provider or needed the consumer to be physically present and that this lack of clarity was a deterrent to expanding participation in the program.<sup>8</sup> The FCC should clarify that an

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<sup>7</sup> <https://www.ncta.com/whats-new/how-the-cable-industry-is-bridging-the-digital-divide>.

<sup>8</sup> “When we asked USAC to clarify whether third parties were permitted to help consumers use the Verifier, officials told us that such assistance is permitted so long as the consumer is present and chooses to ask the entity for help. However, in reviewing the resources for tribal stakeholders that USAC published on its Lifeline support website, we found that none of the resources clarified whether third parties such as tribal governments and organizations could help consumers use the Verifier. Further, one tribally owned carrier told us that even after hiring a Washington, D.C. law firm to assist with Lifeline compliance, it remained unclear whether its staff could scan and upload eligibility documentation to the Verifier on a consumer’s behalf.” (GAO Report, p. 28)

anchor institution or other community-based organization should be able to act as the agent for the consumer and sign them up for the program as long as they have written evidence of the consumer's consent and documentation to establish their eligibility.

For instance, SHLB supports the Seattle commenters in noting that public housing authorities should be allowed to act as the agents for their consumers and allow them to subscribe to broadband service on behalf of their residents.

One of the most effective ways for the EBBP to quickly help large populations of eligible participants is to allow ISPs to partner with public housing authorities, tribal, and other low-income housing and similar providers to aggregate the benefit and 'turn-on' the internet service in every unit and centrally manage the service provision with the Housing Authority staff or other entity. (Seattle commenters, p. 8)

Housing authorities are in a good position to "centralize communications with tenants about the internet service and options once the EBBP ends. Housing Authorities will also be more adept at providing the communications in cultural and language appropriate methods to meet the unique characteristics of their residents." (Seattle commenters, p. 8)

Signing up for service and the EBB program should be made easy with written evidence to protect against fraud, waste and abuse. Consumers should also be able to self-certify that they are eligible for the program and anchor institutions should be able to sign up customers for service based on this written evidence. For instance, verifying Pell Grant recipient status should require documentation that is easily accessible to students, and participating in the free and reduced school lunch program should simply require evidence that the student is eligible for the program.

Another benefit of allowing anchor institutions to sign up customers was revealed at the FCC's roundtable on February 12, 2021. Several of the panelists expressed concern about what will happen when the EBB program ends. Anchor institutions are most likely to find alternative funding after EBB to continue family support of needed services.

#### **D. Anchor institutions should be allowed to participate in the EBB program as service providers.**

SHLB supports the suggestion of the Seattle commenters that the Commission should adopt a streamlined process for non-ETCs to participate in the program. The availability of CBRS spectrum makes it much more feasible for anchor institutions to set up and operate their own "private LTE networks" ([as 25 schools are doing in Utah](#)). Such

competition adds diversity, lower prices and encourages the maximum number of eligible households to participate in the program.

Designing for participation by all sizes of companies and types of providers will ensure the broadest access to eligible participants, and also support a competitive ISP ecosystem that will ultimately serve all community members with increased choice, service levels, and customer service accountability. Seattle commenters, p. 7.

Along these lines, SHLB also supports Common Sense Media's recommendation that schools and other anchors should be allowed to participate in the EBB program as service providers if they wish to do so.

The Commission should create a pathway for schools and other anchor institutions to be considered non-Eligible Telecommunications Carriers (non-ETC) providers allowing EBB beneficiaries the opportunity to choose to designate their monthly benefit to a school or other anchor institution that is providing home broadband service and devices which meet the requirements of the program. (Common Sense Media comments p. 4).

Of course, this right to participate as a provider of service should not be limited to schools; libraries, municipalities, non-profits and other non-traditional providers of service should also have the same opportunity to participate as providers (as long as they meet certain minimum obligations).

We recognize, of course, that the statutory language requires non-ETC providers to meet a test, including that the provider offered service to households as of April 1, 2020 and made such service "widely available." We respectfully suggest that any school or anchor institution could meet the "widely available" test if it made service available to all the households in its local community, even if it does not provide service to the whole city or state.

### **III. Conclusion**

In conclusion, SHLB encourages the Commission to embrace the role that anchor institutions could play in making the EBB program successful. The Commission can do so by:

- Ensuring that anchor institutions are immune from any mistakes in certifying eligible households for the program as long as they make good faith efforts to comply with the rules;

- Providing funding to anchor institutions to market and deliver information about the program to eligible households;
- Enable schools, libraries and other anchor institutions to serve as aggregators and enter partnerships to help increase enrollment of low-income families in the EBB program;
- Allow anchor institutions to sign up households for service on behalf of the household as long as they have written evidence to support the household's eligibility; and
- Allow anchor institutions to participate in the program as broadband providers as long as they provide qualifying service.

Respectfully submitted,



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