

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

Wireline Competition Bureau Seeks	)	
Comment on Emergency Broadband	)	WC Docket No. 20-445
Connectivity Fund Assistance	)	

**COMMENTS OF COMCAST CORPORATION**

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Comcast Corporation (“Comcast”) hereby responds to the public notice in the above-captioned proceeding.<sup>1</sup> Comcast commends Congress for establishing the Emergency Broadband Benefit (“EBB”) program as part of the Consolidated Appropriations Act (“CAA”). The temporary benefit will be directly aimed at the consumers affected by the unprecedented economic upheaval the country is experiencing. It also complements Comcast’s longstanding industry-leading Internet Essentials program, which has provided low-cost connectivity to millions of Americans in need since 2011.

The EBB program has the potential to bring much needed relief to America’s most vulnerable consumers and is a laudable step toward bolstering Internet service providers’ efforts to keep Americans connected during the COVID-19 pandemic. That assistance is needed as soon as possible, and Congress granted the Commission significant authority to expedite implementation of the program. Comcast urges the Commission to utilize this broad grant of authority – and all the resources at its disposal – to streamline implementation of the program as much as possible and to maximize participation by leveraging ISPs’ existing, voluntary low-income broadband programs like Internet Essentials to advance the goals of the EBB program.

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<sup>1</sup> *Wireless Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, Public Notice, WC Docket No. 20-445, DA 21-6 (Jan. 4, 2021) (“*Notice*”); *see also* Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. N, tit. IX, § 904 (2020) (“CAA”).

Comcast shares the goal of connecting everyone to broadband, and looks forward to working with the Commission and Congress on implementation of this program and on more long-term solutions to achieve that objective.

## **I. INTRODUCTION AND SUMMARY**

The COVID-19 pandemic has upended the way we live, learn, work, and connect to what matters, and has made broadband connectivity more important than ever. As the Commission adopts rules to implement and administer the EBB program to provide relief to consumers in the face of these new realities, it should make every effort to streamline and simplify procedures for both consumers and service providers to facilitate broad ISP participation and thereby accelerate relief and maximize choice for low-income consumers.

Comcast's response to the pandemic demonstrates its shared commitment to Congress's goals in establishing the EBB program to ensure that low-income Americans can get and stay connected to robust, reliable broadband service. At the outset of the pandemic, Comcast voluntarily took immediate steps to support our customers, particularly our low-income customers. Like many other providers, Comcast swiftly signed on to the Commission's Keep Americans Connected Pledge, and created an assistance program for customers temporarily unable to pay so they could continue using our services while keeping their bills low and ensuring that they did not accrue large outstanding balances. Comcast went even further by increasing the speed of its industry-leading Internet Essentials program, offering two months of free service to new customers, and waiving the eligibility restriction on customers with recent outstanding past due balances with Comcast. Comcast also committed to NCTA and EducationSuperHighway's K-12 Bridge to Broadband initiative to increase home connectivity solutions for students through a newly established Comcast program – the Internet Essentials Partnership Program (“IEPP”) – to work with schools and other organizations to quickly connect

families to the Internet and provide access to devices at home for virtual learning. It also opened the nation's largest network of public Wi-Fi hotspots for free to everyone, even non-Xfinity Internet subscribers; anyone, including students, can currently access our 1.5 million public Xfinity WiFi hotspots for free through June 30, 2021. And Comcast commenced a multiyear "Lift Zones" program to launch enterprise-grade, high-capacity Wi-Fi coverage inside more than 1,000 safe spaces in local community centers across the nation designed to enable students to get online for distance learning and to do their homework. More generally, Comcast teams have been working tirelessly to ensure that our broadband network could meet the unprecedented demand during the pandemic.

Even with these voluntary efforts, the most vulnerable American families continue to bear the brunt of the financial strain created by the pandemic, and many low-income households are not yet connected to the Internet. To help alleviate these issues and to satisfy Congress's key goal of enabling eligible households to receive EBB subsidies as quickly as possible, the Commission should adopt the following rules and streamlined procedures:

- Expedite the process for approving participating ISPs that are not eligible telecommunications carriers ("ETCs") under the Lifeline program and leverage existing, voluntary low-income broadband programs like Internet Essentials to advance the goals of the EBB program. Internet Essentials has a long and proven track record of connecting millions of low-income Americans and helping close the digital divide; the Commission should build upon this success by:
  - Confirming that (a) ISPs with low-income broadband programs in place as of April 1, 2020 will be immediately "automatically approve[d]" to participate in the EBB program, as Congress directed, and that (b) such ISPs may rely exclusively on their existing low-income broadband service offerings as covered services if they so choose, with the option to seek reimbursement for other broadband offerings that meet the program criteria; and
  - Expediting approval of the customer eligibility criteria and verification procedures for longstanding voluntary programs, which is fully consistent with the CAA's requirement to avoid waste, fraud, and abuse. ISPs voluntarily offer these low-cost broadband programs without government assistance, assume all financial risks associated with them, and have strong

incentives not to undermine their other profitable commercial offerings by making the program available to ineligible customers – all of which limits their availability to truly eligible customers and avoids waste, fraud, and abuse.

- In order to maximize consumer choice:
  - Ensure broad ISP participation in the EBB program by empowering eligible households to affirmatively elect the participating provider and covered service they wish to receive under the EBB program, rather than permitting providers to automatically enroll existing customers without their informed consent and potentially without their knowledge;
  - Ensure consumers are presented with all available broadband provider options at the outset, regardless of whether or not the provider is an ETC that participates in Lifeline. Such steps should include giving non-ETCs immediate access to the National Verifier, National Lifeline Accountability Database (“NLAD”), and other databases integral to program participation; and
  - Establish a single start date for the program within a reasonable time after an initial filing deadline – and after the Commission has promptly taken action on applications filed by this deadline – so that both ETC and non-ETC options are available to consumers at the same time. This will enable consumers to choose the provider and service that best meet their needs, including services that can best enable working and learning from home.
- Require providers to inform consumers at the time of enrollment that each eligible household may only enroll in the EBB program with one provider at a time, i.e., they may not receive EBB program benefits simultaneously from two or more providers.
- Clarify that the reimbursement procedures for connected devices allow participating providers to factor the reimbursement amount into the price ultimately charged to an eligible household for a device.
- Keep consumers and participating ISPs informed of the EBB funds remaining and provide timely notice of the anticipated end of the EBB program (i.e., when all funds will have been disbursed or after the conclusion of the emergency period).

Adopting these proposals will go far in achieving the goals of the EBB program and assisting low-income Americans during these challenging times.

## **II. THE COMMISSION MUST ENSURE THAT THE EBB PROGRAM EXPEDITES RELIEF AND MAXIMIZES THE BENEFITS FOR CONSUMERS.**

The Commission now has the responsibility to execute Congress’s vision for the EBB program to enable low-income Americans to quickly and efficiently get or remain connected to quality, reliable broadband.<sup>2</sup> Proper implementation of the EBB program is critical to its success in achieving this commendable goal. In developing the implementing rules for the EBB program, the Commission should be guided by the core principle underlying the statute: expediting relief for consumers.

The Commission should adopt rules that will enable eligible households to receive EBB subsidies as quickly as possible. To be sure, there are several important implementation issues for the Commission’s rules to address, but the importance of administrative simplicity cannot be overstated. Congress expressly noted the “emergency” nature of this program and, among other things, directed the Commission to act promptly using more streamlined procedures to enact program rules.<sup>3</sup> Eighty-three members of Congress have underscored that streamlined procedures are crucial to the successful implementation of an emergency broadband assistance program for low-income consumers.<sup>4</sup> Overcomplicating the process will lead to unnecessary

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<sup>2</sup> See Press Release, Committee Broadband Priorities Included in Omnibus Heads to President’s Desk (Dec. 22, 2020), <https://www.commerce.senate.gov/2020/12/committee-broadband-priorities-included-in-omnibus-heads-to-president-s-desk> (stating EBB program was established “to help low-income Americans, including those economically-challenged by the COVID-19 pandemic, get connected or remain connected to broadband”); cf. Press Release, Congressman Marc Veasey (TX-33) To Introduce Legislation to Bolster Broadband Access for Low Income, Minority Groups During Pandemic (May 13, 2020), <https://veasey.house.gov/media-center/press-releases/congressman-marc-veasey-tx-33-to-introduce-legislation-to-bolster> (quoting Rep. Marc Veasey, “With work, school, and healthcare – not to mention basic communication between friends and families – now taking place primarily online, it is more important than ever that all Americans have access to a fast, reliable internet connection”).

<sup>3</sup> See CAA § 904(h).

<sup>4</sup> See Letter from David Trone, Member of Congress; Terri A. Sewell, Member of Congress et al., to Nancy Pelosi, Speaker of the House; Mitch McConnell, Majority Leader et al. (May 12, 2020), [https://trone.house.gov/sites/trone.house.gov/files/wysiwyg\\_uploaded/200512%20Letter%20to%20Leadership%20RE%20Broadband%20Investment.pdf](https://trone.house.gov/sites/trone.house.gov/files/wysiwyg_uploaded/200512%20Letter%20to%20Leadership%20RE%20Broadband%20Investment.pdf).

delays in providing relief for consumers and administrative burdens that could inhibit participation by ISPs, including many with well-established low-income programs.

Maximizing ISP participation is one of the best ways to expedite consumers' ability to receive the EBB benefit. Congress recognized the importance of broad ISP participation in the EBB program. To that end, Congress declined to limit participation only to ETCs.<sup>5</sup> Expanding ISP participation also has the added benefit of expanding the range of broadband choices available to low-income consumers as part of the EBB program.

The need for a simple and expedited process is also why Congress explicitly recognized the importance of relying on existing low-income broadband programs to execute the EBB program and why it required that such providers be “automatically approve[d]” to participate in it, pointing to existing program eligibility requirements as sufficient for establishing household eligibility for the EBB program.<sup>6</sup> Consistent with this goal, the Commission should leverage existing programs and processes already in place as much as possible, as Congress intended, so low-income consumers – including those who already participate in existing, voluntary low-income broadband programs – can begin benefitting from the EBB program quickly.

Adhering to this core statutory objective will maximize the success of the EBB program and could lay the groundwork for future programs to help low-income consumers get and stay connected and help close the digital divide.

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<sup>5</sup> See CAA § 904(d)(1).

<sup>6</sup> See *id.* § 904(a)(6)(E), (d)(2)(B).

### **III. THE CAA REQUIRES THE COMMISSION TO LEVERAGE ESTABLISHED LOW-INCOME ADOPTION PROGRAMS LIKE COMCAST'S INTERNET ESSENTIALS TO ACHIEVE THE GOALS OF THE EBB PROGRAM.**

In order to generate the greatest impact for consumers in the shortest amount of time, the Commission must design the EBB program to take advantage of ISPs' existing broadband adoption programs, and should minimize as much as possible the administrative burdens to participate, as Congress intended. Voluntary programs like Comcast's Internet Essentials have been incredibly successful in closing the digital divide and represent some of the best available value in the marketplace today, particularly while consumers are sequestered in their homes trying to cope with the effects of the pandemic. Moreover, Comcast's Internet Essentials program and others like it already have well-established procedures in place to identify, verify the eligibility of, and serve low-income consumers. Rather than attempt to reinvent the wheel, the Commission should embrace existing reputable low-income broadband programs that can quickly begin offering EBB subsidies to eligible households.

#### **A. Internet Essentials Has a Proven Track Record of Success Connecting Low-Income Households.**

Internet Essentials began as a voluntary commitment proposed by Comcast and approved by the Commission in connection with the Comcast/NBCUniversal transaction ten years ago.<sup>7</sup>

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<sup>7</sup> See Letter from Kathy Zachem, Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 10-56 (Dec. 23, 2010) ("IE Commitment Letter") (voluntarily committing to launch a program to address the cost of broadband access for low-income homes, the lack of a computing device in the home, and the absence of digital literacy, and detailing the program's service and equipment offerings); *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd. 4238 ¶¶ 6, 256-257 (Jan. 20, 2011) ("Comcast will make available to approximately 2.5 million low income households: (i) high-speed Internet access service for less than \$10 per month, (ii) personal computers, netbooks, or other computer equipment at a purchase price below \$150, and (iii) an array of digital-literacy education opportunities."). As part of this voluntary commitment, Comcast provided the Commission with extensive reports on the progress of Internet Essentials during the required reporting period from 2012-2015. See, e.g., Letter from Lynn R. Charytan, Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 10-56 (July 31, 2014); Letter from Lynn R. Charytan, Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 10-56 (July 31, 2013); Letter from Lynn R. Charytan, Comcast, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 10-56 (July 31, 2012) ("2012 IE Annual Report").

The commitment grew out of a multi-year internal project at Comcast that identified low-income broadband adoption as its most important community investment priority.<sup>8</sup> Internet Essentials was designed to address multiple barriers to broadband adoption by low-income households, including the lack of a computing device and digital literacy skills.<sup>9</sup> While Comcast initially committed to maintain the program as proposed for three years, it has gone above and beyond its commitment and turned Internet Essentials into the cornerstone of the company’s dedicated efforts to make broadband more accessible for low-income Americans.

Now in its tenth year, Internet Essentials is recognized as the nation’s largest, most successful, and most comprehensive broadband adoption program for low-income households.<sup>10</sup> Over the program’s lifetime, Comcast has expanded Internet Essentials’ eligibility and enhanced its offerings many times.<sup>11</sup> While Internet Essentials was initially available only to families with children eligible to receive free school lunch as part of the National School Lunch Program (“NSLP”), it is now open to virtually *all* low-income households within Comcast’s footprint, including seniors, veterans, and people with disabilities.<sup>12</sup>

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<sup>8</sup> See 2012 IE Annual Report at 3.

<sup>9</sup> See IE Commitment Letter at 5.

<sup>10</sup> See, e.g., Andrew Goldstein, *Pittsburgh Housing, Comcast Partner on Internet Access*, <https://www.govtech.com/network/Pittsburgh-Housing-Comcast-Partner-on-Internet-Access.html> (Aug. 19, 2020) (“U.S. Rep. Mike Doyle, D-Forest Hills, said in a statement. ‘Comcast’s Internet Essentials partnership with HACP, funded by the CARES Act, helps to close the digital divide for Pittsburgh families who need Internet access in order to be successful in school and work.’”); Press Release, San Mateo County Partnership Brings Wireless Connectivity to K-12 Students in Need, (Aug. 13, 2020), <https://www.smcgov.org/press-release/san-mateo-county-partnership-brings-wireless-connectivity-k-12-students-need>; Press Release, Chicago Launches Groundbreaking Initiative to Bridge Digital Divide, Providing Free High-Speed Internet Access to Over 100,000 CPS Students (June 25, 2020), [https://www.chicago.gov/city/en/depts/mayor/press\\_room/press\\_releases/2020/june/CPSInternetAccess.html](https://www.chicago.gov/city/en/depts/mayor/press_room/press_releases/2020/june/CPSInternetAccess.html).

<sup>11</sup> For example, Comcast has increased Internet Essentials speeds significantly since the program was launched – from 1.5 Mbps/384 kbps in 2011 to 25/3 Mbps in 2020. See Press Release, Comcast Increases Access to and Speeds of Internet Essentials to Support Americans Through Coronavirus Pandemic (Mar. 12, 2020), <https://corporate.comcast.com/press/releases/internet-essentials-low-income-broadband-coronavirus-pandemic>; 2012 IE Annual Report at 4.

<sup>12</sup> See Press Release, Comcast Announces Largest Ever Expansion of Its Internet Essentials Program (Aug. 6, 2019), <https://corporate.comcast.com/press/releases/largest-expansion-internet-essentials-low-income-americans>.

Since the COVID-19 pandemic, Comcast has gone even further to expand its Internet Essentials program and help families in need by making it even easier for families to sign up for Internet Essentials, offering 60 days of free broadband service and waiving some of the program's eligibility requirements (including the requirement that the customer not have an outstanding past due balance with Comcast within the past year).<sup>13</sup> These offers for new customers have been extended three times and currently run through June 30, 2021.<sup>14</sup>

Internet Essentials has been incredibly effective in narrowing the digital divide and has had demonstrable benefits for low-income families:

- Internet Essentials has connected more than 2 million U.S. households, serving approximately 8 million people, to the Internet over the life of the program.
- Comcast has subsidized or donated 135,000 computers, of which 10,000 were committed between October and the end of 2020 to go to students, seniors, veterans, and adults, through its relationships with partner organizations.<sup>15</sup>
- Comcast has invested nearly \$700 million on digital literacy training and educational initiatives, reaching nearly 11 million low-income Americans.<sup>16</sup>

Additionally, with schools across the country turning to distance learning due to the COVID-19 pandemic, Comcast created a new program, IEPP, to help accelerate Internet adoption at a critical time. This program provides the opportunity for school districts and other organizations to fund and quickly connect large numbers of students and families to broadband access at home and ensure that they have access to all of the benefits of the Internet Essentials

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<sup>13</sup> Prior to the pandemic, Comcast had already waived this requirement for customers with outstanding past due balances more than a year old.

<sup>14</sup> See Comcast Corp., Internet Essentials, Staying Connected During Coronavirus, <https://www.internetessentials.com/covid19>.

<sup>15</sup> Comcast, Internet Essentials, <https://corporate.comcast.com/values/internet-essentials>.

<sup>16</sup> *Id.*

program.<sup>17</sup> To date, Comcast has announced partnership agreements with schools, school districts, cities, and nonprofits in states including California, Colorado, Georgia, Illinois, Massachusetts, Pennsylvania, Virginia, and the District of Columbia, to name a few.

**B. Internet Essentials Has a Well-Established Process for Verifying Subscriber Eligibility.**

Over the lifetime of the Internet Essentials program, Comcast has established a reliable process for verifying eligibility for low-income consumers. Because Internet Essentials is a voluntary program that is subsidized by Comcast – not the government – Comcast has always had strong incentives to verify that customers meet the eligibility criteria so that the program truly serves low-income customers; is free from waste, fraud, and abuse; and does not undermine Comcast’s other commercial offerings. Households in Comcast’s Internet service area may be eligible for Internet Essentials if they live in a high poverty area or qualify for one of the following government assistance programs:

- NSLP or Head Start;
- Medicaid;
- Public housing assistance;
- Supplemental Nutrition Assistance Program;
- Supplemental Security Income;
- Temporary Assistance for Needy Families;
- Low Income Home Energy Assistance;
- Women, Infants, and Children program;
- Veterans pension; and
- Tribal Assistance (e.g., Tribal Temporary Assistance for Needy Families).<sup>18</sup>

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<sup>17</sup> Comcast. Corp., Internet Essentials Partnership Program, <https://corporate.comcast.com/internet-essentials-partnership-program>.

<sup>18</sup> Comcast Corp., Internet Essentials, Frequently Asked Questions, Application Process, <https://www.internetessentials.com/get-help#application&Documentsneeded>. In Colorado and Illinois, Comcast also accepts participation in the Pell Grant program as a basis for eligibility. See Comcast Corp., Comcast Announces Internet Essentials Community College Pilot Programs in Colorado and Illinois (Sept. 16, 2015), <https://corporate.comcast.com/comcast-voices/comcast-announces-internet-essentials-community-college-pilot-programs-in-colorado-and-illinois>.

As part of the Internet Essentials application process, Comcast developed procedures to verify all applicants' eligibility for the program. Specifically, Comcast requires customers to submit an application for the program in order to obtain proof of identification and to establish eligibility. To enable participation, Comcast accepts many alternate forms of identification and, offers the Internet Essentials application in seven languages.<sup>19</sup> For households not enrolled via a school district as part of the IEPP program, Comcast cross-references information provided in the application against internal databases populated with publicly available data from government sources<sup>20</sup> to confirm eligibility based on the household's identified school's participation in the NSLP,<sup>21</sup> including through the Community Eligibility Provision managed by U.S. Department of Agriculture, residence at a public housing address, or residence in a high poverty area. If Comcast cannot automatically verify eligibility in this manner, or if the customer is relying on eligibility based on a different government program, Comcast requires the customer to submit documentation of proof of participation in one of the government assistance programs above. This documentation is reviewed by a vendor to confirm such documentation and program eligibility, but such documentation is generally deleted after 90 days when no longer needed consistent with Comcast's standard data privacy retention schedules.<sup>22</sup>

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<sup>19</sup> Comcast Corp., Internet Essentials, Frequently Asked Questions, Application Process, <https://www.internetessentials.com/get-help#application&Documentsneeded> (listing over 30 alternative forms of identification that can be provided by applicants). If an applicant requires help in a language other than those available, they can contact Comcast's call center, which supports over 240 languages, including American Sign Language.

<sup>20</sup> These include data from the National Center for Education Statistics, the U.S. Department of Agriculture, the Office of Head Start, the U.S. Department of Housing and Urban Development, as well as the U.S. Census Bureau's American Community Survey.

<sup>21</sup> When at least 40 percent of the student body in a school is eligible for the NSLP, the households of all students at that school are eligible for participation in Internet Essentials.

<sup>22</sup> Requiring eligible households to affirmatively request participation in the EBB program, as discussed further below, not only will ensure that customers are not automatically enrolled without their informed consent or knowledge, but also will enable ISPs to re-confirm eligibility and collect additional documentation if needed.

**C. Congress Made Clear That the Commission Must Ensure Longstanding Low-Income Broadband Programs Are Included in the EBB Program and Expedite Approval of Such Programs.**

Given the tight time frame in which the Commission must establish the EBB program and the dire need of many households for the financial assistance that this program can provide, the Commission should leverage ISPs' established low-income broadband programs to ensure responsible and efficient deployment of EBB funds in ways that will provide the greatest benefit to low-income consumers on an expedited basis. In the *Notice*, the Commission acknowledges Americans' continued reliance on telework, telemedicine, and virtual learning amidst the ongoing pandemic, and thus their need for a broadband connection and an adequate connected device that can support videoconferencing and other essential software.<sup>23</sup>

Internet Essentials and programs like it provide robust fixed broadband connectivity for low-income customers that enables multiple simultaneous users in a household to engage in their daily activities during the pandemic. The Commission's EBB program rules should streamline procedures for proven programs like Internet Essentials to ensure that eligible households can take advantage of such programs without delay, including so that existing customers of these programs can quickly avail themselves of the further benefit provided by the EBB subsidy.

1. The Commission Should Immediately Approve Providers That Are Eligible for Automatic Approval.

The statute is clear that providers with existing low-income broadband offerings as of April 1, 2020 "shall" be automatically approved by the Commission to participate in the EBB

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<sup>23</sup> See *Notice* at 9 (stating that "the Emergency Broadband Benefit Program is, in part, designed to ensure that program beneficiaries are able to meaningfully access and participate in remote learning during the COVID-19 pandemic" and proposing that "a connected device provided through the Emergency Broadband Benefit Program should be expected to support video conferencing platforms and other software essential to ensure full participation in online learning").

program.<sup>24</sup> With this instruction, Congress expressly recognized the legitimacy of such programs. The Commission should thus immediately approve, upon submission, providers that certify in their application that they are eligible for such automatic approval, as the *Notice* suggests.<sup>25</sup> Conducting a review of applications *prior* to permitting providers with established programs to participate in the EBB program would be contrary to Congress’s directive.<sup>26</sup>

2. Providers with Existing Programs Should Be Able To Rely Exclusively on Their Existing Low-Income Services as Part of the EBB Program.

The *Notice* proposes that participating ISPs indicate in their elections which service offerings they plan to seek reimbursement for pursuant to the EBB program.<sup>27</sup> Comcast supports this proposal. To stand up the program as quickly as possible with administrative simplicity, the Commission should confirm that participating ISPs can elect to offer only their existing low-income broadband offering that was in place as of December 1, 2020 as part of the EBB program. This approach would enable providers with existing low-income programs to operationalize participation in this temporary, emergency program without delay and expedite relief for consumers.<sup>28</sup> Of course, if they so choose, participating ISPs also should be allowed to expand EBB participation to other broadband service offerings in effect as of December 1, 2020, including at a later time by amending their EBB elections accordingly. In contrast, mandating

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<sup>24</sup> CAA § 904(d)(2)(B).

<sup>25</sup> *See Notice* at 5.

<sup>26</sup> As the *Notice* proposes, to the extent the Commission has concerns that the provider is, in fact, eligible for automatic approval, the Commission could retain the discretion to subsequently review these applications within a specified period of time (e.g., within 30 days of submission of the application) to confirm that the ISP indeed offered a program as of April 1, 2020, and retain further authority to revoke automatic approval upon completion of such review. *See id.* Requiring that any review and revocation occur within a fixed period will give ISPs that seek to participate greater certainty about their ability to do so and will ensure that they can begin providing EBB benefits to new and existing customers expeditiously.

<sup>27</sup> *See id.* at 2.

<sup>28</sup> Allowing providers to choose which of their service offerings are eligible for the EBB program also ensures that participation is voluntary and is consistent with congressional intent that providers “affirmatively ‘elect’ to participate.” *Id.* (citing CAA § 904(a)(12)(B)).

that a participating ISP make the EBB available for particular services or all services an ISP offers could dis-incentivize broad participation in the program and would, at a minimum, delay ISPs' ability to offer the EBB subsidy to low-income consumers, given the operational complexities involved (e.g., substantial changes to billing and provisioning systems and codes) – all of which would be inconsistent with Congress's goals for the EBB program.

3. The Commission Should Pre-Approve the Eligibility Criteria and Related Alternative Verification Procedures for Longstanding Low-Income Broadband Programs That Are Otherwise Offered on an Unsubsidized Basis.

Well-established, voluntary low-income broadband programs like Internet Essentials have incorporated detailed eligibility criteria and designed strong eligibility verification procedures into these programs. In fact, Congress appears to have modeled the eligibility criteria for the EBB subsidy on programs like Internet Essentials that utilize the NSLP in addition to other well-established criteria such as participation in other government assistance programs.<sup>29</sup> Moreover, as noted, Comcast and other ISPs that have voluntarily offered low-cost broadband programs without government assistance already have strong incentives to limit their availability to those customers who truly qualify. Voluntary low-income broadband programs like Internet Essentials, though not subsidized by the government, are subsidized by the provider and, thus, providers have borne the risk of waste, fraud, and abuse, and will continue to do so after the EBB funds run out. In addition, providers have strong incentives not to undermine their other profitable commercial offerings by making the program available to ineligible customers.

Given the genesis of these programs and their voluntary nature, the Commission can safely presume that they are designed and operated to minimize waste, fraud, and abuse. As such, the Commission should approve in its order establishing rules for the EBB program

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<sup>29</sup> See CAA § 904(a)(6).

Comcast's Internet Essentials' existing eligibility criteria for purposes of participating in the EBB program, as well as the eligibility criteria for similarly well-established voluntary low-income broadband programs. The Commission should likewise deem the alternative eligibility verification procedures and associated existing documentation procedures for such existing low-income broadband programs approved upon submission,<sup>30</sup> unless the Commission states otherwise in writing within the 7-day approval period mandated by the CAA.<sup>31</sup> Such immediate or accelerated approval will facilitate ISPs' participation consistent with Congress's wishes, and allow them to expedite consumers' receipt of EBB funds. Relatedly, the Commission should clarify that existing customers of these programs prior to the date of enactment need not resubmit application information in order to be eligible to receive the EBB subsidy (although, as discussed below, they should provide affirmative informed consent to be included in the EBB program). Otherwise, ISPs would have to gather and process information for each and every one of their potentially large number of existing program customers, as well as any new households that seek to enroll in these programs. Requiring such resubmission of information for such a large number of customers is unnecessary for the reasons explained above, and would also lead to significant delays in new and existing customers' ability to receive EBB benefits.

4. The Commission Should Ensure Participating Providers Eligible for Automatic Approval Have Immediate Access to All USAC-Administered Databases and Systems the Commission Elects To Use.

In order to ensure that participating providers eligible for automatic approval are able to fully participate and provide consumers with EBB benefits as soon as possible, the Commission

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<sup>30</sup> The Commission should permit providers to detail their alternative verification procedures as part of their compliance plans to avoid waste, fraud, and abuse. *See Notice* at 4. The Commission should also clarify that such compliance plans will be submitted as part of a provider's application to participate in the EBB program.

<sup>31</sup> *See* CAA § 904(b)(2)(B).

must ensure that these providers are promptly provided with access to the National Verifier, the NLAD, the Representative Accountability Database, and the Lifeline Claims System, to the extent the Commission chooses to use these databases and systems for the EBB program. Providers that do not participate in Lifeline do not currently have access to these systems, which is why Congress required the Commission to expedite access to the National Verifier and the NLAD for all providers, regardless of their ETC status.<sup>32</sup> Thus, prompt access to these databases for non-ETCs is not only imperative to implementing the EBB program, but also a statutory directive. Automatic approval for the EBB program is meaningless without access to the tools that the Commission determines must be used to administer the program. Therefore, the Commission should direct USAC to provide access to these databases and systems to all providers as soon as possible. Moreover, the Commission should direct USAC as soon as practicable to establish a period during which there will be a test environment for the National Verifier, NLAD and other integral databases available to non-Lifeline providers that intend to participate in the EBB program.

**IV. THE COMMISSION SHOULD TAKE OTHER AFFIRMATIVE STEPS TO PRESERVE CONSUMER CHOICE AND ENSURE PROPER AND FAIR ADMINISTRATION OF THE EBB PROGRAM.**

**A. The Commission Should Promote Consumer Choice by Ensuring That Eligible Households Affirmatively Elect What Service To Purchase and from Which Participating Provider.**

The *Notice* properly recognizes the importance of preventing duplicative EBB support.<sup>33</sup> In this regard, eligible households must choose a single broadband service to which the EBB subsidy would apply – whether to a service that is also eligible for Lifeline support (potentially

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<sup>32</sup> See *id.* § 904(b)(3)(A). The Commission also will need to clarify how the EBB program will work for providers that operate in California, Oregon, and Texas – states which have opted out of the NLAD.

<sup>33</sup> See *Notice* at 6.

an existing service the customer receives) or to a different broadband service offered by an alternative provider. To preserve and maximize the available broadband choices for consumers, the Commission should require that eligible households make an affirmative election to receive the EBB subsidy from a particular participating provider, and that providers obtain affirmative informed consent – including information about the terms and conditions that apply after the EBB funding runs out – from eligible households. Absent such a requirement, some participating providers could attempt to automatically enroll existing customers that are eligible for the EBB program, even if the customer would prefer instead to utilize the EBB subsidy for a different broadband offering from another provider. In addition, to assist with outreach and foster greater informed choice, the Commission and/or USAC should consider launching a website for consumers that lists the participating providers in their area, much like USAC maintains for Lifeline today.<sup>34</sup>

To the extent certain providers like existing ETCs are permitted to begin participating in the program before all others (which, as discussed below, the Commission should take steps to avoid), allowing them to automatically enroll customers without their affirmative informed consent or election would eliminate a consumer’s ability to choose the service that best fits their household needs.<sup>35</sup> In addition, at the point of enrollment, providers should be required to inform eligible households of the statutory limit that, by enrolling in the EBB, they are not able to enroll in the EBB program with another provider at the same time. Both the Commission and USAC could provide public information that explains to consumers the one-benefit-per-household limitation and urge them to make considered choices about which participating

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<sup>34</sup> See USAC, Companies Near Me, <https://data.usac.org/publicreports/CompaniesNearMe/Download/Report>.

<sup>35</sup> A prohibition on automatic enrollment would not, of course, limit providers from actively publicizing their EBB-eligible offerings to consumers, especially to communities most in need. See *Notice* at 10.

provider may best serve their household's needs (so, for example, the household benefit is not inadvertently used on a wireless plan that may be used only by one household member when the benefit instead could be used on a fixed provider's plan that may be used by the entire household). Eligible households – not providers – should be in the driver's seat and should be empowered to choose their services and how to direct their EBB dollars.

**B. The Commission Should Establish a Single Start Date for the EBB Program So That Consumers Are Presented With All Available Broadband Options Under the EBB Program.**

As proposed in the *Notice*, non-ETC ISPs that wish to participate in the EBB program would be subject to application and other related filing requirements that do not apply to existing ETCs.<sup>36</sup> As explained above, the Commission should streamline these procedures so providers with established low-income broadband programs can promptly begin offering this benefit to eligible consumers as well. Regardless, the Commission should recognize that there will necessarily be a “ramp-up” period for the EBB program when Commission and USAC staff will need to review EBB elections and applications and when non-ETCs may need to take the necessary steps to comply with any requirements to integrate with various USAC databases, in addition to the other requirements for participating in the EBB program.

Given the necessary lead time to launch the program, the Commission should, as discussed above, make every effort to ensure that all providers can start as soon as possible, ideally immediately upon the rules being issued, which would require that the Commission and USAC to take practical steps even during the pendency of this comment period to accelerate the entry of providers that are not ETCs. Such steps should include allowing non-ETCs that commit to participating in the program early access to the NLAD, National Verifier, and other integral

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<sup>36</sup> See *id.* at 4-5.

USAC databases on a test basis, as well as detailed documentation on the validation and verification process and APIs used for these databases.

In the alternative, the Commission could establish a single start date as early as practicable when all participating providers can begin making the benefit available to eligible households. This start date should be shortly after all elections and applications have been filed during an initial “priority” filing window. In addition, the Commission and USAC should be required to act on elections and applications filed during the initial priority filing window prior to this established start date.<sup>37</sup> As with the affirmative customer election requirement described above, a single start date for the program would maximize the broadband choices for eligible households at the outset of the EBB program. Consumers would be aware of the initial set of participating providers at the beginning of the program and can choose where to direct their EBB support.

Absent efforts to accelerate participation by non-ETCs or, in the alternative, a single start date, consumer choices under the EBB program would effectively be limited to existing ETCs, at least initially, because they would not be subject to the same application and compliance plan requirements as non-ETCs, and they are already integrated with various USAC databases. Limited choice at the launch of the program may discourage consumers from adopting services that can best support their needs during periods of learning and working from home.

Congress intended for the EBB program to have broad ISP participation beyond just ETCs, and the CAA expressly prohibits the Commission from requiring that providers be designated as an ETC in order to participate in the program.<sup>38</sup> The Commission should ensure

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<sup>37</sup> Elections and applications filed after the initial priority filing window could then be processed and reviewed on a rolling basis after the start of the program.

<sup>38</sup> See CAA § 904(d)(1).

that ETC and non-ETC participating providers are on equal footing when launching the EBB program so that consumers can choose from the broadest array of services. Rolling out the program in a manner that limits consumer choice would undermine the benefits of the EBB program and undermine congressional intent.

**C. The Commission Should Clarify the Reimbursement Requirements for Connected Devices.**

Under the CAA, the EBB program allows participating providers to seek a one-time reimbursement of up to \$100 for a connected device made available to an eligible household, if the charge to the eligible household for the connected device is more than \$10 but less than \$50.<sup>39</sup> Comcast understands the requirement to mean that a participating provider can factor the reimbursement amount into the price ultimately charged to an eligible household. For example, Comcast today makes subsidized computers available to Internet Essentials customers for \$149.99 plus tax. The Commission should make clear that such pricing would satisfy the connected device reimbursement requirements so long as the customer receives a \$100 credit off of that charge (i.e., the amount of the charge for which Comcast would seek reimbursement).

**D. The Commission Should Establish Procedures To Keep Consumers and Participating Providers Apprised of the EBB Funds Remaining and Ensure That They Have Sufficient Notice of the Anticipated Conclusion of the EBB Program.**

It is critical for the Commission to keep consumers and participating ISPs informed of the funds remaining in the Emergency Broadband Connectivity Fund, and to provide adequate notice of the anticipated end of the EBB program. Both consumers and participating ISPs need some degree of certainty in order to plan for the conclusion of the program. To maximize visibility, the Commission should publish information about the spend rate of EBB funds, at least on a

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<sup>39</sup> See *id.* § 904(b)(4); see also *Notice* at 9-10.

monthly basis. The Commission should also provide notice at least 90 days in advance of the anticipated date of the conclusion of the EBB program – i.e., when all funds will have been disbursed or after the conclusion of the emergency period. Providing this information will allow consumers to better plan their budgets. It will also give ISPs adequate time to provide notice to customers and to make necessary operational changes to their billing, provisioning, and systems to accommodate the expiration of the EBB program.

## V. CONCLUSION

Comcast respectfully requests that the Commission adopt the foregoing proposals for the EBB program. Doing so will expedite relief for low-income consumers while also maximizing ISP participation and consumer choice.

Respectfully submitted,

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