

TC-3 Resolution on Ensuring that Low-Income Households Can Efficiently Enroll in the Emergency Broadband Benefit (EBB) Program and Seeking Additional Funding for the EBB Program

Whereas on December 27, 2020, the Consolidated Appropriations Act of 2021 -(the Act) became law, and in the Act, among other things, Congress directed the Federal Communications Commission (FCC) to create the Emergency Broadband Benefit program (EBB) to provide a monthly discount on high-speed broadband services for qualifying low-income consumers, with the goal that all Americans stay connected to distance learning, telehealth, and remote access to work and government services during the COVID-19 pandemic;

Whereas the COVID-19 pandemic has forced schools, workplaces, healthcare and government offices across the United States to transition to remote work, distance learning, and telehealth to slow the spread of COVID-19;

Whereas consumers require high-speed broadband internet service in order to remotely access the audio-visual applications used to continue their work, schooling, and access to healthcare and government services;

Whereas low-income households have faced greater challenges in access to employment, education, health, and government services due to their lack of access to affordable broadband service;

Whereas the increased reliance on remote work, distance learning, telehealth, and remote access to government services is likely to continue beyond the end of the COVID-19 pandemic;

Whereas Congress appropriated \$3.2 billion in funds for EBB and directed the FCC to implement the program until the funds expire and provide a discount on broadband internet service of up to \$50 per month and a discount on the purchase of a connected device (such as a tablet) of up to \$100;

Whereas Lifeline provides a discount on broadband internet service of \$9.25 per month, and since December 1, 2020, the FCC minimum service standards for full Lifeline support requires plans offering 4.5 GB of mobile broadband data;

Whereas many EBB Program providers are offering unlimited mobile data plans (+20 GB) in order to ensure that eligible low-income households have adequate broadband connectivity, and such plans have a regular retail rate of around \$60-70;

Whereas the Act provides automatic eligibility for EBB to all households that are currently enrolled in Lifeline, and also extends the EBB program eligibility to households that: (1) participate in the federal free and reduced price lunch program; (2) experienced a substantial loss of income since February 29, 2020, that is documented by a layoff or furlough notice, application for unemployment insurance benefits, or similar documentation; (3) received a Federal Pell Grant student loan; or (4) meet the eligibility criteria for a participating provider's existing low-income or COVID-19 broadband program;

Whereas between May 12 and June 28, 2021, over 3.1 million eligible households enrolled in EBB, which represents only 3 percent of the 74 million people currently eligible for Medicaid—who are also eligible for EBB; and as result of increasing enrollments, the EBB Program may exhaust the program’s funds during the 2021-2022 academic year;

Whereas Universal Service Administration Company reports that 9.1 million households were enrolled in Lifeline as of April 2021;

Whereas in 2016, the FCC issued the Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (“Lifeline Modernization Order”) that created a national eligibility verification program (“National Verifier”) in order to improve the Lifeline enrollment process; and as of December 2020, the National Verifier had launched in all 56 states and jurisdictions;

Whereas experiences in launching the National Verifier demonstrated that application program interfaces (APIs) between providers, the National Verifier and state databases, such as the Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), and federal/state Medicaid databases greatly improved the National Verifier’s efficiency and accuracy in determining subscribers’ eligibility, and in July 2018, the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution urging the FCC to order USAC to incorporate service provider APIs into the National Verifier and thereafter, in February 2019, NARUC passed an additional resolution urging USAC to ensure critical state/federal databases for eligibility programs such as SNAP and Medicaid, are used in states where the National Verifier had been or was being launched;

Whereas Eighteen months after the completed launch of the National Verifier, over fifteen state SNAP databases have not been connected with the National Verifier due to lack of funding, which substantially hinders eligible households’ participation in the Lifeline program;

Whereas following the launch of the National Verifier, the Government Accountability Office (GAO) reported that 68 percent of Lifeline applicants dropped out of the manual eligibility review process, which was necessitated by a lack of National Verifier APIs with certain state SNAP databases;

Whereas the FCC has directed providers to enroll EBB eligible households through the National Lifeline Accountability Database (NLAD) and the National Verifier; however the National Verifier does not have an API that can be used by service providers to initiate EBB Program enrollments, like it does for Lifeline, and nor does it allow service providers to submit applicant documentation as required by the EBB Order;

Whereas the lack of API parity for EBB enrollments using the National Verifier, as compared to the fuller API functionality for Lifeline enrollments, has made enrolling consumers in EBB more difficult because the applicant information used by the consumer in the National Verifier must exactly match the information the applicant provided to the Lifeline service provider to enroll, as previously occurred during the initial launch of the National Verifier for Lifeline;

Whereas providers have documented instances of eligible households spending multiple hours to complete the EBB manual eligibility verification process; and API parity for the EBB enrollment process with the addition of document transmission capabilities to the EBB API would greatly improve the timeliness of eligibility verification;

Whereas the FCC and USAC have not completed development or provided a date certain for implementation of National Verifier API parity and document transmission functionality for EBB enrollments;

Whereas neither the FCC nor the USAC have made available data concerning the impact of the lack of API parity and manual review delays on the ability of subscribers to enroll in the EBB program, but apparently eligible EBB Program subscribers, including current Lifeline subscribers that are eligible to automatically opt-in to the EBB program, have likely been unable to enroll due the lack of API parity to support EBB Program enrollment and the manual review delays;

Whereas these problems will necessarily continue until needed technological and system improvements, including API parity, are made to the National Verifier enrollment process for EBB;

Whereas in the Lifeline Modernization Order, the FCC required the study and development of a report on the state of the Lifeline marketplace and recommended program reforms, including to the minimum service standards for broadband data usage, (Lifeline Marketplace Report) by June 30, 2021;

Whereas the FCC should take lessons from the EBB to reform the Lifeline program, including consideration of an increased Lifeline reimbursement amount, reforming the minimum service standards, and increasing transparency by developing a public USAC dashboard displaying Lifeline enrollment and de-enrollment metrics, along with data regarding the timeliness and expense of National Verifier eligibility verification methods;

Whereas on May 4, 2021, NARUC filed comments at the FCC advocating for the Lifeline Marketplace Report to use EBB as a tool to promote a natural re-examination of the Federal-State Partnership on Lifeline, using the ETC designation process as a tool to coordinate and condition provision of Lifeline;

Resolved that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2021 Summer Policy Summit in Denver, Colorado, requests that the FCC and USAC work quickly and collaboratively with service providers and other stakeholders to fix the National Verifier process for EBB enrollments by implementing service provider API that ensure parity with the Lifeline program API and an added document transmission functionality to ensure that EBB achieves its stated goals to help low-income households stay connected to remote work, telehealth, distance learning, and remote access to government services during the COVID-19 pandemic, without undue burdens or delays for EBB eligible households; and be it further

Resolved that NARUC urges Congress to adequately fund the EBB program from existing or proposed appropriations of federal funds to meet the goals of the Consolidated Appropriations Act of 2021 so as to assure that the program remains fully funded until six months after the HHS Secretary declares the end of the cited emergency in order to ensure low-income households continue to have robust access to work, education, healthcare, and government services provided as the transition to remote work and government service provision, distance learning, and telehealth continue; and be it further

Resolved that, in any legislation funding a temporary extension of the EBB program, Congress should phase out the current partial bypass of the State Eligible Telecommunications Carrier designation process and require providers receiving any federal funding to support broadband deployment to participate in the EBB program;

Resolved that NARUC urges the FCC to reform the Lifeline program consistent with lessons learned from the EBB Program, including consideration of how an increase in the Lifeline subsidy would provide more robust broadband connectivity for low-income consumers, reforming the minimum service standards, and increasing transparency by developing a public USAC dashboard displaying Lifeline enrollment and de-enrollment metrics along with data regarding the timeliness and expense of National Verifier eligibility verification methods.

Passed by the Committee on Telecommunications on July 20, 2021
Adopted by the NARUC Board of Directors on July 21, 2021