

Attachment—Additional Questions for the Record

**Subcommittee on Communications and Technology
Hearing on
“Broadband Equity: Addressing Disparities in Access and Affordability”
May 6, 2021**

Ms. Joi Chaney, Executive Director of the Washington Bureau & Senior Vice President for
Advocacy and Policy, National Urban League

The Honorable Yvette Clarke (D-NY)

1. In my district, great local non-profit organizations such as Digital Girl and NPower Inc. are focused on digital literacy and tech workforce development for Brooklyn’s underserved communities, including girls and people of color.
 - a. Ms. Chaney, can you please expound upon the role the federal government can play in addressing the challenges of digital literacy and readiness?

RESPONSE:

There are many steps the government can take in addressing the challenges of digital literacy and readiness and should take the lead on national efforts.

Digital readiness refers to the skills and equipment needed to effectively use information and communications technology to find, evaluate, create, and communicate online. The lack of these skills is a significant barrier for certain demographic groups, such as communities of color, hindering their ability to adopt and fully utilize broadband at home.

Our Lewis Latimer Plan for Digital Equity and Inclusion’s primary recommendation for addressing digital readiness is to create a national Office of Digital Equity to help coordinate training targeted to demographic groups with the lowest rates of adoption.

Among specific recommendations for the Office, the Plan proposes:

- Establishing a Digital Navigators Corps to help unconnected persons solve a wide range of adoption issues;
- Creating an Online Digital Readiness Portal to provide every American with access to free, age-appropriate curricula that teaches digital skills and enhances digital readiness, offered in multiple languages;
- Issuing reports on the effectiveness of different digital readiness strategies.

More information on these recommendations can be found in Chapter 4 of the Lewis Latimer Plan for Digital Equity.

The Honorable G.K. Butterfield (D-NC)

1. I have been very focused on finding new ways to increase broadband access for unserved communities in my district. One idea that I've put forth in my bill - the Expanding Opportunities for Broadband Deployment Act - is to retire an outdated, burdensome statutory requirement that broadband providers be designated as Eligible Telecommunications Carriers (ETCs) to participate in FCC broadband deployment and adoption programs. My bill, which I will reintroduce soon, is an important step toward increasing broadband competition, speeding up rural deployment, and boosting adoption in low-income communities. Removing counterproductive ETC requirements from the FCC broadband deployment and adoption programs will give low-income families more choices and increase competition and service quality. These are goals we should all be able to embrace in a bipartisan manner. In fact, it's worth noting that both former FCC Chairman Tom Wheeler, a Democrat, and former Commissioner Mike O'Rielly, a Republican, support my bill.
 - a. Would removing the statutory requirement that providers be designated as "Eligible Telecommunications Carriers" to participate in FCC adoption programs, such as Lifeline or a Permanent Broadband Benefit Program, help expand provider participation and consumer choice?

RESPONSE:

Yes, removing the ETC requirement would help expand provider participation and consumer choice because it disqualifies existing and future broadband providers who could otherwise deliver service quickly and efficiently.

The primary justification for the ETC requirement is that government funding should not go to operators who do not meet the kind of requirements that historically applied to common carrier telephone companies, including public interest obligations, in exchange for obtaining a local monopoly to provide telephone service.

The ETC requirement has been criticized as outdated, excluded many providers who are otherwise qualified to deploy infrastructure but who cannot meet the technical definition of an ETC, potentially increasing costs and lowering performance for consumers. Critics of the ETC requirement note that as part of the process of awarding funding, the FCC already conducts an extensive review of the provider's "long-form" application, which ensures the provider is technically and financially capable of fulfilling all relevant funding obligations.

Further, those accepting funding are legally bound by the provision that the funds may be "used ... only for the provision, maintenance, and upgrading of facilities and services for which the support is intended" (*see* 47 C.F.R. § 54.314) and are obligated to provide service (subject to milestones) of a specified performance level, for a specific number of years, to the locations for

which funding is awarded.

Assuming a robust audit and/or oversight process, failure to meet these obligations will result in penalties. In that light, the ETC designation or ongoing oversight by states may be redundant, though others argue that having multiple regulators provides additional assurance that companies are complying with the rules.

As a middle ground, our Lewis Latimer Plan for Digital Equity and Inclusion suggests that relevant ETC requirements could be incorporated into the FCC's long-form review process, making it possible to eliminate a separate ETC requirement. In particular, a service provider seeking FCC funding could be required to certify to the FCC:

- Compliance with applicable service requirements.
- Safeguards to facilitate continuing operations during emergencies, including back-up power sources, the ability to reroute traffic around damaged facilities, and being able to manage traffic spikes during emergencies.
- Compliance with applicable FCC consumer protection and service quality standards.
- Compliance with any specific requirements regarding the terms and conditions of broadband service supported by the government funding.
- Compliance with requirements that it has advertised the availability of the services and the charges for those services using media of general distribution, as required by the FCC.