

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)	WC Docket No 21-450
Affordable Connectivity Program)	
FURTHER NOTICE OF PROPOSED)	
RULEMAKING (FNPRM))	
Issued Nov 23, 2022)	
as part of the Fourth Report and Order)	
establishing the Affordable Connectivity)	
Program Transparency Data Collection)	

COMMENTS OF NATIONAL DIGITAL INCLUSION ALLIANCE
AND
COMMON SENSE MEDIA

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Introduction

The National Digital Inclusion Alliance (NDIA) and Common Sense Media respectfully submit the following initial comments in response to the Commission's Further Notice of Proposed Rulemaking ("the FNPRM") in the Matter of the Affordable Connectivity Program (ACP), which seeks comments on certain possible additions or changes to the Fourth Report and Order establishing the Affordable Connectivity Program Transparency Data Collection.

The National Digital Inclusion Alliance (NDIA) is a non-profit, 501(c)(3) organization that advances digital equity by supporting community programs and equipping policymakers to act. Working collaboratively with more than 1,100 digital inclusion practitioners in 48 states, the District of Columbia, two territories, and 12 tribal organizations. NDIA advocates for equitable internet access, tech devices, digital skills training, and tech support.

NDIA's affiliates include, among others, state broadband office and consumer agencies, county and municipal governments, housing authorities, community funders, workforce agencies, and nonprofit community organizations of all kinds. NDIA's primary concern in this proceeding is to enhance the ability of our state and local digital equity leaders to develop and implement effective strategies toward greater digital inclusion and equity in the communities they serve.

Common Sense Media is the nation's leading independent nonprofit organization dedicated to helping kids and families thrive in a world of media and technology. We empower parents, teachers, and policymakers by providing unbiased information, trusted advice, and innovative tools to help them harness the power of media and technology as a positive force in all kids' lives. Common Sense Media has an uncommon reach among parents and teachers, with over 100 million users and one million educators across its networks and platforms. We have a long and established track record of advocating for broadband connectivity for all children and families, in schools and at home, regardless of their socioeconomic status and geographic location.

In the Infrastructure Investment and Jobs Act (IIJA), Congress found that "access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States."¹ Recognizing this, Congress created a suite of broadband programs to address the main causes of the digital divide—the lack of access to infrastructure, the lack of affordable internet service options, and the lack of digital inclusion and adoption programming. Congress created these programs in one law and directed the FCC and NTIA to implement them together, understanding that the digital divide is a multifaceted issue and any solution must be comprehensive.

¹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), available at <https://www.govinfo.gov/content/pkg/BILLS-117hr3684enr/pdf/BILLS-117hr3684enr.pdf>

That is the context in which this proceeding occurs. The ACP is not an isolated program. Rather, it is tightly woven into the fabric of the largest broadband initiative this country has ever undertaken. The data the ACP generates are not only relevant to the program itself; they are relevant to all of the programs and stakeholder Congress included in the IJJA — infrastructure deployment; digital equity initiatives; broadband mapping efforts; digital discrimination inquiries; workforce, business, healthcare, and education interests; and state and local decision-making.

In paragraph 88 of the Fourth Report and Order, the Commission points out the data it intends to collect on “the prices of plans in which ACP subscribers are enrolled, subscription rates of such plans, and characteristics of those plans... not only are valuable for the Commission but could be of significant value to state and local governments, consumer groups, and other stakeholders...” NDIA and Common Sense Media applaud this recognition of the key role of state and community leaders in realizing the Affordable Connectivity Program’s promise.

Our purpose in submitting these comments is to identify datasets associated with the ACP which would be “of significant value to state and local governments, consumer groups, and other stakeholders”, and to discuss how these datasets could be collected, aggregated and published to be genuinely useful to state and local planners, advocates and practitioners.

In limiting our comments to this “local use” perspective, we do not intend to dismiss other questions raised by the FNPRM regarding the value or advisability of collecting certain additional data for the Commission’s own use, or for national or state-level publication. However, we are concerned that the Transparency Data Collection’s value for community-level digital equity efforts should not be relegated to secondary consideration. Digital inclusion programming and the struggle for digital equity happen at the community level.

Geographies for collection, aggregation and publication of provider-submitted data

The Commission has already established an important principle for the collection of providers’ price, subscription rate and plan information in the Fourth Report and Order: Providers must not be publicly identified and any published data must be aggregated at a level which preserves this principle as well as subscriber confidentiality. To ensure this, the Order calls for initial publication of providers’ data in aggregated, anonymized form at the state level, even though it is to be aggregated and submitted by each provider at the ZIP code level.

But in paragraph 81 the Commission says: *“Further, because the public may find more granular data more useful, and because providers will be required to submit data aggregated by ZIP code, we direct OEA, in consultation with WCB, OGC, and USAC to publish data by ZIP code, but only if doing so will not directly or indirectly disclose subscriber PII [personally identifiable*

information] or result in the publication of provider-specific data. We note that publication of data at more granular levels than ZIP code could be an option were we to collect ACP data at lower levels of aggregation or on a [subscriber basis in the future."

And in paragraph 110, the FNPRM asks for comment on "whether aggregated data should be collected or aggregated on a level smaller than ZIP code, such as by county or Census tract, either in addition to or instead of ZIP code."

From the standpoint of state and local leaders, data in the Collection will be useful only to the extent that it is published. State-level aggregated data, especially if divorced from provider identities, will be of little or no use in local or even statewide digital equity planning, prioritization or program design. NDIA and Common Sense Media strongly support the instruction to Commission staff (paragraph 88) to look for ways to "publish as much data" from the providers – specifically data that is as granular as possible – "consistent with privacy considerations."

But the granularity of data available for publication will obviously depend on the geographic level at which providers must aggregate and report it. Paragraph 110 asks for comment only on the possibility of smaller-than-ZIP-code levels for aggregation and collection... not for data publication.

To provide "significant value to state and local governments, consumer groups, and other stakeholders" who seek to maximize the impact of ACP in our communities, the Commission should consider smaller geographies for aggregation, collection, and publication of provider-submitted data.

As we explain below, this should extend to other ACP data which is now, or should be, part of USAC's "ACP Tracker" datasets, apparently sourced from the National Lifeline Accountability Database (NLAD), and released each month for counties and ZIP codes.

In both cases, the Commission should seek to provide the greatest possible amount of useful ACP data in a form that can easily be aligned to the boundaries of local jurisdictions, communities and neighborhoods, and matched with relevant local data from the American Community Survey and related sources on such topics as age, race, language, income, family characteristics, housing occupancy, school affiliations, public health, etc. – not to mention household computer ownership and broadband adoption.

We believe the most appropriate geography for this purpose is the Census block group.²

² Census tract aggregates could also be significantly more useful to state and local leaders than ZIP code aggregates, but can lose that value in rural areas, where tracts are sometimes larger than ZIP codes.

The block group is the smallest Census geography for which the American Community Survey provides most of its detailed data tables. Unlike ZIP code data, block group data can be “added up” easily, using consistent FIPS codes, into tract and county data. Block groups can be combined to match or approximate local community boundaries (municipalities, school districts, neighborhoods) more closely than ZIP codes. For these reasons among others, the Census block / block group / tract / county data hierarchy is widely employed for local community planning and analysis of all kinds, while ZIP code data is rarely used in this way.

An example of the limitations of ZIP code aggregation can be found in Cleveland, Ohio, famously one of the nation’s “worst connected cities” in terms of household broadband adoption.³

Twenty-one ZIP codes contain significant residential areas of Cleveland. But only twelve of those ZIPs have at least 95% of their residential addresses located within the city, according to the Department of Housing and Urban Development’s *HUD USPS ZIP Code Crosswalk Files*.⁴ The other nine have Cleveland residential address ratios ranging from 7% to 92%.

The most recent American Community Survey shows 226,369 households in the 21 “Cleveland” ZIP codes, but only 168,366 of those households are actually within the city. The other 58,000 households, or about 25% of the total, are in neighboring communities whose demographics range from very low income to very wealthy.

According to USAC’s most recent release of ACP data by ZIP code, there were 74,596 total ACP subscribers in the 21 “Cleveland” ZIPs at the end of December 2022. But how many of those ACP households were actually Cleveland residents? Three out of four? Nine out of ten? How does that number compare to the number of Cleveland households shown by the ACS to lack broadband, or to the proportion of Clevelanders living below 200% of poverty, or to all of the city’s households? City officials, and other community advocates for ACP and digital equity, can only guess.

But if USAC’s ACP data was available by Census block groups, no guesswork would be necessary. As delineated for the 2020 Census, there are just over four hundred populated block groups within the city of Cleveland, none which are shared with other municipalities.

According to the Census, block groups typically have populations between 600 and 3,000.⁵ The Census’ versions of ZIP codes (i.e. Census ZIP Code Tabulation Areas, or ZCTAs) have

³ <https://connectyourcommunity.org/2nd-worst-connected-big-city/>

⁴ HUD Office of Policy Development and Research, “USPS ZIP Code Crosswalk Files”, ZIP-COUNTY SUB, 4th Quarter 2021 at https://www.huduser.gov/portal/datasets/usps_crosswalk.html#data.

⁵ <https://www.census.gov/programs-surveys/geography/about/glossary.html>

populations ranging from zero to more than 130,000. NDIA’s review of the 2021 ACS 5-Year Estimates indicates that only about 5% of the nation’s 242,000 block groups have populations smaller than 500, compared to about 21% of the nation’s 33,800 ZCTAs. Most block groups, like most ZIP codes, have large enough populations to permit aggregation of household data with little danger to personal confidentiality.

The most obvious problem with substituting block groups (or tracts) for ZIP codes as a standard aggregation unit is that ZIP codes are already entered in providers’ customer records as well as in NLAD, while Census identifiers are not. We would point out, however, that fixed broadband providers are already required to submit tract-aggregated counts of their customer households in the Commission’s new Broadband Data Collection, while all Form 477 filers were required to align their advertised service offerings with Census blocks as recently as last June. It seems reasonable to assume that providers, perhaps with some technical guidance from the Commission or USAC, would be able to associate their ACP subscribers’ home addresses with the appropriate 12-digit FIPS codes.

In summary, we believe that the widespread utility of Census block group data outweighs the burden of providing it. State and local leaders, who are currently implementing the largest broadband investment in America’s history, will have a better understanding of connectivity in their most vulnerable communities. Consumer groups will be able to more precisely target philanthropic efforts and evaluate the true impact of this publicly funded program. Congressmembers will be better able to match the data to their districts, promoting Congressional understanding. And the Commission itself, as well as its outreach grantees, will be better able to set and evaluate quantifiable goals, a key recommendation of the GAO.⁶ Compared to the technical challenge of aggregating data — a challenge that has been solved in similar contexts — we believe that these benefits weigh in favor of releasing ACP data at the Census block group level.

ACP data that would be valuable to state and local digital equity leaders

NDIA and Common Sense Media submit that the following ACP data, aggregated at the Census block group level, would clearly have “significant value to state and local governments, consumer groups, and other stakeholders” which are planning, designing and targeting, managing and/or evaluating local digital equity initiatives, including effective ACP outreach, promotion and enrollment efforts. Of course this list may not be exhaustive.

1. Total ACP subscribers
2. Gross new enrollments and gross de-enrollments

⁶ <https://www.gao.gov/products/gao-23-105399>

3. Number of subscribers served by DSL, Cable, Fiber, FixedWireless, Satellite, MobileBroadband
4. Number of subscribers received ACP-supported devices, and the types of devices they received
5. Enrollee verification methods and eligibility categories
6. Enrollee age distribution
7. Number of households who complete the National Verifier process
8. Number of subscribers who have changed ACP provider and service type (e.g fixed, mobile, wireless/satellite)
9. Overall actual speeds, specifying (at least) fixed and mobile
10. Aggregated pricing information, including all-in and promotional vs. non-promotional pricing
11. Number of ACP subscriptions associated with Lifeline subscriptions
12. Numbers of enrollees who previously had home Internet access from any provider
13. Household size distribution
14. Numbers of K-12 students in subscribers' homes

Item 7 could be provided by USAC itself. This metric would show the total number of households that complete the National Verifier (NV) eligibility process, which is separate (and presumably larger) than the number of NV-pathway subscribers reported via NLAD.

Items 8 through 11 (subscriber mobility, speed, pricing, Lifeline) would necessarily come from aggregated data submitted by providers on an annual basis, and would require the Commission staff to determine how to “*publish as much data as possible* [at the block group level], *consistent with privacy considerations*”. We recognize the difficulty of meeting this mandate at the block group or even tract aggregation level. However, we believe the value of this data for state and local community digital equity work would fully justify the effort.

Items 12 through 14 (Internet access history and user information) would require the collection of new information from subscribers, either by adding questions to the enrollment process or by requiring providers to collect information at the point of sale. Unfortunately, as useful as this information would be to local efforts, we fear that the additional and potentially intrusive questions may deter potential subscribers while yielding little statistically significant data at the community level. Instead, we encourage the Commission to address these questions through robust survey research at the national level and by other means that neither create barriers in the application and recertification processes nor require subscribers to share personal information with providers.

Items 1 through 6 are already collected for each ACP subscriber in the National Lifeline Accountability Database.

USAC is currently publishing some of this information (total subscribers, method of verification) by ZIP code in monthly dataset releases on its *ACP Enrollment and Claims Tracker* web pages. Other information apparently derived from NLAD data – including age distribution of subscribers, wireline vs. mobile vs. fixed wireless subscriptions, and “Applicant-Selected Eligibility Categories” – is published at that site as nationwide statistics, on a monthly basis.

We urge the Commission to consider adding NLAD-based data on types of broadband service provided, devices provided, eligibility categories selected, and subscriber age distribution to USAC’s regular localized ACP data releases. As a first step, USAC could begin adding this data to its monthly ZIP code and county datasets as quickly as possible.

But consistent with our recommendations above – and for all the same reasons – we also urge the Commission to consider adding the 12-digit block group FIPS code for each subscriber address to the NLAD, with the intention of making all the data currently being published by USAC for ZIP codes, along with the data we propose to add, available to states and communities at the block group level.

Conclusion

We appreciate the Commission’s time and attention to this issue and look forward to its publication of ACP data that is routinely available and usable by local and state leaders.