Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the matter of	)	
	)	
The Implementation of the	)	
Affordable Connectivity Program	)	
	)	WC Docket No. 21-450

COMMENTS OF NATIONAL DIGITAL INCLUSION ALLIANCE

March 16, 2022
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The National Digital Inclusion Alliance (NDIA) respectfully submits these comments in response to the FCC's REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULEMAKING, released January 21, 2022.

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 650 digital inclusion practitioners, NDIA advocates for broadband access, tech devices, digital skills training, and tech support.

Below, NDIA comments on the FCC's implementation of 1) an outreach grant program and 2) a pilot program focused on eligible households participating in federal public housing assistance programs.

Comments on an Outreach Grant Program

In Item 273 of the Report and Order, the FCC asks whether there are other analogous federal outreach grant programs the Commission should consider as good models for establishing an outreach grant program besides those already identified in the record.

NDIA encourages the FCC to investigate the Centers for Medicare and Medicaid Services (CMS) health navigator program[1] to determine if any best practices can be derived. The Appalachian Regional Commission[2] has long dispersed grants to small non-profit organizations and communities and could be a source of expertise as could HUD who manages the Community Development Block Grant[3] program to which the FCC could look for best practices in supporting communities. NDIA also encourages the FCC to review case studies and evaluations from the BTOP program[4] to determine if any successful best practices can be derived. Finally, NDIA encourages the FCC to investigate state-level programs such as the New York Digital Inclusion Fund[5] and BAND-NC[6], both of which have successfully deployed grants to small and large community based organizations for the purposes of advancing digital equity and increasing digital inclusion activities.

In Item 274 of the Report and Order, the FCC seeks comment on the duration and budget for a potential outreach grant funding program.

NDIA urges the FCC to establish an outreach grant funding program that processes grant applications on a rolling basis. The rolling application window should end when the money allocated for the outreach grant program is depleted or when the ACP program ends, whichever is sooner. A rolling application window provides flexibility to grantees and allows organizations to apply for outreach funding at a time that aligns well with their outreach strategy.

NDIA also urges the FCC to be flexible with respect to establishing grant term lengths under this program. Applicants should be able indicate on their application the length of the grant term they prefer between 1 and 3 years, inclusive. The FCC should evaluate these preferences and approve or disapprove accordingly. Generally, recipients of larger grants should operate under longer grant term lengths and vice versa. Allowing applicants to indicate their grant term preference will empower them in the application process and ultimately enhance their outreach efforts. This will also reduce the Commission's burden in the grant term determination process. Grantees should be able to re-apply for outreach grants after their grant term expires.

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[1] https://www.cms.gov/CCIIO/Programs-and-Initiatives/Health-Insurance-Marketplaces/assistance
[2] https://www.arc.gov/
[3] https://www.hudexchange.info/programs/cdbg/
[4] https://www2.ntia.doc.gov/node/1097
[5] https://www.digitalinclusion.org/nydifund/
[6] https://iei.ncsu.edu/band-nc/

In Item 193 of the Report and Order, the FCC permits the Wireline Competition Bureau to spend up to, but not more than, $100,000,000 over the next five years for outreach, including, but not limited to, immediate outreach activities and a potential outreach grant program.

ACP outreach is most effective when conducted by trusted, community-based organizations who are very familiar with the communities they serve.[7] An outreach grant program would harness the localized knowledge of and community trust in its grant recipients to most effectively promote ACP. As such, NDIA urges the Commission and Wireline Competition Bureau to use 75 percent of the budget allocated for outreach activities to establish and implement this grant outreach program.

In Item 275 of the Report and Order, the FCC seeks comment on the particular types of outreach activities toward which the FCC should consider targeting outreach grant funds.

NDIA urges the Commission to target funds to support high-touch, holistic digital inclusion programs that address additional barriers to broadband adoption and personalized enrollment support such as street teams, door knocking, and tabling at events or areas with heavy foot traffic like schools, libraries, etc. One NDIA affiliate signed up over 600 participants to the program through street teams. Others have printed flyers, gone door-to-door to enroll participants, paid for ads in local news outlets, and advised individuals and households on the best options for their household.

NDIA also urges the commission to include any costs associated with the following as eligible uses of funding for both grant recipients and subgrant recipients under the outreach grant program: 1) creating, producing, and disseminating ACP consumer outreach resources (e.g. mailers, posters, etc.); 2) ACP consumer outreach through social media (e.g. Facebook ads); 3) other advertising measures (e.g. SMS/text campaigns, TV ads); 4) translating and interpreting ACP consumer outreach materials; 5) hosting ACP consumer community outreach events, including costs for physical supplies, costs for food distributed to outreach event attendees, and costs for technological equipment for supporting in-person enrollment (e.g. tablets); 6) employing ACP consumer outreach personnel; 7) travel for the purpose of ACP consumer outreach; 8) fulfilling reporting, evaluation, auditing, and other administrative requirements under the grant outreach program.

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[7] Horrigan, J., & EveryoneOn. (2021). Affordability and the Digital Divide. https://static1.squarespace.com/static/5aa8af1fc3c16a54bcbb0415/t/61ad7722de56262d89e76c94/163875 8180025/EveryoneOn+Report+on+Affordability+&+the+Digital+Divide+2021.pdf?utm_source=sendgrid& utm_medium=email&utm_campaign=Newsletters

In Item 275 of the Report and Order, the Commission seeks comment on estimated ranges of outreach grant awards.

Some NDIA affiliates voiced concerns that for smaller organizations with limited resources, the application and implementation costs of federal grants outweigh or nearly outweigh the actual financial benefit of the grants themselves. NDIA encourages the Commission to establish a minimum threshold for the outreach grant awards of $50,000 to encourage participation amongst smaller organizations.

In Item 275 of the Report and Order, the FCC seeks comment on the types of support, outreach material, and technical assistance the Commission could provide to grantees.

Several NDIA affiliates voiced concerns about the procedural and technical challenges associated with smoothly enrolling in the ACP. For example, consumers who were enrolled in the Lifeline program years ago have trouble enrolling in ACP because they can not recall their National Verifier username and/or password information. This delays the process and can deter enrollment altogether. As such, NDIA urges the Commission to provide outreach grantees and others with training and technical assistance on how to navigate the pain points and obstacles a consumer may encounter while enrolling in ACP. The Commission can support by offering two-way virtual webinars and trainings, providing written materials and guides, and making available a live support line or point of contact who can provide real time feedback and support.

Additionally, NDIA urges the Commission to invest in continuous training for ACP Support Center representatives and to provide them with the latest information about ACP and any changes to the program. USAC's ACP representatives also should be provided access to the consumer's information necessary to provide robust and comprehensive support to all customers who seek it. For instance, one NDIA affiliate reported that ACP representatives don't currently have access to the full record of a given ACP participant to be able to effectively troubleshoot issues such as whether a given household has received the device benefit or not.

NDIA affiliates found helpful the FCC's distribution of standard EBB outreach language (in multiple languages) that could be incorporated into the outreach materials of community based organizations and public interest groups. NDIA urges the FCC to continue to create and provide standard outreach language (in multiple languages) for ACP that can be incorporated into the outreach materials of community based organizations, public interest groups, and outreach grant program recipients.

NDIA also urges the FCC to utilize the linguistic skills of native speakers in compiling and editing its translated outreach materials. Several NDIA affiliates have indicated that some of the FCC's translated outreach materials do not use day-to-day verbiage of their intended audience.

NDIA encourages the Commission to set benchmarks for engaging and providing technical assistance to women-owned or minority-owned business enterprises (WMBE) and black, indigenous, and people of color (BIPOC) organizations to reduce the impacts of bias categories among applicants and ensure the Commission receives applications from WMBE and BIPOC-led organizations.

In Item 276 of the Report and Order, the Commission seeks comment on the types of entities that should be deemed eligible to receive funding under the outreach grant program.

NDIA recommends that the eligible grantees under the outreach grant program should include community anchor institutions, which means: a public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit community support organization or governmental community support organization that provides outreach, access, equipment, and support services to facilitate the greater use of broadband by vulnerable populations, including remote, low-income, unemployed, and aged populations, or has an ample understanding of the Affordable Connectivity Program and the broadband needs of its community, or plays a role in advancing a broadband or digital equity in its community.

In Item 276 of the Report and Order, the Commission asks whether State, local, and Tribal governments, including associated social service agencies, school districts, libraries, public housing authorities, governmental entities located within the state that carry out workforce development programs, or an agency of the State that is responsible for administering or supervising adult education and literacy activities in the State, should be eligible to receive potential grant funds.

NDIA recommends that the eligible grantees under the outreach grant program should include State, local, and Tribal governments, including associated social service agencies, school districts, libraries, public housing authorities, governmental entities located within the state that carry out workforce development programs, or an agency of the State that is responsible for administering or supervising adult education and literacy activities in the State, should be eligible to receive potential grant funds. NDIA stresses here that if a government entity receives outreach grant funding, the Commission should encourage that government entity to partner with local, trusted organizations in their outreach efforts.

In Item 276 of the Report and Order, the Commission seeks comment on whether nonprofit eligibility under the outreach grant program should be limited to non-profit organizations with 501(c)(3) status.

NDIA urges the Commission to consider only nonprofits with 501(c)(3) status as eligible grantees under the program. NDIA stresses here that the 501(c)(3) designation alone is not automatically indicative of a high-quality applicant. Rather, the most important factor in evaluating the quality of applicants is whether that applicant demonstrably has prior experience working with or conducting outreach to the communities that are most likely to benefit from the Affordable Connectivity Program.

In Item 276 of the Report and Order, the Commission seeks comment on whether funding recipients under the outreach grant program should be permitted to use subgrantees.

NDIA affiliates voiced strong support for permitting subgrants under the outreach grant program. As such, NDIA urges the Commission to permit subgrants under the outreach grant program. Permitting subgrants would increase the effectiveness of the outreach grant program by allowing smaller nonprofits and community based organizations, who do not have the administrative or financial capacity to participate as grant recipients, to receive support for ACP outreach activities. A subgrant mechanism would also allow named grant recipients with particularized knowledge of specific communities to award subgrants to other outreach partners in those communities who may be highly trusted, smaller organizations. We recommend a grant program structure in which named recipients fulfill the reporting, auditing, and other administrative requirements typical of a federal grant program, whereas the subgrantees focus on conducting outreach work while fulfilling simple reporting requirements. While subgrants should be permitted, the Commission should create a program flexible enough to provide funds to organizations who have the capacity and trusted relationship with the community to conduct the outreach and engagement themselves.

In Item 277 of the Report and Order, the Commission seeks comment on how the Commission could structure an application and evaluation process to maximize the potential reach and effectiveness of outreach grant funding.

NDIA urges the Commission to establish an accessible, competitive, and flexible application process for the outreach grant program. An accessible and non-burdensome application process is more likely to allow smaller organizations, that may have limited administrative or financial capacity, to participate.

To ensure the quality of the outreach activities funded under this grant program, NDIA urges the Commission to require that grant recipients have a proven track record of effectively serving its community in some capacity. Proven and trusted community messengers who understand the needs of their communities will be most likely to reach the populations who are the least trusting of federal programs like ACP and who have been served poorly by untrusted organizations in the past.

NDIA recommends that grants under the program provide funding to recipients up front—not through a reimbursement process—because a process that requires recipients to provide their own resources up front would prevent many organizations with limited resources from participating.

NDIA urges the Commission to provide application assistance to applicants by hosting informational webinars, holding office hours for real-time applicant assistance, and providing applicants with links to grant-writing resources and tools.

NDIA urges the Commission to establish as part of the grant program's evaluation process a committee composed of experts in the Digital Equity field and who are racially, ethnically, economically, regionally, etc. diverse. This committee should support evaluation of the applications received. Prior to engaging in its evaluation process, the committee members should 1) participate in an onboarding session that includes an Equity and Implicit Bias training and 2) receive and familiarize themselves with a common scoring rubric. Committee members should be compensated and not engaged in any of the proposals to the outreach grant program.

In Item 278 of the Report and Order, the Commission seeks comment on whether, in the application process, special consideration should be given to prior experience working with or conducting outreach to underserved populations and areas where the funding will have the most impact on ACP enrollment.

NDIA urges the Commission to give priority to applicants with prior and proven experience providing digital inclusion programming to populations and communities less likely to be connected. After prioritizing these applicants, the Commission should prioritize applicants who have prior and proven experience working with or conducting outreach to populations and communities less likely to be connected. Trusted, community-based organizations with a quality track record of serving these populations and communities, especially through digital inclusion programming, are well-equipped to conduct effective ACP outreach, and the application evaluation process should reflect this.

In Item 278 of the Report and Order, the Commission seeks comment on whether awarding funding to applicants from a range of organization types and sizes (e.g., nationwide, regional, local, and smaller organizations) and ensuring diversity in geographic areas and intended outreach populations will best serve the underlying goal of increasing enrollment in the ACP.

NDIA agrees that awarding funding to applicants from a range of organization types and sizes and ensuring diversity in geographic areas and intended outreach populations will best serve the underlying goal of increasing enrollment in the ACP. Notably, large national organizations are

more likely to have the administrative and financial capacity to apply for and receive federal grants. Large national organizations can be effective outreach partners in some respects. However, they tend to lack the localized knowledge and community trust that smaller, community-based organizations have built. As such, NDIA urges the Commission to prioritize smaller, trusted, and locally-based organizations in awarding grant funding to applicants. These organizations are valued and trusted resources in their communities and as such, can engage in more potent outreach efforts than those of larger national organizations. To achieve this greater impact, the Commission will need to provide technical assistance to smaller organizations that it may not need to provide to larger organizations, including submitting required program data and financial information.

In Item 279 of the Report and Order, the Commission seeks comment on establishing goals and metrics for a potential outreach grant program, and tracking performance of those goals.

In addition to the obvious metrics, the Commission should also collect what activities the grantees engaged in to reduce other (non-cost) barriers to broadband adoption. This will provide much needed data for evaluation of which programs are most impactful.

Organizations that receive grants for more than one year (regardless of whether they were consecutive) should receive additional funds to determine if ACP enrollees from a previous year maintained their broadband service, if the type, speed, and data caps changed and whether they are still enrolled in ACP.

Comments on a Pilot Program Focused on Eligible Households Participating in Federal Public Housing Assistance Programs

In Item 282 of the Report and Order, the Commission seeks comment on the obstacles to ACP enrollment for FPHA beneficiaries that the Commission should address.

Several NDIA affiliates indicated that one of the largest pain points in the ACP enrollment process for FPHA beneficiaries was working with their internet service providers. Two factors contribute to this difficulty. First, NDIA affiliates pointed to their experiences with provider representatives who were not very knowledgeable about ACP and how the program worked. As a result, provider representatives were unable to offer support to consumers or troubleshoot enrollment issues. This stalled the enrollment process and deterred enrollment entirely for some consumers. Due to issues with participating providers, one NDIA affiliate stated that they had to use the FCC consumer complaint process on a regular basis. Second, NDIA affiliates cite a considerable lack of trust between FPHA beneficiaries and internet service providers. One affiliate explained that many FPHA residents have been misled by internet service providers before, resulting in an inherent distrust of participating providers that deters ACP enrollment.

Another NDIA affiliate cited the success of ACP enrollment initiatives that involved trusted FPHA residential representatives or leaders who endorsed ACP. The success of such initiatives highlights the importance of trust in the ACP enrollment process.

In combination, the lack of comprehensive provider knowledge of ACP and lack of trust between providers and FPHA beneficiaries further slows a clunky enrollment process with multiple stalling points, deterring enrollment. To overcome these issues, one NDIA affiliate has conducted three-way calls that include the consumer, the provider, and the affiliate. NDIA urges the Commission to consider the prominent pain point that exists between internet service providers and FPHA beneficiaries in the ACP enrollment process as the Commission builds out this pilot. The Commission could implement solutions such as requiring any ISP who intends to enroll FPHA households in ACP to provide comprehensive training for their sales agents on ACP.

The Commission should consider that FPHA households also distrust federal government programs, especially those that are short-term in nature, as many of the households have had negative prior experiences with such programs. It will be important for the Commission to be sensitive to this distrust and engage trusted messengers in the communities to relay the benefit of the program to increase outreach to and enrollment of FPHA households.

Finally, it should be remembered that in some instances, FHPAs have exclusive contracts with ISPs. While the benefits of these contracts may result in lower prices for the residents, that isn't necessarily always true and in some instances could become an additional barrier to enrollment for the residents if they have outstanding debts or a history of negative interactions with the provider. Similar to how the Commission determined it was in the best interest of households residing in multi-tenant environments (MTEs) and issued the "Improving Competitive Broadband Access to Multiple Tenant Environments" Declaratory Ruling[8] on February 11, 2022, where it is in the best interest of FPHA households and the financial solvency of the FPHAs, the Commission should encourage competition.

In Item 284 of the Report and Order, the Commission seeks comment on how it can partner with third parties, including non-profit organizations, to help identify, develop, and carry out ACP marketing and outreach efforts.

NDIA urges the Commission to partner with trusted, community-based organizations and local FPHA residential leaders in ACP outreach efforts, including to educate FPHA beneficiaries on the value and benefits of internet access and ACP. Critically, partnering with trusted, community-based organizations and local FPHA residential leaders will build trust amongst

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[8] U.S. Federal Communications Commission. (2022). REPORT AND ORDER AND DECLARATORY RULING In the Matter of Improving Competitive Broadband Access to Multiple Tenant Environments (GN Docket No. 17-142).
https://www.fcc.gov/document/fcc-acts-increase-broadband-competition-apartment-buildings-0

FPHA beneficiaries towards ACP and participating providers, which is necessary for successful enrollment efforts.

NDIA also urges the Commission to partner with these trusted, community-based organizations and local FPHA residential leaders to host ACP enrollment events in FPHA communities. A NDIA affiliate cited success in hosting an ACP enrollment event in which community partners assisted in the logistical enrollment process in addition to increasing trust for participating providers and the ACP program overall. The Commission should encourage outreach events and programs that address non-cost barriers to broadband adoption. For example, a NDIA affiliate cited the effectiveness of an ACP enrollment event where partnering device refurbishers distributed devices to consumers at the event.

Also in Item 284 of the Report and Order, the Commission seeks comment on the duration and scope of the outreach efforts conducted through the pilot.

NDIA urges the Commission to provide funding for ACP enrollment events for FPHA beneficiaries, such as those involving trusted partners described above, through the pilot program. NDIA also urges the Commission to provide funding for "ACP Ambassadors" or "Digital Navigators" who would conduct outreach at affordable housing properties and be the point of contact for ACP-related inquiries for a particular housing authority. Most FPHA communities have an established resident council[9] comprised of duly elected residents. NDIA recommends the Commission partner with the established resident councils to identify and financially compensate residents to be "ACP Ambassadors" or "Digital Navigators." ACP Ambassadors or Digital Navigators would work with the commission to plan enrollment events, provide one on one education about the ACP program for their neighbors, and assist them in enrolling when needed.

In Item 285 of the Report and Order, the Commission seeks comment on additional ways to help eligible FPHA households enroll in ACP.

NDIA recommends that when a provider serving an FPHA engages in any fraudulent or abusive manners while working with the FPHA households, they should be fined, and those monies should be reinvested in the ACP outreach grant program.

In Item 285 of the Report and Order, the Commission seeks comment on whether it should encourage a partner agency to establish as part of this pilot an assistance location on site where

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[9] U.S. Department of Housing and Urban Development. (2021). *Guidance on the use of Tenant Participation Funds* (*PIH 2021-16 (HA))*
https://www.hud.gov/sites/dfiles/PIH/documents/PIH2021-16.pdf

eligible household members can complete and submit an application for the Affordable Connectivity Program.

NDIA urges the Commission to encourage a partner agency to establish an assistance location on-site where eligible FPHA household members can complete and submit an ACP application. The ACP enrollment process is confusing and choppy for many FPHA households, which can deter them from applying. FPHA beneficiaries would benefit enormously from an on-site enrollment assistance location where they can complete and submit an ACP application in a one-stop manner. An on-site enrollment assistance location would reduce the application burden on households, build trust, and ultimately increase ACP enrollment amongst FPHA beneficiaries. NDIA also recommends that the partner agencies which establish on-site enrollment assistance locations should partner with trusted community organizations in doing so. Having trusted community partners involved in on-site enrollment assistance locations will increase turnout and enrollment amongst FPHA beneficiaries.

In Item 285 of the Report and Order, the Commission seeks comment on whether it should consider directing USAC to provide access to the National Verifier to partner agencies to assist applicants who are physically present with completing and submitting an ACP application.

NDIA urges the Commission to direct USAC to provide access to the National Verifier to partner agencies to assist applicants who are physically present with completing and submitting an ACP application. As previously mentioned, the ACP enrollment process is confusing and choppy for many FPHA households. If partner agencies can provide in-person, one-stop enrollment assistance to FPHA beneficiaries, it would reduce the application burden on households, build trust, and ultimately increase ACP enrollment amongst FPHA beneficiaries. NDIA urges the Commission to provide ACP enrollment training for partner agencies who are granted access to the National Verifier and are providing in-person ACP enrollment assistance to FPHA beneficiaries. This training should ensure these partner agencies are equipped with the knowledge and skills to build trust with and help smoothly enroll FPHA beneficiaries in ACP. When feasible, USAC representatives should attend the enrollment events at FPHA communities with these partner agencies to assist and monitor the enrollment assistance process.

NDIA stresses here that FPHA residents and other households should still have the opportunity to receive assistance during the ACP enrollment process online or via phone—even if the entity assisting them cannot submit an application on their behalf.

In Item 286 of the Report and Order, the Commission seeks comment on how it could measure the success of the FPHA ACP enrollment pilot.

NDIA urges the Commission should consider the following metrics to measure success of the pilot program: 1) increased awareness amongst FPHA households of the Affordable Connectivity Program; 2) increased enrollment among FPHA households in the ACP program; 3) the extent to which FPHA resident councils are equipped with the knowledge needed to provide ACP enrollment support to their neighbors.