

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matters of)	
)	
International Comparison and Consumer)	GN Docket No. 09-47
Survey Requirements in the Broadband)	
Data Improvement Act)	
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Inquiry Concerning the Deployment of)	GN Docket No. 09-137
Advanced Telecommunications Capability to)	
All Americans in a Reasonable and Timely)	
Fashion, and Possible Steps to Accelerate Such)	
Deployment Pursuant to Section 706 of the)	
Telecommunications Act of 1996, as Amended)	
by the Broadband Data Improvement Act)	

**COMMENTS OF THE ASIAN AMERICAN JUSTICE CENTER, LEAGUE OF UNITED
LATIN AMERICAN CITIZENS, MINORITY MEDIA AND TELECOMMUNICATIONS
COUNCIL, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED
PEOPLE, NATIONAL URBAN LEAGUE AND ONE ECONOMY CORP.
IN RESPONSE TO NBP PUBLIC NOTICE #16**

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Summary

In these Comments, six of the nation's leading civil rights organizations encourage the Commission to make affordable home adoption the agency's top broadband priority.

Adoption, in its fullest sense, should be measured according to how many individuals have access to affordable broadband service at home. While broadband is often available outside the home in schools and public libraries, public access to broadband cannot substitute for the level of "digital citizenship" enjoyed by those with broadband access at home. Only access at home confers privacy and the 24-hour accessibility needed for vital functions such as schoolwork. Children attending underperforming inner city and rural schools must not be further burdened with the obligation to do their online homework at the library or after school, at the whim of erratic public transportation or inclement weather. These children deserve educational opportunities equal to those not trapped in historically segregated conditions.

Digital exclusion carries a high price for minorities and the poor, and on small, disadvantaged and minority businesses. The Commission has accurately identified the primary barriers to adoption, and should use both supply and demand side incentives to stimulate adoption in unserved and underserved areas. The Commission should promote adoption by using media, particularly minority media, that are most likely to reach unserved and underserved communities.

* * * * *

Discussion

The Asian American Justice Center, League of United Latin American Citizens, Minority Media and Telecommunications Council, National Association for the Advancement of Colored People, National Urban League and One Economy Corp. (“Civil Rights Organizations”)¹ respectfully submit the following comments in response to the Commission’s Public Notice Seeking Comments on Broadband Adoption, National Broadband Plan Public Notice #16 (“Notice”).²

I. MEASURING BROADBAND ADOPTION

We believe that adoption, in its fullest sense, should be measured according to how many individuals have access to affordable broadband service at home.

Broadband is often available outside the home in schools and public libraries. While its wider availability there should be encouraged, public access to broadband cannot substitute for the level of “digital citizenship”³ enjoyed by those with broadband access at home.⁴

For many applications, consumer privacy and data security concerns are amplified when consumers access the Internet in a public setting rather than from the privacy of their own home.

¹ These Comments and all subsequently filed supplements and reply comments reflect the institutional views of each commenter, and are not intended to represent the individual views of each of its officers, directors and members.

² See Comment Sought On Broadband Adoption, NBP Public Notice #16, GN Docket Nos. 09-47, 09-51, 09-137 (released November 10, 2009) (“Notice”).

³ See Karen Mossberger, Caroline J. Tolbert & Ramona S. McNeal, Digital Citizenship: The Internet, Society, and Participation, at 1 (2008) (defining “digital citizens” as “those who use the Internet regularly and effectively—that is, on a daily basis.”).

⁴ See Charles M. Davidson and Michael J. Santorelli, Barriers to Broadband Adoption: A Report to the Federal Communications Commission, The Advanced Communications Law & Policy Institute, New York Law School, (2009) at p. 80 (“ACLP Comments”) (“Since school computer access and classroom technology use are fragmented in schools across the country, many students are learning technology skills at home.”).

For example, public kiosks cannot offer the level of health data privacy necessary to fully use telemedicine applications.⁵ Given the potential of telemedicine applications to save lives and money,⁶ consumers without the full privacy protections of home Internet cannot be considered to have “fully adopted” broadband.

Further, not only is home Internet access essential for full adoption of nationally transformative applications requiring consumers to disclose sensitive information, home access allows users to spend more time online, thereby increasing their participation in our developing digital democracy.⁷ Libraries and schools often limit Internet usage to specific time intervals and require students to share computers.⁸ These limitations restrict users’ ability to complete schoolwork, start Internet-based businesses, or otherwise take advantage of the many opportunities the Internet creates.⁹ Evidence of the importance of home access is found in the

⁵ See ACLP Comments at 38-39.

⁶ See U.S. Broadband Coalition, Expanding and Accelerating the Adoption & Use of Broadband Throughout the Economy, at 28-29 (Nov. 13, 2009) (“U.S. Broadband Coalition Report”), available at http://www.jointcenter.org/publications_recent_publications/media_and_technology/expanding_and_accelerating_the_adoption_use_of_broadband_throughout_the_economy (last visited Nov. 25, 2009).

⁷ See U.S. Broadband Coalition Report at 46-50 (discussing technology in democracy and civic engagement).

⁸ See ACLP Comments at 74 (describing the benefits of a program that loans laptops to students for their use at home, including the elimination of obstacles to computer use, such as scheduling) (citing Mark Warschauer, Information Literacy in the Laptop Classroom, Teachers College Record (2007), available at <http://www.tcrecord.org/Content.asp?ContentID=14534>) (last visited Nov. 24, 2009).

⁹ See Initial Comments of the Broadband Diversity Supporters, In the Matter of A National Broadband Plan for Our Future, GN Docket 09-51, filed June 8, 2009 (“BDS National Broadband Comments”) at 24 (“While individuals that do not own a computer can use the devices provided at schools, work, or libraries — and funding to support public access to

correlation between programs that loan laptops to students for school and in-home use, and improved writing, English, and math test scores, as well as overall GPAs.¹⁰ Inflexible access to computers and the Internet in schools and libraries are therefore barriers to full adoption.

Finally, home broadband adoption should be a priority because it is an earmark of first class citizenship. Children attending underperforming inner city and rural schools must not be further burdened with the obligation to do their online homework at the library or after school, at the whim of erratic public transportation or inclement weather. These children deserve educational opportunities equal to those not trapped in historically segregated conditions.

II. COST OF DIGITAL EXCLUSION

A. Home Broadband Subscriptions Carry A Much Higher Opportunity Cost For Low-Income Consumers, Compared To Broadband Subscribers With More Disposable Income

Basic necessities cost the poor significantly more than they cost affluent consumers.¹¹

For poor consumers, items not considered necessities must take a back seat to food, clothing and

computers is vital - lack of a computer in the home restricts access to distance learning opportunities, job search services, digital information, specialized content, computer specific skills and other benefits derived from broadband.”).

¹⁰ See ACLP Comments at 75 (citing J. James Cengiz Gulek and Hakan Demirtas, Learning with Technology: The Impact of Laptop Use on Student Achievement, 3 Journal of Technology, Learning, and Assessment, No. 2, at 29 (2005), available at <http://escholarship.bc.edu/cgi/viewcontent.cgi?article=1052&context=jtla>) (last visited Nov. 24, 2009).

¹¹ See, e.g. DeNeen L. Brown, Poor? Pay Up, Washington Post (May 18, 2009), available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/17/AR2009051702053.html> (last visited November 25, 2009) (poor consumers often lack ready access to supermarkets such as Trader Joe’s or Costco and are thus forced to pay more for basic goods at corner grocery stores. Examples include \$3.79 for a loaf of wheat bread at a corner grocery store, compared to \$1.19 in a Maryland suburb, \$4.99 for a gallon of milk, compared to \$3.49 - \$2.99 if one buys two gallons, and \$4.49 for a pound of butter, compared to \$2.49.).

shelter. Thus, the opportunity cost of broadband is lower for those with higher incomes, and the comparatively high cost of basic necessities for low-income consumers should be considered an adoption barrier.

B. Individuals Without Home Broadband Access Are Prevented From Fully Participating In American Society

The Broadband Diversity Supporters have previously illustrated in previous comments the benefits of affordable home broadband access.¹² Among numerous other benefits, home broadband provides access to telemedicine applications,¹³ thus lowering healthcare costs and bringing high quality health services to remote areas.¹⁴ Further, broadband-enabled Internet improves student test scores,¹⁵ provides opportunities for distance learning¹⁶ and allows individuals to search and apply for jobs online, participate in workforce training, and start their own businesses.¹⁷ Broadband improves worker productivity,¹⁸ allows consumers to save on energy costs,¹⁹ and increases civic engagement.²⁰ Not having home broadband access precludes

¹² See BDS National Broadband Comments at 24.

¹³ See U.S. Broadband Coalition Report, at 28-29.

¹⁴ See BDS National Broadband Comments at 24.

¹⁵ See ACLP Comments at 70, 80.

¹⁶ See BDS National Broadband Comments at 24.

¹⁷ See id.

¹⁸ See U.S. Broadband Coalition Report at 25 (“The diffusion of ICT and broadband has had an impact on worker productivity that is three to five times that of non-IT capital investments such as buildings and roads. Canadian-based Strategic Network Group has calculated that ‘for every dollar invested in broadband, the economy sees a ten-fold return on that investment.’”).

¹⁹ See id. at 37-40 (discussing the positive impact of broadband on smart grid technology).

citizens in unserved and underserved communities are precluded from taking full advantage of these benefits on their own time and at their own pace.

The U.S. Broadband Coalition states the issue well in its recent broadband adoption report: “Digital inclusion must be a national priority and have the highest urgency, because in the 21st Century, those that are not ‘net literate’ are disadvantaged and uncompetitive as were people who were illiterate during the 20th Century.”²¹ The cost of digital illiteracy is therefore the lost value of a literate society—incalculable.

C. Non-Adopting Small and Disadvantaged Businesses and Minority Business Enterprises Cannot Effectively Compete Against Broadband-Enabled Competitors

SDBs and MBEs stand the most to gain from implementing broadband in their business models²² because, without broadband, SDBs and MBEs cannot effectively compete against their broadband-enabled competitors.²³ However, a lack of affordable broadband availability in unserved and underserved areas acts as a barrier to entry for many would-be SDB and MBE technology entrepreneurs. Improving broadband affordability and access in unserved and underserved communities could accelerate SDB and MBE technology companies, and thus improve economic development in blighted areas and increase the number of entrepreneurs participating in innovation.

²⁰ See *id.* at 48 (citing virtual town halls, citizen feedback, and preliminary votes before legislation goes to the floor as examples of improved civic engagement enabled by broadband and the Internet).

²¹ See *id.* at 16.

²² See Reply Comments of the Minority Media and Telecommunications Council in Response to NBP #9, In the Matter of Opportunities For Disadvantaged Businesses In The Age of Broadband, GN Docket Nos. 09-47, 09-51, 09-137 (Nov, 17, 2009) (“MMTC DBE Comments”).

²³ See *id.* at 4.

Business incubators have been instrumental in accelerating start-up and early stage companies.²⁴ In its DBE Comments, MMTC recommended that the Commission incentivize business incubator programs in unserved and underserved communities.²⁵

D. The Growth Of The Internet Will Stagnate Without Additional Sources Of Creativity And Innovation

MMTC's DBE Comments also discussed broadband adoption as being essential to the nation's overall innovative output and economic development.²⁶ The American economy cannot afford to rely on innovation coming from a limited number of sources.²⁷ Each of the millions of American citizens without access to broadband is a potential innovation hub.

III. BARRIERS TO ADOPTION

A. The Civil Rights Organizations Agree With The Commission's Conclusions Regarding Barriers to Broadband Adoption

In the Notice, the Commission cited "affordability of service, affordability of hardware, insufficient digital and technical literacy levels, unawareness of the personal relevance and utility of broadband technology and online content and an inability to use existing technology and applications due to physical or mental disabilities" as being the chief barriers to ubiquitous

²⁴ See id. at 8.

²⁵ See id.

²⁶ See id. (discussing the concept of a Gross Innovation Product "GIP" that would be enhanced by the increased participation of unserved and underserved segments of the population.)

²⁷ If the federal government is to stimulate real and sustained economic growth, the potential for ingenuity must be recognized as coming not just from a select few, but from everyone with the gumption and drive to make the world a better place through technology.

broadband adoption.²⁸ We agree. Low-income and minority consumers feature prominently in many of these categories. One Economy Corporation went into detail on these barriers to adoption in GN Docket 09-51 and how these barriers specifically impact low-income and minority consumers;²⁹ we concur with One Economy's comments. Addressing these issues will make significant headway toward ensuring all Americans have access to transformative technologies.

B. A Perceived Lack Of Internet Security Prevents Full Broadband Adoption

Internet Security is a significant barrier to broadband adoption. According to ACLP, privacy concerns militate against full broadband adoption among seniors,³⁰ and in the contexts of telemedicine,³¹ energy,³² and e-government.³³ These security concerns may also be a factor causing some to opt for more secure, but less generative, broadband delivery platforms, thereby reducing the innovative character of the Internet.³⁴

²⁸ See Notice (citing ACLP Comments; Comments of Intel Corporation (June 8, 2009); Comments of Verizon and Verizon Wireless, Report on Rural Broadband Strategy, GN Docket No. 09-29, at 3 (March 25, 2009).

²⁹ See Comments of One Economy Corporation, American Recovery and Reinvestment Act of 2009: A National Broadband Plan for Our Future, Notice of Inquiry, GN Docket No. 09-51, at 8-13 (June 8, 2009).

³⁰ See ACLP Comments at 14.

³¹ See id. at 38-40.

³² See id. at 64-66.

³³ See id. at 97-98.

³⁴ See Jonathan Zittrain, The Future of the Internet and How to Stop It, at p. 59 (2008) (stating that security risks may militate against broadband adoption via PCs, in favor of less generative

IV. OVERCOMING BARRIERS TO ADOPTION

A. The Civil Rights Organizations Support Supply And Demand-Side Incentives To Stimulate Broadband Adoption In Unserved And Underserved Areas

We support both supply and demand-side incentives including vouchers, tax incentives, and low interest loans, to finance the Commission's efforts to increase broadband adoption in unserved and underserved areas. In its National Broadband Plan Comments, BDS asserted that one of the best ways for the Commission to fulfill program objectives, including improved broadband adoption, is by engaging non-profits and other organizations with the closest ties to unserved and underserved communities.³⁵ BDS also proposed that the Commission's National Broadband Plan "feature substantial involvement of locally-based MBEs, SDBs and nonprofit organizations that [sic] with demonstrated commitment, ability and experience to meet the needs in applicable communities."³⁶ To these ends, BDS proposed enhanced oversight of non-profit engagement³⁷ and rewarding licensees for "trading with, selling to, or incubating SDBs ..." and

devices. "Users tired of making the wrong choices about installing code on their PCs might choose to let someone else decide what code should be run.")

³⁵ See BDS National Broadband Comments at 25-26 (stating "The Commission should deploy national intermediary nonprofit organizations and community institutions, including creative new entrants, to build awareness and foster demand for broadband. It should also give special consideration and priority to HBCUs, HSIs, NASIs, AASIs, and similarly convened learning institutions ...")

³⁶ Id. at 26.

³⁷ See id. at 42-43 (recommending "Oversight to ensure that national broadband plan elements are rendered by representatives from the widest range of social and economic backgrounds, including representatives from the civil rights community (e.g., One Economy, the National Urban League, the Asian American Justice Center, NCLR, etc.)") (citing Comments of the Broadband Diversity Supporters, In the Matter of Joint National Telecommunications and Information Administration-Rural Utilities Service Request for Information, Docket No. 090309298-9299-01, at 3 (filed April 13, 2009) ("NTIA/RUS Comments") at 30-31).

voluntarily including in their bids “genuine and substantial first tier MBE or SDB participation beyond the minimum federal Section 8(a) guidelines.”³⁸

Further, the Universal Service rules should be updated to subsidize broadband adoption. As discussed in Section III.A supra, one of the most significant barriers to broadband adoption is digital illiteracy. Schools are the shortest route toward improving digital literacy. Therefore, we endorse BDS’ proposal to update E-Rate to improve teacher training and professional development and offset the cost of computers and home broadband.³⁹ The Lifeline and Linkup programs should also be updated to subsidize the cost of broadband service and hardware.⁴⁰

Finally, we support the National Digital Literacy Initiative proposed by One Economy and submitted under GN Docket No. 09-51⁴¹ to help solve the significant digital literacy barrier in our communities.

B. In Promoting Its Broadband Adoption Programs, The Commission Should Use Media That Are Most Likely To Reach Unserved And Underserved Communities

Numerous examples demonstrate the most effective ways for the Commission to conduct its outreach efforts. As the Joint Center for Political and Economic Studies has proposed, the

³⁸ Id. at 44.

³⁹ Id. at 24.

⁴⁰ See MMTC Roadmap for Telecommunications Policy (July, 2008) (“Roadmap”) at 12-13 available at <http://mmtconline.org/lp-pdf/MMTC-Road-Map-for-TCM-Policy.pdf> (last visited December 1, 2009).

⁴¹ See Comments of One Economy Corporation National Digital Literacy Initiative, In the Matter of A National Broadband Plan for our Future, GN Docket No. 09-51, filed October 20, 2009.

Commission should use media, such as radio, that resonate with minority audiences.⁴² Given the over-indexing of some minority groups in wireless adoption, the Commission may also consider text messaging as a means to reach groups targeted for broadband adoption outreach. Municipal broadband access points, such as schools and libraries, are also venues where the Commission might seek to make the public aware of its efforts and to solicit consumer engagement.

Community leaders and political candidates have historically used media and, especially, minority broadcast media, to their advantage in reaching their intended, and often remote, constituents. Black and Hispanic mayors were elected in major cities in the 1960s and 1970s through the power of Black radio. History contains countless examples of the power of media in the civil rights movement, such as JET Magazine's 1955 photograph of Emmett Till that galvanized the movement and George Holliday's 1992 video of Rodney King that gave a human face to the cause of police accountability. Telecom has played an equivalent role in the movement: telephone trees made the Montgomery Bus Boycott possible, and a recently launched NAACP program allows citizens to use cell phone applications to efficiently report

⁴² See Comments of the Joint Center for Political and Economic Studies, In the Matter of Comment Sought on Broadband Clearinghouse, NBP Public Notice #10, GN Docket Nos. 09-47, 09-51, 09-137, filed November 16, 2009 at 8 (stating, "In seeking Broadband Clearinghouse input from individual citizens, the Commission should enhance its outreach efforts with traditional media, such as radio, which are often effective in reaching individuals with limited Internet access.") (citing Press Release, The Nielsen Company, New Nielsen Radio Results Find Strong Radio Usage, Particularly Among Younger Demos (Sept. 23, 2009), available at <http://blog.nielsen.com/nielsenwire/wp-content/uploads/2009/09/Radio-Ratings-Press-Release.pdf> (last visited November 14, 2009) (stating that, in 51 markets covered by Nielsen Radio, "African Americans and Hispanics tune in more than the average population at 26.5 hours and 25 hours per week respectively.")).

police misconduct.⁴³ Certainly technology and broadband adoption played a role in the most recent Presidential election, when “some 74% of Internet users—representing 55% of the entire adult population—went online in 2008 to get involved in the political process or to get news and information about the election.”⁴⁴ Pew reports that both the Obama/Biden and McCain/Palin campaign websites showed a greater amount of web-traffic than did the 2004 election.⁴⁵ These campaigns also utilized significant email correspondence to communicate with constituents.⁴⁶ Other evidence of the role of broadband in our civil rights evolution include technology initiatives such as the White House’s Open Government Initiative, the E-Government Act, and Federal Register 2.0, all of which were launched to increase government transparency, collaboration, and efficiency of use.⁴⁷ The Commission should exercise similar resourcefulness, creativity and determination to reach unserved and underserved communities.

⁴³ See NAACP Harness Cell Phone Power to Launch New High Tech “Rapid Report System” to Help Citizens Report Police Misconduct – Part of the Sweeping New Civil Rights Initiative on Crime and Safety, Press Release (July 1, 2009), available at <http://www.naacp.org/news/press/2009-07-01/index.htm> (last visited Dec. 1, 2009).

⁴⁴ See U.S. Broadband Coalition Report, quoting Smith, Aaron, 2009, The Internet’s Role in Campaign 2008, Pew Internet and American Life Project (“Pew Study on The Internet’s Role in Campaign 2008”), available at <http://www.pewinternet.org/Reports/2009/6--The-Internets-Role-in-Campaign-2008.aspx> (last visited December 1, 2009).

⁴⁵ See Pew Study on The Internet’s Role in Campaign 2008 at 81.

⁴⁶ See id. (“...37% of all email users got email messages from a candidate or campaign over the course of the election...”).

⁴⁷ See ACLP Comments at 85-86.

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