

FCC FACT SHEET*

Supporting Survivors of Domestic and Sexual Violence

Notice of Inquiry – WC Docket Nos. 11-42, 21-450, 22-238

Background: Reliable connectivity services are vital for survivors of domestic violence, sexual violence, dating violence, intimate partner violence, human trafficking, or stalking. Independent connectivity can mean access to support groups, social services, and emergency services. However, survivors may not have the resources to secure these necessary services without additional support. While the Commission’s Lifeline and Affordable Connectivity Programs may be able to support survivors, entering these programs may be difficult given survivors’ unique circumstances. This Notice of Inquiry explores ways in which these programs can be modified to offer better support for this population. This Notice would also seek comment on how Commission policies can be modified or created to ensure that survivors are able to communicate safely with abuse hotlines and shelters.

What the Notice of Inquiry Would Do:

- Invite comment into the ways in which the enrollment processes of the Lifeline and Affordable Connectivity Programs might be made more accessible for survivors.
- Invite comment to learn more about the broadband service needs of survivors.
- Ask how the Commission can ensure the privacy of survivors when entering the Lifeline and Affordable Connectivity Programs.
- Seek comment on how the Commission can accommodate the needs of survivors while continuing to protect against waste, fraud, and abuse in these programs.
- Invite comment on rules the Commission could adopt to reduce survivors’ potential hesitancy in contacting support hotlines and shelters, including:
 - Requiring or permitting service providers to omit records of communications account logs of both outbound and inbound calls and texts between survivors and support hotlines and shelters;
 - Exploring how to establish and administer a database of support hotlines and other pertinent telephone numbers.

* This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in WC Docket Nos. 11-42, 21-450, and 22-238, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Lifeline and Link Up Reform and Modernization) WC Docket No. 11-42
Affordable Connectivity Program) WC Docket No. 21-450
Supporting Survivors of Domestic and Sexual) WC Docket No. 22-238
Violence)

NOTICE OF INQUIRY*

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By the Commission:

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I. INTRODUCTION

1. For survivors escaping domestic violence, sexual violence, dating violence, intimate partner violence, human trafficking, or stalking, reliable connectivity service can be life-preserving. An

* This document has been circulated for tentative consideration by the Commission at its July 14, 2022 open meeting. The issues referenced in this document and the Commission’s ultimate resolution of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chairwoman has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The FCC’s ex parte rules apply and presentations are subject to “permit-but-disclose” ex parte rules. See, e.g., 47 C.F.R. §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR §§ 1.1200(a), 1.1203.

independent phone or broadband connection can help survivors break away from abusive relationships and circumstances while maintaining contact with safe support networks. And in instances where survivors do not have access to an independent phone or broadband connection, it is important for the survivors to be able to use other available services without fear of their communications, location, or other private information being revealed to the perpetrator. In this Notice of Inquiry, we initiate a process to evaluate steps the Federal Communications Commission (Commission) could take to assist survivors.

2. The Commission's affordability programs, the Lifeline program (Lifeline) and Affordable Connectivity Program (ACP), help low-income consumers offset the costs of and gain access to those same vital connectivity services. In general, the programs' application and eligibility determination processes balance the goals of minimizing burdens on eligible program applicants while preventing program funds from being spent to support service for ineligible households. These processes, however, may not adequately accommodate enrollment for survivors who are in the whirlwind of fleeing violence, when their own phone or broadband line is needed most urgently but when they may be least likely to have the documentation often required for program enrollment. We therefore believe it is appropriate for the Commission to consider whether survivors currently lack the ability to fully utilize these programs, and we seek to gain a better understanding of whether and how these programs might be modified to support survivors.

3. We note that Congress has also taken an interest in supporting this population by considering the proposed Safe Connections Act,¹ which would direct the Commission to adopt rules considering specific measures to benefit survivors. Independent of the proposed Safe Connections Act or other proposed legislative action, we explore in this Notice whether additional Lifeline or ACP rules could better support survivors who face financial insecurity. Relatedly, consistent with the proposed Safe Connections Act, this Notice also explores whether and how to eliminate one possible cause of survivors' hesitancy in seeking support—the potential ability of abusers to access communications account logs of both outbound and inbound calls and text messages between survivors and hotlines and shelters. This Notice raises several potential paths to furthering access to vital services; however, the Commission welcomes the expertise of the community that supports survivors and others for additional ideas and methods that the Commission may employ to best serve the needs of survivors.

II. BACKGROUND

4. *Domestic Violence in the United States.* Domestic violence is a significant public health and safety issue that has many individual and societal costs, harming and upending the lives of millions every year. On average, more than one in three women and one in four men in the United States will experience some form of domestic violence during their lifetime.² Every year, domestic violence affects more than 12 million people.³ Roughly 35% of female survivors and 11% of male survivors experience some form of physical injury related to domestic violence.⁴ About one in five homicide victims are killed by an intimate partner and over half of female homicide victims in the United States are killed by a current or former male intimate partner.⁵ And domestic violence has a long-term impact on many survivors, with 29% of women and 10% of men reporting that these experiences affect their ability to

¹ See generally Safe Connections Act of 2022, S.120, 117th Cong. § 4-5 (as passed by the Senate, Mar. 17, 2022) (Safe Connections Act). See also Safe Connections Act of 2022, H.R. 7132, 117th Cong. The Senate and House legislation is identical in all respects pertinent to this Notice. For convenience, we will refer to the Senate version.

² National Domestic Violence Hotline, <https://www.thehotline.org/stakeholders/domestic-violence-statistics/> (last visited June 21, 2022).

³ *Id.*

⁴ Center for Disease Control and Prevention, Fast Facts: Preventing Intimate Partner Violence, <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html> (last visited June 21, 2022).

⁵ *Id.*

function.⁶ Survivors can experience mental health problems such as depression and posttraumatic stress disorder symptoms, interfering with their ability to go about their daily lives. LGBTQ+ individuals face similar or higher rates of domestic violence, which is often compounded by higher rates of discrimination in other aspects of their lives.⁷ The COVID-19 pandemic has only exacerbated these problems, with economic stress, disaster-related instability, increased exposure to exploitative relationships, and reduced options for help leading in some cases to violence where it did not exist before.⁸

5. Survivors often face severe financial hardship when attempting to establish financial independence from an abuser.⁹ For example, a survivor attempting to distance himself or herself from an abuser may incur a dramatic loss of income after severing financial dependence or from resulting relocation efforts.¹⁰ This is exacerbated by the fact that an abuser may have control over a family phone or broadband plan, which a survivor may have relied on for personal and professional communications.¹¹ Indeed, access to connectivity services are vital to survivors' efforts to maintain essential connections with family, social safety networks, employers, and support services. These vital resources can be essential to survivors attempting to take charge of their lives.

6. Due to the interconnected nature of modern society, perpetrators of violence and abuse can increasingly use communications services and devices to exercise control over, monitor, and abuse others. In some unfortunate circumstances, if the primary account holder is the abuser in the relationship, service providers' call logs can enable the abuser to stalk the survivor during and even after a relationship.¹² Gaining access to call logs does not require advanced computer skills because the call logs were designed to be consumer friendly, providing the calling or called telephone number (and sometimes the caller identification (ID) name associated with the number) as well as the call date, time, duration, type of call (inbound or outbound), and, as applicable, toll charges.¹³ Abusers can use this sensitive

⁶ National Domestic Violence Hotline, <https://www.thehotline.org/stakeholders/domestic-violence-statistics/> (last visited June 21, 2022).

⁷ See, e.g., National Coalition of Anti-Violence Programs, Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Intimate Partner Violence in 2015 at 8-10, 28-29 (2016), http://avp.org/wp-content/uploads/2017/04/2015_ncavp_lgbtqipvreport.pdf.

⁸ See *Alarming Trends in US Domestic Violence During the COVID-19 Pandemic*, 38 Am. J. Emergency Med. 2753 (2020), <https://www.ajemjournal.com/action/showPdf?pii=S0735-6757%2820%2930307-7>.

⁹ See National Coalition Against Domestic Violence, Quick Guide: Economic and Financial Abuse, <https://ncadv.org/blog/posts/quick-guide-economic-and-financial-abuse> (last visited June 21, 2022) (stating that finances are often cited as the biggest barrier to leaving an abusive relationship); Adrienne E. Adams, *Measuring the Effects of Domestic Violence on Women's Financial Well-Being*, Center for Financial Security, University of Wisconsin-Madison at 1 (2011), <https://centerforfinancialsecurity.files.wordpress.com/2015/04/adams2011.pdf> (stating that in a study of 103 domestic violence survivors, 102 reported experiencing economic abuse).

¹⁰ See National Network to End Domestic Violence, About Financial Abuse, <https://nnedv.org/content/about-financial-abuse/> (last visited June 21, 2022) (stating that “[s]urveys of survivors reflect that concerns over their ability to provide financially for themselves and their children was one of the top reason for staying in or returning to an abusive partner.”).

¹¹ See Niharika Vattikonda, *The Safe Connections Act: Helping survivors break from abusers' phone plans* (Apr. 6, 2021), <https://sites.sanford.duke.edu/gendviolencepolicy/2021/04/06/the-safe-connections-act-helping-survivors-break-from-abusers-phone-plans/> (stating that family phone plans pose a unique danger for survivors of domestic violence).

¹² See National Network to End Domestic Violence, *Survivors' Guide to Phones: Increasing privacy & responding to abuse*, 2021, <https://www.techsafety.org/resources-survivors/cell-phone-safety-plan> (last visited June 21, 2022).

¹³ See, e.g., Frontier, *Understand My Bill*, <https://frontier.com/helpcenter/categories/billing/read-and-pay-my-bill/understand-my-bill-residential> (last visited June 21, 2022); Ooma, *Call Logs*, <https://support.ooma.com/home/call-logs/>, (last visited June 21, 2022).

information to follow, harass, and threaten the survivor or other family members. While some major service providers provide the call logs to customers only after the first bill has been posted, and even though the logs are not accessible to consumers in real time, some providers have made it explicitly clear that it is not possible to delete call history from an account.¹⁴ Information from the call logs allows the abuser to determine which numbers the survivor has been calling and, in many cases, where the survivor is located. While the call logs often reveal only the phone numbers called, a malicious abuser can look up a number's subscriber through a quick Internet search. Knowing that the abusers have access to this sensitive information can discourage survivors from reaching out to others for help. As a result, survivors may be afraid to use a phone to plan for their safety, causing services such as the National Domestic Violence Hotline to be underutilized.

7. Survivors may also be hesitant to pursue government-sponsored support while separating from an abuser out of fear of retaliation or for a lack of trust in institutions' ability to protect the privacy of their personal information.¹⁵ Beyond this, obtaining existing identity or financial documentation—which may be in the possession of one's abuser—or accessing new documents to enroll in government programs can be an arduous task for a person navigating the tumult of escaping abuse. As a result, obtaining and submitting personal information or documentation, even for the purpose of enrolling in programs that can help a survivor establish a life independent of an abuser, can be a sensitive and dangerous task that can deter a survivor from seeking government assistance.

8. *Federal Communications Commission Affordability Programs.* The Commission currently has two programs aimed at promoting access to affordable communications for low-income consumers. The first, the Lifeline program, was originally established in 1985 to increase low-income consumers' access to affordable, landline telephone service.¹⁶ Today, the Lifeline program provides qualifying low-income consumers discounts on voice or broadband internet access service, as well as on bundled service.¹⁷ Currently, qualifying low-income consumers receive a \$9.25 monthly discount on Lifeline-supported broadband internet access service or a \$5.25 monthly discount on Lifeline-supported voice services.¹⁸ Low-income residents of Tribal lands¹⁹ can receive up to a \$34.25 monthly discount on Lifeline-supported service.²⁰ In 2020, Lifeline disbursements totaled approximately \$871 million.²¹ As of April, 2022, almost 6.8 million subscribers were participating in the Lifeline program.²²

¹⁴ See, e.g., ATT, *View and Download Call History*, <https://www.att.com/support/article/u-verse-voice/KM1001418> (last visited June 21, 2022); Xfinity, *View Call History in Xfinity Voice*, <https://www.xfinity.com/support/articles/check-voicemail-xfinity-connect> (last visited June 21, 2022).

¹⁵ See Technology Safety, *Why Privacy and Confidentiality Matters for Victims of Domestic & Sexual Violence*, <https://www.techsafety.org/privacymatters> (last visited June 21, 2022) (explaining that privacy and secrecy are crucial components of a survivor's safety when seeking assistance).

¹⁶ See *MTS and WATS Market Structure, and Amendment of Parts 67 & 69 of the Commission's Rules and Establishment of a Joint Board*, CC Docket Nos. 78-72, 80-286, Report and Order, 50 Fed. Reg. 939 (Jan. 8, 1985).

¹⁷ 47 CFR § 54.401.

¹⁸ See 47 CFR § 54.403(a)(1)-(2).

¹⁹ See 47 CFR § 54.400(e) (defining Tribal lands for purposes of the Lifeline program).

²⁰ See 47 CFR § 54.403(a)(3).

²¹ See 2021 Universal Service Monitoring Report, p. 30, Table 2-2, <https://docs.fcc.gov/public/attachments/DOC-379181A1.pdf>.

²² See Universal Service Administrative Company, *Program Data, Lifeline Participation, April 2022*, <https://www.usac.org/lifeline/resources/program-data/#Participation> (last visited June 21, 2022).

9. Consumers can apply for the Lifeline program through the National Lifeline Eligibility Verifier (National Verifier), which uses automated connections, established under the Computer Matching and Privacy Protection Act of 1988,²³ to eligibility data sources to confirm many applicants' eligibility.²⁴ During enrollment, applicants must provide certain identifying information. This includes an applicant's full name; full residential address; the status (permanent or temporary) of that residential address; billing address, if different from the applicant's residential address; date of birth; and last four digits of the applicant's Social Security Number, or the applicant's Tribal identification number, if the applicant is a member of a Tribal nation and does not have a Social Security Number.²⁵ Applicants may qualify for the Lifeline program by participating in a qualifying assistance program (that is, Medicaid, Supplemental Nutrition Assistance Program, Supplemental Security Income, Federal Public Housing Assistance, or Veterans and Survivors Pension Benefit) or by having an income at or below 135% of the Federal Poverty Guidelines.²⁶ Residents of Tribal lands can also qualify for the Lifeline program by meeting the aforementioned criteria or by participating in a qualifying Tribal-specific federal assistance program.²⁷

10. If the National Verifier or state administrator cannot determine an applicant's program-based eligibility by accessing eligibility databases, the National Verifier or state administrator will review documentation demonstrating that an applicant qualifies under the program-based eligibility requirements.²⁸ Acceptable documentation of program eligibility includes the current or prior year's statement of benefits from a qualifying assistance program, a notice or letter of participation in a qualifying assistance program, program participation documents, or another official document demonstrating that the applicant, one or more of the applicant's dependents or the applicant's household receives benefits from a qualifying assistance program.²⁹

11. Alternatively, an applicant can submit documentation that establishes that the applicant meets the Lifeline program's income-based eligibility criteria.³⁰ Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workers' Compensation statement of benefit; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information.³¹ If the applicant

²³ Computer Matching and Privacy Protection Act of 1988 (CMPPA), Public Law 100-503, 102 Stat. 2507 (1988), which was enacted as an amendment to the Privacy Act of 1974 (Privacy Act), 5 U.S.C. § 552a.

²⁴ In California, Oregon, and Texas, subscribers' eligibility is determined through their respective state administrator. See *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in California*, WC Docket No. 11-42, Public Notice, 35 FCC Rcd 13029 (WCB 2020); *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in Oregon and Texas*, WC Docket No. 11-42, Public Notice, 35 FCC Rcd 11,721 (WCB 2020).

²⁵ See 47 CFR § 54.410(d)(2)(i)-(vi).

²⁶ See 47 CFR § 54.409.

²⁷ See 47 CFR § 54.409(b) (listing the following qualifying Tribal-specific federal assistance programs: Bureau of Indian Affairs general assistance, Tribally-administered Temporary Assistance for Needy Families, Head Start (only those households meeting its income qualifying standard), and the Food Distribution Program on Indian Reservations).

²⁸ See 47 CFR § 54.410.

²⁹ See, e.g., Universal Service Administrative Company, *Resolve Application Errors*, <https://www.usac.org/lifeline/national-verifier/how-to-use-nv/resolve-application-errors/> (last visited June 21, 2022).

³⁰ See 47 CFR § 54.410(b)(i)(B).

³¹ See *id.*

presents documentation of income that does not cover a full year, such as current pay stubs, the applicant must present the same type of documentation covering three consecutive months within the previous twelve months.³²

12. The second Commission affordability program, the Affordable Connectivity Program, provides eligible low-income households discounted internet service and a one-time discount on a connected device.³³ As part of the investment in broadband affordability, deployment, and access in the Infrastructure Investment and Jobs Act (Infrastructure Act), Congress made several changes to the Emergency Broadband Benefit Program to transform it from an emergency program designed to respond to a public health crisis to a longer-term broadband affordability program, and appropriated to the Commission an additional \$14.2 billion to implement those changes and support.³⁴ As of June 2022, approximately 12.2 million subscribers were participating in the Affordable Connectivity Program.³⁵

13. The Affordable Connectivity Program provides a monthly discount of up to \$30 for broadband service, and up to \$75 a month for households on qualifying Tribal lands.³⁶ Under the Affordable Connectivity Program, participating providers, in addition to providing an ACP-supported broadband service to the household, can also receive a reimbursement up to \$100 for a connected device delivered to the household, provided that the household contributes more than \$10 but less than \$50 for such connected device.³⁷ A connected device is defined in the Infrastructure Act as a laptop, desktop computer, or a tablet, and excludes cellular phones, smartphones, and tablets with cellular calling capabilities.³⁸

14. Consumers seeking to apply for the Affordable Connectivity Program can verify their identity through the last four digits of their Social Security Number or other approved identity documentation.³⁹ ACP participating providers transmit to the National Lifeline Accountability Database (NLAD), among other things, a subscriber's full name, full residential address, and date of birth to enroll a qualified subscribers.⁴⁰ Households qualify for the Affordable Connectivity Program if the household income is at or below 200% of the Federal Poverty Guidelines, or if a member of the household participates in a qualifying program.⁴¹ Under the Infrastructure Act, a household qualifies for the Affordable Connectivity Program if at least one member of the household (1) meets the qualifications for

³² See *id.*

³³ See *Affordable Connectivity Program, Emergency Broadband Benefit Program*, WC Docket Nos. 21-450 and 20-445, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-2 (Jan. 21, 2022) (*ACP Order*).

³⁴ 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> (Infrastructure Act or Act). The \$14.2 billion appropriation is contained in Division J, *Appropriations*, Title IV – *Financial Services and General Government*, of the Infrastructure Act. The statutory changes to the Emergency Broadband Benefit Program are contained in Division F, *Broadband*, Title V, *Broadband Affordability*, Section 60502, *Broadband Affordability*, of the Infrastructure Act. The statute as modified by the Infrastructure Act is codified at 47 U.S.C. § 1752, *Benefit for broadband service*.

³⁵ See Universal Service Administrative Company, *ACP Enrollment and Claims Tracker, Total Enrolled Households – Weekly*, <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/> (last visited June 21, 2022).

³⁶ See 47 CFR § 54.1803(a).

³⁷ See 47 U.S.C. § 1752(b)(5).

³⁸ *ACP Order* at 55-56, paras. 110-12.

³⁹ *Id.* at 34-35, para. 66.

⁴⁰ See 47 CFR § 54.1806(d)(4).

⁴¹ See 47 CFR § 54.1800(j).

participation in Lifeline; (2) has been approved to receive school lunch benefits under the free and reduced price lunch program under the Richard B. Russell National School Lunch Act, or the school breakfast program under section 4 of the Child Nutrition Act of 1966; (3) has received a Federal Pell Grant under section 401 of the Higher Education Act of 1965 in the current award year; (4) meets the eligibility criteria for a participating provider's existing low-income program, subject to approval by the Commission and any other requirements deemed by the Commission to be necessary in the public interest; or (5) receives assistance through the Special Supplemental Nutritional Program for Woman, Infants, and Children (WIC) program.⁴² Currently enrolled Lifeline subscribers also qualify for the Affordable Connectivity Program.⁴³

15. Low-income consumers can apply for the Affordable Connectivity Program by submitting an application to the National Verifier,⁴⁴ by qualifying through a provider's approved alternative verification process (AVP),⁴⁵ or by submitting documentation to participating providers for school-based eligibility determinations.⁴⁶ As in Lifeline, consumers applying through the National Verifier can be automatically confirmed eligible through an electronic data source subject to a computer matching agreement. Applicants whose eligibility cannot be confirmed automatically may have their eligibility determined by a manual review of eligibility documentation.⁴⁷

16. *Assistance for Survivors.* Survivors seeking to flee violence can seek help by calling a hotline, community-based organization or shelter. Information about these entities is generally available via an internet search, billboard, TV advertisement, or word of mouth. The National Network to End Domestic Violence has identified over 1,900 domestic violence programs and shelters in the United States.⁴⁸ Through an assistance hotline, survivors can receive services such as crisis intervention, domestic violence education, safety planning, direct connection to service providers such as local shelters, and referrals to agencies that provide legal, economic self-sufficiency, sexual assault, elder abuse, children's and other related services. The Family Violence Prevention and Services Act provides funding for the on-going operation of a 24-hour, national, toll-free telephone hotline – The National Domestic Violence Hotline⁴⁹ – which enables survivors, or anyone calling on their behalf, to ask for assistance by contacting a trained advocate by phone, text messaging, or live online chat.⁵⁰ The National Domestic Violence Hotline provides survivors with access to the largest national network of resources and shelters and is available 24 hours a day, seven days a week in 170 languages.⁵¹ Last year, the hotline received in total 265,000 calls from victims, survivors, their families and friends, service providers and abusers.⁵² However, according to a 2021 survey conducted by the National Network to End Domestic Violence

⁴² See 47 U.S.C. § 1752(a)(6)(A-E).

⁴³ See 47 CFR § 54.1800(j)(1).

⁴⁴ *ACP Order* at 34, para. 64.

⁴⁵ *Id.* at 37, para. 71.

⁴⁶ *Id.* at 37-38, para. 72.

⁴⁷ *Id.* at 34, para. 64.

⁴⁸ National Network to End Domestic Violence, 16th Annual Domestic Violence Counts Report at 6 (2022), <https://nnedv.org/resources-library/16th-annual-domestic-violence-counts-full-report/>.

⁴⁹ See National Domestic Violence Hotline, <https://www.acf.hhs.gov/fysb/programs/family-violence-prevention-services/programs/ndvh> (last visited June 21, 2022).

⁵⁰ See National Domestic Violence Support, <https://www.thehotline.org/> (last visited June 21, 2022).

⁵¹ See National Domestic Violence Hotline, *National Domestic Violence Hotline Projects Three Million Calls One Year Earlier Than Expected*, <https://www.thehotline.org/news/national-domestic-violence-hotline-projects-three-million-calls-one-year-earlier-than-expected/> (last visited June 21, 2022).

⁵² See *id.*

(NNEDV), survivors relied far more on myriad local, state and territorial hotlines and domestic violence community-based programs.⁵³

17. *Proposed Legislation to Support Survivors.* The proposed Safe Connections Act would direct the Commission to provide emergency communications support for survivors through either the Lifeline program or Affordable Connectivity Program.⁵⁴ If enacted, the Safe Connections Act would modify the Communications Act to allow a survivor who is suffering from financial hardship and meets the requirements described in the proposed legislation⁵⁵ to enter either the Lifeline program or Affordable Connectivity Program, as determined by the Commission, without regard to whether the survivor meets the otherwise applicable eligibility requirements of the pertinent program.⁵⁶ The Safe Connections Act envisions enrollment in the pertinent program to be completed as quickly as feasible and would allow a consumer's participation in the program based on such qualifications to six months.⁵⁷

18. The proposed Safe Connections Act also recognizes that “safeguards within communications services can serve a role in preventing abuse and narrowing the digital divide experienced by survivors of abuse.”⁵⁸ As such, the proposed legislation would require the Commission to commence a rulemaking to consider whether to, and how the Commission would “(i) establish, and update on a monthly basis, a central database of covered hotlines to be used by providers of wireless communications services or wireline voice services; and (ii) require providers of wireless communications services or wireline voice services to omit from consumer-facing logs of calls or text messages any records of calls or text messages to covered hotlines in the central database described in clause (i), while maintaining internal records of those calls and messages.”⁵⁹ The Safe Connections Act defines covered hotline as “a hotline related to domestic violence, dating violence, sexual assault, stalking, sex trafficking, severe forms of trafficking in persons, or any other similar act.”⁶⁰ Finally, the proposed legislation would require the Commission's rulemaking to consider “(i) the ability of law enforcement agencies or survivors to access a log of calls or text messages in a criminal investigation or civil proceeding; (ii) the ability of providers of wireless communication services or wireline voice services to identify logs that are consumer-facing, and omit certain consumer-facing logs, while maintaining internal records of such calls and text messages; and (iii) any other factors associated with the implementation of clauses (i) and (ii) to protect survivors of domestic violence, including factors that may impact smaller providers.”

⁵³ See, e.g., National Network to End Domestic Violence, 16th Annual Domestic Violence Counts Report at 3 (2022), <https://nnedv.org/resources-library/16th-annual-domestic-violence-counts-full-report/>. During a 24 hour survey period in 2021, local, state, and territorial hotline staff received 18,970 calls.

⁵⁴ See Safe Connections Act § 5(b)(2)(A).

⁵⁵ See Safe Connections Act § 4 (adding new language that would become 47 U.S.C. § 345(c)(1)(a) and requiring, in relation to a line separation request, that a survivor verify that an individual who uses a line under the shared mobile service contract has committed or allegedly committed a covered act against the survivor or an individual in the survivor's care, by providing: (1) a copy of a signed affidavit from a licensed medical or mental health care provider, licensed military medical or mental health care provider, licensed social worker, victim services provider, or licensed military victim services provider, or an employee of a court, acting within the scope of that person's employment; or (2) a copy of a police report, statements provided by police, including military police, to magistrates or judges, charging documents, protective or restraining orders, military protective orders, or any other official record that documents the covered act). These procedures are incorporated by reference into § 5(b)(2)(A).

⁵⁶ See Safe Connections Act § 5(b)(2)(A)(ii).

⁵⁷ See Safe Connections Act § 5(b)(2)(A)(ii)(I)-(II).

⁵⁸ See Safe Connections Act § 3(5).

⁵⁹ See Safe Connections Act § 5(b)(3).

⁶⁰ See Safe Connections Act § 5(a)(4).

III. DISCUSSION

A. Qualification as a Survivor for the Commission's Affordability Programs

19. We first seek comment on providing emergency communications support through the Commission's affordability programs for survivors without regard to whether the survivor meets the otherwise applicable eligibility requirements.⁶¹ We recognize the difficulty survivors may face in reliving traumatic experiences, which may increase their hesitation to seek program eligibility documentation for fear of retaliation or other potentially harmful consequences.⁶² As such, we seek comment on whether the Commission has existing legal authority to independently alter Lifeline or ACP eligibility requirements to ease this burden. What terms, definitions, and conditions should we consider to ensure we balance the unique needs of survivors seeking to enroll in the Commission's affordability programs while continuing to protect against waste, fraud, and abuse?

20. *Demonstrating Status as a Survivor.* The proposed Safe Connections Act would require a survivor to demonstrate status as a domestic violence survivor or allegations by providing to the National Verifier or a state administrator either a copy of (1) a signed affidavit from certain medical or health care providers, or (2) a police report, statements to police, certain court documents, or other official records that documents "a covered act."⁶³ The Safe Connections Act would define "abuser" as "an individual who has committed a covered act against an individual who seeks relief[.]"⁶⁴ Further, a "covered act" is defined as "conduct that constitutes: (1) a crime described in section 40002(a) of the Violence Against Women Act,⁶⁵ including domestic violence, dating violence, sexual assault, stalking, and sex trafficking; (2) an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000;⁶⁶ or (3) an act under State law, Tribal law, or the Uniform Code of Military Justice that is similar to an offense described in (a) or (b)."⁶⁷ Under the Safe Connections Act, "a conviction is not required in that a showing in (2) is not limited to evidence of a criminal conviction or any other determination of a court in order for the conduct to constitute a covered act."⁶⁸

21. We seek comment on adopting the requirement that an individual demonstrate their status as a survivor as defined by the Safe Connections Act. Should we independently adopt these requirements and definitions and, if so, would any modifications be in the public interest? Should an affidavit from a survivor be sufficient verification? If so, what information should be included in such affidavits? Should we require official documentation, such as a court order or police report? Could an affidavit be used to demonstrate temporary eligibility prior to submission of official documentation? How burdensome is it for a survivor to obtain official documentation of violence or abuse? Are there less burdensome methods for a survivor to obtain necessary documentation? In instances where obtaining necessary documentation is unduly burdensome for a survivor, are there any additional steps that the Commission or the Universal Service Administrative Company (USAC) can take to confirm eligibility?

⁶¹ See Safe Connections Act § 5(b)(2)(A)(ii).

⁶² For example, survivors may fear seeking restraining orders against an abuser when children are involved out of fear that such action could be given a negative inferences of the survivor's non-cooperation in subsequent child custody hearings.

⁶³ See Safe Connections Act § 5(b)(2)(A)(ii) (incorporating by reference criteria stated in proposed 47 U.S.C. § 345(c)(1)).

⁶⁴ See Safe Connections Act § 4 (adding language that would become 47 U.S.C. § 345(a)(1) to define "abuser" and other key terms).

⁶⁵ 34 U.S.C. § 12291(a).

⁶⁶ 22 U.S.C. § 7102.

⁶⁷ See Safe Connections Act § 4 (adding language that would become 47 U.S.C. § 345(a)(2)(A)).

⁶⁸ See Safe Connections Act § 4 (adding language that would become section 47 U.S.C. § 345(a)(2)(B)).

22. Additionally, we note that the collection, processing, handling, disclosure, etc. of information and documentation submitted by survivors would be governed by, among other laws, the Federal Privacy Act of 1974 (as well as implementing regulations)⁶⁹ and the Federal Information Security Management Act, as amended,⁷⁰ as well as numerous other applicable memoranda and guidance.⁷¹ But we also acknowledge that such information and documentation is particularly sensitive and presents unique risks in this context. Are these protections adequate here? If not, commenters should recommend what, if any, additional safeguards, protections, or measures the Commission could adopt to mitigate the risk of harm from the submission of such information and documentation to establish eligibility for the Commission's affordability programs.

23. *Financial Hardship.* The Safe Connections Act would also require a survivor seeking relief to demonstrate "financial hardship" to enroll in the affordability programs.⁷² We seek comment on whether the Commission has existing legal authority to independently alter Lifeline or ACP eligibility requirements by adopting the same condition for entry into one of these low-income programs, without regard to whether the survivor otherwise meets applicable eligibility requirements. If so, how should financial hardship be defined? Should we adopt the same term? Should financial hardship be more open-ended than the current income requirements of either program? What documentation, if any, should we require from a survivor to show financial hardship? Because survivors often face severe financial hardship when attempting to establish financial independence from an abuser, would documentation of domestic violence be sufficient to also demonstrate financial hardship?

B. Entry Into Lifeline and the Affordable Connectivity Programs

24. We next seek comment on how the Commission could adjust the Lifeline and ACP application and enrollment processes to better serve survivors, and how we can make such adjustments while protecting program integrity.

25. *Enrollment Process.* If survivors are permitted to enter the Lifeline program or the Affordable Connectivity Program through a new pathway, how should they enroll? Should survivors qualify only through the National Verifier, with USAC conducting a manual review of the application? Should these applications be given priority to expedite the manual review process? In states in which Lifeline eligibility determinations are made by a state administrator, how could survivors applying through the state administrator obtain any relevant relief? For the Affordable Connectivity Program, should we permit providers with an approved AVP to qualify those seeking to enroll through this survivor pathway? If so, what documents should AVP providers be required to retain for these subscribers? Are there other methods we should consider to assist survivors to enroll as quickly as feasible and protect the integrity of the program?

26. *Proving Eligibility for the Lifeline Program or Affordable Connectivity Program.* We next inquire into flexibility regarding the Lifeline program's and Affordable Connectivity Program's income eligibility requirement, which can be satisfied through the provision of documentation indicating that the consumer's household income is at or below 135% or 200% of the federal poverty guidelines, respectively.⁷³ Survivors may face significant hurdles not only in accessing existing income documentation but also in obtaining official documents that confirm their current income. Indeed,

⁶⁹ Pub. L. No. 93-579, 88 Stat. 1896 (codified at 5 U.S.C. § 552a).

⁷⁰ Pub. L. No. 107-347, 116 Stat. 2899 (2002), amended by Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283, 128 Stat. 3073 (codified at 44 U.S.C. § 3501 et seq.)

⁷¹ See, e.g., Office of Management and Budget, *Managing Information as a Strategic Resource*, Memorandum to the heads of Executive Departments and Agencies, Circular No. A-130 (2016).

⁷² See Safe Connections Act § 5(b)(2)(A)(ii).

⁷³ See 47 CFR §§ 54.409(a)(1), 54.1805(a).

survivors must weigh the benefit of obtaining or accessing qualifying income documentation—which may be in the possession of an abuser or in joint accounts—against the possibility that such actions may lead to retaliation from an abuser. As such, survivors may not have any income or financial resources to assist their application and enrollment efforts.

27. We seek comment on how best to address these challenges. Would modifying the documentation requirements for low-income survivors, at least on a short-term basis, provide significant benefits to this particularly vulnerable group of low-income consumers? Would it be sufficient for a survivor to qualify for the Lifeline program or Affordable Connectivity Program by showing documentation of only their current income, without necessarily providing historical income documentation? If so, how should survivors be permitted to do so? Should the survivor be required to submit official documentation of their income, independent of their abuser's, such as a previous year's individual tax return or current pay stub? How likely is a survivor to have official documentation or the ability to obtain official documents showing their income? Should a showing of financial dependence on an abuser be sufficient to satisfy the Lifeline or ACP income requirement? How should a survivor be permitted to show no independent income or to show financial dependence on an abuser? Should a showing or allegation of domestic violence⁷⁴ coupled with a certifying statement that the survivor's current income is at or below the pertinent program's income threshold be sufficient? Should a certified statement of no income be sufficient? What program integrity concerns might be implicated by accepting certified statements? We seek comment on how to mitigate any potential threat to the integrity of the programs from accepting only certified statements to verify income. Are there modifications to eligibility documentation that we should consider for demonstrating participation in a qualifying program? Here too, commenters are welcome to propose any additional privacy protections or safeguards to govern the collection, processing, handling, and disclosure of such information and certified statements.

28. Similarly, we inquire into whether the Lifeline and Affordable Connectivity Program's documentation requirement for program-based eligibility should also be modified to address potential concerns related to a survivor's ability to access existing documentation or obtain official documentation of their participation in a qualifying assistance program. How likely is a survivor to have official documents related to their participation in a qualifying program? If a survivor's eligibility cannot be verified through an existing eligibility database, what documentation should we accept to show program-based eligibility? Would a recently completed application or a demonstration of application submission for a qualifying program as well as a demonstration of status as a survivor be sufficient? Would a showing of status as a survivor coupled with a certifying statement of the survivor's participation in a qualifying program be sufficient? What program integrity concerns might be implicated by accepting only certified statements to verify participation in a qualifying program? Should those who showed eligibility under a qualifying program with modified documentation be required to provide additional verification documentation in the future?

29. Under the Infrastructure Act and existing Commission rules, participation in the Lifeline program qualifies an individual for participation in the Affordable Connectivity Program.⁷⁵ We inquire, however, whether survivors who enroll in the Lifeline program through the methods discussed herein should also automatically qualify for the Affordable Connectivity Program. Should survivors entering the Lifeline program under modified criteria be given a different participant status that may be time-limited until further documentation can be provided, and would such a status be permitted under existing statutes and Commission rules? If so, how should the programs' administrator—the Universal Service Administrative Company (USAC)—track this status?

30. Additionally, we inquire into whether shelters and assistance programs can or should play a role in qualifying a survivor for either the Lifeline program or the Affordable Connectivity Program. If

⁷⁴ See *supra* Section III(A).

⁷⁵ See 47 U.S.C. § 1752(a)(6)(A); 47 CFR § 54.1800(j)(1).

this were permissible, how should we define shelters and assistance programs that support survivors? Would permitting a shelter to stand in for the survivor—by submitting the shelter’s information in lieu of the survivor’s—relieve the concerns related to privacy and sharing sensitive information? Alternatively, we inquire into our authority to permit residency in a shelter or other participation in a related assistance program as a qualifying eligibility program. Under such an approach, should shelter and program staff be required to register in the Representative Accountability Database?⁷⁶ How could we protect against waste, fraud, and abuse in this context? If a survivor enters the program with their shelter providing documentation, should we limit the length of time such a survivor could participate in the program without providing additional documentation that would typically be needed to substantiate eligibility to participate in one of our affordability programs? What concerns with permitting shelters to stand in for survivors would we need to address? Are there any controls we should implement to ensure that such shelter staff are not affiliated with a Lifeline or ACP provider, to minimize the incentive for fraudulent enrollments? How would these measures affect USAC’s ability to administer and conduct audits, including program integrity audits of the Lifeline program or the Affordable Connectivity Program? What measures could be adopted to protect against improper payments, waste, fraud, and abuse?

31. *Identity Verification.* A key program integrity measure in the Commission’s affordability programs is verifying the identity of participating consumers, which, among other things, can help prevent duplicate enrollment, identity theft, and fabricated subscribers, and assist in other program integrity measures and audits. When enrolling in the Lifeline program, an applicant must provide their full name, full residential address, status (permanent or temporary) of that residential address, billing address, if different from residential address, date of birth, and last four digits of their Social Security Number or Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a Social Security Number.⁷⁷ In addition to full name, full residential address, and date of birth,⁷⁸ consumers seeking to apply for the Affordable Connectivity Program can verify their identity through the last four digits of their Social Security Numbers or other approved identity documentation.⁷⁹

32. Identity information can be particularly sensitive to survivors, who may be seeking to distance themselves both physically and financially from abusers. We seek comment on the challenges to survivors of providing this personal information to obtain a government benefit. Are current Commission and USAC privacy protections sufficient to manage the risks to survivors?⁸⁰ We also seek comment on how alias names are used in other areas where survivors seek assistance.⁸¹ Should we require only a

⁷⁶ The Representative Accountability Database is a registration system that validates the identities of service provider representatives performing transactions in the National Lifeline Accountability Database and the National Verifier. See 47 CFR § 54.406.

⁷⁷ 47 CFR § 54.410(d)(2)(i)-(iv).

⁷⁸ 47 CFR § 54.1806(d)(4).

⁷⁹ See *ACP Order* at 34-35, paras. 66-67 (examples of acceptable documentation includes government-issued ID (such as a state ID), passport, U.S. driver’s license, U.S. military ID, or Individual Taxpayer Identification documentation).

⁸⁰ See Universal Service Administrative Company, Privacy Policies, <https://www.usac.org/about/privacy-policies/> (last visited June 21, 2022); see also Federal Communications Commission, Privacy Act of 1974; System of Records, 86 Fed. Reg. 11526, 29 (Feb. 25, 2021) (“To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with the FCC or USAC, when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals who are provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Commission.”).

⁸¹ Cf. New York State, Department of State, *Address Confidentiality Program*, <https://dos.ny.gov/address-confidentiality> (last visited June 21, 2022); Office of the Attorney General, Virginia, *Domestic Violence – Address*

survivor's last name, coupled with an alias first name? Are there other alternatives to the personally identifiable information subscribers provide to enroll in both programs that we should consider? Is the provision of the last four digits of the Social Security Number without other identifying information sufficient to protect against waste, fraud, and abuse? What documentation will be needed to verify eligibility and identity if an alias first name is used? How would limiting the collection of this documentation affect program administration, program integrity, and audit efforts?

33. Additionally, an applicant survivor's address information may be particularly difficult to determine because a survivor may not be residing in just one location or have a fixed address. And if disclosed, location information can allow an abuser to find the physical location of a survivor. What are the challenges and concerns for survivors with regard to providing current address information to a government program? In light of these challenges, we also seek comment on the benefit of permitting a temporary address, no address, or an alias address to satisfy the programs' requirements. We also seek comment on the administrative costs of incorporating these address changes. We note that our Lifeline rules specifically contemplate temporary addresses for applicants.⁸² Is this sufficient to address the risks faced by survivors? Could no address be required if the applicant provides a combination of other unique identifying information, such as a combination of last four digits of Social Security Number and either date of birth or last name? Should we permit the use of an alias address or the address of an assistance group or other organization? Are alias addresses or shelter addresses used in other areas where survivors seek assistance?⁸³

34. Further, we seek comment on whether limiting the collection of this sensitive information in this context can still adequately protect against duplicate benefits. Would the requirement of showing status as a survivor⁸⁴ add an additional protection to mitigate against duplicate benefit concerns? Is there a reduced likelihood that two individuals from the same household would seek to qualify for the Lifeline program or the Affordable Connectivity Program through a showing of survivor status? Should the one-per-household duplicate limitation not apply to a survivor who has made the relevant status showing to remove concerns of being considered part of an abuser's independent economic household? Should the Commission modify the one-per-household requirement in the Affordable Connectivity Program?⁸⁵ Is the requirement that an enrollee demonstrate status as a survivor an additional protection against these types of waste, fraud, and abuse? How might service providers ensure in such situations that they are not providing duplicate support in contravention of our rules?

35. The above discussion focuses primarily on ensuring that the survivor's identity is not improperly disclosed or mismanaged during application and enrollment, but there may be similar concerns for the privacy of alleged abusers' identity. As we may be relying on only allegations of abuse, what steps might the Commission take to protect the personal information of an alleged abuser that may be inadvertently disclosed during application and enrollment? Are there concerns different from those outlined above with survivors? Are there specific pieces of personal information more likely to identify an alleged abuser, like a prior address, than others?

36. *Post Hoc Verification.* We seek comment on whether service providers should be permitted to begin Lifeline or Affordable Connectivity Program service immediately—after a showing or allegation that an applicant is a survivor—so long as financial hardship information is subsequently

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Confidentiality, <https://www.oag.state.va.us/programs-initiatives/domestic-violence/address-confidentiality-program>
(last visited June 21, 2022).

⁸² See 47 CFR § 54.410(d)(2)(iii) (asking “whether the subscriber’s residential address is permanent or temporary”).

⁸³ See *supra* n.81.

⁸⁴ See *supra* Section III(A).

⁸⁵ See *ACP Order* at 24-25, paras. 46-48.

provided within a certain time frame. How likely are survivors to have on-hand the requisite documentation for enrollment in Lifeline or the Affordable Connectivity Program? Should we permit post-enrollment document production for income verification and/or certain identity verification? How long should survivors be given to provide supporting documentation? Should this requirement be different for the Lifeline program compared to the Affordability Connectivity Program?

37. *Privacy.* While subscribers' privacy is always important, personal information is particularly sensitive in this context. For the Lifeline program and the Affordable Connectivity Program, the National Verifier and NLAD systems collect only the personal information data elements that have been mandated by the Commission as necessary to manage these programs. In addition, the National Verifier and NLAD use role-based permissions so that only authorized users have access to personal information as necessary. Sensitive personal information, such as date of birth or last four digits of the consumer's Social Security Number, are not displayed or available via reports to external users of NLAD.⁸⁶

38. We seek comment on whether a survivor's personal information should be granted protections in addition to the programs' existing privacy and security measures to ensure the survivor's safety. What personal information (full name, date of birth, last four digits of their Social Security Number, and address) is more sensitive or potentially dangerous to divulge in the context of domestic violence? How much, if any, personal information is a survivor generally willing to share? Is there a combination of personal information that a survivor may be more willing to share and which can adequately protect against, waste, fraud, and abuse? As previously discussed, what role can shelters and organizations play in the application process to ease concerns related to sharing personal information?

39. Relatedly, we seek comment on whether survivors should be advised of the options to block Caller ID information to protect their privacy when making calls. This information could benefit survivors who need to communicate with their abuser relating to matters such as child support or alimony payments but do not want to reveal their calling number. Indeed, Commission rules require carriers using SS7 to recognize the dialing of “*67” as a request that the carrier not pass the calling party's number on that call.⁸⁷ Some service providers also offer the option to block Caller ID on all calls upon request. Should these options be communicated to survivors? If so, should they be communicated at the time of enrollment or during the application process? Are there other measures or current efforts we should consider conveying to survivors, and if so, what means or method should we use to convey the information?

40. *Duration.* The Safe Connections Act contemplates that consumers who enroll in Lifeline or the Affordable Connectivity Program using the processes designed for survivors would participate in the program on that basis for a six-month term after the initial enrollment.⁸⁸ Should we similarly impose a six-month limitation for those who enroll using the process for survivors? Should we consider a different term? If a different term, we seek comment on how long survivors should be able to claim the relief provided by each program based on their enrollment through an alternative process. Should the enrollment measures for survivors be applicable only to initial enrollment? How frequently should a survivor be permitted to qualify for the Lifeline program or the Affordable Connectivity Program under any modified rules? Should these alternative enrollment measures be available during annual eligibility

⁸⁶ See Universal Service Administrative Company, Privacy Impact Assessment for the National Verifier Lifeline Eligibility Database at 9 (2021), <https://www.fcc.gov/sites/default/files/pia-national-verifier-lifeline-eligibility-database.pdf>; Universal Service Administrative Company, Privacy Impact Assessment for the National Lifeline Accountability Database at 9 (2021), <https://www.fcc.gov/sites/default/files/pia-national-lifeline-accountability-database.pdf>.

⁸⁷ See 47 CFR § 64.1601(b).

⁸⁸ See Safe Connections Act § 5(b)(2)(A)(ii)(II).

recertification?⁸⁹ Should we allow existing Lifeline or ACP subscribers to reverify or recertify under any modified rules? If an existing subscriber enrolls in Lifeline under modified rules and uses that eligibility to enroll in the Affordable Connectivity Program, should their existing eligibility be terminated for both programs? What, if anything, should be shared with providers about the subscriber's enrollment through an alternative process? Should USAC send a notification to the subscriber alerting them to complete a new application prior to the end of their initial term? If so, what method of reaching out to subscribers should USAC use that would be consistent with the survivor's privacy concerns? Can subscribers be allowed to reenroll using a more recent demonstration of survivor status and financial hardship? We seek comment on the ways in which we can reduce the burden on survivors that the end of the benefit may bring.

41. *Administrative Changes.* The administrative changes associated with creating a new eligibility status, changing eligibility duration, and creating separate document procedures may require significant changes to USAC processes and systems. We seek feedback on how to lessen these administrative burdens while still offering a service that meets the needs of survivors. If administrative changes were to be phased in, which program changes would be of highest priority? Additionally, how should USAC update customer-facing applications and material to inform potential survivors of this process while not confusing other subscribers who are not impacted by these changes? Finally, how should these administrative changes be factored into existing procedures related to monitoring for waste, fraud, and abuse?

C. Supported Services, Devices, and Other Considerations

42. *Supported Services.* We seek comment on the service needs of survivors. Generally, are survivors seeking service for just themselves or will they also have dependent family members with them? How do the needs of survivors break down with respect to voice and broadband? Do survivors primarily need voice service? If survivors seek to qualify for the Lifeline program, would they readily find plans available that meet their needs?

43. The Affordable Connectivity Program is primarily a broadband program, although the Commission does permit bundled voice/broadband services to be supported by the ACP benefit.⁹⁰ How do we take into consideration that the Affordable Connectivity Program results from a one-time Congressional appropriation and Lifeline is supported by ongoing funding? The proposed Safe Connections Act would require the Commission to pick one of the affordability programs to aid survivors;⁹¹ should we independently consider a similar approach? What are the benefits or drawbacks of these approaches?

44. *Devices.* We also seek comment on the device needs of survivors and their dependents. While some Lifeline service providers do provide devices to subscribers, doing so is not required by the Lifeline program and the costs of a device are not reimbursed by the program. Is the fact that Lifeline does not fund devices a significant hurdle to a survivor? We seek comment on whether survivors have a unique need for a device that may not be met by Lifeline. Alternatively, are there any organizations that would be willing to collaborate with Lifeline providers to provide subsidized devices?

45. In contrast to Lifeline, the Affordable Connectivity Program provides a one-time device discount of up to \$100 (so long as the charge to the eligible household is between \$10 and \$50 for the connected device) for qualifying laptops, desktops, or tablets.⁹² We seek comment on whether the ACP connected device benefit would be attractive to survivors and whether it captures their unique needs. Do

⁸⁹ See 47 CFR § 54.410(f).

⁹⁰ ACP Order at 54, para. 107.

⁹¹ See Safe Connections Act § 5(b)(2)(A)(i).

⁹² ACP Order at 55, para. 110.

survivors have a need for these types of connected devices, or are their needs centered around devices with mobile calling capabilities?

46. *Measuring Effectiveness.* We expect that any efforts taken to better support survivors in Lifeline and the Affordable Connectivity Program would include measures designed to determine the effectiveness of those efforts. What methodologies or resources can the Commission use to gather reliable and comprehensive program performance data? Is there a way to reliably assess the impact of these efforts on survivors, shelters, assistance organizations, and service providers? Further, should we attempt to survey survivors related to their voice and internet usage as well as existing access to broadband to better understand their needs? What questions could we ask at enrollment or other touchpoints to not only better understand their needs but also measure the effectiveness of certain program measures? Are survivors typically hesitant to provide such information, and could such questions discourage participation in the programs?

47. *Other Considerations.* We seek comment on any other approaches and options the Commission should consider when determining how best to assist survivors' entry into a Commission affordability program. We note that our considerations here are not exhaustive, and invite further input from the community on how best to assist survivors. Should the Commission consider grants when implementing outreach efforts related to the Affordable Connectivity Program that would help survivors? Further, we inquire into whether our efforts should be aimed more broadly, to include other individuals experiencing sudden financial hardship or who may have similar difficulties accessing eligibility documentation. For example, should we permit the relief discussed herein to be available to individuals displaced due to natural disaster, or should we consider a more general "emergency relief" due to a sudden loss of income standard? We seek comment on the benefits and concerns related to these approaches.

D. Protecting the Privacy of Calls and Communications With Hotlines and Shelters

48. Recognizing that survivors may need to be in communication with abuse hotlines and shelters, we broadly seek information on how Commission policies that may relate to placed and received call and text logs can be modified or created to best ensure that survivors use these valuable resources without fear of reprisal.

49. *Scope and Significance of Survivor Hesitancy in Contacting Hotlines and Shelters.* The proposed Safe Connections Act would have the Commission identify and then protect the ability of survivors to place calls to hotlines that offer assistance to such survivors.⁹³ We seek comment on whether to consider the full universe of shelters, government or community-based organizations, and programs that serve survivors, in addition to hotlines. Are there other organizations that assist survivors that the Commission should consider including in this effort? Further, although the Safe Connections Act applies only to outbound calls to hotlines, there also may be inbound communications to survivors from these entities—organizations operating hotlines and shelters, for example, may need to return calls or place follow-up calls to survivors. We therefore seek comment on whether any rules we ultimately adopt should apply to both inbound and outbound calls.

50. Survivors may also seek to communicate with hotlines and service organizations by text messaging. To this end, the Safe Connections Act's provisions regarding call logs also apply to outgoing text messages, excluding certain types of IP-enabled messaging.⁹⁴ To what extent should any rules that we adopt apply not only to logs of calls, but also logs of texts? Should they apply both to outgoing and incoming texts? We invite commenters to note instances in which considerations that we discuss in this Inquiry pertaining to call logs do not or should not apply equally to text logs.

⁹³ See Safe Connections Act § 5(a)(4).

⁹⁴ Safe Connections Act §§ 5(b)(3)(A)(ii); 5(a)(7) (definition of "text message," incorporating by reference 47 U.S.C. § 227(e), specifically 47 U.S.C. 227(e)(8)(C)(iii)(II)).

51. There are many reasons that a person who is a survivor may not contact law enforcement or seek help through a hotline or by contacting a shelter.⁹⁵ Most pertinent to our inquiry, survivors may be deterred by the threat of an abuser using access to call and text logs to determine whether the survivor is in the process of seeking help, seeking to report, or seeking to flee. How large of a problem is survivor hesitancy in using communications service to reach out for help? We invite commenters to share information on how call and text logs, as well as any other account information, can be used to intimidate or otherwise harm survivors. Are there data available regarding the extent of the issue?

52. *Rules Regarding Call and Text Logs to Reduce Hesitancy.* We seek comment on whether survivor hesitancy to contact hotlines and shelters could be addressed by requiring service providers to omit call and text log details for calls to hotlines, return calls from the organizations running such hotlines, and calls to and from shelters. Will the ability to omit these records lessen hesitancy to contact hotlines and shelters? Would omitting those details from the call and text logs encourage survivors to seek help? How can survivors be made aware that such calls will not be present on their call and text logs? Should the list of covered hotlines be made public or have a dedicated website? What are the advantages and disadvantages of mandating that service providers omit this information from call and text logs? How easily could service providers identify such calls, and would the process of identification of specific calls to specific types of recipients raise any separate privacy concerns?

53. Today, there is a general expectation that call and text logs are complete and reflect all communications. Will service providers be reluctant to omit calls and text from logs without explicit direction? If we declined to implement a regime mandating that service providers omit certain calls from call and text logs, would there still be value in permitting service providers to voluntarily omit this information so long as each service provider does so consistently?⁹⁶ Should we require an explicit request from a survivor? What are the relative advantages and disadvantages of such a regime? If we were to adopt either an obligatory or voluntary regime for omitting certain calls from call and text logs, should there be exceptions? If so, for what?

54. We also inquire about the type of organizations to include in this initiative. If the Commission were to adopt rules regarding logs for calls and texts to and from support organizations, how should such organizations be defined? Is the definition of “covered hotline” in section 5(a)(4) of the Safe Connections Act useful for determining how a support organization should be defined? Should single or multi-use shelters that also serve individuals facing other challenges be included in the definition? Should government programs at state, local, and territory levels be included in the definition of what is covered, possibly using a term such as “covered organization?” If the Commission adopts an expanded definition of numbers that qualify to be omitted from call and text logs, what requirements should these organizations meet in order to be considered a covered organization? Do the organizations need to exclusively serve survivors, or a certain percentage? What percentage of the organization’s services need to be related to domestic, sexual, or intimate partner violence in order for them to be a covered organization? What demonstration should we require in confirming the eligibility of a hotline or service organization? Should hotlines and community-based organizations be required to recertify or confirm their information annually or at a less frequent interval? Over time, should organizations be automatically removed from the database if they did not recertify their applications?

55. To what range of communications services should any rules that we may adopt pertaining to call and text logs apply, including telecommunications and, interconnected (or non-interconnected) voice over Internet Protocol providers, and various forms of text messaging service? We invite commenters to address policy, technical, and operational issues regarding logs for each type of service.

⁹⁵ See Anna Fagan, *Why Didn't She Call Police?*, May 11, 2020, <https://www.genesisshelter.org/why-didnt-she-call-police/>.

⁹⁶ As part of permitting exclusion of such calls, the Commission might encourage the industry to adopt best practices regarding call and text logs and survivors of domestic violence.

56. *Implementation.* For service providers to effectively prevent pertinent calls and texts from appearing in logs, they must have access to a list of relevant telephone numbers. Should there be a centralized national database, or covered organization database? If so, how should those numbers be identified and collected and who should establish it? Who should maintain the database and how often should it be updated?⁹⁷ Would it be necessary to create an entirely new database or would it be possible to expand or modify an existing database? If a new database is required, should the Commission follow the same processes as it did in creating other databases? What organizations have the expertise needed to be the administrator of such a database? Should the party administering the database hotline and shelter telephone numbers to be used in implementing any rules that we may ultimately adopt first populate the database based on its own research and then accept other submissions? Should community-based organizations or governmental organizations also be permitted to submit covered hotlines and service organizations on behalf of such entities in their jurisdiction or that they represent? How frequently should the database be updated? For how long after a pertinent update should service providers be obligated to reflect such an update in their operations?⁹⁸ Are there other factors the Commission should consider? How should disputes regarding whether certain numbers should be listed be adjudicated and by whom? To what extent should the database, itself, be treated as confidential and how should such confidentiality be maintained? Address information for hotlines and service organizations is ordinarily considered to be very sensitive.⁹⁹ Is there any reason for the database to include addresses, so long as such addresses are provided as part of initial hotline/service organization submissions and protected under Commission rules?

57. We also seek information on the enforceability of these efforts. What penalties should there be for service providers that violate any rules that we establish? Do parties have any suggestions regarding the appropriate Commission process to use in considering violations?

58. Would there be adverse effects of requiring or permitting service providers to omit certain calls from call and text logs? For example, is it possible for service providers to omit calls from customer-facing logs, but maintain such calls in internal records for use by law enforcement in criminal investigations and parties in civil proceedings?¹⁰⁰ Should this be required? Are there any other related exceptions or allowances that we should be considering?¹⁰¹

59. Certain service providers do not provide consumers with call and text logs until the billing cycle has ended. We seek comment to understand whether it is possible to delete certain calls from the log, when the call details are not shared with the consumers in real time. How should providers respond to inquiries from customers about discrepancies that this may cause on their bill with regard to total call minutes? Could a survivor call a provider to request that certain calls be omitted from the call and text logs before it is posted on the bill? If that is currently an option, would the survivor face some

⁹⁷ We note that the Safe Communications Act presumes that the database would be updated monthly. Safe Connections Act of 2022, S. 120, 117th Cong. (as passed by the Senate, Mar. 17, 2022), § 5(b)(3)(A)(i).

⁹⁸ For example, as a practical matter, if service providers were only expected to update their records of covered telephone numbers once per month, then they would only be obligated to reflect a database update within one month of such update.

⁹⁹ Georgia, for example, prohibits the disclosure of addresses of domestic violence shelters in service providers' directory listings. Ga. Code Ann., § 46-5-7.

¹⁰⁰ See, e.g., Safe Connections Act § 5(b)(3)(B)(i), (C).

¹⁰¹ If passed, the Safe Connections Act would require the Commission to consider in its rulemaking "the ability of law enforcement agencies or survivors to access a log of calls or text messages in a criminal investigation or civil proceeding." Further, the proposed legislation would require the Commission's rulemaking to consider "(ii) the ability of providers of wireless communication services or wireline voice services to (I) identify logs that are consumer facing; and (II) omit certain consumer-facing logs, while maintaining internal records such as calls and text messages."

barriers in requesting the omission if they are not the primary account holder? Furthermore, is it reasonable to omit calls from the bill's call and text logs (call/text detail) when they directly contribute to the amount of the bill? For example, if the consumer incurs a toll charge for calling a hotline or shelter that is out of the coverage area, how can the provider bill the consumer for the cost of that call while also omitting that call record from the call log? Are there similar concerns when calls are counted against wireless usage allowances? To what extent are there unique implementation concerns regarding text logs, perhaps related to how text logs are maintained and disseminated to users?

60. We recognize that providers may incur certain costs associated with modifying billing and records systems to incorporate these changes. We seek to understand the extent of these costs, if any, and the time providers would reasonably need to implement the necessary changes. Are there measures that the Commission could take in designing any implementation rules that could minimize such costs?

61. What other factors associated with the implementation should the Commission consider in order to protect survivors? How can we best assess how these factors may affect smaller providers?¹⁰² What are some roadblocks smaller providers may face in order to implement these changes that may otherwise not occur with midsize and large service providers?

62. Finally, we seek comment on additional ways the Commission can support survivors, consistent with our legal authority. Are there other avenues we should consider to support survivors? We look forward to reviewing the record that develops from this Inquiry to inform us regarding next steps that the Commission may take.

E. Legal Authority

63. Under separate sources of legal authority,¹⁰³ the Lifeline program and the Affordable Connectivity Program both require an applicant to either (1) meet an income threshold, or (2) qualify through participation in one of the qualifying means-tested Federal assistance programs. Notwithstanding any additional authority the Commission may be given if pending legislation eventually becomes law, we seek comment on our existing authority to act to support survivors in Lifeline and the Affordable Connectivity Program.

64. Does the Commission have the legal authority to undertake the actions contemplated in this Inquiry under its existing statutory authority? For Lifeline, we seek comment on whether the Commission's authority under the universal service provision of the Communications Act would permit it to provide a Lifeline benefit based on a showing of temporary financial hardship.¹⁰⁴ Can the Commission, as it has in the past, rely on the universal service principles in the Communications Act to bolster our authority to provide Lifeline support to low-income members of this community in this way?¹⁰⁵ Is the Commission limited to offering universal service support only to low-income survivors, or does it have authority under section 254 to provide support to survivors that are not low-income consumers as currently defined by the Lifeline program? Specifically, could the Lifeline program implement a temporary "financial hardship" threshold for program participation that may be different from the current Lifeline income requirement? Do survivors have unique needs in terms of the services they would most benefit from that may allow the Commission to act on that aspect of its statutory principle to provide "quality services"?¹⁰⁶

¹⁰² See Safe Connections Act § 5(b)(3)(B)(iii).

¹⁰³ See 47 U.S.C. §§ 254, 1752; see also 47 CFR § 54.409.

¹⁰⁴ See 47 U.S.C. § 254(b).

¹⁰⁵ See, e.g., *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17686, para. 65 (2011) (describing how the Commission has a "mandatory duty" to advance principles outlined in 47 U.S.C. 254(b)).

¹⁰⁶ 47 U.S.C. § 254(b)(1).

65. Unlike in the Lifeline program, the eligibility requirements for the Affordable Connectivity Program are set by statute.¹⁰⁷ Does the Commission have the authority under the Infrastructure Act to adopt measures consistent with the goal of achieving greater access for survivors of without further action by Congress? Does the Commission have legal authority to implement an eligibility standard for the Affordable Connectivity Program that is based on temporary “financial hardship”?

66. Under what legal authority would the Commission adopt any rules pertaining to service providers’ call logs, either provided online or delineated on monthly bills? Are there special considerations with respect to calls to which separate charges are assessed, such as toll calls (perhaps to local shelters) and per-minute wireless charges (or deductions against usage allowances)? How does the analysis of our legal authority change if, rather than prohibiting service providers from making certain call log entries available, we were to merely *permit* service providers to selectively exclude such entries from call logs, perhaps as a best practice? What are potential sources of legal authority, including Title I; section 201(b) of the Act, perhaps in conjunction with the Commission’s purpose under section 1 to promote “safety of life;” Title III (sections 301, 303, 307, 309, or 316); or other relevant statutory authority?¹⁰⁸

67. To what extent do these jurisdictional considerations apply to text messaging? Does the answer depend on the type of text message, such as whether it is delivered over an IP-based platform?

F. Equity Considerations

68. The Commission, as part of its continuing effort to advance digital equity for all,¹⁰⁹ including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality, invites comment on any equity-related considerations¹¹⁰ and benefits (if any) that may be associated with the proposals and issues discussed herein. Specifically, we seek comment on how our proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission’s relevant legal authority.

IV. PROCEDURAL MATTERS

69. *Ex Parte Rules.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹¹ Persons making *ex parte* presentations must file a

¹⁰⁷ See 47 U.S.C. § 1752(a)(6).

¹⁰⁸ 47 U.S.C. §§ 151, 301, 303, 307, 309, 316.

¹⁰⁹ Section 1 of the Communications Act of 1934 as amended provides that the FCC “regulat[es] interstate and foreign commerce in communication by wire and radio so as to make [such service] available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex.” 47 U.S.C. § 151.

¹¹⁰ The term “equity” is used here consistent with Executive Order 13985 as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. See Exec. Order No. 13985, 86 Fed. Reg. 7009, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Jan. 20, 2021).

¹¹¹ 47 CFR § 1.1200(a). Although the rules do not generally require *ex parte* presentations to be treated as “permit but disclose” in Notice of Inquiry proceedings, see 47 CFR § 1.1204(b)(1), we exercise our discretion in this instance, and find that the public interest is served by making *ex parte* presentations available to the public, in order to encourage a robust record. See *id.* § 1.1200(a).

copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

70. *Comment Filing Procedures.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <https://www.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹¹²
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, D.C. 20554.

71. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be publicly available online via ECFS. These documents will also be available for public inspection during regular business hours in the FCC Reference Information Center, when FCC Headquarters reopen to the public.

72. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

73. *Further Information.* For additional information on this proceeding, contact Nicholas Page of the Telecommunications Access Policy Division at Nicholas.Page@fcc.gov.

V. ORDERING CLAUSES

74. Accordingly, IT IS ORDERED, pursuant to the authority contained in Sections 1, 4(i), 4(j), 254 and 403 of the Communications Act of 1934, as amended, 47 U.S.C §§ 151, 154(i), 154(j), 254

¹¹² See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, DA 20-304, Public Notice, 35 FCC Rcd 2788 (2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

and 403, and Section 904 of Division N, Title IX of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, as amended by the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, that this Notice of Inquiry IS ADOPTED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary