

**FCC FACT SHEET\***  
**Affordable Connectivity Program**  
**Your Home, Your Internet Pilot Program**  
Third Report and Order – WC Docket No. 21-450

**Background:**

The Third Report and Order would establish a one-year pilot program, “Your Home, Your Internet,” with the goal of increasing awareness of the Affordable Connectivity Program among recipients of federal housing assistance and facilitating enrollment in the Affordable Connectivity Program by providing targeted assistance with the ACP application. Households that receive federal housing assistance are eligible to receive the ACP discount of up to \$30 a month off of internet service (and up to \$75 a month if the household lives on qualifying Tribal lands). Households are also eligible for a one-time discount of up to \$100 to purchase a computer or tablet from their participating provider if the household contributes toward the purchase of the device.

Under the supervision of the Department of Housing and Urban Development (HUD), state, local, and Tribal housing agencies and other HUD partners administer federal housing assistance programs such as public housing, the housing choice voucher program (also known as Section 8 vouchers), and project-based rental assistance, that benefit millions of Americans, including extremely low-income families.

**What the Report and Order Would Do:**

- Identify discrete enhancements to the Affordable Connectivity Program, including improvements to the ACP application process, the effectiveness of which will be tested through the pilot.
- Identify the government entities and third-party organizations serving federal housing assistance recipients who may apply to participate in the pilot.
- Solicit proposals from pilot program applicants about ideas to help spread awareness of the Affordable Connectivity Program and increase enrollment among federal housing assistance households.
- Allow approved pilot participants access to the National Verifier, the system that checks and confirms a household’s eligibility for the Affordable Connectivity Program, to assist federal housing assistance recipients complete their application.
- Set forth the pilot program application guidelines and criteria for interested entities.
- Encourage pilot participants to also participate in the ACP Navigator Pilot established by the Commission in the January 2022 *ACP Order*.
- Provide funding of up to \$10 million of the \$100 million set aside for ACP outreach in the *ACP Order* to support this pilot. Up to \$5 million would be made available in the form of grants through the Affordable Connectivity Outreach Grant Program for pilot participants, and an additional amount up to \$5 million would be available to fund the Commission’s own outreach, including in collaboration with HUD and other federal agencies serving federal housing assistance recipients.
- Set guidelines for measuring success of the pilot.

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\* 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 WCB Docket No. 21-450, 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
Affordable Connectivity Program
WC Docket 21-450

THIRD REPORT AND ORDER\*

Adopted: []

Released: []

By the Commission:

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I. INTRODUCTION

1. Earlier this year, the Federal Communications Commission (Commission) established the \$14.2 billion Affordable Connectivity Program (or ACP).<sup>1</sup> As of today, over 12 million households have signed up to receive a \$30 benefit (or up to \$75 per month for households on qualifying Tribal lands) to

\* This document has been circulated for tentative consideration by the Commission at its August 5, 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.

<sup>1</sup> Affordable Connectivity Program, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 21-450, 20-445, FCC 22-2, at 127-29, paras. 281-86 (2022) (ACP Order or ACP Further Notice).

offset the cost of Internet access. For those households, the Affordable Connectivity Program can open up a world of opportunity. They can work from home, take advantage of telehealth and remote schooling, and stay connected with friends and family. The Commission is committed to bringing those benefits to the millions more eligible households who have not yet signed up. In this Order, we establish a pilot program, titled “Your Home, Your Internet,” designed to increase awareness of and encourage participation in the Affordable Connectivity Program for households receiving federal housing assistance.

2. When we adopted the final ACP rules in January 2022, we sought comment on a proposal to target outreach and provide application support to residents of public housing and other federal housing assistance recipients.<sup>2</sup> By establishing this pilot program, we intend to test the best methods to make recipients aware of and to help them enroll in the Affordable Connectivity Program. We will also use the tools and resources provided to us through the Infrastructure Investment and Jobs Act<sup>3</sup> (Infrastructure Act), such as the ability to collaborate with other agencies, including continuing and expanding upon existing collaborations,<sup>4</sup> to help households receiving federal housing assistance access affordable broadband service.

## II. BACKGROUND

3. Pursuant to the Infrastructure Act, a household may qualify for the Affordable Connectivity Program if at least one member of the household meets the qualifications for participation in the Lifeline program.<sup>5</sup> The Affordable Connectivity Program provides a monthly discount of up to \$30 per month (and up to \$75 per month for households on qualifying Tribal lands) as well as a one-time \$100 discount toward a laptop, desktop computer, or tablet.<sup>6</sup>

4. Households that receive federal public housing assistance (sometimes referred to as FPHA or federal housing assistance) are eligible for Lifeline<sup>7</sup> and, accordingly, are also eligible for the Affordable Connectivity Program.<sup>8</sup> Under the supervision of the Department of Housing and Urban Development (HUD), state, local, and Tribal housing agencies (also known as housing authorities) and other HUD partners administer federal housing assistance programs such as public housing, the housing choice voucher program (also known as Section 8 vouchers), and project-based rental assistance (PBRA) that benefit millions of Americans, including extremely low-income families.<sup>9</sup>

5. The federal housing assistance programs are distinguishable from the other qualifying criteria for the Affordable Connectivity Program in that the category comprises a multitude of federal programs that may be administered at the federal, Tribal, regional, and local level, by public and private entities. As an initial matter, we interpret federal housing assistance, as previously defined by the Commission in the *2016 Lifeline Order*, to include the housing choice voucher program, project-based

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<sup>2</sup> *ACP Order*, at 127-29, paras. 281-86.

<sup>3</sup> 47 U.S.C. § 1752(b)(10)(B).

<sup>4</sup> See Press Release, HUD, HUD Take Action to Expand Broadband to Low-Income Households, as part of Administration’s Whole-of-Government Outreach Effort on Affordable Connectivity Program (May 9, 2022), [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_22\\_090](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_22_090).

<sup>5</sup> 47 U.S.C. § 1752(a)(6)(A).

<sup>6</sup> *ACP Order* at 46, 55, paras. 93, 110.

<sup>7</sup> See *Emergency Broadband Benefit Program*, WC Docket No. 20-445, Order, 36 FCC Rcd 4612, 4615, 4631, paras. 7, 43 (2021) (*EBB Program Order*).

<sup>8</sup> *ACP Further Notice* at 128, para. 282. FPHA programs were also qualifying programs for the Emergency Broadband Benefit Program (EBB Program), the predecessor of the Affordable Connectivity Program. *EBB Program Order*, 36 FCC Rcd at 4399, n.99.

<sup>9</sup> *ACP Further Notice* at 127, para. 281.

rental assistance, and public housing.<sup>10</sup> The voucher program provides federally funded portable vouchers that help recipients pay for housing in the private market.<sup>11</sup> To obtain a housing voucher, households apply through their local public housing agency—one of approximately 3,300 public housing agencies across the country—before interacting directly with their private landlord after receiving the benefit.<sup>12</sup> Similarly, PBRA provides for federally contracted and subsidized rent in certain buildings that are privately owned and operated, resulting in a decentralized administration of the benefits.<sup>13</sup> Public housing provides for federally subsidized rent in publicly owned and operated buildings.<sup>14</sup>

6. We clarify that federal housing assistance also includes the Housing for Persons with Disabilities (Section 811) and the Housing for the Elderly (Section 202) programs. Although these programs are authorized under separate statutory authority (Section 8 of the Housing Act of 1937 generally authorizes the PBRA program) and are funded under a different appropriation than the rest of PBRA, they were included within the scope of PBRA in the Congressional Budget Office report that the Commission relied on in discussing FPHA in 2016.<sup>15</sup> Like PBRA authorized by Section 8, the Section 811 and Section 202 programs have income restrictions.<sup>16</sup> Several comments presume that these programs fall within federal housing assistance, and we confirm that is the case.<sup>17</sup>

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<sup>10</sup> See *ACP Further Notice* at 127, para. 281 (describing FPHA as including the housing choice voucher program, project-based rental assistance, and public housing); *Lifeline and Link Up Reform and Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4026, para. 178 and n.465 (2016) (*2016 Lifeline Order*) (citing Congressional Budget Office, *Federal Housing Assistance for Low-Income Households* at 3 (Sept. 2015) (CBO Federal Housing Assistance), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/50782-lowincomehousing-onecolumn.pdf>). In discussing FPHA in the *2016 Lifeline Order*, the Commission referred to data regarding the federal government’s “three main spending programs” for low-income housing. *Id.* These main programs are the housing choice voucher program, project-based rental assistance, and public housing. CBO Federal Housing Assistance at 2.

<sup>11</sup> CBO Federal Housing Assistance at 2.

<sup>12</sup> HUD, *Housing Choice Voucher Program Section 8*, [https://www.hud.gov/topics/housing\\_choice\\_voucher\\_program\\_section\\_8#hcv03](https://www.hud.gov/topics/housing_choice_voucher_program_section_8#hcv03) (last visited July 14, 2022); HUD, *Public Housing*, [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph](https://www.hud.gov/program_offices/public_indian_housing/programs/ph) (last visited July 14, 2022) (providing the number of public housing agencies).

<sup>13</sup> CBO Federal Housing Assistance at 2. We clarify that federal housing assistance also includes the Housing for Persons with Disabilities (Section 811) and Housing for the Elderly (Section 202) programs. Although these programs are authorized under separate statutory authority (Section 8 of the Housing Act of 1937 generally authorizes the PBRA program) and are funded under a different appropriation than the rest of PBRA, they were included within the scope of PBRA in the Congressional Budget Office report that the Commission relied on in discussing federal housing assistance in 2016. CBO Federal Housing Assistance at 40, Box 3 n.a (“Households receiving project-based rental assistance include those benefiting from housing for the disabled (Section 811) and housing for the elderly (Section 202).”).

<sup>14</sup> CBO Federal Housing Assistance at 2.

<sup>15</sup> *Id.* at 40, Box 3 n.a (“Households receiving project-based rental assistance include those benefiting from housing for the disabled (Section 811) and housing for the elderly (Section 202).”).

<sup>16</sup> See, e.g., 24 CFR § 891.410(c)(1) (restricting eligibility to very low-income families).

<sup>17</sup> See, e.g., Stewards of Affordable Housing for the Future Comments at 2 (seeking “automatic eligibility” for Section 202 housing recipients) (SAHF Comments); American Ass’n of Service Coordinators Reply Comments at 2 (presuming that those in Section 202 housing are eligible for the Affordable Connectivity Program); EducationSuperHighway Comments at 17 (noting that there is no database matching to verify the eligibility of households residing in Section 811 or Section 202 housing); Local Initiatives Support Corp. Reply at 4 (proposing “automatic” ACP eligibility for, among others, households in Section 811 or Section 202 housing) (LISC Reply).

7. In the *ACP Order*, the Commission found that eligible households may seek assistance to complete and submit an application for the Affordable Connectivity Program.<sup>18</sup> Moreover, in the *ACP Further Notice*, the Commission proposed efforts to increase awareness of the Affordable Connectivity Program and to provide assistance in navigating the application because there was evidence in the record that many eligible households did not know about the Emergency Broadband Benefit Program (EBB Program) and that some households faced difficulty in the application and enrollment process.<sup>19</sup> Only a small share of EBB Program enrollees selected FPHA as an eligibility category in their applications.<sup>20</sup> Accordingly, the Commission sought comment on a proposed pilot program to develop partnerships with entities that administer FPHA programs for collaborative cross-agency outreach and marketing of the Affordable Connectivity Program to federal housing assistance recipients.<sup>21</sup> In the *ACP Further Notice*, the Commission also sought comment on how we could structure this pilot, how to make the pilot effective, what data sources the Commission could use to identify physical locations where cross-agency outreach and marketing efforts for this pilot would have a significant impact, and how to measure the success of the pilot.<sup>22</sup>

### III. DISCUSSION

8. In this Order, we first identify discrete ACP enhancements and improvements to the ACP application process, the effectiveness of which will be tested during the pilot program. Next, we establish a one-year pilot program, “Your Home, Your Internet,” with the goal of increasing awareness of the Affordable Connectivity Program among recipients of federal housing assistance and facilitating enrollment in the program by providing targeted assistance with completion of the ACP application.

9. Your Home, Your Internet will couple targeted outreach with hands-on application assistance. It will test ways to increase ACP participation by recipients of federal housing assistance who are eligible for the Affordable Connectivity Program but, based on our experience, may not be aware of or enrolled in the program. We will select up to 20 pilot participants, which may include government entities and third-party organizations serving federal housing assistance recipients, from across the country. We intend to select pilot participants from a variety of settings, including urban, rural, and Tribal communities. As discussed below, applicants may propose a variety of activities, including the development of new promotional materials, hands-on application assistance, and site-based outreach. Participants will be given the option to access the National Verifier to better assist consumers in applying for ACP benefits. Participants also will be allowed to apply for a grant to fund Your Home, Your Internet

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<sup>18</sup> *ACP Order* at 36-37, para. 70.

<sup>19</sup> *ACP Further Notice* at 128, para. 282, n.767; see also EducationSuperHighway Dec. 8, 2021 Comments at 8 (filed Dec. 8, 2021) (noting that a recent national survey of low- and lower-middle income households found that only 25 percent of households had heard of the EBB Program and that two-thirds of these households were interested in enrolling in the EBB Program once they knew about the program, “highlighting the importance of building awareness of the Affordable Connectivity Program” (citing Affordability and the Digital Divide: The First in a 3-Part Series on Digital Connectivity During the Pandemic, A National Survey of Low- and Lower-Middle Income Households, EveryoneOn & John B. Horrigan, PhD at 6 (2021), <https://www.everyoneon.org/s/EveryoneOn-Report-on-Affordability-the-Digital-Divide-2021.pdf>)); NDIA Comments at 8-9 (filed Dec. 8, 2021) (asserting that “the multi-step [ACP enrollment] process is a barrier for the households [NDIA affiliates] work with and has resulted in a number of households not making it through the full process and becoming a program participant”).

<sup>20</sup> See, e.g., USAC, *Additional EBB Program Data*, <https://www.usac.org/about/emergency-broadband-benefit-program/emergency-broadband-benefit-program-enrollments-and-claims-tracker/additional-ebb-program-data/> (last visited July 14, 2022) (FPHA was selected as an eligibility category on an EBB Program application 250,414 times); see also E-Rate Central Comments at 2 (citing estimates that “10.2 million people in 5.2 million households use some form of federal rental assistance”).

<sup>21</sup> See *ACP Further Notice* at 127-29, paras. 281-86.

<sup>22</sup> *Id.*

pilot projects through the Affordable Connectivity Outreach Grant Program that we adopt in a separate order today.<sup>23</sup> The Commission has allocated up to \$5 million of the \$100 million designated for outreach in the *ACP Order* to provide grants to fund Your Home, Your Internet pilot projects.<sup>24</sup> We also have allocated up to an additional \$5 million to fund our own outreach activities alongside the grant funds and may collaborate with HUD and other federal agency partners that work directly with federal housing assistance recipients to increase awareness of and participation in the Affordable Connectivity Program among recipients of federal housing assistance.<sup>25</sup>

**A. Commission Actions to Enhance the ACP Application Process**

10. We direct the Wireline Competition Bureau (the Bureau) and the Universal Service Administrative Company (USAC) to take several actions that we expect will facilitate more efficient ACP access for federal housing assistance recipients in general as well as those working with pilot participants to qualify for the Affordable Connectivity Program. To test their effectiveness during the pilot program, we commit, where practicable, to making these enhancements as expeditiously as possible.

11. First, based on the record and specific feedback from HUD staff, we will change our enrollment materials to include more recognizable language to describe FPHA eligibility so participants in the public housing, housing choice voucher, and project-based rental assistance programs (PBRA, Section 202 and Section 811) can more easily identify the program in which they participate. Commenters also argue that there is a lack of clear guidance on what is considered to be a qualifying FPHA program.<sup>26</sup> Without further explanation, participants in those programs may mistakenly believe they do not qualify for the Affordable Connectivity Program. Accordingly, we direct the Bureau and USAC to provide explanatory language naming public housing, housing choice vouchers, and project-based rental assistance in the ACP application (including at the point where applicants select the qualifying programs in which they participate), in related USAC materials, and in the materials created by the Commission.

12. Second, we direct the Bureau, the Office of General Counsel (OGC), the Office of Managing Director (OMD), and USAC to expand and swiftly finalize a revised data sharing agreement with HUD that would allow more federal housing assistance recipients to be automatically approved for

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<sup>23</sup> *Affordable Connectivity Program et al.*, Second Report and Order, WC Docket No. 21-450, FCC-CIRC2208-02 (2022).

<sup>24</sup> *Id.* at 28, para. 47; *see also ACP Order* at 90-91, para. 193 (providing that up to \$100,000,000 will be set aside for outreach activities and a potential outreach grant program).

<sup>25</sup> As discussed below in paragraph 20, there are federal agencies beyond HUD that work with federal housing assistance recipients, such as the Bureau of Indian Affairs. *See infra* para. 20.

<sup>26</sup> *See SAHF Comments* at 1-2 (asserting that “the lack of clear guidance around the definition of FPHA and the exclusion of residents/properties benefitting from project-based rental assistance from USAC’s National Verifier has created unnecessary hurdles for the roughly one million households benefitting from project-based rental assistance” and urging the Commission to “work with the Office of Multifamily Housing at HUD to clarify automatic eligibility for participants in federally assisted multifamily housing properties, such as those assisted under project-based rental assistance (Section 8 and Section 202 PRAC)[.]” which “could be verified through connections from the National Verifier to HUD databases such as the Tenant Rental Assistance Certification System (TRACS)”); EducationSuperHighway Reply at 4-5 (agreeing with SAHF’s comments stating that, while guidance around the Affordable Connectivity Program and the Emergency Broadband Benefit Program contemplate that project-based Section 8 rental assistance is included in the definition of federal public housing, there is a lack of clear guidance around the definition of FPHA); LISC Reply at 3 (arguing that all residents of federally assisted housing should receive automatic eligibility for the Affordable Connectivity program, including tenants in traditional public housing, Section 8 properties, section 202 project rental assistance contracts, section 811 project rental assistance, and USDA section 521 rental assistance); Starry Reply at 3 (requesting that the FCC work with HHS, HUD, and other agencies to incorporate information into National Verifier for these project-based housing assistance recipients).

the Affordable Connectivity Program through the National Verifier. The National Verifier is designed to ease the qualification process by leveraging connections with state and federal database connections.<sup>27</sup> The National Verifier is also an important tool for combating waste, fraud, and abuse in the Affordable Connectivity Program by validating consumer identity and, with the use of the National Lifeline Accountability Database (NLAD), identifying duplicate households in the program.<sup>28</sup>

13. The Commission and HUD have an existing computer matching agreement (CMA) and database connection for the automatic eligibility verification of households participating in certain FPHA programs.<sup>29</sup> This existing agreement, which complies with the Computer Matching and Privacy Protection Act of 1988,<sup>30</sup> covers a connection with the HUD Inventory Management System/Public Housing Information Center (IMS/PIC) database.<sup>31</sup> This connection already allows the National Verifier to automatically qualify households that participate in the public housing and housing choice voucher programs for the Affordable Connectivity Program and Lifeline. Consumers whose eligibility is automatically determined by the National Verifier can proceed to enroll in the Affordable Connectivity Program.<sup>32</sup> Consumers that are not able to be verified through an automated database connection will need to provide documentation for manual review.

14. Because the manual review process is more burdensome than automatic eligibility checks—especially for applicants, but also for USAC—we are committed to further minimizing the use of manual review.<sup>33</sup> To that end, Commission staff are already working with HUD staff to explore

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<sup>27</sup> The National Verifier is a system of systems with connections to state and federal eligibility databases that can automatically check and confirm a household's eligibility electronically,<sup>27</sup> followed by manual review of eligibility documentation for any applicants whose eligibility cannot be verified using an automated data source. The National Verifier “has federal data connections with [HUD] to verify participation in the [FPHA] program and with the Centers for Medicare and Medicaid Services (CMS) to verify participation in Medicaid,” and also has connections with many other state databases. USAC, *Eligibility Verification*, <https://www.usac.org/lifeline/national-verifier/eligibility-verification/> (last visited July 14, 2022).

<sup>28</sup> *ACP Order* at 32, para. 58.

<sup>29</sup> Computer Matching Agreement Between the Department of Housing and Urban Development and the Universal Service Administrative Company and the Federal Communications Commission (September 2021), <https://www.fcc.gov/sites/default/files/ims-pic-fcc-usac-hud-usac-signed.pdf>; Letter from Mark Stephens, Managing Director, Federal Communications Commission, and Pamela Hughet, Vice President, Lifeline, Universal Service Administrative Company, to Ashley L. Sheriff, Acting Deputy Assistant Secretary for the Real Estate Assessment Center (REAC), Department of Housing and Urban Development (Dec. 14, 2021), <https://www.fcc.gov/sites/default/files/cma-hud-acp.pdf>. Automatic verification of consumer participation in a qualifying government program occurs “through established Computer Matching Agreements (CMAs) with state and federal government organizations.” USAC, *Eligibility Verification*, <https://www.usac.org/lifeline/national-verifier/eligibility-verification/> (last visited July 14, 2022).

<sup>30</sup> 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.

<sup>31</sup> Computer Matching Agreement Between the Department of Housing and Urban Development and the Universal Service Administrative Company and the Federal Communications Commission, (September 2021), <https://www.fcc.gov/sites/default/files/ims-pic-fcc-usac-hud-usac-signed.pdf>; Letter from Mark Stephens, Managing Director, Federal Communications Commission and Pamela Hughet, Vice President, Lifeline, Universal Service Administrative Company, to Ashley L. Sheriff, Acting Deputy Assistant Secretary for the Real Estate Assessment Center (REAC), Department of Housing and Urban Development (Dec. 14, 2021), <https://www.fcc.gov/sites/default/files/cma-hud-acp.pdf>.

<sup>32</sup> See, e.g., *ACP Order* at 21, 34, para. 64, n.113; see also USAC, National Verifier Annual Report and Data (Jan. 31, 2022) at 5, <https://www.usac.org/wp-content/uploads/lifeline/documents/nv/reports/National-Verifier-Annual-Report-and-Data-January-2022.pdf>.

<sup>33</sup> U.S. Gov't Accountability Off., GAO-21-235, FCC Has Implemented the Lifeline National Verifier but Should Improve Consumer Awareness and Experience (2021).

establishing an additional connection with the Tenant Rental Assistance Certification System (TRACS) database that would allow more federal housing assistance recipients to qualify automatically.<sup>34</sup> The TRACS database includes tenants receiving rental housing assistance through the PBRA, Section 202, and Section 811 programs and a connection with the TRACS database would allow households receiving assistance through those programs to be automatically verified without undergoing a manual review process. Finalizing that effort will allow more federal housing assistance recipients to enroll faster and with less assistance, allowing pilot program participants to stretch their resources further and assist more households. Accordingly, we direct the Bureau and USAC to expedite the completion of that process so that pilot program participants will benefit to the greatest extent possible.

15. Third, because manual review will continue to be necessary for some federal housing assistance recipients, we direct the Bureau and USAC to take steps to expedite the manual review process and to test the effectiveness of these actions during the pilot program. Currently, USAC provides high-level guidance on the requirements for supporting documentation to demonstrate federal housing assistance eligibility. Federal housing assistance households may need to contact their local public housing agency (PHA) or other federal housing assistance provider (e.g., for PBRA, Section 202, or Section 811 tenants) for documentation, and those staff may not be aware of the Affordable Connectivity Program at all or what documentation the household will need. We direct the Bureau and USAC to consult with HUD about the types of documentation PHAs and other federal housing assistance providers typically provide and create a standardized form to be made available to pilot participants for use by an applicant to demonstrate eligibility in a qualifying federal housing assistance program to streamline and expedite the manual review process in the National Verifier for federal housing assistance recipients, PHAs, and USAC reviewers.

16. Finally, we direct USAC, with oversight from the Bureau, to designate a direct point of contact at USAC for organizations selected to participate in the Your Home, Your Internet Pilot Program to provide additional support when pilot participants are assisting consumers during the application process. This point of contact should be trained on issues related to federal housing assistance eligibility and prepared to directly assist pilot participants with questions about the ACP application, including any documentation requirements. Contact information for this point of contact shall be made available to pilot participants to test the impact of having a dedicated point of contact for application-related questions regarding the qualification process.

## **B. The “Your Home, Your Internet” Pilot Program**

17. Below, we identify the specifics of the one-year Your Home, Your Internet Pilot Program. We describe eligible entities that may apply to participate, funding for selected projects, activities these organizations may undertake as part of the pilot program, the procedures and criteria the Bureau will use to select the participants, and the metrics the Commission will use when evaluating the program’s results.

### **1. Entities Eligible to Apply**

18. We encourage federal and non-federal organizations to apply to participate in the Your Home, Your Internet Pilot Program. Applicants may include federal agencies and their partners, housing agencies, and entities that provide ACP support for federal housing assistance recipients, as described further below. We recognize that challenges that face large housing agencies may differ from smaller providers of federally assisted housing and that Tribal, urban, and rural communities may benefit from different approaches. We therefore intend to select pilot participants operating in a variety of settings in order to generate information about what works in different kinds of communities. Congress expressly authorized the Commission to target outreach to eligible households, including, in particular, to recipients

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<sup>34</sup> This work is consistent with USAC’s and the Commission’s existing authority to enter into CMAs for purposes of determining eligibility for the Affordable Connectivity Program and Lifeline. See *ACP Order* at 119, para. 257 (directing USAC to enter into CMAs with state and federal agencies); *2016 Lifeline Order*, 31 FCC Rcd 3962.



of federal housing assistance.<sup>35</sup> Congress also required the Commission to “collaborate with relevant Federal agencies to ensure that a household that participates in any program that qualifies the household for the Affordable Connectivity Program is provided information about the Program.”<sup>36</sup> We recognize that federal housing assistance recipients live in a variety of settings across the country, from single-family homes to large, urban housing developments,<sup>37</sup> and that federal housing assistance operates through a web of public housing agencies and private landlords. Thus, the decentralized nature of federal housing assistance requires an “all hands” approach to raising awareness among this group of qualifying households that are served by private and public entities across the country.

19. *Federal agency partners.* We encourage our federal agency partners, many of whom have promoted the Affordable Connectivity Program thus far, to singularly or in coordination with other partners submit applications for the pilot program with ideas and proposals designed to ensure that households participating in public housing or receiving federal housing assistance are provided with information about the Affordable Connectivity Program,<sup>38</sup> including application and enrollment information.

20. Given the overlap between the Affordable Connectivity Program and federal housing assistance, the Commission has worked closely with HUD in order to raise awareness of the Affordable Connectivity Program among those eligible households. We expect that this relationship will only strengthen further as the collaboration continues. This is consistent with commenters that emphasize the need to continue to collaborate with HUD.<sup>39</sup> We acknowledge, however, that there are federal agencies beyond HUD that work with households that receive federal housing assistance. For example, commenters recommend that we collaborate with the National Telecommunications and Information Administration (NTIA)<sup>40</sup> and the Department of Education.<sup>41</sup> The Alaska Federation of Natives (AFN) urges the Commission to reach Tribal households receiving federal housing assistance by coordinating with the Office of Indian Housing at HUD, the Bureau of Indian Affairs in the Department of the Interior, and the Indian Health Service in the Department of Health and Human Services.<sup>42</sup> We agree with

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<sup>35</sup> The Commission may conduct outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program. 47 U.S.C. § 1752(b)(10)(A)-(B).

<sup>36</sup> *Id.*

<sup>37</sup> HUD, *HUD’s Public Housing Program*, [https://www.hud.gov/topics/rental\\_assistance/phprog](https://www.hud.gov/topics/rental_assistance/phprog) (last visited July 14, 2022); see NYC Housing Authority, *Developments - NYCHA*, <https://www1.nyc.gov/site/nycha/about/developments.page> (last visited July 14, 2022) (stating that there are 335 public housing developments across New York City).

<sup>38</sup> See *Empowering Broadband Consumers Through Transparency*, Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-7, at 6, para. 21 (2022) (seeking comment on whether and how to include information about the Affordable Connectivity Program in the broadband labels).

<sup>39</sup> See EveryoneOn Comments at 2 (recommending that the Commission work with established audiences like those currently taking part in HUD’s ConnectHomeUSA initiative); Microsoft Comments at 2-4 (proposing that the Commission enter into an interagency agreement with HUD “to leverage HUD’s administrative infrastructure to communicate information regarding the ACP program throughout its 10 regions, to each state’s HUD office, and in turn, to local housing authorities”); NCTA – The Cable & Internet Association Comments at 2 (recommending that the Commission work with HUD, federal and state agencies, and community-based organizations to target eligible households receiving FPHA) (NCTA Comments); Starry Comments at 5.

<sup>40</sup> See Microsoft Comments at 5-6 (noting that populations covered in the Digital Equity Act and the Affordable Connectivity Program overlap in their eligibility criteria and suggesting that the Commission work with HUD and NTIA “to ensure that a public or multi-family housing authority will have the opportunity to be included in any administering entity’s partnership formed in a state”).

<sup>41</sup> See EducationSuperHighway Comments at 15-16 (filed Mar. 16, 2022) (recommending working with the Department of Education).

<sup>42</sup> See Alaska Federation of Natives Comments at 4 (AFN Comments); see also Starry Comments at 5

(continued....)

commenters that continuing to expand our collaboration within HUD and with other federal agencies, as we are directed to do under the Infrastructure Act, will increase our reach and allow more touchpoints with households receiving federal housing assistance. We urge interested federal partners to consider applying to participate in the pilot program and to share their expertise.

21. *Non-federal partners.* In addition to federal agencies, we urge state, local, and Tribal housing agencies and non-profit and community-based organizations working with federal housing assistance recipients to apply to participate in Your Home, Your Internet. Commenters agree. For example, the Chicago Housing Authority argues that empowering local housing agencies and community organizations to help spread awareness of the program builds trust.<sup>43</sup> AFN urges the Commission to leverage the Tribally Designated Housing Entities (TDHE) or the associations representing multiple TDHE, such as the Association of Alaska Housing Authorities, for outreach.<sup>44</sup> Starry states that the Commission should also consider structuring outreach efforts to reach federal housing assistance recipients who live outside of centrally managed public or affordable housing communities.<sup>45</sup> Additionally, the San Diego Association of Governments (SANDAG) recommends that the Commission collaborate with the San Diego Housing Commission to help connect the 16,000 San Diego area households that receive federal Section 8 housing choice voucher rental assistance through the San Diego Housing Commission.<sup>46</sup>

22. We agree with commenters that the relationships that regional, state, local, and Tribal housing authorities and community-based organizations have fostered with the federal housing assistance recipients whom they support will help us spread awareness of the Affordable Connectivity Program. A common theme in the record is the need to develop trust to ensure low-income consumers know that the Affordable Connectivity Program is a legitimate government program that can help reduce a household's monthly Internet bill.<sup>47</sup> We are persuaded that regional, state, local, and Tribal housing agencies and community-based organizations are vital avenues for connecting with federal housing assistance recipients. Therefore, we similarly encourage such organizations that serve the needs of this target group to submit pilot program proposals designed to help spread awareness of the Affordable Connectivity

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(recommending that the Commission collaborate with Department of Health and Human Services to facilitate ACP-related outreach).

<sup>43</sup> See Chicago Housing Authority Comments at 4; see also EducationSuperHighway Comments at 18 (“Connecting with local organizations and nonprofits will increase effectiveness, increase conversion rates, and minimize overlap in outreach efforts.”); Laura Flannagan, member of the National Association of Social Workers, Comments at 1 (urging the Commission to collaborate with third-party groups and organizations to connect with the households that are on the waiting lists for Section 8 housing in Arizona); USTelecom Reply at 2 (“encourag[ing] the Commission to partner with federal, state, and local housing authorities, as well as third parties, including national and regional housing advocacy organizations, tenant associations, and other groups that are already working in this space to assist in reaching the number of households in public housing who would benefit from participation in the ACP”).

<sup>44</sup> AFN Comments at 4.

<sup>45</sup> See Starry Comments at 4-5.

<sup>46</sup> See San Diego Association of Governments Comments at 6.

<sup>47</sup> See Starry Comments at 3 (“Working with community-based organizations is especially important because they are often an independent, trusted resource for consumers, particularly when dealing with the nuances of federal assistance programs.”); EducationSuperHighway Comments at 18 (“[L]ocal non-profits are most often the best organizations to accurately target community members most in need of support, and they have the pre-existing relationships that can overcome trust barriers.”); EveryoneOn Comments at 3 (“Those who trust community anchor institutions for information about subsidy and discount internet offers adopt a ‘hands on’ posture toward internet service.”); Chicago Housing Authority Comments at ii (“There is a general mistrust of government programs and sharing personal and private information as well as believing ‘free’ programs are a scam.”); City of Los Angeles, Office of Mayor Comments at 3 (“These trusted community voices are key to reaching communities who may have an inherent distrust of government programs and/or may experience barriers to access.”).

Program and encourage enrollment during this pilot. We agree with commenters that the relationships that regional, state, local, and Tribal housing agencies and community-based organizations have fostered with the federal housing assistance recipients they support will help us spread awareness of the Affordable Connectivity Program. A common theme in the record is the need to develop trust to ensure low-income consumers know that the Affordable Connectivity Program is a legitimate government program that can help reduce a household's monthly Internet bill.<sup>48</sup> We are persuaded that regional, state, local, and Tribal housing agencies and community-based organizations are vital avenues for connecting with federal housing assistance recipients. Therefore, we similarly encourage such organizations that serve the needs of this target group to submit pilot program proposals designed to help spread awareness of the Affordable Connectivity Program and encourage enrollment during this pilot.

## 2. Funding

23. To help support this innovative pilot program, the Commission will allocate up to \$10 million of the \$100 million identified in the *ACP Order* for ACP outreach to support Your Home, Your Internet participation.<sup>49</sup> Of this \$10 million, up to \$5 million will be available in the form of grants for use by grant-eligible pilot participants under the Affordable Connectivity Outreach Grant Program and requirements and procedures for applying for such grants will be separately announced by the Consumer and Governmental Affairs Bureau (CGB), which is responsible for implementing the grant program. We direct CGB to incorporate the parameters for this pilot program into the requirements and procedures for the Affordable Connectivity Outreach Grant Program, as applicable. Additionally, the Commission will target up to an additional \$5 million to fund our own outreach efforts, and may coordinate these efforts with HUD and other federal agency partners.

24. We find that there likely is substantial need for funding to support the Your Home, Your Internet Pilot Program to increase participation among the households residing in public housing or receiving federal housing assistance. This funding will support the pilot participants as they seek to reach and connect the households living in approximately 5 million available housing units subsidized by federal housing assistance.<sup>50</sup> The *ACP Order* supports such an allocation. It particularly names, among the outreach activities for which that money is dedicated, "immediate outreach activities and a potential outreach grant program."<sup>51</sup> The Commission found in the *ACP Order* that "a wide range of outreach is needed to best promote awareness of and increase participating in the Affordable Connectivity Program."<sup>52</sup> Funding Your Home, Your Internet is also consistent with the statute and Congressional

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<sup>48</sup> See Starry Comments at 3 ("Working with community-based organizations is especially important because they are often an independent, trusted resource for consumers, particularly when dealing with the nuances of federal assistance programs."); EducationSuperHighway Comments at 18 ("[L]ocal non-profits are most often the best organizations to accurately target community members most in need of support, and they have the pre-existing relationships that can overcome trust barriers."); EveryoneOn Comments at 3 ("Those who trust community anchor institutions for information about subsidy and discount internet offers adopt a 'hands on' posture toward internet service."); Chicago Housing Authority Comments at ii ("There is a general mistrust of government programs and sharing personal and private information as well as believing 'free' programs are a scam."); City of Los Angeles, Office of Mayor Comments at 3 ("These trusted community voices are key to reaching communities who may have an inherent distrust of government programs and/or may experience barriers to access.").

<sup>49</sup> *ACP Order* at 91, para. 193.

<sup>50</sup> HUD, *Assisted Housing: National and Local*, <https://www.huduser.gov/portal/datasets/assthsg.html> (go to "Query Tool"; then follow "Get Results" with default variables; then view "Subsidized units available") (last visited July 14, 2022) (showing over 5 million housing units are subsidized by federal assistance).

<sup>51</sup> *ACP Order* at 91, para. 193.

<sup>52</sup> *Id.* at 90, para. 193.

intent because the Infrastructure Act allows “outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program.”<sup>53</sup>

25. A broad and diverse set of commenters agree that the Commission must include a funding source as part of the pilot program.<sup>54</sup> EducationSuperHighway supports funding to support services to increase enrollment, including translation services, outreach materials, and device support.<sup>55</sup> Similarly, the California Emerging Technology Fund asks the Commission to award grant funding and Los Angeles County supports awarding grants to local governments, including counties, cities, and other entities to develop hyper-local campaigns.<sup>56</sup> Stewards of Affordable Housing for the Future urges the Commission to accompany the applications with designated funding to ensure households can participate in the Affordable Connectivity Program.<sup>57</sup> The National Hispanic Media Coalition asks the Commission to build out grant amounts to adequately cover an organization’s capacity to apply and comply with the grant, as well as plan and implement an outreach program.<sup>58</sup>

### 3. Eligible Activities

26. Having established the types of agencies and organizations with which we expect to participate in this pilot, we now turn to the activities that may be undertaken pursuant to the pilot.<sup>59</sup> We encourage applicants to be creative in developing pilot program proposals to connect with eligible but so far unreached households living in public housing or receiving federal housing assistance. While we identify potential pilot program activities below, the discussion here is not meant to be an exhaustive list. As discussed below, the Bureau will provide additional guidance in a public notice announcing the application process.

27. *Electronic and Downloadable Content.* Since the launch of the EBB Program, the Commission and USAC have produced and published electronic and downloadable content for our partners to use to promote the Affordable Connectivity Program and the EBB Program to low-income consumers, including materials in languages other than English.<sup>60</sup> This pilot offers the opportunity to better serve a specific audience: those who receive assistance from federal housing assistance programs.

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<sup>53</sup> 47 U.S.C. section 1752(c)(i)(ii). Congress allows the Commission to “facilitate consumer research, conduct focus groups, engage in paid media campaigns, provide grants to outreach partners, conduct focus groups, engage in paid media campaigns, provide grants to outreach partners.” *Id.*

<sup>54</sup> See, e.g., See Starry Comments at 2; see also Local Governments Reply at 28 (urging the Commission to use ACP funding for third-party partnerships and marketing and outreach efforts).

<sup>55</sup> EducationSuperHighway Reply at 3.

<sup>56</sup> See California Emerging Technology Fund Comments at 6 (filed Mar. 16, 2022).

<sup>57</sup> See SAHF Comments at 3 (filed Mar. 15, 2022).

<sup>58</sup> See National Hispanic Media Coalition Comments at 2-4 (filed Mar. 16, 2022).

<sup>59</sup> We remind potential pilot participants that the Affordable Connectivity Outreach Grant Program will include separate requirements applicable to grant programs and encourage participants who intend to apply for grant support to be mindful of those requirements in developing their pilot applications.

<sup>60</sup> USAC, *Community Resources*, <https://www.affordableconnectivity.gov/community-resources/> (last visited July 14, 2022) (providing flyers, brochures, and a toolkit to assist organizations in helping consumers determine whether they are eligible for the Affordable Connectivity Program); USAC, EBB Program, Resources, <https://getemergencybroadband.org/help/resources/> (last visited July 14, 2022) (providing FAQs, overview videos, brochures, and flyers for the EBB Program); FCC, Consumer Outreach Toolkit, <https://www.fcc.gov/acp-consumer-outreach-toolkit> (last visited May 22, 2022) (providing consumer awareness materials, social media content, and materials specifically designed for government partners). The Commission offers ACP promotional materials in [Arabic](#), [American Sign Language](#), [Chinese-Traditional](#), [Chinese-Simplified](#), [French](#), [Haitian-Creole](#), [Korean](#), [Portuguese](#), [Russian](#), [Spanish](#), [Tagalog](#), and [Vietnamese](#).

28. Commenters also suggest that toolkits and outreach materials specifically tailored to support organizations working with federal housing assistance recipients would make outreach more effective under this pilot.<sup>61</sup> For example, Microsoft recommends that toolkits be designed to target the staff at the local housing agencies, consumer experts, non-profits, digital navigators, and other outreach partners by providing information and support to those working directly with the federal housing assistance recipients.<sup>62</sup> Some commenters recommend making such toolkits available in multiple languages, as federal housing assistance recipients include non-English speakers as well as those for whom English is a second language.<sup>63</sup> We agree with commenters as to the potential benefits of specialized toolkits for outreach partners focused on federal housing assistance recipients. Accordingly, we encourage pilot applicants to submit proposals for specialized ACP outreach materials for organizations working with federal housing assistance recipients. This may include proposals to prepare materials in languages tailored for the communities they serve.

29. *Application Assistance.* In the *ACP Further Notice*, the Commission sought comment on how to best assist federal housing assistance recipients in accessing or navigating the application process for the Affordable Connectivity Program.<sup>64</sup> Commenters indicate that federal housing assistance recipients may face difficulty during the ACP application process. Mississippi Center for Justice states that many applicants face application challenges, such as language barriers, preventing eligible households from applying.<sup>65</sup> Mississippi Center for Justice further asserts that the application process requires applicants to submit additional documents and applicants may abandon their Lifeline or EBB applications, which commenters predicted would also occur for ACP applicants.<sup>66</sup> NDIA explains that the application process can be confusing for many federal housing assistance recipients, deterring them from applying.<sup>67</sup>

30. In the Lifeline program, applicants are permitted to receive assistance in the application process from trusted third parties. For example, state entities and Tribal partners may request access to the National Verifier to assist applicants who are physically present with completing and submitting an application for the Lifeline program.<sup>68</sup> To gain access to the National Verifier, state or Tribal entity representatives must register in the Representative Accountability Database (RAD) and indicate their

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<sup>61</sup> See, e.g., Microsoft Comments at 4; Starry Comments at 2 (emphasizing the value of a stakeholder toolkit including readily available information (e.g., steps to enroll in the Affordable Connectivity Program) and materials translated into multiple languages and targeted at specific communities); Cities of Boston, Massachusetts and Chicago, Illinois; Washington, D.C; Montgomery County, Maryland; and the Texas Coalition of Cities for Utility Issues Reply at 27-28 (Local Governments Reply); see also Starry Reply at 5. Commenters generally supported the pilot without opposition. While some commenters urge the Commission to create such materials and the Commission may do so, we also believe that it is valuable for pilot participants who are on the front lines working with FPHA recipients to offer proposals as to such materials and take advantage of the opportunity the pilot offers to test the effectiveness of different ways of communicating with this specific audience. We note that lessons learned from the pilot may inform future Commission communications. See, e.g., Microsoft Comments at 4-5; Starry Reply at 5.

<sup>62</sup> See Microsoft Comments at 4.

<sup>63</sup> See Starry Reply at 5-6 (suggesting that stakeholder materials or communication/education materials be translated into multiple language for non-English language communities); Local Governments Reply at 27-28.

<sup>64</sup> *ACP Further Notice* at 128, para. 285.

<sup>65</sup> See Mississippi Center for Justice Comments at 1.

<sup>66</sup> *Id.*

<sup>67</sup> See NDIA Comments at 12.

<sup>68</sup> See *ACP Order* at 36-37, para. 70 (describing the access available to the National Verifier for certain entities to assist with the in-person completion of the Lifeline application).

assistance when helping consumers submit an application through the National Verifier.<sup>69</sup> Similarly, as with the Lifeline program, in the *ACP Order*, the Commission directed the Bureau, in coordination with USAC, to conduct a separate one-year ACP Navigator Pilot, granting “trusted, neutral third-party entities such as schools and school districts, or other local or state government entities” access to the National Verifier for the purpose of assisting customers with applying for the Affordable Connectivity Program.<sup>70</sup>

31. We find support in the record for providing limited access to the National Verifier to application assistants or navigators to help federal housing assistance recipients navigate the application process for the Affordable Connectivity Program. Commenters state that having individuals assist with applications “would alleviate . . . burdens on the applicants and promote additional engagement with FPHA recipients.”<sup>71</sup> The Chicago Housing Authority argued that allowing access to the National Verifier database would reduce the amount of time it takes to complete the enrollment process to get residents enrolled in the Affordable Connectivity Program.<sup>72</sup> NCTA supports “the FCC’s proposal to encourage partner agencies to gain access to the National Verifier in order to assist federal housing assistance recipients in applying for the Affordable Connectivity Program through the National Verifier.”<sup>73</sup>

32. Based on the record before us and our experience with the Lifeline program, we believe that it will be beneficial to grant access to the National Verifier to neutral, trusted government entities such as state and local housing agencies, Tribally Designated Housing Entities,<sup>74</sup> associations representing multiple Tribally Designated Housing Entities, or other state, regional, and local government entities or their partners for purposes of assisting recipients of federal housing assistance with completing and submitting an application for the Affordable Connectivity Program, provided that the consumer is physically present with the person providing assistance.<sup>75</sup> Therefore, we encourage pilot applicants to include requests for access to the National Verifier in connection with the Your Internet, Your Home Pilot Program and/or the ACP Navigator Pilot.

33. In addition, some commenters suggested that we allow access to the National Verifier to certain trusted tenant associations and non-profit or community-based organizations.<sup>76</sup> USTelecom comments that the Commission should “partner with federal, state, and local housing authorities, as well as third parties, including national and regional housing advocacy organizations, tenant associations, and

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<sup>69</sup> See USAC, *Representative Accountability Database*, <https://www.usac.org/lifeline/rad/> (last visited July 14, 2022).

<sup>70</sup> *ACP Order* at 36-37, para 70.

<sup>71</sup> See Mississippi Center for Justice Comments at 1-2.

<sup>72</sup> See Chicago Housing Authority Comments at 7.

<sup>73</sup> See NCTA Comments at 2.

<sup>74</sup> As sovereign nations, Tribal Nations are the direct recipients of federal funding from the United States Department of Housing and Urban Development. Each Tribal Nation designates an entity to administer its housing programs with these federal dollars. Referred to as a Tribally Designated Housing Entity, or TDHE, the organization may be a department within the Tribal Nation, Tribal housing authority with separate board of commissioners, or a nonprofit organization. The entity designated by the Tribal Nation to receive HUD funds must comply with the rules and requirements of the program. See HUD, *Resources for Tribal Housing & TDHEs*, [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/tribalhousing#RTH](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/tribalhousing#RTH) (last visited July 14, 2022).

<sup>75</sup> Providing access to trusted government entities—as well as tenant associations and community organizations, as discussed next—for purposes of assisting federal housing assistance recipients with completing and submitting applications is also consistent with the goal of protecting user privacy and the requirements of Privacy Act of 1974, 5 USC § 552a(b)(3), because it has been noticed as a “routine use” in the applicable System of Record Notice. See Federal Communications Commission, *Privacy Act of 1974*, 86 FR 71494, 71496 (Dec. 16, 2021) (WCB-3 SORN).

<sup>76</sup> See Starry Comments at 4; Chicago Housing Authority Comments at 5.

other groups that are already working in this space to assist in reaching households in public housing who would benefit from Affordable Connectivity Program participation.”<sup>77</sup> NCTA states that the Commission should collaborate with trusted partners that could assist residents in applying for the Affordable Connectivity Program based on their participation in the federal housing assistance programs.<sup>78</sup> We agree with commenters that community organizations are well positioned to provide one-on-one support and in-person guidance about navigating the ACP application in their neighborhoods.<sup>79</sup> Therefore, as discussed below, we will allow access to the National Verifier to a limited number of tenant associations, on-site service coordinators, and non-profit or community-based organizations that already have an established partnership with governmental agencies<sup>80</sup> participating in the pilot. A tenant association, non-profit, or community-based organization may participate in the pilot provided that the government entity it is partnering with submits support of the partnership. Additionally, enrollment activities through the National Verifier must take place in the government entity’s facility or other location or setting maintained or operated with support from the government entity.<sup>81</sup> Tenant associations, on-site service coordinators, non-profits, and community-based organizations must have their representatives register in the RAD and indicate their assistance when helping consumers submit an application through the National Verifier. Governmental entities must oversee these organizations to ensure adequate safeguards are in place to prevent any misconduct, waste, fraud, or abuse and that appropriate measures are in place to protect the personally identifiable information of the applicants.

34. Governmental agencies participating in this pilot (and their partners as applicable) must maintain neutrality with respect to ACP participating providers when assisting consumers in connection with this pilot.<sup>82</sup> Those voluntarily participating in this pilot cannot, when assisting applicants, direct consumers to a specific ACP provider’s website or otherwise recommend a specific ACP provider. Pilot participants assisting consumers with the application may, however, refer consumers to a list of providers offering ACP service in their area. Those providing application assistance through this pilot are also prohibited from accepting gifts or other incentives from a participating provider that would have the effect of influencing an agency or partner to encourage consumers they are assisting to enroll with a specific provider. As discussed below, these requirements do not prohibit activities like sign-up events conducted with ACP providers so long as those activities are open to all providers serving the relevant location.

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<sup>77</sup> See USTelecom Reply at 2.

<sup>78</sup> See NCTA Comments at 3 (“One possible approach would be to permit landlords to collaborate with digital navigators and community partners to provide and education to building residents about ACP. These trusted partners could assist residents in applying for ACP based on their participation in an FPHA program.”).

<sup>79</sup> See Starry Comments at 4.

<sup>80</sup> Public housing agencies and Indian housing authorities under HUD are quasi-governmental entities and we view them as included as part of governmental agencies. A public housing agency or PHA is any “state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for low-income families.” 42 U.S.C. § 1437a(b)(6). An Indian housing authority or IHA is “an entity that is authorized to engage in or assist in the development or operation of low-income housing for Indians that is established either: (1) by exercise of the power of self-government of an Indian tribe independent of state law; or (2) by operation of state law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.” 12 U.S.C. § 1715z-13a(l)(5).

<sup>81</sup> Further details including, but not limited to, requirements needed for government entities to show support of partnership with tenant associations, non-profits, or community-based organizations will be set forth in a public notice issued by the Bureau.

<sup>82</sup> *ACP Order* at 37, para. 70 & n.210, Letter from Brian Hurley, Vice President of Regulatory Affairs, ACA Connects, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 21-450, et.al, at 6 (filed Jan. 12, 2022). We delegate to the Bureau the authority to issue further guidance regarding neutrality requirements, if necessary.

35. Some commenters recommend allowing state, local, and Tribal housing agencies to automatically enroll federal housing assistance recipients in the Affordable Connectivity Program, stating that federal housing assistance recipients' eligibility has already been prequalified.<sup>83</sup> The National Verifier application is designed to ease the qualification process by leveraging connections with state and federal databases.<sup>84</sup> Currently, the National Verifier has a connection with HUD to verify applicants' participation in certain FPHA programs, for which the Commission, USAC and HUD have entered into a Computer Matching Agreement to comply with the Computer Matching and Privacy Protection Act of 1988.<sup>85</sup> The National Verifier is also an important tool in combating waste, fraud, and abuse in the Affordable Connectivity Program by validating consumer identity and, with the use of the NLAD, to identify duplicate households in the program.<sup>86</sup> We decline at this time to modify the qualification and enrollment processes for the Affordable Connectivity Program to allow HUD or housing agencies to "auto-qualify" or bulk enroll households without first requiring a household to submit a National Verifier application. Instead, the application assistance tools we adopt today as part of this pilot will build upon the database connections and existing matching agreements related to the National Verifier to further streamline the application process for federal housing assistance recipients, while at the same time protecting program integrity and consumer choice.

36. To the extent that pilot applicants have proposals for tools to assist in the application process that they may seek to utilize during the pilot, we encourage them to submit proposals incorporating the use of such application assistance tools to test the effectiveness of those tools during the pilot program.<sup>87</sup> One important goal of the Your Home, Your Internet Pilot Program is to identify methods to decrease the amount of time and effort needed to sign up for the Affordable Connectivity Program, while at the same time protecting the integrity of the program. We direct the Bureau, with support from USAC, OMD, and OGC, to explore the feasibility of permitting the use of such application aids during this pilot, and to ensure that the use of such tools is consistent with legal and USAC system requirements and will not invite waste, fraud, and abuse into the Affordable Connectivity Program. In addition to providing National Verifier access to help support the completion of ACP applications, we encourage pilot participants to consider as part of their proposals "train the trainer" events or webinars to educate housing organizations, government agencies, and other authorized partners about the application and enrollment process and to answer their questions about the program.

37. In the *ACP Further Notice*, we also sought comment on whether the Commission should encourage the entities participating in the pilot program to establish on-site assistance locations where

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<sup>83</sup> Chicago Housing Authority Comments at 5 ("Ideally, all [public housing assistance] residents would be auto-enrolled into ACP since income eligibility is already established and the housing authority has the required documentation to confirm resident eligibility."); LISC Reply at 4 ("We believe the most impactful action the FCC could take is ensuring that all residents of federally assisted housing receive automatic eligibility for the ACP.")

<sup>84</sup> The National Verifier is a system of systems with connections to state and federal eligibility databases that can automatically check and confirm a household's eligibility electronically,<sup>84</sup> followed by manual review of eligibility documentation for any applicants whose eligibility cannot be verified using an automated data source. The National Verifier "has federal data connections with [HUD] to verify participation in the [federal housing assistance] program and with the Centers for Medicare and Medicaid Services (CMS) to verify participation in Medicaid," and also has connections with many other state databases. USAC, *Eligibility Verification*, <https://www.usac.org/lifeline/national-verifier/eligibility-verification/> (last visited July 14, 2022).

<sup>85</sup> 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.

<sup>86</sup> *ACP Order* at 32, para. 58.

<sup>87</sup> See Letter from Donna Rattley Washington, Vice President of Government Affairs, EducationSuperHighway, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-450, Attach. at 3-4 (filed June 21, 2022) (seeking to deploy as part of this pilot a tool to assist consumers with the completion of the application).



eligible household members can complete applications for the Affordable Connectivity Program.<sup>88</sup> In the *ACP Further Notice*, the Commission did not define or provide examples of on-site assistance locations; however, examples from the record include properties where federal housing assistance recipients reside.<sup>89</sup> Commenters agree that those participating in the pilot program should establish on-site assistance locations where federal housing assistance recipients can complete ACP applications.<sup>90</sup> NDIA states that “FPHA beneficiaries would benefit enormously from an on-site enrollment assistance location where they can complete and submit an ACP application in a one-stop manner.”<sup>91</sup> NDIA further argues that “an on-site assistance location would reduce the application burden on households, build trust, and ultimately increase ACP enrollment amongst FPHA beneficiaries.”<sup>92</sup> Local Initiatives Support Corporation (LISC) asserts that it is essential to consider partnerships that would elevate the Affordable Connectivity Program, and in particular should focus on on-site service coordinators at properties.<sup>93</sup> NCTA comments that allowing partner agencies to gain access to the National Verifier would allow partner agencies to host on-site enrollment events and provide immediate support to eligible households navigating the application process.<sup>94</sup>

38. We also acknowledge that ACP participating providers serve a pivotal role in enrolling eligible federal housing assistance recipients in the Affordable Connectivity Program. There is evidence in the record that housing agencies and cities have had success working with providers to offer ACP service to qualified households receiving housing assistance.<sup>95</sup> On the other hand, NDIA argues that public housing tenants and other recipients of housing assistance often distrust providers and NDIA’s affiliates have needed to participate in calls between qualified households and providers in order to complete the enrollment process.<sup>96</sup> Organizations participating in the pilot may co-host events with providers, so long as the organization maintains neutrality and does not favor a particular provider or restrict participation in events to particular providers, if multiple ACP providers serve the area.<sup>97</sup> We find that there is value in providers promoting their services to this eligible population so long as it is done in compliance with our rules<sup>98</sup> and is consistent with Congress’s consumer protection requirements.<sup>99</sup> We

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<sup>88</sup> *ACP Further Notice* at 128, para. 285.

<sup>89</sup> See EducationSuperHighway Comments at 18 (On-site application assistance locations “can be scattered throughout the housing authority campus”); Chicago Housing Authority Comments at 8 (noting that support is also needed where there is no centrally located management office or community space).

<sup>90</sup> See EducationSuperHighway Comments at 18 (advocating for encouraging partner agencies to establish on-site locations for ACP awareness and enrollment support).

<sup>91</sup> See NDIA Comments at 12.

<sup>92</sup> *Id.*

<sup>93</sup> See LISC Reply at 4.

<sup>94</sup> See NCTA Comments at 3.

<sup>95</sup> See, e.g., City of Los Angeles, Office of Mayor Comments at 3 (providing that in the City of Los Angeles, Starry Internet has partnered with the Housing Authority of the City of Los Angeles (HACLA) to provide low-cost internet to over 11,000 HACLA residents).

<sup>96</sup> See NDIA Comments at 9.

<sup>97</sup> To minimize the risk of confusion about the requirement stated here, we clarify that an organization has met its obligation to remain neutral if it has extended an equal invitation to participate in an event to all ACP providers that offer service to a particular public housing facility or location receiving federal housing assistance.

<sup>98</sup> See 47 CFR § 54.1810 (Commission rules that, among other things, require providers to provide program disclosures and collect informed consent from consumers prior to enrolling them in the Affordable Connectivity Program or transferring their benefit; prohibit providers from considering the results of a credit check as a condition of enrollment; prohibit providers from charging an early termination fee; restrict providers from engaging in a practice that would reasonably likely cause a household to believe that it is restricted from transferring its benefit).

remind providers wishing to send their agents to a location where there is on-site application assistance of the requirements that we established in the *ACP Order* to protect consumers, including the need to provide disclosures about the Affordable Connectivity Program and to capture informed consent prior to enrolling a household.<sup>100</sup> Providers are prohibited from linking enrollment in the Affordable Connectivity Program to some other action such as signing up for Lifeline service<sup>101</sup> and from engaging in upselling and downselling of ACP services.<sup>102</sup>

39. USAC will be required to grant access to the National Verifier to approved pilot applicants that meet the established requirements for such access for purposes of assisting eligible federal housing assistance recipients with the application process.<sup>103</sup> Consistent with current practice in the Lifeline program, we require that representatives of the trusted entities granted access to the National Verifier in this pilot register in the RAD pursuant to the Commission's rules.<sup>104</sup> Entities participating in this pilot must maintain neutrality with respect to ACP participating providers when assisting consumers in connection with this pilot.<sup>105</sup> Selected pilot participants will be required to provide updates to the Bureau regarding their experience with the application process, aggregate, non-personally identifiable information about the consumers they are assisting, any occurrences or incidents involving unauthorized access to the National Verifier (e.g., by an unauthorized user), and other aspects of the pilot. To help identify the applications that benefited from the application assistance made possible through this pilot, the pilot participants shall ensure that their assigned representative identification number or other identifier as determined by USAC is provided on the application. Additional data to be reported by pilot participants and the format of the required data shall be determined by the Bureau consistent with the direction provided by this Order. The data collected will assist the Commission in measuring the success of the pilot and track the progress towards meeting the pilot program goals.<sup>106</sup> We further encourage pilot participants to conduct their own evaluations of outreach efforts and share insights with the Bureau. Upon conclusion of the year-long pilot program, pilot participants will no longer have access to the National Verifier absent further action by the Bureau or the Commission.

40. Finally, we recognize the important role that navigators can play in helping all eligible households, including those not receiving federal housing assistance, manage the ACP application process. To learn more about those opportunities, the Commission will also be establishing guidance for participation in a separate Navigator Pilot that will focus on helping other ACP eligible households with the application.<sup>107</sup> Your Home, Your Internet Pilot Program participants are eligible to participate in the separate ACP Navigator Pilot, and we encourage them to consider participating in both to ensure the

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<sup>99</sup> See 47 U.S.C. § 1752(b)(7)(A)(ii); (11).

<sup>100</sup> 47 CFR § 54.1810(a) & (b).

<sup>101</sup> 47 CFR § 54.1810(a)(3).

<sup>102</sup> 47 CFR § 54.1810(e).

<sup>103</sup> In the event that the Commission or USAC receives credible evidence of waste, fraud, or abuse, reports of suspicious activity, or if a participating entity attempts to enroll subscribers in violation of program rules, we authorize USAC to immediately deactivate the users' access to the National Verifier in accordance with USAC's system requirements.

<sup>104</sup> 47 CFR § 54.1807(a).

<sup>105</sup> See *supra* paras. 34, 38; see ACA Connects Letter at 6 (“[E]ntities that participate should be expressly prohibited from encouraging households to enroll with a particular provider and should . . . be required to make clear to households they assist that the household may enroll with the ACP provider of their choice.”).

<sup>106</sup> See *infra* paras. 46-49.

<sup>107</sup> *ACP Order* at 36, para. 70. The ACP Navigator Pilot will provide limited access to the National Verifier to allow trusted entities such as local government agencies to assist eligible households in-person with the ACP application. More information on how to participate in the ACP Navigator Pilot will be provided by the Bureau.

widest impact to the Affordable Connectivity Program. To that end, we direct the Bureau, in consultation with USAC, to consider ways to streamline the application processes and necessary training to permit entities qualified to serve in the Your Home, Your Internet Pilot Program and the ACP Navigator pilots to participate in both. The efficiencies gained by allowing dual participation by entities qualified to participate in both pilots will allow the Commission to quickly stand up and track progress toward the goals we have established for each pilot. We direct the CGB, including the Office of Native Affairs and Policy, and the Office of Communications Business Opportunities (OCBO), in coordination with the Bureau and USAC, to promote both pilots among entities likely to be eligible to participate.

#### 4. Application Procedures and Selection Criteria

41. Below we discuss the required procedures for entities eligible and interested in applying to participate in the Your Home, Your Internet Pilot Program. We next discuss the selection criteria the Bureau will use to select up to 20 Your Home, Your Internet participants.

42. *Application Process.* Eligible entities seeking to participate in the pilot program must apply and be approved by the Bureau. We direct the Bureau, in coordination with other Bureaus and Offices, as necessary, to establish an application review process for interested pilot participants consistent with this Order. We direct the Bureau to establish an application window during which interested entities seeking approval to participate in the pilot program will receive guaranteed consideration of their submitted application.<sup>108</sup> We believe that establishing this window will not only allow the Bureau to select a diverse group of pilot participants, but also encourage selected entities to work quickly to ensure appropriate measures are in place to assist federal housing assistance recipients with navigating the ACP application. We direct the Bureau to consider the timing of available grant awards for the Affordable Connectivity Outreach Grant Program when considering the deadlines for the filing window.<sup>109</sup>

43. As a part of the application process, interested entities will be required to submit a detailed proposal explaining their plan. Applicants should also be prepared to submit, at a minimum, information about the entities including any partnerships; the geographic areas (including whether rural, urban, or other) and constituencies the entity intends to serve (including estimates of the number of eligible households with which the entity would engage); housing or other state, local, or Tribal agencies with which the entity works; and to provide a description of the entity's role in the community which it is serving. Tenant associations, non-profits, and community-based organizations should also include information about the government entity providing support for their partnership as well as describing the nature of the partnership.

44. *Selection Criteria.* In order to increase participation in the Affordable Connectivity Program, our goal is to select applications that target areas with lower program participation rates and areas where application assistants or navigators will have the most impact on addressing barriers federal housing assistance recipients face when navigating the ACP application. We direct the Bureau to review applications and select entities to participate in the pilot program in a manner that ensures a geographically diverse group of pilot participants, representing both urban and rural areas. Within 60 days of the release of this Order, we direct the Bureau to issue a public notice announcing the pilot application requirements and the deadline for submitting applications during the window. In order to increase the chances of attracting a diverse variety of applications, the application window will be open for no fewer than 28 days. Interested entities should not submit applications to participate in this pilot prior to the opening of the window. We further delegate authority to the Bureau to provide additional guidance to prospective pilot participants where necessary to carry out this Order.

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<sup>108</sup> The Bureau, in coordination with USAC, may permit acceptance of applications after the close of the application window if doing so would further the goals of the pilot.

<sup>109</sup> We remind pilot participants seeking to apply for grant funding that they must separately submit an application pursuant to the requirements established in the Affordable Connectivity Outreach Grant Program Order and the relevant Notice of Funding Opportunity.

45. Participation in the Your Home, Your Internet Pilot Program will initially be limited to no more than 20 participants. Depending on pilot program demand from entities seeking to participate, we delegate to the Bureau the option to accept more than 20 participants into the pilot program if doing so would further the goals of the pilot. We direct the Bureau to establish necessary systems and processes to fairly and systematically review pilot applications. Applicants will be notified by the Bureau of their selection to participate in the pilot. We further direct the Bureau to consolidate, where possible, the application process for the ACP Navigator Pilot with this pilot to allow participation by entities that are eligible to participate in both.

### 5. Metrics for Evaluating the Success of Pilot Project

46. In order to properly analyze the results of the Your Home, Your Internet Pilot Program, we adopt requirements for pilot participants to provide data and other information necessary for the Bureau to issue a report summarizing the results of the pilot. We direct the Bureau to submit a report to the Commission after the conclusion of the Your Home, Your Internet Pilot Program to inform the Commission's future efforts to facilitate the Affordable Connectivity Program application process for households receiving federal housing assistance.<sup>110</sup>

47. *Data.* When adopting the ACP rules, we directed Commission staff, with support from USAC, to collect data, including possibly via a survey, that measures the general public's awareness of the Affordable Connectivity Program.<sup>111</sup> We direct the Bureau and the Office of Economics and Analytics (OEA), with support from USAC, to work with the entities that participate in the pilot to collect information that could be used to measure program performance while balancing the additional burdens such coordination may impose on the pilot participants. Helpful data may include the number, location (city and state), the nature of their outreach, and type (local, state, Tribal, federal, non-profit, community-based organization, etc.) of trusted partners that participate in the pilot. In addition, we direct USAC to collect data regarding the number of applications started, applications completed, and subsequent enrollments of self-reported federal housing assistance recipients that have been assisted by trusted partners. Surveys may be used to gather additional information which may not be captured through available data sources. We give the Bureau, OEA, and USAC the option to conduct surveys on the awareness of the Affordable Connectivity Program among federal housing assistance program participants and any enrollment barriers these households may have faced. Additionally, to help protect participants' personally identifiable information, we delegate to the Bureau the authority to issue additional guidance addressing the appropriate and necessary protections regarding the collection of participant data.

48. *Performance Goals.* Through this pilot program, we aim to increase awareness of and participation in the Affordable Connectivity Program among the federal housing assistance recipients and to identify the barriers to enrollment for federal housing assistance recipients. To that end, it is important to establish performance measurements and goals to determine how we can ensure maximum participation by qualified federal housing assistance recipients during and beyond the pilot's term

49. To evaluate the success of the Your Home, Your Internet Pilot Program, it will be important to track applications and enrollments and to solicit feedback from partners and households about their experience enrolling in the Affordable Connectivity Program.<sup>112</sup> We direct the Bureau and OEA, with support from USAC, to track and collect appropriate data and to further develop metrics to determine progress toward the pilot's goal of increasing awareness of and enrollment in the Affordable Connectivity Program among households participating in qualifying federal housing assistance programs.

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<sup>110</sup> The Commission does not anticipate that the report will include any personally identifiable information about ACP subscribers, representatives of trusted entities, or other pilot program participants.

<sup>111</sup> *ACP Order* at 98, para. 212.

<sup>112</sup> *See* NDIA Comments at 13; Chicago Housing Authority Comments at 7 (enrollments by geographic area).

We direct OEA, the Bureau, and USAC to consider tracking, for both federal housing assistance and non-federal housing assistance households: the ratio of enrollments to qualified applications; the ratio of qualified applications to all applications; and the participation rate for federal housing assistance recipients and all households to measure any improvement in these metrics as a result of the pilot. Because households receiving federal housing assistance may well participate in other ACP-qualifying programs, we expect that this analysis will necessarily rely to some extent on households to self-report that they receive federal housing assistance on their ACP application form. We encourage partners to remind households completing the application to indicate *all* of the qualifying programs in which they participate so that we can better identify and track the households that self-report as receiving federal housing assistance, even if those households ultimately are qualified based on income, their participation in Medicaid, or another qualifying program. To the extent possible, we direct OEA and the Bureau, with assistance from USAC, to identify ways in which HUD can provide relevant information to construct measures of performance, including checking current qualified subscribers against HUD databases to identify subscribers who participate in federal housing assistance programs but did not indicate so on their application.

50. We also direct the Bureau, in coordination with USAC and OEA, to identify ways in which program requirements, application and enrollment processes, and the ways in which the Affordable Connectivity Program is promoted can better serve federal housing assistance recipients. For example, Chicago Housing Authority argues that because some households do not have an email address, establishing one when applying through the online application can result in delays.<sup>113</sup> Through this pilot, we can track how the e-mail address requirement impacts the timely completion of the ACP application.

51. *Final report.* Within 180 days of the completion of the one-year pilot, we direct the Bureau to send a report to the Commission summarizing its results. The report should describe the Your Home, Your Internet Pilot Program's successes and challenges and include recommendations on further action to increase participation in the Affordable Connectivity Program among federal housing assistance recipients, including addressing, consistent with the program requirements set forth in the Infrastructure Act and our obligation to limit waste, fraud, and abuse in the Affordable Connectivity Program, barriers to enrollment. In developing the report, staff should consider the experience of the trusted entities granted access to the National Verifier and the impact granting this access to the National Verifier had on the number of qualified applications for those who receive federal housing assistance. The Bureau, OEA, or USAC may also conduct focus groups or send a questionnaire/survey to pilot participants assisting federal housing assistance recipients with the application to help with these and other questions.<sup>114</sup> Based on findings in the final pilot report and feedback from pilot participants, the Bureau and/or USAC may release additional guidance regarding the potential expansion of access to the National Verifier to assist with completion of the ACP application.

52. It is clear from the record that the groups that serve federal housing assistance recipients are mobilized and eager to continue to work with federal housing assistance recipients to maximize the

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<sup>113</sup> See Chicago Housing Authority Comments at 3. Chicago Housing Authority also argues that, without the show password function consumers were more likely to need a password reset after incorrectly entering the password, which would create additional friction in application process. To help create a more user-friendly experience, in May 2022, USAC implemented Chicago Housing Authority's suggestion to include a "show password" function in the National Verifier. The "show password" option gives users the option to review their password entry to make sure they have entered it correctly and will reduce unnecessary password resets. Chicago Housing Authority Comments at 4; USAC, *ACP – May 2022 Newsletter*, <https://www.usac.org/wp-content/uploads/about/documents/acp/bulletins/ACP-May-2022-Newsletter.pdf> (last visited July 14, 2022).

<sup>114</sup> See, e.g., NDIA Comments at 13 (suggesting that success could be measured by the "extent to which FPHA resident councils are equipped with the knowledge needed to provide ACP enrollment support to their neighbors"); Chicago Housing Authority Comments at 7 (the Commission could ask households how they learned about the Affordable Connectivity Program during the application stage).

benefits offered through the Affordable Connectivity Program. The pilot we establish today is just one of the tools the Commission is standing up to target eligible households to increase their participation in the Affordable Connectivity Program. Through the Your Home, Your Internet Pilot Program we adopt today, along with the ACP Navigator Pilot, and the Outreach Grant Order and the Notice of Funding Opportunity anticipated for the fall, we will empower our governmental and non-profit partners with the tools to reach more eligible households to promote the Affordable Connectivity Program and to encourage their participation. To that end, we direct the Bureau, in coordination with other Offices and Bureaus, as well as USAC, to establish this pilot program consistent with the timetables we adopt in this Order to expand program awareness and to assist with the completion of the applications. We also delegate to the Bureau the authority to make modifications to the National Verifier to implement recommendations in the final report to address any barriers to enrollment, consistent with program requirements set forth in the Infrastructure Act as well as our obligation to limit waste, fraud, and abuse in the Affordable Connectivity Program. We also encourage those entities that plan to participate in this pilot program to look for guidance to be issued by CGB in the coming months on the ACP Navigator Pilot and Outreach Grant Program funding opportunities to boost the grassroots support to eligible households we enable through these pilots.

#### IV. PROCEDURAL MATTERS

53. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a final regulatory flexibility analysis “whenever an agency promulgates a final rule under [5 U.S.C. § 553], after being required by that section or any other law to publish a general notice of proposed rulemaking.”<sup>115</sup> A Final Regulatory Flexibility Analysis is set forth in Appendix A.<sup>116</sup> The Commission’s Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *Third Report and Order*, including the FRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).<sup>117</sup>

54. *Congressional Review Act.* The Commission will include a copy of the Report and Order in a report to be sent to Congress and the Government Accountability Office (GAO) pursuant to the Congressional Review Act.<sup>118</sup>

55. *Paperwork Reduction Act.* Pursuant to section 1752(h) of the Infrastructure Act, the collection of information sponsored or conducted under the regulations promulgated in this Third Report and Order is deemed not to constitute a collection of information for the purposes of the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3521.<sup>119</sup>

#### V. ORDERING CLAUSES

56. Accordingly, IT IS ORDERED that, pursuant to the authority contained in Section 904 of Division N, Title IX of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, as amended by Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021), this Report and Order IS ADOPTED.

57. IT IS FURTHER ORDERED that the Commission SHALL SEND a copy of this Report and Order to the Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

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<sup>115</sup> 5 U.S.C. § 604(a).

<sup>116</sup> Although this rulemaking proceeding may be exempt from the notice and comment requirements of the Administrative Procedure Act pursuant to 47 U.S.C. 1752(h)(1), we have prepared a FRFA in the exercise of discretion.

<sup>117</sup> *See* 5 U.S.C. § 603(a).

<sup>118</sup> *See* 5 U.S.C. § 801(a)(1)(A).

<sup>119</sup> 47 U.S.C. § 1752(h)(2).

58. IT IS FURTHER ORDERED, that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this Third Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

## APPENDIX A

## Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980,<sup>1</sup> as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Affordable Connectivity Program Further Notice of Proposed Rulemaking (ACP Further Notice)*.<sup>2</sup> The Commission sought written public comment on proposals in the *ACP Further Notice*, including comment on the IRFA. The Commission did not receive any comments in response to this IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.<sup>3</sup>

**A. Need for, and Objectives of, the Report and Order**

2. The Affordable Connectivity Program provides a monthly discount of up to \$30 per month (and up to \$75 per month for households on qualifying Tribal lands) as well as a one-time \$100 discount toward a laptop, desktop computer, or tablet.<sup>4</sup> When adopting the final rules for the Affordable Connectivity Program, the Commission sought further comment on a proposal to target outreach and provide application support to residents of public housing and other Federal Public Housing Assistance (FPHA) recipients that are eligible for the Affordable Connectivity Program.

3. The *ACP Further Notice* proposed and sought comment on a pilot program focused on expanding ACP participation by FPHA program (housing choice voucher program (Section 8), project-based rental assistance, and public housing) recipients including increasing awareness and assisting with navigating the ACP enrollment process. To that end, the Commission proposed and sought comment on a pilot program to develop partnerships with agencies that administer the FPHA programs for collaborative cross-agency outreach and marketing regarding the Affordable Connectivity Program to recipients of those housing programs. The *ACP Further Notice* sought comment on how the Commission could structure this pilot, how to make the pilot effective, data sources the Commission could use to identify locations for this pilot, and how to measure the success of the pilot. In this Order, the Commission establishes a one-year pilot program with the goal of increasing awareness of the Affordable Connectivity Program among federal housing assistance recipients and facilitating enrollment into the program by providing targeted assistance with completion of the ACP application. The Order sets forth the details of the pilot by identifying the government entities and third-party organizations who may apply to participate in the pilot to gain limited access to the National Verifier to help federal housing assistance recipients complete and submit their ACP applications. The Order also identifies changes to the ACP application process, the success of which will be tested in the Your Home, Your Internet Pilot Program.

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

4. The Commission did not receive comments that specifically addressed the IRFA contained in the *ACP Further Notice*.

**C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration**

5. Pursuant to the Small Business Jobs Act of 2010,<sup>5</sup> which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business

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<sup>1</sup> 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-12 has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Public Law No. 104-121, 110 Stat. 857 (1996).

<sup>2</sup> *Affordable Connectivity Program*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 21-450, 20-445, FCC 22-2 (2022) (*ACP Order or ACP Further Notice*).

<sup>3</sup> See 5 U.S.C. § 604.

<sup>4</sup> *ACP Order*, at 46, 55, para. 93, 110.

<sup>5</sup> 5 U.S.C. § 604(a)(3).



Administration (SBA), and to provide a detailed statement of any changes made to the proposed rule(s) as a result of those comments.

6. The Chief Counsel did not file any comments in response to the Further Notice of Proposed Rulemaking.

**D. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply**

7. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.<sup>6</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>7</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>8</sup> A small business concern is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>9</sup>

8. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three broad groups of small entities that could be directly affected herein.<sup>10</sup> First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration's (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.<sup>11</sup> These types of small businesses represent 99.9% of all businesses in the United States, which translates to 32.5 million businesses.<sup>12</sup>

9. Next, the type of small entity described as a "small organization" is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field."<sup>13</sup> The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.<sup>14</sup> Nationwide, for tax year 2020, there

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<sup>6</sup> 5 U.S.C. § 603(b)(3).

<sup>7</sup> *See id.* § 601(6).

<sup>8</sup> *See id.* § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632).

<sup>9</sup> *See* 15 U.S.C. § 632.

<sup>10</sup> *See* 5 U.S.C. § 601(3)-(6).

<sup>11</sup> *See* SBA, Office of Advocacy, Frequently Asked Questions, "What is a small business?," <https://cdn.advocacy.sba.gov/wp-content/uploads/2021/12/06095731/Small-Business-FAQ-Revised-December-2021.pdf> (Nov 2021).

<sup>12</sup> *Id.*

<sup>13</sup> *See* 5 U.S.C. § 601(4).

<sup>14</sup> The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number small organizations in this small entity description. *See* Annual Electronic Filing Requirement for Small Exempt Organizations — Form 990-N (e-Postcard), "Who must file" <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

were approximately 447,689 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.<sup>15</sup>

10. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”<sup>16</sup> U.S. Census Bureau data from the 2017 Census of Governments<sup>17</sup> indicate that there were 90,075 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.<sup>18</sup> Of this number there were 36,931 general purpose governments (county,<sup>19</sup> municipal and town or township<sup>20</sup>) with populations of less than 50,000 and 12,040 special purpose governments - independent school districts<sup>21</sup> with enrollment populations of less than 50,000.<sup>22</sup> Accordingly, based on the 2017 U.S. Census of Governments data, we estimate that at least 48,971 entities fall into the category of “small governmental jurisdictions.”<sup>23</sup>

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<sup>15</sup> See Exempt Organizations Business Master File Extract (EO BMF), "CSV Files by Region," <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-EO-BMF>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO BMF data for businesses for the tax year 2020 with revenue less than or equal to \$50,000, for Region 1-Northeast Area (58,577), Region 2-Mid-Atlantic and Great Lakes Areas (175,272), and Region 3-Gulf Coast and Pacific Coast Areas (213,840) which includes the continental U.S., Alaska, and Hawaii. This data does not include information for Puerto Rico.

<sup>16</sup> See 5 U.S.C. § 601(5).

<sup>17</sup> See 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/cog/about.html>.

<sup>18</sup> See U.S. Census Bureau, 2017 Census of Governments – Organization Table 2. Local Governments by Type and State: 2017 [CG1700ORG02], <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also *id.* at tbl.2. CG1700ORG02 Table Notes Local Governments by Type and State\_2017.

<sup>19</sup> See *id.* at tbl.5. County Governments by Population-Size Group and State: 2017 [CG1700ORG05], <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 2,105 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

<sup>20</sup> See *id.* at tbl.6. Subcounty General-Purpose Governments by Population-Size Group and State: 2017 [CG1700ORG06], <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 18,729 municipal and 16,097 town and township governments with populations less than 50,000.

<sup>21</sup> See *id.* at tbl.10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2017 [CG1700ORG10], <https://www.census.gov/data/tables/2017/econ/gus/2017-governments.html>. There were 12,040 independent school districts with enrollment populations less than 50,000. See also *id.* at tbl.4. Special-Purpose Local Governments by State Census Years 1942 to 2017 [CG1700ORG04], CG1700ORG04 Table Notes Special Purpose Local Governments by State Census Years 1942 to 2017.

<sup>22</sup> While the special purpose governments category also includes local special district governments, the 2017 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

<sup>23</sup> This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,931) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (12,040), from the 2017 Census of Governments - Organizations tbls.5, 6 & 10.

11. *Wired Broadband Internet Access Service Providers (Wired ISPs)*. Providers of wired broadband internet access service include various types of providers except dial-up internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules.<sup>24</sup> Wired broadband internet services fall in the Wired Telecommunications Carriers industry.<sup>25</sup> The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small.<sup>26</sup> U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.<sup>27</sup> Of this number, 2,964 firms operated with fewer than 250 employees.<sup>28</sup>

12. Additionally, according to Commission data on internet access services as of December 31, 2018, nationwide there were approximately 2,700 providers of connections over 200 kbps in at least one direction using various wireline technologies.<sup>29</sup> The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's *2020 Communications Marketplace Report*,<sup>30</sup> we believe that the majority of wireline internet access service providers can be considered small entities.

13. *Wireless Broadband Internet Access Service Providers (Wireless ISPs or WISPs)*. Providers of wireless broadband internet access service include fixed and mobile wireless providers. The Commission defines a WISP as "[a] company that provides end-users with wireless access to the Internet[.]"<sup>31</sup> Wireless service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules.<sup>32</sup> Neither the SBA nor the Commission have developed a size standard specifically applicable to Wireless Broadband Internet Access Service Providers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except

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<sup>24</sup> See 47 CFR § 1.7001(a)(1).

<sup>25</sup> See U.S. Census Bureau, *2017 NAICS Definition*, "517311 Wired Telecommunications Carriers," <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

<sup>26</sup> See 13 CFR § 121.201, NAICS Code 517311.

<sup>27</sup> See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

<sup>28</sup> *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

<sup>29</sup> See *IAS Status 2018*, Fig. 30 (The technologies used by providers include aDSL, sDSL, Other Wireline, Cable Modem and FTTP). Other wireline includes: all copper-wire based technologies other than xDSL (such as Ethernet over copper, T-1/DS-1 and T3/DS-1) as well as power line technologies which are included in this category to maintain the confidentiality of the providers.

<sup>30</sup> See *Communications Marketplace Report*, GN Docket No. 20-60, 2020 WL 8025117 at 44, paras. 34-35, Figs. II.B.2-4, 6. (2020) (*2020 Communications Marketplace Report*).

<sup>31</sup> Federal Communications Commission, *Internet Access Services: Status as of December 31, 2018 (IAS Status 2018)*, Industry Analysis Division, Office of Economics & Analytics (September 2020). The report can be accessed at <https://www.fcc.gov/economics-analytics/industry-analysis-division/iad-data-statistical-reports>.

<sup>32</sup> See 47 CFR § 1.7001(a)(1).

Satellite).<sup>33</sup> The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees.<sup>34</sup> U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year.<sup>35</sup> Of that number, 2,837 firms employed fewer than 250 employees.<sup>36</sup>

14. Additionally, according to Commission data on internet access services as of December 31, 2018, nationwide there were approximately 1,209 fixed wireless and 71 mobile wireless providers of connections over 200 kbps in at least one direction.<sup>37</sup> The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, based on data in the Commission's *2020 Communications Marketplace Report* on the small number of large mobile wireless nationwide and regional facilities-based providers, the dozens of small regional facilities-based providers and the number of wireless mobile virtual network providers in general,<sup>38</sup> as well as on terrestrial fixed wireless broadband providers in general,<sup>39</sup> we believe that the majority of wireless internet access service providers can be considered small entities.

#### **E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements**

15. In this Order we establish the requirements for the pilot program designed to increase awareness of and participation in the Affordable Connectivity Program among federal housing assistance recipients. For eligible entities seeking to participate in the pilot program we adopted an application process that requires, at minimum, entities to submit information about the entities including any partnerships; their geographic areas (including whether rural, urban, or other) and constituencies the entity intends to serve (including estimates of the number of eligible households with which the entity would engage); housing or other state, local, or Tribal authorities with which the entity works; and to provide a description of the entity's role in the community which it is serving. Tenant associations, non-profits, or community-based organizations should include, as a part of their application, information about the government entity providing support for their partnership as well as describing the nature of the partnership. In order to increase participation in the Affordable Connectivity Program, our goal is to select applications that target areas with low program participation rates and areas where application assistants or navigators will have the most impact on addressing barriers federal housing assistance recipients face when navigating the ACP application. We therefore, established an application window, during which interested entities seeking approval to participate in the pilot program will receive guaranteed consideration of their submitted application. The Wireline Competition Bureau (Bureau), will select pilot participants based on applications, and applicant's responses to the information criteria listed above. Applicants that seek funding for their pilot program activities will need to abide by any application requirements established in the Affordable Connectivity Outreach Grant Program.

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<sup>33</sup> See U.S. Census Bureau, *2017 NAICS Definition*, "517312 Wireless Telecommunications Carriers (except Satellite)," <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

<sup>34</sup> See 13 CFR § 121.201, NAICS Code 517312.

<sup>35</sup> See U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIEM, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFIEM&hidePrevious=false>.

<sup>36</sup> *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

<sup>37</sup> See *IAS Status 2018*, Fig. 30.

<sup>38</sup> See *Communications Marketplace Report*, GN Docket No. 20-60, 2020 WL 8025117 at 4, paras. 9-13. (2020) (*2020 Communications Marketplace Report*).

<sup>39</sup> *Id.* at para. 91.

16. Similar to the current practice in the Lifeline program, the Commission will require representatives of the entities granted access to the National Verifier to register in the Representative Accountability Database (RAD). Also, selected pilot participants will be required to provide updates to the Bureau and Universal Service Administrative Company (USAC) regarding their experience with the application process, aggregate, non-personally identifiable information about the consumers they are assisting, any occurrences or incidents involving unauthorized access to the National Verifier (e.g., by an unauthorized user), and other aspects of the pilot. Additionally, in order to help identify the applications that benefited from the application assistance made possible through this pilot, assistants shall ensure that their assigned representative identification number or other identifier as determined by USAC is provided on the application. Additional data to be reported by pilot participants and the format of the required data shall be determined by the Bureau consistent with the direction provided by this Order. The Commission encourages pilot participants to conduct their own evaluations of outreach efforts and share insights with the Bureau.

17. The Commission will require the Bureau and the Office of Economics and Analytics (OEA), with support from USAC, to work with entities that participate in this pilot to collect information that could be used to measure program performance. Helpful data may include the number, location (city and state), the nature of their outreach, and type (local, state, federal, non-profit, community-based organization, etc.) of trusted partners that participate in this pilot. Surveys may be used to gather additional information which may not be captured through available data sources. We give the Bureau, OEA, and USAC the option to conduct surveys on the awareness of the Affordable Connectivity Program among Your Home, Your Internet participants and any enrollment barriers these households may have faced. Additionally, to help protect participants' personally identifiable information, we delegate to the Bureau the authority to issue additional guidance addressing the appropriate and necessary protections regarding the collection of participant data.

#### **F. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

18. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”<sup>40</sup>

19. The Commission has considered the economic impact on small entities in reaching its final conclusions and taking action in this proceeding. The pilot program that we establish in this Order will help to identify and address barriers to enrollment for federal housing assistance recipients and provide an efficient application process for all pilot participants, including small entities. We intend to minimize the burdens imposed on small entities where doing so would not compromise the goals of the Affordable Connectivity Program and this pilot program. The regulatory burdens, such as the voluntary application process and data collection, can be used to measure program performance while balancing the additional burdens that may be imposed on Your Home, Your Internet Pilot Program participants. We will continue to examine alternatives in the future with the objective of eliminating unnecessary regulations and minimizing any significant impact on small entities.

#### **G. Report to Congress**

20. The Commission will send a copy of this Third Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.<sup>41</sup> In addition, the

<sup>40</sup> 5 U.S.C. § 603(c)(1)–(4).

<sup>41</sup> See 5 U.S.C. § 801(a)(1)(A).

Commission will send a copy of this Third Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of this Third Report and Order, including this FRFA (or summaries thereof), will also be published in the Federal Register.