



Federal Communications Commission  
Washington, D.C. 20554

May 17, 2023

**VIA EMAIL (diane.hsu@cox.com)**

Diane Law-Hsu  
Asst. General Counsel, Regulatory Affairs  
Cox Communications, Inc.  
6205 Peachtree Dunwoody Road  
Atlanta, GA 30328

Dear Ms. Law-Hsu:

In the Infrastructure Investment and Jobs Act (Infrastructure Act), Congress established the Affordable Connectivity Program (ACP).<sup>1</sup> The ACP is the largest broadband affordability effort in the history of the United States. To date it has helped millions of households nationwide get online and stay online. This program is important, and it is vital that providers fully comply with the law creating this program and associated agency rules.

In the Infrastructure Act, Congress provided multiple pathways for providers to qualify eligible households for participation in the ACP. The majority of providers participating in this program use the National Verifier system to make determinations about whether or not a household is eligible for the ACP under the Infrastructure Act. However, Congress provided an alternative pathway that allows providers to use an alternative verification process instead of the National Verifier.<sup>2</sup> Specifically, the Infrastructure Act allowed providers to participate in the ACP and seek approval to “rely upon an alternative verification process” to assess household eligibility.<sup>3</sup>

In light of this direction from Congress, the Federal Communications Commission established rules requiring that any provider seeking to use an alternative verification process provide a description of the process used in place of the National Verifier.<sup>4</sup> In addition, the Commission chose to “limit the use of alternative verification processes to providers that maintain an existing verification process used for their own self-subsidized low-income program.”<sup>5</sup> This was designed to ensure that any provider using an alternative verification process permitted in the Infrastructure Act had established this process in a manner where its own funds were at stake, even though this was not required under the law.

Nonetheless, we remain concerned that alternative verification processes, although allowed by the law, may result in improper enrollments. Because we take seriously our obligations to guard against waste, fraud, and abuse in the ACP, the Wireline Competition Bureau (Bureau) seeks to confirm that the largest ACP providers relying on an alternative verification process are fully complying with the law,

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<sup>1</sup> Infrastructure Investment and Jobs Act, Pub. L. 117-58, div. F, tit. V, § 60502, 135 Stat. 429, 1238 (2021) (codified at 47 U.S.C. § 1752).

<sup>2</sup> 47 U.S.C. § 1752(b)(2)(B).

<sup>3</sup> *Id.*

<sup>4</sup> 47 CFR § 54.1801(d)(1)-(5).

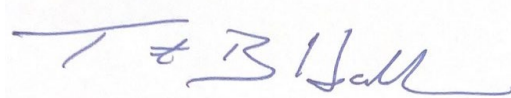
<sup>5</sup> *Affordable Connectivity Program*, WC Docket Nos. 21-450 and 20-445, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 484, 505, para. 42 (2022).

agency rules, and the descriptions provided for the processes used in place of the National Verifier system.

To this end, the Bureau requests that all of your ACP subscribers approved through your alternative verification process have their eligibility confirmed by the National Verifier. To complete this process, your company will need to coordinate with the Universal Service Administrative Company. In addition, the Bureau requests that by June 15, 2023, you provide an updated application explaining your company's continued need for an alternative verification process and why it is "sufficient to avoid waste, fraud, and abuse."<sup>6</sup>

If you have questions, please contact Jessica Campbell, Deputy Division Chief of the Bureau's Telecommunications Access Policy Division at [Jessica.Campbell@fcc.gov](mailto:Jessica.Campbell@fcc.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "T B Harkrader".

Trent B. Harkrader  
Chief  
Wireline Competition Bureau

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<sup>6</sup> 47 U.S.C. § 1752(b)(2)(B)(ii)(I).