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THE STATE OF CALIFORNIA**

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California Universal Telephone Service  
(California LifeLine) Program.

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**OPENING COMMENTS OF THE UTILITY REFORM NETWORK AND THE  
GREENLINING INSTITUTE ON THE ASSIGNED COMMISSIONER RULING  
REQUESTING COMMENTS ON A PILOT TO LEVERAGE THE AFFORDABLE  
CONNECTIVITY PROGRAM**

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## I. INTRODUCTION

In accordance with the October 14, 2022, *Assigned Commissioners' Ruling Requesting Comments on a Pilot to Leverage the Affordable Connectivity Program (ACP ACR)*,<sup>1</sup> The Utility Reform Network (TURN) and The Greenlining Institute (GLI) submit these opening comments.

TURN and GLI previously supported the Commission's proposed efforts to keep separate the state's LifeLine program and the federal Affordable Connectivity Program (ACP).<sup>2</sup> This support was based on lessons identified, among other things, from the Commission's previous process with the federal ACP's predecessor, the federal Emergency Broadband Benefit program (EBB).<sup>3</sup> During the federal EBB's tenure, the Commission allowed LifeLine providers to receive a combination of California LifeLine, federal Lifeline, and federal EBB benefits towards providing a line of service to participating California subscribers, and the Commission later found that was not a good use of ratepayer money.

TURN and GLI recognize that there is a segment of the LifeLine-eligible population who may benefit from combining all state and federal benefits to support a single line of service. However, the approach adopted must still adhere to the Commission's fiduciary duties for the California LifeLine program.

Currently, the ACP ACR proposes the possibility for a pilot (ACP Pilot) to test strategies for combining the federal ACP benefit with California LifeLine and federal Lifeline benefits.

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<sup>1</sup> Assigned Commissioner's Ruling Requesting Comments on a Pilot to Leverage the Affordable Connectivity Program (R.20-02-008), dated October 14, 2022 (ACP ACR). All citations to the record are to the record of the current proceeding, R.20-02-008, unless otherwise stated.

<sup>2</sup> See generally, CPUC, California LifeLine Staff Proposal: Reimbursement for ACP Service Offerings, dated March 21, 2022 (ACP Staff Proposal); Proposed Decision Addressing Additional Federal Support for California LifeLine Service Plans, dated July 7, 2022.

<sup>3</sup> The federal ACP is a successor program to the federal Emergency Broadband Benefit (EBB), which was in effect from May 2021 through March 2022.

However, there are lessons learned from the Commission’s experience with the federal EBB, from LifeLine pilots, and from the LifeLine Program Assessment, that the Commission should consider before authorizing a pilot that would allow providers to receive a combination of California LifeLine, federal Lifeline, and federal ACP. Therefore, TURN and GLI offer their conditional support for an ACP Pilot subject to the inclusion of the recommendations discussed below.

## **II. DISCUSSION**

In these comments, TURN and GLI discuss some threshold issues and then respond to the questions posed by the ACP ACR.<sup>4</sup>

### **A. Threshold Issues**

#### **1. Lessons Learned from the Emergency Broadband Benefit**

The Commission has found that the providers who combined the federal Emergency Broadband Benefit subsidy with California LifeLine and federal Lifeline subsidies did not provide a service to consumers that was of good value for ratepayer funds.<sup>5</sup> The Commission found that some providers offered very little additional services for an additional \$50.00 per month, which was not a good use of ratepayer funds. TURN and GLI agree. In fact, TURN and GLI used information derived from submitted provider advice letters to produce Table 1 below. Table 1 provides an overview of some of the service providers’ service offerings that combine federal EBB, California LifeLine, and federal Lifeline service:

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<sup>4</sup> Due to workload and timing constraints, TURN and GLI were unable to coordinate with the Center for Accessible Technology (CforAT). TURN and GLI had preliminary discussions with CforAT regarding the issues subject to the ACP ACR; TURN and GLI generally support CforAT’s positions and comments.

<sup>5</sup> See, ACP Staff Proposal at pp. 13-14.

*Table 1. Summary of Select Providers' Service Offerings Supported by federal EBB, federal Lifeline, and California LifeLine Subsidies*

<b>Provider</b>	<b>Advice Letter Number</b>	<b>Date Advice Letter Submitted</b>	<b>Voice (min.)</b>	<b>Text (min.)</b>	<b>Mobile Data (GB)</b>	<b>Mobile Data Exceeding LifeLine Standard Plan (GB)</b>
Tag Mobile	35	9/11/2021	Unlimited	Unlimited	8	2
Tag Mobile	35	9/11/2021	Unlimited	Unlimited	10	4
StandUp Wireless	35	7/1/2021	Unlimited	Unlimited	10	4
SafetyNet	36	5/25/2021	Unlimited	Unlimited	12	6
TruConnect	39	11/3/2021	Unlimited	Unlimited	14	8
TruConnect	40	11/16/2021	Unlimited	Unlimited	14	8
iWireless	36	7/2/2021	Unlimited	Unlimited	25	19
Air Wireless	32	5/12/2021	Unlimited	Unlimited	22 (high speed) 5 (low speed)	21
SafeLink	54	5/3/2021	Unlimited	Unlimited	Unlimited	Unlimited
Assurance	47	7/27/2021	Unlimited	Unlimited	Unlimited	Unlimited

As demonstrated in Table 1, for the same additional \$50.00 per month in federal Emergency Broadband Benefit, some providers offered LifeLine subscribers an additional 2 to 4 GB of mobile data per month while other providers offered unlimited mobile data per month. Of the providers that offered unlimited mobile data per month, both are affiliates of facilities-based providers. TURN and GLI acknowledge that these affiliates are not in the exact same positions as the mobile virtual network operators (MVNO) providers, who contract with but are not affiliates of facilities-based providers. However, setting aside the facilities-based affiliates, even amongst the MVNOs, Table 1 shows a stark difference in mobile data offered for the same additional \$50.00 per month in EBB subsidy. Some MVNO providers offered LifeLine subscribers an additional 2 to 4 GB per month, while for the same subsidy, others offered ten times as much, 20 GB per month.

TURN and GLI submit that those EBB service offerings with unlimited or an additional 20 GB per month were a better use of ratepayer funds than those with only 2-4 GB per month.

## **2. Lessons Learned from Prior Pilots**

As a threshold matter, TURN and GLI strongly recommend that any ACP Pilot comply with the objectives and rules outlined in the Commission’s predecessor LifeLine proceeding, Decision 18-12-019 (Rulemaking 11-03-013, predecessor LifeLine proceeding) (Pilot Framework Decision) for LifeLine pilots.<sup>6</sup> Moreover, TURN and GLI recommend that any ACP Pilot incorporates lessons from the prior LifeLine pilots: the CARE Pilot and the Foster Youth Pilot.

In the Pilot Framework Decision, the Commission adopted standardized criteria for pilots in the LifeLine program that advance the program’s objectives and meet certain elements that, in part, “provide data that will allow the Commission to evaluate the pilot programs.”<sup>7</sup> Further, the Commission intended to “share pilot program evaluations with stakeholders and parties.”<sup>8</sup> Together, this scheme allows the Commission to build a body of knowledge to support the iterative development of the California LifeLine Program.<sup>9</sup> To date, the Commission has not revised or adopted an alternative pilot framework in the LifeLine program and TURN and GLI see no reason to do so now because the Pilot Framework Decision is still relevant and there is no

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<sup>6</sup> See generally, *Decision Establishing the Criteria for Pilot Programs and Partnerships within the California LifeLine Program*, D.18-12-019 (R.11-03-013) (Pilot Framework Decision). In the Order Instituting Rulemaking (OIR) of this proceeding, the Commission incorporated the record of R.11-03-013 in this current proceeding. See, OIR, dated Mar. 4, 2020, at OP 8 (stating, “[w]e hereby incorporate into the record of this new proceeding the record created in Rulemaking 11-03-013”).

<sup>7</sup> Pilot Framework Decision at p. 2.

<sup>8</sup> Pilot Framework Decision at p. 2.

<sup>9</sup> See, Pilot Framework Decision at p. 18 (noting the “Commission will evaluate each approved pilot program and may use this evaluation in shaping the future of the California LifeLine Program”).

evidence offered to suggest a programmatic change here.

In the following period after the Pilot Framework Decision, the Commission adopted two pilots that contained elements that were not aligned fully with the comprehensive Pilot Decision Framework. The CARE and Foster Youth Pilots did not benefit from a thorough record development prior to adoption. Since their initiation, both pilots have shown highly ineffective approaches to providing affordable communications services to low-income consumers through the California LifeLine Program.<sup>10</sup> Moreover, these shortcomings continue to plague the Commission's goals that the pilots were supposed to achieve. Therefore, any ACP Pilot should learn from the lessons of the CARE Pilot and Foster Youth Pilot.

For example, in the Foster Youth Pilot, three years into the pilot, the Pilot Administrator continues to state that the pilot could benefit from “working on program procedures, roles and responsibilities clarifying roles” regarding the “outreach and recruitment, administrator, service provisioning, and ongoing client management.”<sup>11</sup>

For another example, the CARE Pilot provided more discrete and concrete lessons learned that could benefit any ACP Pilot here.

- **Implementation and billing failures:** the voucher discount did not attach to consumers account or fell off for no apparent reason, which created an abundance of work for Commission Staff, and it is unclear how many accounts were affected beyond those consumers who were vigilant about advocating for their discount.<sup>12</sup>

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<sup>10</sup> See, D.19-04-021 at p. 49. See also, CforAT and TURN Opening Comments on the CARE and Foster Youth Pilots Proposed Decision (R.11-03-013), dated April 15, 2019, at pp. 4-15 (describing how the CARE and Foster Youth Pilots failed to comply with the Pilot Framework Decision); *Id.* at pp. 2-4 (noting the pilots presented in the proposed decision were significantly different than the high-level concepts that were informally discussed at a workshop).

<sup>11</sup> iFoster Opening Comments on the ALJ Ruling Requesting Comments on the Extension of the Foster Youth Pilot, dated October 24, 2022, at p. 5.

<sup>12</sup> Joint Consumers Opening Comments on the CARE Pilot Report, dated March 19, 2021, at pp. 7-9.

- **Operational setback:** Boost (the single pilot service provider) failed to create and distribute consumer education and marketing materials, and those tasks fell to Commission staff.<sup>13</sup>
- **Voucher use:** Boost changed the terms, conditions, and rates of Boost’s service offerings so often as to make it difficult for the Commission to be confident that the voucher system provided low-income subscribers access to affordable service or to compare the pilot subscribers usage over time.<sup>14</sup>
- **Establish Threshold and Criteria for Terminating Pilots Early:** Regular reporting and assessment could have notified the Commission about the need to realign the pilot if it could be salvaged at all.<sup>15</sup>
- **Family plans:** “[f]amily plans are a common and desired feature in the wireless market, especially for low-income households, and should be included in the LifeLine Program.”<sup>16</sup>
- **Unlimited plans:** consumers sought unlimited plans even when less expensive plans met their usage needs.<sup>17</sup>
- **Devices:** consumers who are eligible for CARE (up to 200% of the Federal Poverty Guideline, an income level that exceeds California LifeLine eligibility) are willing to pay for new smartphones.<sup>18</sup>

Therefore, TURN and GLI recommend that any ACP Pilot comply with the requirements of the Pilot Framework Decision because this is still a valid decision and nothing that the Commission has done to date has altered the decision. Nor, is there record evidence to compel the Commission to deviate from implementing the Pilot Framework Decision for an ACP Pilot. Moreover, any ACP Pilot should be developed with thorough stakeholder input and designed in at least two ways that takes lessons learned from the experience with the CARE and Foster Youth Pilots. First, an ACP Pilot should provide the Commission with sufficiently detailed

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<sup>13</sup> Joint Consumers Opening Comments on the CARE Pilot Report at pp. 9-11.

<sup>14</sup> Joint Consumers Opening Comments on the CARE Pilot Report at pp. 11-12.

<sup>15</sup> Joint Consumers Opening Comments on the CARE Pilot Report at pp. 12-13.

<sup>16</sup> CARE Pilot Report, dated March 2, 2021, at p. 19.

<sup>17</sup> *See*, CARE Pilot Report at p. 19.

<sup>18</sup> *See*, CARE Pilot Report at p. 19.



regular reporting to facilitate pilot realignment as needed. Second, an ACP Pilot should be designed with clear roles and responsibilities to ensure low-income consumers receive affordable communications services through the pilot.

### 3. LifeLine Program Assessment

The California LifeLine Program, as established in the 1987 Moore Universal Telephone Service Act, seeks to provide “high-quality basic telephone service at affordable rates... by making residential service affordable to low-income citizens.”<sup>19</sup> Recently, the California LifeLine Program was subject to an evaluation to assess and make recommendations to improve the program.<sup>20</sup> The Program Assessment resulted in a nearly 200-page report and approximately 10 pages worth of recommendations to improve the program. TURN and GLI generally support the recommendations in the Program Assessment.<sup>21</sup> Any ACP Pilot should be designed with the following Program Assessment recommendations:

- **Realign LifeLine policies to better meet the current communications needs of low-income populations:** treat wireline and wireless services as distinctly different, align program rules to address wireless technology and growing wireless needs, remove one per household rule, and simplify requirements for wireline customers.<sup>22</sup>
- **Develop a strategic plan that is accountable to the diversity of the state’s population and regularly track this information:** regularly produce and track enrollment and usage data that is disaggregated into regions and other specialized populations via a digital dashboard that will allow tracking of which demographics are being served and a better understanding of subscriber needs.<sup>23</sup>

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<sup>19</sup> Pub. Util. Code sec. 871 et seq.

<sup>20</sup> *See generally*, California Public Utilities Commission, California LifeLine Program Assessment & Evaluation, dated May 20, 2022, available at <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M478/K367/478367564.PDF> (Program Assessment).

<sup>21</sup> *See*, Joint Consumers Opening Comments on the Program Assessment, dated June 17, 2022, at p. 1.

<sup>22</sup> Program Assessment at p. 91.

<sup>23</sup> Program Assessment at pp. 92, 95.

- **Design the program in a way that addresses the customer perception** of LifeLine subscribers as a “second class citizen” and the program itself as a “second rate program.”<sup>24</sup>
- **Utilize trusted sources to promote and support enrollment** in the LifeLine program generally and the ACP Pilot to promote digital equity.<sup>25</sup> For example, the Commission could consider how to do this in conjunction with California’s Digital Equity Plan which may provide funding for awareness and outreach around programs like the ACP Pilot.<sup>26</sup>

These select recommendations are issues that the Commission can address during the design and implementation of any ACP Pilot. The proposed ACP Pilot should be designed in a way that improves consumer perceptions of both the value and quality of the program; it should incorporate trusted sources to promote enrollment and should require data collection that can provide data on enrollment, usage, and demographics. The Commission should use the ACP Pilot as an opportunity to incorporate the recommendations included in the LifeLine Program Assessment.

As discussed further below, TURN and GLI urge the Commission to design a high-quality subsidy pilot program that incorporates the above recommendations and (1) offers unlimited data; (2) combats lowered perceptions of the program; and (3) tracks the enrollment and usage data necessary to improve the program in the future.

## **B. Questions for Party Comment**

### **1. Should the Commission authorize a pilot program to leverage ACP to test an approach to providing a bundled service plan that includes voice service and sufficient wireline or wireless broadband service to meet household needs?**

*a. If so, what specific questions should the pilot program be designed to answer?*

TURN and GLI conditionally support a pilot program to leverage the federal ACP to test an approach to providing a bundled service plan. As discussed throughout these comments, TURN and GLI support an ACP Pilot that builds upon the minimum requirements of the

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<sup>24</sup> Program Assessment at p. 98.

<sup>25</sup> Program Assessment at pp. 100-104.

<sup>26</sup> See, California Department of Technology, State Digital Equity Grant Program, available at <https://broadbandforall.cdt.ca.gov/state-digital-equity-plan/>.

California LifeLine, federal Lifeline, and federal minimum service standards, which include the Moore Act's requirement for California LifeLine services to require voice services.<sup>27</sup>

A pilot should address equity issues, considering the range of circumstances for LifeLine-eligible consumers.<sup>28</sup> For some LifeLine-eligible consumers, particularly unhoused consumers, applying California LifeLine, federal Lifeline, and federal ACP towards one line of service may be a practical option for accessing communications services. However, this solution may not be practical for other LifeLine-eligible consumers, such as those in a household with more than one person and who would benefit from a family plan or from having both at-home service and mobile service. For this second segment, a more practical option would be to apply the different program benefits towards different services (e.g., one wireline line and one wireless line) or different lines of services (e.g., two wireless lines on a family plan).

Therefore, to the extent that the Commission adopts an ACP Pilot designed to allow providers to combine California LifeLine, federal Lifeline, and federal ACP for service to a single household, there are several questions that should be posed. First, whether the providers need all three subsidies to meet the communications needs of low-income consumers. Second, whether ratepayer funds may be used more efficiently by encouraging consumers to use their benefits separately, such as applying California LifeLine and federal Lifeline subsidies towards a wireline service and applying the federal ACP benefit towards an at-home broadband service. Third, how do equity considerations impact household needs and by extension, the solutions that an ACP Pilot should consider.

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<sup>27</sup> See generally, Pub. Util. Code sec. 871 et seq.

<sup>28</sup> Although not fully discussed here, TURN and GLI would support the Commission addressing ESJ Action Plan 2.0 considerations as part of any ACP Pilot.

## 2. How should “high-speed data” be defined for wireless and wireline data?

The Commission seeks comment on how “high-speed data” be defined for wireless and wireline data.”<sup>29</sup> The Commission should (1) harmonize speed requirements with the several state and federal broadband deployment initiatives and (2) set a minimum broadband speed to ensure that the ACP Pilot’s providers are not subsidized for substandard service. Further, a minimum standard can ensure that the Commission maximizes limited ratepayer money while fully leveraging federal affordability funding. Therefore, the Commission should require ACP Pilot wireline and wireless service offerings to meet a minimum of 100 Mbps downstream/20 Mbps upstream (or 5G speeds for wireless services where 5G infrastructure and 5G service are available, or if not, then no less than 4G speeds<sup>30</sup>) and not be throttled to anything less.

TURN and GLI acknowledge that while deployment funding requirements and affordability funding programs may have different approaches, these programs ultimately serve to bridge the digital divide in similar ways that the LifeLine program seeks to do. Just like the LifeLine program seeks to bridge the divide amongst the state’s vulnerable population segments, an ACP Pilot should do so as well in a way that is cognizant of needs now and in the future. Therefore, any ACP Pilot should build on efforts in both the state and federal deployment schemes and not accept subpar standards for LifeLine subscribers. For example, under the

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<sup>29</sup> OIR at p. 6.

<sup>30</sup> To date, 5G infrastructure is not widely available in California and service providers are increasingly retiring their infrastructure that supports 3G service. *See*, Federal Communications Commission, “Plan Ahead for Phase Out of 3G Cellular Networks Service,” dated October 7, 2022, available at [https://www.fcc.gov/sites/default/files/plan\\_ahead\\_for\\_3g\\_shutoff\\_consumer\\_guide.pdf](https://www.fcc.gov/sites/default/files/plan_ahead_for_3g_shutoff_consumer_guide.pdf) (last viewed November 30, 2022). In addition, the term “5G” typically refers to a generation of mobile communications with specific attributes. According to the FCC, current 4G technology supports speeds of 12 to 36 Mbps; while 5G technology is expected to support speeds of up to 300 Mbps or greater. *See generally*, Federal Communications Commission, “5G FAQs,” dated May 4, 2021, available at <https://www.fcc.gov/5g-faqs#:~:text=Technically%20speaking%2C%20current%204G%20speeds,of%20accessing%20these%20new%20networks> (last viewed November 30, 2022).

Commission’s California Advanced Service Fund Federal Funding Account, “eligible projects must be designed to reliably offer . . . speeds at or above 100 Mbps download and upload. In some cases, 100 Mbps symmetrical speeds may be impracticable and lower speeds of 100 Mbps download and 20 Mbps upload may be considered.”<sup>31</sup> Similarly, the National Telecommunications and Information Administration defines underserved locations as those “without broadband service offering speeds of 100 Mbps downstream/20 Mbps upstream.”<sup>32</sup> Moreover, the Program Assessment recommends that the Commission take steps to ensure California LifeLine is not considered a “second class service.” Accordingly, an ACP Pilot should require wireline and wireless service offerings to meet a minimum of 100 Mbps downstream/20 Mbps upstream.

**3. How many GB of high-speed data should the pilot provide participant households through a wireline broadband subscription or wireless hotspot/tethering capability?**

*a. Why should the pilot test these data allotments?*

ACP Pilot plans should offer unlimited voice, text, and high-speed data to test the data allotments offered in many wireless and wireline plans. Requiring a low high-speed data allotment for the ACP Pilot plans minimum service standards may not combat the perception of LifeLine as a low-value, second class service.<sup>33</sup> Moreover, a low standard for the ACP Pilot may not ensure effective use of ratepayer funds.<sup>34</sup>

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<sup>31</sup> *Decision Adopting Federal Funding Account Rules*, D.22-04-055 (R.20-09-001, Broadband OIR), dated Apr. 21, 2022, Appendix A: Federal Funding Account Program Rules and Guidelines at p. A-6.

<sup>32</sup> *See*, Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity (May 13, 2022), available at <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEADNOFO.pdf>, at pp. 66-68.

<sup>33</sup> *See*, Program Assessment at p. 70 (citing customer perceptions of the plan being of a lower quality device and service offering than other retail phone plans as an issue to be addressed by the Commission).

<sup>34</sup> As discussed above in the threshold issues section, TURN and GLI submit that some providers who stacked federal EBB subsidies with California LifeLine and federal Lifeline subsidies did not offer an effective use of ratepayer funds because those providers did not provide sufficient additional mobile data for the value of the additional subsidy.

TURN and GLI submit that the ACP Pilot would be a good vehicle to test LifeLine subscriber usage patterns when provided with an unlimited mobile data plan. This proceeding contains useful information and analysis regarding LifeLine subscriber usage of mobile data given certain data allotments, including some subscriber usage of unlimited mobile data plans offered by providers who combined federal EBB, federal Lifeline, and California LifeLine subsidies. However, analysis of this usage data has resulted in two conflicting conclusions. For example, the Commission has collected usage data that demonstrates that California LifeLine subscribers do not use their mobile data. In an earlier ACP Staff Proposal, Staff recommended that the California LifeLine Fund should not pay for excessive mobile data that consumers do not use.<sup>35</sup> In contrast, LifeLine providers argue that California LifeLine subscribers do not know how to check their mobile usage. These providers conclude that this must mean that LifeLine subscribers are in constant fear of running out of mobile data and therefore save their mobile data for emergencies.<sup>36</sup> TURN and GLI submit that there is not enough usage data to support either position. The Commission should design an ACP Pilot to test California LifeLine subscribers' usage patterns when receiving a high-speed unlimited data plan.

*b. Should these data caps differ for wireline and wireless data service plans?*

As discussed further in response to Question 4 below, TURN and GLI propose that an ACP Pilot be designed to make available two distinct tiers of service for wireline and wireless services. The distinction would account for variations in technological capabilities for high-speed wireline or wireless service. Moreover, as discussed above in the threshold issues, the distinction would address the LifeLine Program Assessment's recommendation for the LifeLine Program to approach differently the design and delivery of wireline and wireless components of the LifeLine program.<sup>37</sup>

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<sup>35</sup> See, ACP Staff Proposal at p. 7. See also, D.21-09-023 at FOF 9 (stating, “[c]urrent Standard Plan monthly data allotments (6 GB) were sufficient for most Program participants during the months of December 2020 through February 2021”).

<sup>36</sup> See generally, Verizon and TracFone Motion to Supplement the Record, dated September 9, 2022 (arguing that LifeLine subscribers on unlimited plans use more data than the regularly allotted 6 GB per month).

<sup>37</sup> See, Program Assessment at p. 91.

**4. How much California SSA should the pilot offer, in addition to ACP and federal Lifeline subsidies?**

- a. Why is this amount necessary to provide more services to pilot participants than they could afford with ACP and federal Lifeline subsidies alone?*

TURN and GLI recommend that the lowest retail rates serve as a ceiling for the amount of combined California LifeLine, federal Lifeline, and federal ACP subsidies providers should receive to provide LifeLine service to California subscribers.

As an initial matter, TURN and GLI continue to note that LifeLine providers have consistently refused to provide information regarding their costs to provide LifeLine services to subscribers.<sup>38</sup> Instead, providers have previously argued and continue to argue that the Commission should provide enough combined subsidies to match the retail rates for services.<sup>39</sup> However, the Commission has confirmed that LifeLine providers are not entitled to the same profit margins from the LifeLine program as they would have received from the retail market.<sup>40</sup> Therefore, while it is not possible to know how much subsidy would be necessary to support the minimum service standards required by Lifeline because the providers do not provide their cost data, the amount of subsidy should not exceed the lowest cost retail service offering that meets the LifeLine program's minimum service requirements.

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<sup>38</sup> See, e.g., D.20-10-006 at p. 9 (stating, “[c]onsumer advocate parties urged the Commission to issue data requests and review providers’ costs of providing service to ensure that the Program does not provide subsidies that are too high relative to services provided”) (citing Greenlining Prehearing Conference Statement, Cal Advocates Prehearing Conference Statement). See also, Program Assessment at p. 97 (stating, “most Service Providers report that the LifeLine subsidy they received does not adequately cover the cost of administration and implementation of the LifeLine program. However, because none of the Service Providers have shared financial data with the CPUC to allow for a comparison, these reports cannot be validated”).

<sup>39</sup> See, e.g., D.20-10-006 at p. 9 (stating, “[p]roviders uniformly argue that subsidy levels should be based on retail pricing of service plans, not costs of providing service”).

<sup>40</sup> D.20-10-006 at p. 10 (stating, “retail market pricing is not our benchmark for establishing subsidy levels” and “there is no requirement for the Program to maximize profits” (internal quotation omitted)).

Additionally, to avoid documented pricing discrimination, TURN and GLI submit that the “lowest cost retail service offering” that serves as a ceiling is any retail service offering that is available anywhere in the state of California. Multiple recent reports have demonstrated pricing discrimination amongst communications service offerings that result in low-income communities paying higher prices for the same or worse quality services than higher-income communities.<sup>41</sup> The Commission should avoid such regional pricing discrimination by using the “lowest cost retail service offering” is a service offering that is offered anywhere in the state.

To inform the recommendations herein, TURN and GLI reviewed publicly available wireline and wireless service offering that included both voice and high-speed broadband services. As demonstrated in Attachment A, wireline and wireless service offerings vary widely.<sup>42</sup> Below, TURN and GLI identify a wireless and a wireline service offerings that meet the proposed minimum service standards described above.

**Wireless Retail Offering.** For one example of a retail service offering that meet the proposed minimum service standards described above, Mint Mobile is an MVNO that offers prepaid services. Mint Mobile uses T-Mobile’s network and has coverage in nearly all of California.<sup>43</sup> Mint Mobile offers a variety of different plans including family plans. The summary below highlights the relevant service offering elements for one line of service of Mint Mobile’s unlimited voice, text, and mobile data service.

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<sup>41</sup> *See generally*, The Markup, “Dollars to Megabites, You May Be Paying 400 Times As Much As Your Neighbor for Internet Service,” dated October 19, 2022, available at <https://themarkup.org/still-loading/2022/10/19/dollars-to-megabits-you-may-be-paying-400-times-as-much-as-your-neighbor-for-internet-service>; California Community Foundation, “Slower and More Expensive Sounding the Alarm: Disparities in Advertised Pricing for Fast, Reliable Broadband,” dated October 2022, available at <https://www.calfund.org/wp-content/uploads/Pricing-Disparities-Report.pdf>.

<sup>42</sup> Prices and plan details are approximate as these plans may have varying discounts or additional fees depending on provider and location. Prices and data shown here are the advertised price on November 22, 2022, for one line of service and prices were verified with multiple addresses in the provider’s service area.

<sup>43</sup> Mint Mobile, “Putting Excellent Coverage on the Map,” 2022, available at <https://www.mintmobile.com/coverage/> (last viewed November 30, 2022).



Mint Mobile:<sup>44</sup>

- Retail price: \$30 per month
- Lines of service: 1
- Voice: unlimited, including calls to Mexico and Canada
- Text: unlimited
- Data: unlimited
- Mobile hotspot: 5 GB
- Speed: 5G where available, or 4G LTE
- Data/Network Management Policy: may throttle mobile data speeds after 35 GB per month

Although Mint Mobile provides a service offering that includes unlimited mobile data, Mint Mobile notes that this may not be of good value for every consumer. Specifically, Mint Mobile states, “[t]he average person uses 5-6GB of cellular data each month, so when people are forced into a one-size-fits-all unlimited data plan, most are overpaying.”<sup>45</sup>

**Wireline Retail Offering.** For one example of a retail wireline service offering that meets the proposed minimum service standards described above, Sonic provides residential broadband and phone services.<sup>46</sup> Currently, Sonic has a limited geographic footprint in the state but is still a good example of what a provider could offer for a set monthly rate. The summary below highlights the relevant service offering elements for one line of service of Sonic’s home internet and voice bundled service.

Sonic Standard Fiber Internet and Home Phone Bundle <sup>47</sup>

- Retail Price: \$49.99 per month
- Speed: average 1,000 Mbps (1 Gbps), but up to 10 Gbps, symmetrical
- Phone: unlimited calls, including 70 countries
- Data/Network Management Policy: no throttling or data caps

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<sup>44</sup> Mint Mobile, “Unlimited Plan,” 2022, available at <https://www.mintmobile.com/product/03-month-unlimited-sim-card-plan/> (last viewed November 29, 2022).

<sup>45</sup> Mint Mobile, “How Mint Mobile Works,” 2022, available at <https://www.mintmobile.com/how-it-works/plans/> (last viewed November 30, 2022).

<sup>46</sup> *See generally*, Sonic, “Bundle Sonic Home Phone with Fusion Internet,” 2022, available at <https://www.sonic.com/residential/phone> (last viewed November 30, 2022).

<sup>47</sup> *See*, U.S. News, “Sonic Overview and Prices,” dated May 23, 2022, available at <https://www.usnews.com/360-reviews/services/internet-providers/sonic> (last viewed November 29, 2022).

**Subsidy Level for Service ACP Pilot Service Offerings.** Based on these examples of retail wireless and wireline service offerings that meet the proposed minimum service elements and speeds described above, TURN and GLI proposed that the ACP Pilot should require the following minimum service standards for the following service offerings.

**Wireless:**

**Unlimited Everything:**

- Combined subsidy amount: \$57.15 per month
- Subscriber co-payment: \$0.00 per month
- Lines of service: 1
- Voice: unlimited per month
- Text: unlimited per month
- Mobile data: unlimited per month
- Mobile hotspot/ tethering: unlimited per month
- Mobile data speed: 5G
- Network management policy: no throttling unless reasonably necessary for network management practices and not before 30 GB

**Family Plan:**

- Combined subsidy amount: \$57.15 per month
- Subscriber co-payment: \$0.00 per month
- Lines of service: up to 4
- Voice: unlimited per month
- Text: unlimited per month
- Mobile data: unlimited per month
- Mobile hotspot/ tethering: 5GB per month
- Mobile data speed: 5G
- Network Management Policy: no throttling unless reasonably necessary for network management practices and not before 30 GB

**Wireline:**

- Combined subsidy: \$57.15 per month
- Subscriber co-payment: \$0.00 per month
- Voice: unlimited per month
- Broadband usage: unlimited per month
- Broadband speed: 200 Mbps symmetrical
- Network Management Policy: No throttling or additional charges unless for reasonable network management practices and not before 1.2 TB.<sup>48</sup>

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<sup>48</sup> In areas where 100 Mbps service is not available, providers should provide speed and data that improve upon the equivalently priced retail plan.

### **Bundled Wireline and Wireless Offering:**

- Combined subsidy: \$57.15 per month
- Subscriber co-payment: \$0.00 per month
- Wireless Component:
  - Lines of service: 1
  - Voice: unlimited per month
  - Text: unlimited per month
  - Mobile data: unlimited per month
  - Mobile hotspot/ tethering: 5GB per month
  - Mobile data speed: 5G
  - Network Management Policy: no throttling unless reasonably necessary for network management practices and not before 30 GB
- Wireline Component:
  - Voice: unlimited per month
  - Broadband usage: unlimited per month
  - Broadband speed: 100 Mbps symmetrical
  - Network Management Policy: No throttling or additional charges unless for reasonable network management practices and not before 1.2 TB.<sup>49</sup>

TURN and GLI submit that the above proposed service offerings are comparable to the level of service for the Mint Mobile and the Sonic retail service offerings. For example, the main difference between the wireless Unlimited Everything plan, and the Mint Mobile plan, is that amount of mobile hotspot/tethering and the amount of money the provider receives for that plan: Unlimited Everything requires unlimited mobile hotspot/ tethering for an addition \$25.15 per month in combine subsidy than Mint Mobile's limited mobile hotspot/ tethering. For another example, the main difference between the wireline plan and the Sonic plan is that the wireline plan would require lower broadband speeds for more money per month compared to the Sonic plan. This speed reduction is to accommodate areas of California that are not yet capable of achieving the 1-gigabyte symmetrical speeds that Sonic provides. Moreover, the bundled wireless and wireline plan requires wireless and wireline service elements that are more limited

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<sup>49</sup> In areas where 100 Mbps service is not available, providers should provide speed and data that improve upon the equivalently priced retail plan.

and slower than those required for a wireless-only or a wireline-only plan. Therefore, TURN and GLI submit that these proposed service offerings are reasonable given the combined subsidy available to providers through federal ACP, federal LifeLine, and California LifeLine.

**5. Should the pilot include free phones? If so, what parameters should the pilot set for the phones, and what subsidy should the pilot provide, if any?**

The Commission should not include free phones within the ACP Pilot and instead TURN and GLI encourage the Commission to revisit this issue in detail later. As the LifeLine Program Assessment makes clear, phone quality is a persistent issue in the program.<sup>50</sup> While TURN and GLI support access to higher quality devices, the Commission should not include free phones as part of ACP Pilot given the complexities of this issue that should be decided only after ample stakeholder input and the additional administrative burdens that could result in delays in launching and implementing the pilot.

**6. Should the pilot include any additional reporting requirements? If so, what additional requirements do you recommend?**

The Commission should require any participating ACP Pilot providers to report at least two sets of data. First, providers should report usage data on a monthly and quarterly basis to the Commission and to the service list of this proceeding. The Commission can then post the information to its website.<sup>51</sup> Second, the providers should report pilot subscribers' location.

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<sup>50</sup> The report summarized its findings by stating “focus group and survey respondents expressed gratitude for a free wireless device while also simultaneously considering it of low value due to its quality and ability to be easily replaced at no-cost.” Program Assessment at p. 90. Furthermore, 68% of respondents cited better phones as a way to improve the LifeLine program and 79% of wireless customers reported having additional retail-rate phones to replace LifeLine phones. Program Assessment at pp. 34, 74.

<sup>51</sup> TURN and GLI note that a lesson learned from the CARE Pilot is that regular reporting and assessment could have allowed the Commission to realign the pilot if it was salvageable at all. *See*, Joint Consumers Opening Comments on the CARE Pilot Report, dated March 19, 2021, at p. 13 (stating, “Joint Consumers support the recommendation in the [CARE] Pilot Report that future pilots include a framework for regular assessments and realignment of the pilot if necessary”).

**Subscriber Usage Data Reporting.** The Commission previously required the CARE Pilot and the Foster Youth Pilot to report usage data and this information has been helpful in understanding how some segments of the LifeLine population have been using their service under the pilots.<sup>52</sup> However, some of these reports have been served on the service list of the proceeding when the usage data is months stale, which limits the usefulness of the information. Therefore, TURN and GLI recommend that the Commission require ACP Pilot providers to report on a quarterly basis, within 30 days of the close of the quarter, the pilot subscriber's monthly usage. This clearer reporting requirement will mitigate against the drawback identified in the way the other pilots have allowed for delayed reporting, and therefore ineffective review of the pilot's progress.

**Subscriber Location Reporting.** The Commission should require any ACP Pilot providers submit pilot subscriber location of enrollment so that the California LifeLine Program can better conduct outreach to communities that are unserved or underserved by LifeLine. Similarly, the Program Assessment recommended that LifeLine Program track subscriber location to improve outreach and enrollment in areas unserved or underserved by LifeLine.<sup>53</sup> Therefore, TURN and GLI also recommend that providers report quarterly, within 30 days of the close of the quarter, the geographic locations, on a zip code basis, of where LifeLine ACP Pilot enrolled.

**Annual Evaluations.** As discussed above in the threshold issues, regular data collection and evaluation can allow the Commission to realign a pilot as needed. Relatedly, TURN and

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<sup>52</sup> See, e.g., D.21-07-008 at OP 1 (ordering the CARE Pilot usage data be served to the service list of this proceeding), OP 4 (ordering the Foster Youth Pilot usage data be served to the service list of this proceeding).

<sup>53</sup> Program Assessment at pp. 92-93.

GLI have previously highlighted that choices made during a pilot's design stage set up path dependencies, which in turn constrain options for any successor pilot or incorporation of the pilot into the larger LifeLine Programs.<sup>54</sup> Path dependencies, or the way past decisions can constrain later choices in the design phase, can significantly influence the pilot or a successor program's success. It is for this reason that TURN and GLI recommend now, as it has previously argued, that the Commission bolster the pilot proposal data collection and analysis regime from the start of the ACP Pilot design to support the iterative approach adopted under the Pilot Framework Decision and the reporting recommendations discussed above. Further, any ACP Pilot should require providers to submit annual reports synthesizing reported data and lessons learned from it. Ultimately, these quarterly and annual reports can allow the Commission and stakeholders to assess areas of success and areas for improvement for the pilot and for the California LifeLine Program.

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<sup>54</sup> *See*, TURN and GLI Opening Comments on the Administrative Law Judge's Ruling Requesting Comments on Extension of Foster Youth Pilot Program at p. 10.

**7. Do you recommend limiting the number of pilot participants per provider to limit the ratepayer impact of the pilot? If so, what number of pilot participants do you recommend to balance the ratepayer impact with the need to gather sufficient pilot data?**

TURN and GLI do not recommend limiting the number of pilot providers, and reserve comment on limiting the number of pilot subscribers.

In both the CARE Pilot and the Foster Youth Pilot, the pilots selected a sole pilot provider.<sup>55</sup> The result was that those pilots had limited the offerings and geographic areas served. For example, in the CARE Pilot, the one provider was estimated to reach of 350,000 subscribers.<sup>56</sup> However, only 6,000 subscribers were on the CARE Pilot at any given time.<sup>57</sup> Moreover, data from the CARE Pilot suggest that the selection of one provider tends to limit the subscribers in the pilot to the provider's existing customers; as a result, the pilot did not meaningfully increase the number of LifeLine subscribers.<sup>58</sup> For another example of where a single provider is designed with deficient reach to new LifeLine subscribers, in the Foster Youth Pilot, foster youth who lived outside of the providers' service area were not able to participate in the pilot. In this way, potential pilot subscribers had limited options because of the lack of multiple pilot providers and on both past occasions, this did not meaningfully expand California

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<sup>55</sup> TURN and GLI previously argued that pilot subscribers should have access to more options and cautioned the Commission against partnering with a single provider for a pilot. *See, e.g.*, D.19-04-021 (R.11-03-013) at p. 49 (noting CforAT and TURN's concerns that the CARE Pilot and Foster Youth Pilot only had one provider); CforAT and TURN Opening Comments on the CARE and Foster Youth Pilot Proposed Decision, dated April 15, 2019, at pp. 9-11 (arguing that the pilots would favor a single provider, would not be scalable to other providers, and would have does not provide a meaningful choice for consumers to choose a provider that best fits their needs). *See also, e.g.*, Joint Consumers Opening Comments on the Administrative Law Judge's Email Ruling Regarding the May 2021 Foster Youth Pilot Evaluation Report at pp. 7-8.

<sup>56</sup> D.19-01-021 (R.11-03-013) at p. 17.

<sup>57</sup> CARE Pilot Report at p. 4.

<sup>58</sup> Based on the CARE pilot evaluation report, we noted that had the Commission identified that most of the pilot subscribers were existing Boost customers. *See*, Joint Consumer Opening Comments on the CARE Pilot Report at p. 12.

LifeLine subscribership. Instead, the ACP Pilot should have more than one provider, thereby increasing the number of providers that past pilots used, which would allow for a greater number of LifeLine-eligible consumers to take advantage of the ACP pilot program by increasing the number of provider choices and provider marketing channels.

## **8. What pilot duration should the Commission authorize?**

### *a. Should the pilot duration be tied to the availability of ACP discount?*

The Commission should authorize the pilot to run as long as federal ACP funds are available or for two years, whichever is shorter, and require providers to have a transition plan in place for customers when the pilot ends.<sup>59</sup> At a minimum, the transition plan should include notices to current pilot subscribers via SMS and information on how to find and subscribe to other LifeLine services.<sup>60</sup>

## **9. How should the pilot be designed to minimize administrative burdens on Commission staff, the program administrator, and service providers who choose to participate?**

The Commission should design the pilot to mirror the process that the Commission used with the EBB program to minimize administrative burdens.<sup>61</sup> In particular, the Commission should require California LifeLine service providers to submit an advice letter describing their plans that complies with new minimum service standards established by the ACP Pilot.

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<sup>59</sup> Based on a 41% enrollment rate the ACP program will run out of funds by November 2024, at 75%, the depletion date is March 2024. *See*, Institute for Local Self-Reliance, Affordable Connectivity Program, last updated November 21, 2022, available at <https://acpdashboard.com/> (last viewed November 29, 2022).

<sup>60</sup> D.21-07-008 at p. 6.

<sup>61</sup> CPUC, Administrative Letter, “Further Guidance Regarding the Submission of Advice Letters and Reimbursement Claims for California LifeLine Service Providers Who Are Participating in the FCC Emergency Broadband Benefit Program,” dated June 22, 2021, available at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/lifeline/notices-for-carriers/admin-letters/lifelineebb-adviceletter-filings62221.pdf>.



Similarly, the California LifeLine Third-Party Administrator (TPA) should create new service tiers in accordance with the ACP Pilot's tiers of service. Mirroring the approach that the California LifeLine Program used for the federal EBB would minimize burdens for Commission staff, providers, the TPA, and subscribers by using established processes that are familiar to all stakeholders.

**10. Should the Commission define what is an affordable co-payment or pre-payment for the pilot program for wireless and/or wireline service?**

- a. If so, how should affordability be defined for wireless pilot service plans?*
- b. If so, how should the affordability be defined for wireline pilot service plans?*

As an initial matter, especially where a wireless or wireline provider proposes to usurp three subsidies (federal ACP, federal Lifeline, and California LifeLine) to serve a subscriber, the Commission should ensure that the provider is applying all available subsidies before requiring a subscriber co-payment. Also, if a provider proposed a co-payment for an ACP Pilot wireline or wireless service, the Commission should review the affordability of the proposed co-payment on a case-by-case basis when triggered by the advice letter process.

The purpose of the California LifeLine Program is to provide affordable communication services to low-income consumers.<sup>62</sup> In the past, provider have required co-payments that are not affordable. For example, AT&T Corp. required subscriber co-payment of \$19.22, which was

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<sup>62</sup> See, Pub. Util. Code sec. 871.5(a) (stating, “[t]he offering of high-quality basic telephone service at **affordable rates** to the greatest number of citizens has been a longstanding goal of the state”), (b) (stating, “[t]he Moore Universal Telephone Service Act has been, and continues to be, an important means for achieving universal service by making basic telephone service **affordable** to low-income households through the creation of a lifeline class of service”) (emphasis added).

nearly the same price for non-subsidized service from other providers' services at \$22.50.<sup>63</sup>

Instead, the Commission should evaluate the affordability of a proposed co-payment by applying the adopted Commission's Affordability Metrics.

In August 2022, in a decision within the Affordability rulemaking (Rulemaking 18-07-006), the Commission adopted Decision 22-08-023, which orders the LifeLine proceeding to consider implementing the Affordability Metrics.<sup>64</sup> More generally, in D.22-08-023, the Commission also stated that "the [affordability] metrics may be used in communications proceedings generally for benchmarking and directional insight into the variety of low-income broadband plans offered. . . ."<sup>65</sup> Here, TURN and GLI recommends for the Commission utilize the Affordability Metrics as a benchmark for plans offered in the ACP Pilot. The Commission may achieve this by ensuring that ACP Pilot providers offer some plans that are no more expensive than the current plans offered in the area before any subsidies apply.<sup>66</sup>

Implementing the Affordability Metrics for the ACP Pilot will help ensure essential services are affordable; a problem that the Commission has identified. The Commission has previously found that in some areas of California, "affording essential communications services

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<sup>63</sup> *Compare*, AT&T Corp. Advice Letter 4379, dated December 30, 2021, *with*, California Public Utilities Commission, Administrative Letter, Notice of Specific Support Calculations for 2021, dated November 1, 2021), available at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/lifeline/notices-for-carriers/admin-letters/ssa/ssaadministrativeletter2022.pdf> (showing some providers charge \$22.50 for non-LifeLine-subsidized service).

<sup>64</sup> D.22-08-023 (R.18-07-006, Affordability proceeding) ("Affordability Decision") at OP 11.

<sup>65</sup> Affordability Decision at pp. 68, 69 (encouraging stakeholders to "introduce affordability metrics into any proceeding distributing public funds through any of the communications public purpose programs administered by the Commission to analyze the impacts of these programs on affordability").

<sup>66</sup> Ideally, TURN submits that the Affordability Ratio for communications services in any given PUMA should be no more than 5%, especially for services funded by ratepayers. However, to the extent that is not possible for ACP Pilot providers, at a minimum, any ACP Pilot subscriber co-payment should not increase a PUMA's Affordability Ratio.

is virtually impossible.”<sup>67</sup> In support of this conclusion, the Commission provided seven examples of communities where affording essential services is virtually impossible.<sup>68</sup> Building on the work of the Commission, TURN reviewed the poverty rates for these seven communities and found that the majority of those communities had poverty rates that exceeded 22% of their respective populations.<sup>69</sup> Similarly, TURN notes that the Commission’s Affordability Ratio Calculator Tool identifies a significant number of locations where essential telecom services represent a significant percentage of household income.<sup>70</sup> In Table 2 below, TURN’s analysis shows the range of essential communications affordability for AR<sub>20</sub> customers (the customers that are at or below 20<sup>th</sup> percentile of the area income) based on 2020 communications service plan offerings.

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<sup>67</sup> California Public Utilities Commission, 2019 Annual Affordability Report, dated April 2021, available at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/affordability-proceeding/r1807006--2019-annual-affordability-report.pdf>, at pp. 69-70.

<sup>68</sup> *Id.*

<sup>69</sup> *See*, "Income in The Past 12 Months Below Poverty Level, 2021", Map, Social Explorer, Social Explorer, n.d. Web, 11 October 2022 at 18:28:01 GMT-7 (based on data from U.S. Census Bureau).

<sup>70</sup> *See*, California Public Utilities Commission, 2020 Affordability Ratio Calculator, available at <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/affordability#:~:text=2020%20Affordability%20Ratio%20Calculator> (last viewed November 29, 2022).

Table 2. Illustrative Low-Income Affordability Ratios (AR<sub>20</sub>) for Selected Communities

Community	Poverty Rate	[PUMA] County/City	High AR <sub>20</sub>	Low AR <sub>20</sub>	Household-Weighted Average All Currently Offered Plan AR <sub>20</sub> <sup>71</sup>
Selma, Fresno County	27.12%	[01901] Fresno County (West)--Selma, Kerman & Coalinga Cities PUMA	28.09%	8.91%	6.8%
Bakersfield City, Kern County	28.11%	[02902] Kern County (Central)--Bakersfield City (West) PUMA	79.08%	15.54%	5.3%
Watts, Los Angeles County	27.78%	[03751] Los Angeles County (South Central)--LA City (South Central/Watts) PUMA	100.00 %	2.93%	99.5%
North Highlands, Sacramento County	22.68%	[06704] Sacramento County (North Central)--North Highlands, Foothill Farms & McClellan Park PUMA	11.82%	3.18%	8.6%
City Heights, San Diego County	23.92%	[07317] San Diego County (South Central)--San Diego City (Central/Mid-City) PUMA	8.12%	1.95%	6.8%

Table 2 illustrates that in some communities with poverty rates between 22-28% of the communities' population, low-income customers would need to spend as much as 99.5% of their household income after housing and other utility expenses to acquire essential communications services. For AR<sub>20</sub> customers, the table shows that they require such a high percentage of household income to purchase essential communications services that these essential communication services are practically not attainable, especially for low-income households.

Therefore, ACP Pilot service offerings can help address adoption challenges by ensuring that the

<sup>71</sup> Where more than one communications provider serves an area, the household-weighted average is the average of all of the providers' offerings in that service area.

services offered are at least as affordable as the current offering for low-income communities in the service area.

While the Commission further considers how to implement the Affordability Metrics for any ACP Pilot co-payment, the Commission should adopt interim rules that require ACP Pilot providers to offer service plans with subscriber co-payments that should have an AR<sub>20</sub> metric that is lower than the average communications AR<sub>20</sub> for the area to be served.

**11. Should the pilot be exempt from certain rules of General Order 153? If so, which rules and why?**

TURN and GLI generally oppose the ACP Pilot exempting providers from compliance with any General Order 153 program rules.<sup>72</sup> The program rules and consumer protections in General Order 153 protect subscribers and ratepayer funds from misuse. TURN and GLI do not foresee any reason to suspend any General Order 153 program rules or consumer protections to test the ACP Pilot.

**12. Should any California LifeLine service provider be permitted to partner with its non-California LifeLine affiliate to participate in the pilot program? If so, are any rules needed for the pilot partnerships?**

TURN and GLI do not oppose a California LifeLine provider affiliate participating in the ACP Pilot so long as the California LifeLine provider agrees to be a guarantor of the affiliate's

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<sup>72</sup> Should the Commission consider suspending any General Order 153 rule for the LifeLine ACP Pilot, TURN and GLI recommend the Commission suspends the requirement for subscribers to provide a Social Security Number. *See*, General Order 153, Rule 5.4.2.2 (f). The Commission ordered the California LifeLine Program to implement a part of the program that does not require subscribers to provide a Social Security Number; however, the California LifeLine Program has yet to do so. *See*, D.14-01-036 (R.11-03-013) at OP 16 (stating, “[t]he Communications Division shall implement a LifeLine Program funded solely by California which does not require a Social Security Number to determine, identify or to deter fraud for California LifeLine”). Moreover, the federal ACP program does not require subscribers to provide a Social Security Number. *See, e.g.*, Affordable Connectivity Program (FCC Form 5646) Instructions, available at <https://www.affordableconnectivity.gov/wp-content/uploads/ACP-Application-Instructions.pdf>, at mimeo p. 4 (stating “[p]lease note that Social Security Numbers are not required to participate in the Affordable Connectivity Program . . .”).

compliance with all California LifeLine, federal Lifeline, and federal ACP program rules and consumer protections. If an affiliate does not comply with any program rule and consumer protection, the California LifeLine provider should be jointly and severally liable for all harm caused by the affiliate.

### **III. CONCLUSION**

TURN and GLI conditionally support an ACP Pilot that conforms to the recommendations discussed herein.

Respectfully submitted,

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## Attachment A:

For the purpose of providing accurate comparisons among retail plan options available to consumers, we provide the following summaries of some wireless and wireline plans. The following information was obtained from provider websites and is accurate as of November 29<sup>th</sup>, 2022.

### Wireline/Fixed Wireless and Voice Bundle Offerings:

#### **SpectrumOne<sup>73</sup>**

- Retail Price: \$49.99/mo.
- Internet Speed: 300Mbps - 1Gbps
- Phone Line: Unlimited Mobile Connection
- Data/Network

### See How Much You'll SAVE

Choose an Internet plan from 300 Mbps to 1 Gbps to become eligible for Spectrum One, which includes Advanced WiFi and an Unlimited Mobile line.

<b>300 Mbps Internet</b> <small>No data caps and no contracts</small>	\$49.99/mo
<b>Advanced WiFi</b> <small>Enhanced security for all devices</small>	\$5/mo
<b>Unlimited Mobile line</b> <small>No added taxes or fees</small>	\$29.99/mo
<del>\$84.98/mo</del> <b>Now \$49.99/mo</b>	

Management Policy: No data cap on wireline connection, reduced speeds after 20 GB of usage on wireless connection.

#### **Xfinity Internet + Phone<sup>74</sup>**

- Retail Price: \$59.99/mo.
- Speed: 100-200 Mbps
- Phone Line: VOIP with Unlimited Nationwide Calling
- Data/Network Management Policy: Customers who use more than 1.2 TB of data in a month for the first time will not be billed for exceeding the limit. After that, blocks of 50 GB will automatically be added to the account for an additional fee of \$10 each plus tax. Charges will not exceed \$100 each month.<sup>75</sup>

**Xfinity Bundle Plans and Pricing**

Plan	Starting Price	Deal
Xfinity Internet and TV	\$54.99 per month (first 12 months w/ no term agreement)	<ul style="list-style-type: none"> <li>Free Peacock Premium with Xfinity X1 and Voice Remote</li> <li>Download speeds up to 6 Gbps</li> <li>Free Flex 4K streaming TV box and Voice Remote</li> <li>Record up to 6 shows simultaneously with Xfinity X1</li> <li>300 hours of cloud DVR storage with Xfinity X1</li> <li>Access up to 185+ channels with Xfinity X1</li> </ul>
Xfinity Internet and Xfinity Mobile	\$39.99 per month (first 24 months w/ no term agreement)	<ul style="list-style-type: none"> <li>Download speeds up to 6 Gbps</li> <li>\$500 off an eligible 5G phone when you switch</li> <li>Access to a variety of 5G phones</li> </ul>
Xfinity Internet and Xfinity Voice	\$59.99 per month (first 12 months w/ no term agreement)	<ul style="list-style-type: none"> <li>Download speeds up to 6 Gbps</li> <li>Free Flex 4K streaming TV box and Voice Remote</li> <li>Unlimited nationwide calling</li> <li>Calling features including readable voicemail, 3-way calling, and caller ID</li> </ul>
Xfinity Internet and Xfinity Home	\$69.99 per month (first 24 months w/ no term agreement)	<ul style="list-style-type: none"> <li>Download speeds up to 6 Gbps</li> <li>Free Flex 4K streaming TV box and Voice Remote</li> <li>Customizable system with Xfinity smart home devices</li> <li>Xfinity app or Xfinity Home app integration</li> <li>24/7 video recording and monitoring</li> </ul>
Xfinity Internet, TV, and Xfinity Voice	\$89.99 per month (first 24 months w/ no term agreement)	<ul style="list-style-type: none"> <li>Free Peacock Premium with Xfinity X1 and Voice Remote</li> <li>Download speeds up to 6 Gbps</li> <li>Free Flex 4K streaming TV box and Voice Remote</li> <li>Record up to 5 shows simultaneously with Xfinity X1</li> <li>300 hours of cloud DVR storage with Xfinity X1</li> <li>Access up to 185+ channels with Xfinity X1</li> <li>Unlimited nationwide calling</li> <li>Calling features including readable voicemail, 3-way calling, and caller ID</li> </ul>

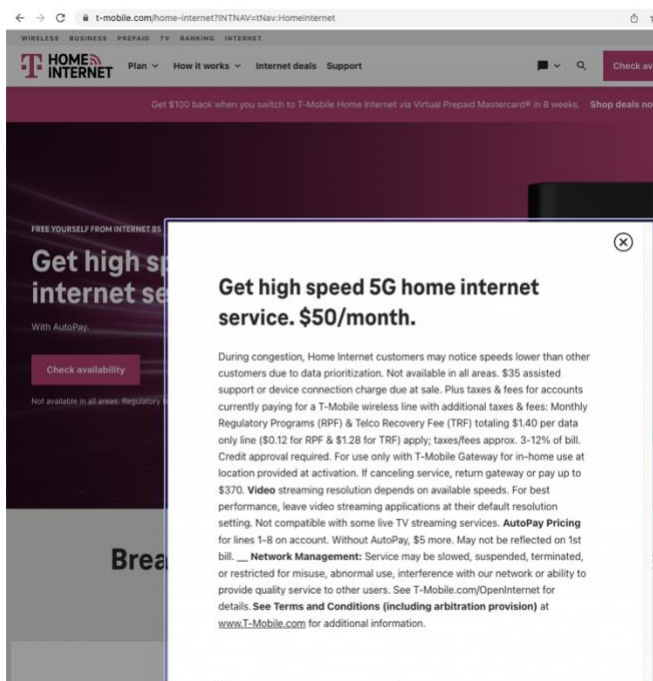
<sup>73</sup> Spectrum, “SpectrumOne,” available at <https://www.spectrum.com/packages/spectrum-one> (last viewed November 30, 2022).

<sup>74</sup> Broadband Now, “Xfinity Deals and Promotions,” available at <https://broadbandnow.com/XFINITY-deals> (last viewed November 29, 2022); *see also*, Xfinity, “Xfinity Black Friday Internet Deals” available at <https://www.xfinity.com/learn/deals/internet> (last viewed November 29, 2022).

<sup>75</sup> Xfinity Wireless, “Data Usage and Unlimited Data” available at <https://www.xfinity.com/learn/internet-service/data> (last viewed on Nov. 29, 2022).

## T-Mobile 5G Home Internet<sup>76</sup>

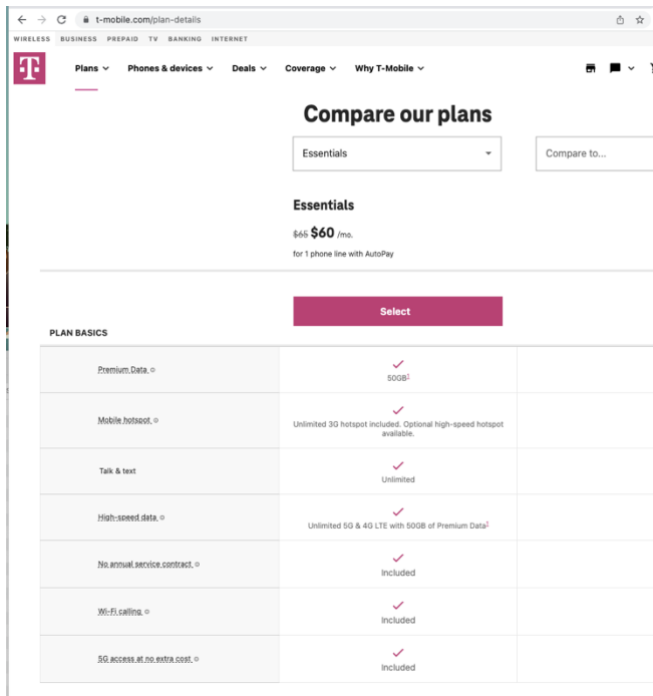
- Retail Price: \$59.99/mo.
- Speed: 5G (33–182 Mbps)
- Phone: Ooma VOIP phone service
- Data/Network Management Policy: Service may be slowed, suspended, terminated, or restricted for misuse, abnormal use, interference with their network or ability to provide quality service to other users.<sup>77</sup>



## Wireless

### T-Mobile Essentials<sup>78</sup>

- Retail Price: \$60/mo.
- Speed: 50GB at 5G speeds, unlimited mobile hotspot data at 3G speeds
- Phone: Unlimited talk and text
- Data/Network Management Policy: 50 GB of high-speed data, customers may notice speeds lower than other customers and further reduction if using >50GB/mo., due to data prioritization.



<sup>76</sup> T-Mobile, “T-Mobile 5G Home Internet,” available at <https://www.t-mobile.com/home-internet/> (last viewed November 29, 2022); T-Mobile, “Ooma,” <https://promotions.t-mobile.com/ooma> (last visited November 29, 2022).

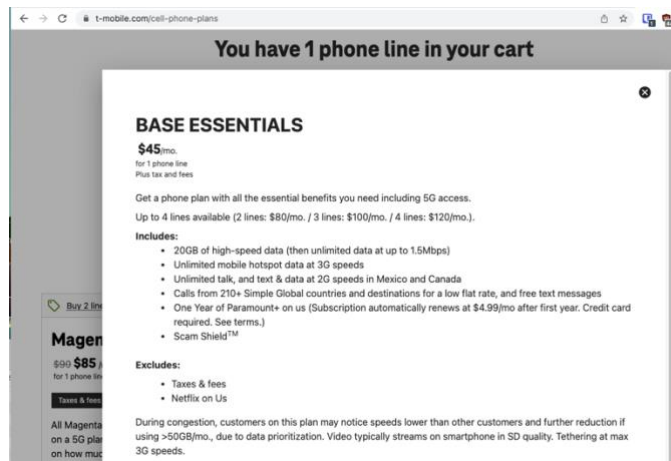
<sup>77</sup> T-Mobile, “Policies: Open Internet,” available at <https://www.t-mobile.com/responsibility/consumer-info/policies/internet-service> (last viewed November 29, 2022).

<sup>78</sup> T-Mobile, “Cell Phone Plans” available at <https://www.t-mobile.com/cell-phone-plans> (last viewed November 29, 2022).



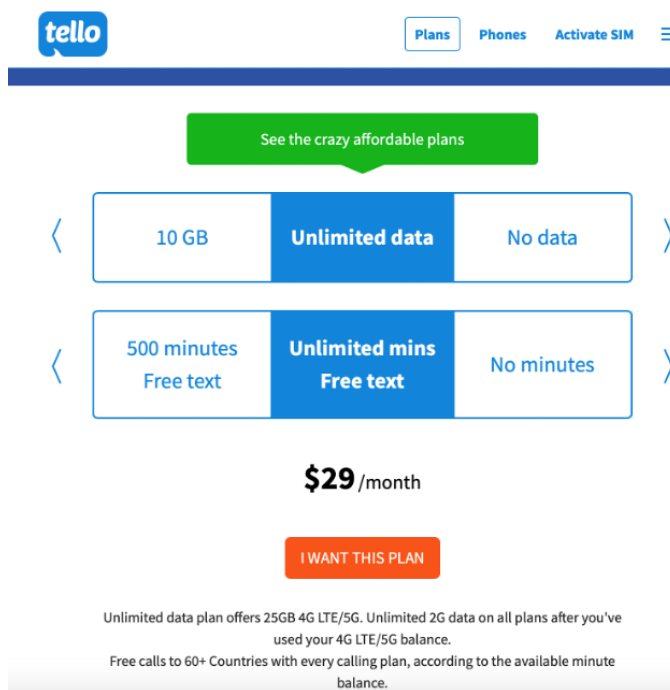
## T-Mobile Base Essentials<sup>79</sup>

- Retail Price: \$45 per month
- Speed: 20GB at 5G speeds, unlimited mobile hotspot data at 3G speeds
- Phone: Unlimited talk and text
- Data/Network Management Policy: 20 GB of high-speed data then unlimited data at up to 1.5 Mbps. Unlimited hotspot data at 3G speeds. During congestion, customers on this plan may notice speeds lower than other customers and further reduction if using >50GB/mo., due to data prioritization.



## Tello<sup>80</sup>

- Retail Price: \$29 per month
- Speed: Unlimited 5G where available, or 4G LTE
- Phone: Unlimited talk and text, including calls to 60+ countries
- Data/Network Management Policy: 25 GB of high-speed data and then unlimited 2G data



<sup>79</sup> CNET, “Best Unlimited Data Plans,” available at <https://www.cnet.com/tech/mobile/best-unlimited-data-plans/> (last viewed November 29, 2022).

<sup>80</sup> Tello, “Custom Plans,” available at [https://tello.com/buy/custom\\_plans?plan=unlimited-unlimited-unlimited](https://tello.com/buy/custom_plans?plan=unlimited-unlimited-unlimited) (last viewed November 29, 2022).

## Visible<sup>81</sup>

- Retail Price: \$30 per month
- Speed: Unlimited 5G where available, or 4G LTE; and unlimited hotspot at 5Mbps
- Phone: Unlimited talk and text, including calls to Canada and Mexico
- Data/Network Management Policy: may temporarily slow mobile data and hotspot speeds when the network is experiencing heavy traffic.

**Visible**  
All the basics, but far from basic.

**\$30**/mo. | Taxes and fees included

**Network**

- Unlimited Talk, Text, & Data
- 5G Nationwide & 4G LTE

**Hotspot**

- Unlimited Mobile Hotspot

**The Extras**

- Spam Protection
- Unlimited Talk & Text to Mexico and Canada

## Boost Mobile GO Unlimited<sup>82</sup>

- Retail Price: \$60 per month
- Speed: 35GB at 5G/4G speeds, 30 GB of hotspot data
- Phone: Unlimited talk and text
- Data/Network Management Policy: A 30GB hotspot data and 35 GB of 5G/4G data, after the monthly data allotment is exceeded, data speeds are reduced to 2G speeds for the remainder of the month.

**\$60** **35GB**  
5G/4G  
per month

- Unlimited Talk & Text
- 35GB of 5G/4G Data\*
- 30GB Mobile Hotspot
- Add a line \$40/mo.

<sup>81</sup> Visible, “Plans,” available at <https://www.visible.com/plans/> (last viewed November 29, 2022).

<sup>82</sup> Boost Mobile, “Plans,” available at <https://www.boostmobile.com/plans.html> (last viewed November 29, 2022); Boost Mobile, “Network Management,” available at <https://my.boostmobile.com/support/plans/network-management> (last viewed November 29, 2022).

## Straight Talk Gold Unlimited<sup>83</sup>

- Retail Price: \$55 per month
- Speed: Unlimited High Speed Data + 15GB Hotspot Data
- Phone: Unlimited talk and text
- Data/Network Management Policy: Straight Talk may temporarily slow data speeds if the network is busy. 15 GB of hotspot data will be reduced to as low as 2G for the remainder of the plan cycle after the subscriber has reached their data limit.

The image is a screenshot of the Straight Talk website showing the Gold Unlimited plan. At the top, there is a green navigation bar with the Straight Talk logo, a language selector for Spanish, and a ZIP code entry field. Below the navigation bar, the plan is titled "Gold Unlimited" and includes "15GB of Hotspot Data & 100GB Cloud Storage". The price is listed as "\$55/mo" with a note that it is "\$50/mo for 3 months with Auto-Refill". The plan features "Unlimited Data\*" and "Unlimited Data\*" (repeated). There are five stars and a "(0)" next to them. At the bottom, there is a note: "\*Refer to the latest Terms and Conditions of Service at straighttalk.com/terms."

<sup>83</sup> Straight Talk, "Plans," available at <https://www.straighttalk.com/all-plans> (last viewed November 29, 2022); Straight Talk, "Terms and Conditions," available at <https://www.straighttalk.com/support/terms-conditions> (last viewed November 30, 2022).