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In the Matter of

Emergency Broadband Connectivity Fund Assistance WC Docket No. 20-445

Reply Comments of AARP

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Introduction
AARP welcomes the opportunity to submit Reply Comments regarding the Emergency Broadband Benefit Program ("EBBP" or "EBB Program") as proposed by the Federal Communications Commission ("FCC" or "Commission").1 AARP acknowledges the challenges facing the FCC as it initiates and oversees a program of unprecedented scope and urgency. In these Reply Comments, AARP addresses several elements of the EBB Program, as proposed in the Public Notice issued on January 4, 2021 by the FCC, and specifically as addressed in initial comments that were filed by diverse stakeholders on January 25, 2021.2

At the outset, AARP offers its assistance to the FCC, both through AARP’s ongoing federal and state advocacy, to contribute to the success of this important new program, especially by contributing AARP’s expertise in conducting outreach and education to older adults. Older persons have been especially hard hit by the COVID-19 pandemic – the pandemic has not only jeopardized their health and safety, but it has also disrupted their connections with family and friends. Many cannot afford the broadband services that would support telehealth and help overcome social isolation. Affordable, reliable broadband service is essential for older persons (including those aging in place independently as well as those who rely on the help of caretakers), and, for this reason, AARP looks forward to working with the FCC to ensure the EBB Program’s success. AARP also looks forward to working with the FCC to build off of the lessons learned

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1 Section 904 of Division N – Additional Coronavirus Response and Relief, Title IX – Broadband Internet Access Service, in the Consolidated Appropriations Act establishes an Emergency Broadband Connectivity Fund of $3.2 billion and directs the Federal Communications Commission (FCC or Commission) to use that fund to establish an Emergency Broadband Benefit Program, under which eligible households may receive a discount off the cost of broadband service and certain connected devices during an emergency period relating to the COVID-19 pandemic, and participating providers can receive a reimbursement for such discounts. Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. (2020) (enacted), available at https://www.congress.gov/bill/116th-congress/house-bill/133/text (Consolidated Appropriations Act) (enrolled bill)
2 Although AARP did not submit initial comments, it has participated in numerous other FCC proceedings (including those relating to broadband service), and virtually attended the February 12th Roundtable.
from this program in order to design and establish more permanent approaches to overcoming the affordability barrier that keeps so many Americans on the wrong side of the digital divide. Research shows that older people, people with lower incomes, and people of color are much less likely to have access to broadband than other Americans.  

A roadmap to a successful program includes several key elements

Stakeholders raise various well-considered recommendations regarding the design, implementation, and assessment of the EBB Program. A well-designed, carefully implemented program can advance progress toward achieving digital equity – ensuring that all consumers, regardless of income, location, age, race, and ability – have affordable, reliable, high-speed internet access. AARP recognizes that this program is not a panacea, but the EBB Program can nonetheless contribute toward progress in achieving digital equity. Initial comments coalesce around several key recommendations for a successful Emergency Broadband Benefit Program. Important steps of the FCC’s roadmap for the EBB Program should include:

1. Streamline the application process for participants, use existing verification programs, where possible, and minimize the burden on participants.

2. Conduct broad outreach, with the collaboration of many stakeholders, including not only providers, but also diverse federal, state, and local government agencies as well as non-governmental organizations, including community-based organizations that have earned the trust of the intended participants.

3. Prohibit the auto-enrollment of participants, so that when the subsidies end, consumers are

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4 https://www.aarp.org/home-family/personal-technology/info-2021/programs-older-adults-computers-internet-access.html
5 Among other things, as AARP has stated in other filings with the FCC, a fundamental reform of the universal service
not saddled with monthly prices they cannot afford, and ensure that participants understand that the subsidies are temporary.

4. Ensure that the rates that providers charge are not greater than what consumers would pay if they signed up for a promotional rate.

5. Incorporate transparency in the status of the funds so that all stakeholders can monitor the level of depletion of the limited amount of monies available and adjust their actions accordingly.

6. Incorporate transparency in the prices that are charged for service and equipment so that consumers can make informed choices.

7. Protect consumers’ personally identifiable information that may need to be collected as part of the enrollment process.

8. Collect, analyze, and report data about the program to inform the FCC’s and Congress’ future efforts to provide longer-lasting solutions to the affordability barrier that will last long after the pandemic ends.

The application process and eligibility criteria should encourage and facilitate participation
AARP supports comments that emphasize the importance of encouraging and facilitating participation by households.\(^6\) Measures to deter fraud should not result in discouraging eligible persons from applying and receiving emergency broadband benefits; put differently, learning from the Lifeline Program, efforts to prevent fraud should not overshadow the importance of encouraging and facilitating enrollment. Also, the potential for fraud and abuse should be considered separately for providers, just as it is considered for participants. The financial funding mechanism is long overdue.
implications of potential provider misuse of the EBB Program funds are potentially greater than are the financial implications of the potential mis-enrollment of ineligible participants.

AARP concurs that, to the greatest extent feasible, the Commission should use existing certifications as a proxy for eligibility – such as those used for schools, public housing, and benefit organizations.\(^7\) AARP cautions, however, against using median income as a proxy for need, because in some communities, the median income is below the poverty line.\(^8\)

Applications should be easy to complete. As several cities have pointed out, complex applications can deter enrollment. Others recommend:

- The FCC should adopt policies that will minimize the burden on participants to verify their eligibility, use data matching whenever possible, and require providers to accept as many forms of eligibility documentation as possible.\(^9\)

- “The FCC should aim to place as few barriers to participation as possible in front of households, while maintaining its protections against waste, fraud, and abuse.”\(^10\)

AARP also supports measures to ensure that the FCC collaborates with Tribal Nations to encourage and facilitate enrollment. The Cherokee Nation states:

The most notable request from the Cherokee Nation is to develop a process in which the tribe can automatically enroll citizens to the fund based on data acquired by the tribe when providing services to its citizens. Tribes are engaging citizens throughout this pandemic, and we would like to easily enroll these citizens during the course of enrolling them into other tribally administered, qualifying programs. Once enrolled, the citizens would then work with a participating provider delivering services in

\(^6\) See, e.g., Comments of Multicultural Media, Telecom, and Internet Council and National Urban League, at 5-7.  
\(^7\) City of Los Angeles CA, City of Chicago IL, City of Portland OR, City of Boston MA, Texas Coalition of Cities for Utility Issues, at 10.  
\(^8\) As one person observes: “To qualify for federal housing aid, families must earn below a given share of the local median income. But entire counties in Appalachia have median incomes below the poverty line, leaving many poor families ineligible.” “West Virginia Has Everyone’s Attention. What Does It Really Need?” Emily Badger, New York Times, February 8, 2020. https://www.nytimes.com/2021/02/08/upshot/west-virginia-manchin-stimulus.html  
\(^9\) Public Knowledge, at 1-2.  
\(^10\) National League of Cities, at 1.
their respective area. Tribes, like the Cherokee Nation, would be required to provide a written authorization and certification that the individual qualifies and the provider can verify with the Universal Service Administration Company (USAC). This request is consistent with the government-to-government relations.

AARP concurs that providers should not be required to collect or upload more intrusive information than necessary. AARP recommends that the application process accommodate older persons (including those currently lacking online access), and encourage the assistance of community-based organizations to complete the application process. The process should minimize participants’ burden.

AARP acknowledges that the purpose of the program is to subsidize broadband and is hopeful that the program’s outreach can be partnered with the outreach of those community-based organizations that have the resources to assist with digital literacy. As is well understood, simply having high-speed internet access in a home is not sufficient; for some, assistance with learning the digital literacy tools necessary to benefit from broadband service is essential.

The Commission should limit providers’ use of personally identifiable information to only what is necessary to verify eligibility and to provide service

The application process exposes consumers to the risk of the misuse of their personal information, and older persons are particularly at risk. The Center for Democracy & Technology raises critical concerns regarding the importance of protecting participants’ and applicants’ personally identifiable information:

CDT encourages the Commission to explicitly limit private entities’ collection and use of personally identifiable information under the Program to only that which is necessary to verify eligibility and provide service. These privacy protections will help ensure that consumers are not forced into a false choice between protecting their privacy and using essential connectivity. Data collected by the National Verifier and NLAD such as income or participation in government programs are

11 Cherokee Nation, at 1.
12 Charter, at 7.
13 Public Knowledge, at 2-5.
highly sensitive. Although those data are necessary to operate the Program, their misuse or disclosure could invade users’ privacy; as such, they deserve protection, just as the FCC requires telecommunications carriers to protect customer information under Title II. Limiting broadband providers’ collection and use of data balances the need to provide essential services with the need to protect users’ privacy.14

**Outreach is essential to ensure that those who are now unconnected learn quickly about the benefits**

AARP concurs that providers should be required to promote the program, and that the FCC should conduct its own awareness campaign.15 AARP anticipates that many diverse stakeholders will also undertake outreach, such as local community groups and organizations serving various populations (e.g., those lacking English proficiency, those of varying abilities). AARP is fully prepared to assist with outreach, based on our many years of conducting outreach through our national and state offices. More specifically, AARP has unique expertise in messaging (content and tone) to older persons, such as on issues including voter engagement and the COVID-19 vaccination. Also, AARP has been actively promoting affordable, reliable broadband through federal and state advocacy for many years.

AARP is fully prepared and willing to collaborate with providers, the FCC, state PUCs, state consumer advocate agencies, and local community organizations to ensure a comprehensive and effective outreach program, especially to older adults. In addition, AARP supports measures to reach out to families with school-age children, including grandparents who are raising their grandchildren and need to ensure reliable access to remote learning. It is well-understood and well-documented that the lack of high-speed internet access is exacerbating racial- and income-based disparities throughout the country. Also, the pandemic has increased the use of telehealth, which is

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14 The Center for Democracy & Technology, at 7-8 (cite omitted).
of particular importance to rural communities, and to older adults. But access to health care via telehealth depends on affordable, reliable broadband access. AARP recommends that outreach regarding the EBB Program encourage health care providers and nursing homes to inform low-income and older populations about the availability of the subsidy.

There is, however, no one-size-fits-all approach to outreach. Instead, it needs to be tailored to the intended audiences. One commenter emphasized the importance of conducting targeted media outreach, ensuring that “low-income households are aware of their eligibility for the Emergency Broadband Benefit and hear about it through trusted messengers via broadcast and print media,” designing and making “available digital materials that community-based organizations can easily print, post, and distribute, keeping in mind the need for language accessibility and literacy levels,” as well as working with “Universal Service Administrative Company and participating providers to ensure that Lifeline subscribers know that they are also eligible for the Emergency Broadband Benefit.”

AARP concurs that outreach needs to pay special attention to those lacking English proficiency, engage trusted community organizations, and pursue many avenues of promotion. Similarly, the National Hispanic Media Coalition states that marketing, advertising, and rollout of the EBB Program must be inclusive, far-reaching, and user-friendly, and, in that vein, advertising must be inclusive for non-English speaking people and culturally relevant.

AARP also supports the recommendation of the Benton Institute for Broadband & Society (“Benton Institute”) that the Commission partner with administrators of federal support programs to promote awareness, and learn from the Digital Television Transition on outreach, as well as create a

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16 Baltimore Digital Equity Coalition, at 2.
17 The National Hispanic Media Coalition, at 7.
consumer helpline.\textsuperscript{18}

An 8-0-0 helpline number is essential precisely because those who do not now have broadband cannot learn more about the program by going online (nor are older persons likely to visit libraries to use public computers during the pandemic). Furthermore, any call center that is associated with the program (and any 8-0-0 numbers publicized by providers) must be adequately staffed. Relevant metrics should be tracked regarding the 8-0-0 numbers, such as the average speed of answer, and the call abandonment rates.

Furthermore, as stated by The Center for Democracy & Technology, the outreach should “[p]rioritize marginalized communities and students under the program through the review of applications, outreach, and technical support.”\textsuperscript{19} It is critically important that the benefits of advanced telecommunications technology are available and affordable to all Americans. Next Century Cities recommends that the FCC and USAC work with providers, state and local governments, local non-profit organizations, and community organizations to advertise the EBB; that provider participation be conditioned on a commitment to advertise the Program; and that the FCC and USCA are best-positioned to host centralized information.\textsuperscript{20} Similarly, the National League of Cities states that: “The FCC and USAC must do as much as possible to support marketing and outreach of the EBBP,” and the “FCC should require minimum marketing standards from participating providers, including providing a clearly listed phone number for inquiries and enrollment.”\textsuperscript{21} AARP concurs with these recommendations, and, as discussed above, recommends that any hotline numbers be staffed adequately. Moreover, providers should offer telephone-based assistance in the primary languages spoken in the relevant communities (and offer options for those

\textsuperscript{18} Benton Institute, at 37, 40.
\textsuperscript{19} The Center for Democracy & Technology, at 10
with vision, hearing, or physical challenges).

**The status of the funds should be transparent, participants should not pay more than providers’ promotional rates for new customers, and providers’ pricing information should be presented conspicuously and clearly to participants**

The EBB Program funds are limited, and yet the need for high-speed internet access is great.

Therefore, as commenters have stated, it is critically important that the funds be used efficiently.

The FCC should adopt policies that will help the funds last as long as is possible.\(^{22}\) ACA Connects recommends that the FCC provide frequent updates about the funds available and the number of households served:

> The Appropriations Act provides that the EBBP will expire six months after the COVID-19 emergency ends, but the available funds could be exhausted sooner. We thus encourage the Commission to provide updates no less than every two weeks on the number of households receiving the benefit and the amount of money that remains available in the fund. These reports should indicate the number of households receiving the benefit at $10 increments up to the full $50 (or $75) amount. Knowing how many customers are receiving the benefit at different levels every two weeks and being able to see where the program is growing most rapidly will shed light on how quickly funds are being depleted, which will make it easier to predict how long funds will remain. That information will assist participating providers with long term planning and budgeting, as well as transitioning customers off the benefit if the funds are exhausted before the end of the emergency period. \(^{23}\)

Verizon similarly requests that the Commission provide adequate notification to providers regarding the status of the funds:

> Given the large number of eligible households and the significant per-household benefit amount, the Emergency Broadband Connectivity Fund may be exhausted within a few months. Because the Consolidated Appropriations Act says that the Commission “shall reimburse” the provider for the discount, the Commission must notify providers of fund exhaustion in time for providers to stop the discount for existing EBB customers and decline to initiate the discount for new applicants. \(^{24}\)

\(^{20}\) Next Century Cities, at 17-18, 21-22.
\(^{21}\) National League of Cities, at 2.
\(^{22}\) Public Knowledge, at 7.
\(^{23}\) ACA Connects – America’s Communications Association, at 26-27 (cite omitted).
\(^{24}\) Verizon, at 13 (cites omitted).
Comcast recommends that the Commission “establish procedures to keep consumers and participating providers appraised of the EBB funds remaining and ensure they have sufficient notice of the anticipated conclusion of the EBB program,” and, similarly, AT&T recommends that the Commission or USAC “publish a weekly notice that includes a running total of all the subscribers in the Program, weekly and year-to-date disbursements, and an estimate of when the funds will be depleted.” The National Digital Inclusion Alliance (NDIA) proposes a weekly updated participation dashboard, and transparency regarding the cost of service and the Program’s operation.

Transparency regarding all aspects of the new program is essential. The FCC should promote transparency and accountability not only to inform providers but also to ensure that participating households understand that benefits will be depleted and to enable the effective evaluation of the program benefits. Transparency regarding pricing is also critically important so that consumers understand the services they are purchasing and to assist the Commission and USAC in detecting and preventing providers’ waste, fraud, and abuse resulting from excessive prices.

AARP cautions the FCC against giving providers free rein in the prices and products they offer. For example, Altice contends that the Commission should confirm providers have flexibility in products, prices, and marketing of the program and not prescribe specific marketing techniques beyond a threshold obligation to reference the Program on the provider’s consumer-facing websites. The FCC need not micro-manage providers’ websites, but on the other hand, public

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25 Comcast, at 20.
26 AT&T, at 6.
27 National Digital Inclusion Alliance, at 3.
28 See, e.g., Comments of Multicultural Media, Telecom, and Internet Council and National Urban League, at 11.
29 Benton Institute, at 20.
30 Altice, at 6.
monies are funding this program, and, accordingly, it is appropriate and essential that the FCC retain oversight of the ways in which providers explain and price the subsidized services. Moreover, those who now lack broadband service will need avenues other than websites for learning about the prices that providers are charging. It would be reasonable for the Commission to seek proof from providers of the prices that they actually charge (as well as the speeds they actually offer).

Pricing information should be displayed in a comprehensive and easy-to-understand manner. In 2016, the FCC and the Consumer Financial Protection Bureau, with the support of internet service providers, proposed a “broadband nutrition label” to improve transparency in the broadband market. AARP echoes the recommendation of the Open Technology Institute that the FCC modify and adopt the “Broadband Nutrition Label” for the EBB Program.31 Providers should not be allowed to charge a one-time nonrecurring charge, nor impose early termination fees. The Wisconsin Public Service Commission states: “Consumers that access the discount should be able to access broadband internet service without entering into a contract, without the addition of new fees and without bundling with other services.” 32

NDIA recommends that the standard rate reflect a provider’s promotional rate, the Commission “not allow Broadband providers to collect more money from the EBCF than they would have collected from customers had they signed up for broadband services outside the EBB program,” and the FCC require providers to prove the retail value of service and/or devices.33 The National Hispanic Media Coalition also supports the transparency of broadband service prices.34 Public

31 Open Technology Institute, at 3.
32 Public Service Commission of Wisconsin’s Division of Digital Access, Consumer and Environmental Affairs, at 2.
33 NDIA National Digital Inclusion Alliance, at 7, 9.
34 The National Hispanic Media Coalition, at 4.
Knowledge provides a useful framework for assessing whether the rates that providers charge are consistent with the program’s intent:

The Act defines the “standard rate” of broadband as “the monthly retail rate for the applicable tier of broadband internet access service as of December 1, 2020....” This definition relies on determining the “retail rate” but does not include any guidance on whether or when a promotional rate is actually the “retail rate.” Fortunately, the FCC has already grappled with this question with regard to retail rates for wholesale resale by incumbent LECs. In that context, the FCC determined that promotional rates that last more than 90 days are the “retail rate” for standard telecommunications services, while promotional rates that last for less than 90 days are not. PK urges the Commission to apply the same formula when calculating the standard rate for the purposes of the EBB.35

Verizon also points out that it is important that consumers understand when they enroll that the benefit is temporary. 36

Conversely, AARP is not persuaded by USTelecom’s contrasting recommendation that participating providers should not be required to continue to offer promotions that may have been available on Dec. 1, 2020.37

**The program’s goal of enhancing broadband affordability depends on timely notification to participants of the duration of the subsidy and also depends on a prohibition on auto-enrollment**

Initial comments emphasize the importance of the FCC prohibiting providers from auto-enrolling participants when the EBB Program ends, and that providers give participants adequate notice of the end of the program so that they are not confronted with broadband prices they cannot afford. Moreover, providers should provide adequate notice to participants of the pending end of the subsidy.38

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35 Public Knowledge, at 8 (cites omitted).  
36 Verizon, at 13.  
37 US Telecom, at 11.  
38 Public Knowledge at 1, 4-6.
Verizon also observes that the Commission must plan for the conclusion of the program. AARP concurs that there must be a “soft landing” for participants, and is willing to work with the FCC on ways to ensure that older participants understand the implications of the end of the program.

**Although AARP supports careful use of the emergency funds, the oversight of the program should not thwart the goal of increasing connectivity for those who are now disconnected**

AARP concurs that “[o]versight should not undermine the goal of widespread participation.” Of course, AARP supports measures to detect and prevent abuse of public monies, but experience with the Lifeline program shows that onerous enrollment measures thwart the overarching purpose of subsidizing broadband service. Moreover, as stated earlier, potentially far greater public monies are at stake when a non-qualifying provider enrolls in the EBB Program than when a non-qualifying participant enrolls in the EBB Program.

**The FCC should collect and track data so that it can monitor progress, detect areas where participation is disproportionately low, and, based on providers’ and participants’ experiences with the EBB Program, design an effective long-term program**

Data collection, analysis, and reporting are essential not only to the success of the EBB Program, but also to the design of permanent policies to address the affordability barrier. Monitoring the program (adoption levels achieved, prices charged) will enable the FCC and stakeholders to assess success in narrowing spatial inequality (unequal access depending on where people live) and achieving digital equity goals (e.g., comparable levels of broadband adoption in communities of

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40 Comments of Multicultural Media, Telecom, and Internet Council and National Urban League, at 12.  
41 Public Knowledge, at 4.
color as in other communities).

Indeed, accountability and transparency are important, but reporting measures should not be so onerous as to discourage participation by providers or by recipients. Among the data that the FCC should collect are the numbers of households served; the numbers of households that sought help but were not enrolled (separately by reason, e.g., funds were depleted or the applicant was deemed ineligible); location-specific information on the date that funds were depleted; and information disaggregated by provider and by zip code.

**The FCC should set a minimum speed requirement for the program**

The FCC should ensure that the program does not result in an inferior “tier” of service offered to low-income households. Minimum speed standards should be set, and data caps should be prohibited. INCOMPAS and the Benton Institute are among those advocating for at least 25 Mbps/3 Mbps.\(^{42}\) Broadband service should accommodate households’ multiple use of internet-based applications. For example, multigenerational households could include students attending school remotely and grandparents relying on telehealth. In addition to reporting on the numbers (and locations) of households served, providers should report on the speeds actually delivered.

**States can contribute to an effective and efficient program**

The EBB Program’s success will depend on an “all-hands-on-deck” effort, which, in turn should include states, both to assist with education and outreach, and also so states can monitor the Program’s impact on their state-specific broadband goals and their own programs. The federal program is temporary, but some states may be able to design policies and allocate monies that build off the EBB Program.

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\(^{42}\) INCOMPAS, at 14; Benton Institute, at 35.
AARP echoes the comments of the Michigan Public Service Commission regarding the valuable role that states can play in ensuring that the FCC’s program is successful:

The MPSC believes that it is important for participating providers to provide their standard monthly rate, including a requirement that providers offering bundled packages that include a broadband service to provide a standalone standard broadband rate. Additionally, USAC should provide information such as web-links to each of the provider’s websites, as well as a contact number for the public to utilize in case they are interested in obtaining broadband assistance. In order to guard against waste, fraud, and abuse, these participating providers should comply and adhere to, at a minimum, the same broadband standards established by the Lifeline program, as well as any other FCC and USAC requirements. Lastly, the MPSC recommends that the FCC order these participating providers (both ETCs and non-ETCs) to not only provide their notice to the FCC, but to provide their notice to each states’ commission as well, as a means of increasing transparency at the state level around provider participation. 43

The Wisconsin Public Service Commission emphasized the states’ role in outreach: “States can and should play a role in ensuring that information regarding the emergency discounts is widely and equitably available to eligible households.” AARP supports the Wisconsin Public Service Commission’s recommendation that those providers that are offering the EBB Program discount should also notify states.44

**Although the EBB Program is temporary, the nation’s experience with providing emergency pandemic-related broadband subsidies can inform and facilitate longer-term solutions to overcome the unaffordability barrier**

As is discussed above, commenters offer numerous suggestions regarding various aspects of the EBB Program. Issues of affordability are not likely to change when the program ends.45 AARP is hopeful that the EBB Program is just the first of many steps that Congress and the FCC will take to facilitate the connection of the many Americans who cannot now afford broadband service, and who, post-pandemic, still will not be able to afford broadband service. Data that are collected;

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43 Michigan Public Service Commission, at 3.
outreach programs that are conducted; and partnering among government, private, and non-profit organizations at the federal, state, and community-based levels can provide an invaluable foundation for those seeking to establish a long-lasting approach to helping low-income households obtain and maintain a connection to the internet. The pandemic will fade, but the affordability barrier will continue, and lessons learned through this unprecedented time can guide the nation toward digital equity.

**Conclusion**

AARP looks forward to assisting the FCC in its successful implementation of this vitally important program. AARP is hopeful that the application and enrollment process are straightforward; outreach is multifaceted and effective; data are collected, analyzed, and reported in as timely a manner as is feasible; and the program advances digital equity throughout the country. Finally, AARP urges the FCC to consider the EBB Program as a stepping stone toward a more permanent solution to the unaffordability barrier that prevents so many vulnerable people from adopting high-speed internet access. The EBB Program, if properly designed and implemented, can help Americans, including older adults, get and stay connected to the internet during the pandemic, and can provide a roadmap for more long-lasting policies for subsidizing broadband service.

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44 Public Service Commission of Wisconsin’s Division of Digital Access, Consumer and Environmental Affairs, at 1.
45 Public Knowledge, at 5.