



March 7, 2017

Chairman Ajit Pai
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: MB Docket Nos. 09-182, 07-294, 14-50; BO Docket No. 12-30; WC Docket Nos. 09-197, 11-42, 12-375

Dear Chairman Pai:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations charged by its diverse membership to promote and protect the rights of all persons in the United States, we write to request a meeting to express our concern regarding your policy agenda as the newly-designated Chairman of the Federal Communications Commission. While we appreciate your announced intentions to address the digital divide and to proceed in a more transparent manner, your recent decisions on Lifeline, Joint Sales Agreements (JSAs), and inmate calling rates are of profound concern to The Leadership Conference and its Media/Telecommunications Task Force, organizations that are dedicated to ensuring affordable broadband, increasing media ownership diversity, and ending predatory prison phone rates.

Lifeline

The Leadership Conference strongly supports the Lifeline program and its modernization to make broadband more affordable.ⁱ Bipartisan consensus confirms that broadband is an essential service in the modern economy, and all available data shows that people of color are falling behind.ⁱⁱ Cost is a major barrier to broadband adoption and Lifeline is the only program that addresses the cost of broadband for low-income families. Last year's Lifeline modernization order adopted changes to enhance competition in Lifeline provision and thus improve service quality and lower prices. Your recent decision to revoke Lifeline Broadband Provider (LBP) designations for nine broadband service providersⁱⁱⁱ will reduce the number of providers offering broadband and thus decrease the competitive forces available to drive down prices. When you opened your Chairmanship with a pledge to focus on the digital divide, you pledged to "help the private sector" without specifically mentioning helping the low-income communities on the wrong side of the divide.^{iv} This pledge, combined with your extensive attacks on the program,^v give us concern that you will undermine the Lifeline program rather than strengthen it.

Media Ownership

We believe that media concentration leads to fewer owners and fewer entrepreneurial opportunities, whereas actions to tighten the media ownership rules will lead to more owners and more such opportunities for people of color and women. The Commission has a long way to go before it fulfills its obligation to measure and remedy the lack of ownership diversity in broadcasting—particularly given that the Commission has not yet released or analyzed its Form 323 ownership data collected in December 2015. The Commission's decision to rescind its two-year old 2014 Joint Sales Agreement (JSA) guidance not only

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withdrew a policy that led to the only increase in television ownership diversity in recent years,^{vi} but also was inconsistent with your stated intent to remove “midnight rules.”^{vii}

Prison Phone Rates

We are extremely disappointed that you have chosen to attack and dissent from the Commission orders addressing exorbitant prison phone rates. Your actions here are especially troubling given that you have noted your “up-close understanding of the social and economic challenges faced by those who are incarcerated and their families,”^{viii} acknowledged that the provision of inmate calling constitutes “market failure,”^{ix} and said that you are “convinced that [the Commission] must take action to meet our duties under the law, not to mention our obligations of conscience,”^x Now that, under your leadership, the Commission has refused to defend critical components of the rules in federal court, we believe it is your duty, once the court reaches a decision, to act immediately to protect families and reduce recidivism through just, reasonable, and fair inmate calling rates and fees.

These three issues comprise the core of the Commission’s obligations under the Communications Act to “make available ... to all people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nationwide, and world-wide wire and radio communication service with adequate facilities at reasonable charges.”^{xi} Thus, we hope to meet with you soon to discuss the above concerns.

Despite our differences, we are encouraged that you are interested in hearing from parties with whom you do not agree. We are pleased that you are adopting procedures to improve Commission transparency and regular operations. Finally, we agree with you that “the FCC is at its best when it proceeds on the basis of consensus; good communications policy knows no partisan affiliation,” and with your insistence that the agency “respect the law as set forth” by Congress and the courts.^{xiii}

We will be in touch with your office to schedule this meeting. In the meantime, please feel free to contact Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at 202-904-2168 or cleanza@alhmail.com, or Michael Macleod-Ball, American Civil Liberties Union, at 202- 675-2309 or mmacleod@aclu.org, or Corrine Yu, Leadership Conference Managing Policy Director, at 202-466-5670 or yu@civilrights.org to discuss the issues raised in this letter.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

ⁱ See, e.g., Leadership Conference Quadrennial Review Comments, MB Docket Nos. 09-182, 07-294, 14-50; BO Docket No. 12-30) (filed Aug. 11, 2014).

ⁱⁱ E.g., Free Press, *Digital Denied: The Impact of Systemic Racial Discrimination on Home-Internet Adoption* (December 2016) at 85 (39 percent of non-internet Hispanic households and 35 percent of non-internet Black households cite “can’t afford it” as a reason for not subscribing).

ⁱⁱⁱ Telecommunications Carrier Eligible for Universal Service Support, Order on Reconsideration, WC Docket 09-197, 11-42, DA 17-128 (rel. Feb. 3, 2017) available at:

https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0203/DA-17-128A1.pdf.

^{iv} Chairman Ajit Pai, Remarks to the Federal Communications Commission (Jan. 24, 2017) available at:

<https://www.fcc.gov/document/chairman-pai-remarks-federal-communications-commission>.

^v See, e.g., Testimony of Commissioner Ajit Pai before the House Subcommittee on Communications and Technology (July 14, 2017) available at: <https://www.fcc.gov/document/commissioner-pai-statement-house-oversight-hearing>.

^{vi} See *Making Good on the Promise of Independent Minority Ownership of Television Stations* at

<https://www.fcc.gov/blog/making-good-promise-independent-minority-ownership-television-stations>

(December 4, 2014).

^{vii} Media Bureau, Processing of Broadcast Television Applications Proposing Sharing Arrangements and Contingent Interests, DA 14-330 (rel. March 12, 2014) available at:

https://docs.google.com/viewer?url=http%3A%2F%2Fhraunfoss.fcc.gov%2Fedocs_public%2Fattachmatch%2FDA-14-330A1.pdf

^{viii} Dissent of Ajit Pai, Rates for Interstate Inmate Calling Services, WC Docket No. 12-375 (2013) at 111.

^{ix} *Id.*

^x *Id.*

^{xi} 47 U.S.C. § 151.

^{xii} Ajit Pai, Biography, Regulatory Philosophy, available at: <https://www.fcc.gov/about/leadership/ajit-pai>.