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January 11, 2017

Commissioner Mignon Clyburn
Federal Communications Commission
445 Twelfth Street, SW
Washington DC 20554

Re: Solutions 2020 Call to Action Plan; MB Docket Nos. 16-41, 09-182, 07-294, 14-50; WC
Docket Nos. 11-42, 09-197, 10-90.

Dear Commissioner Clyburn:

On behalf of The Leadership Conference on Civil and Human Rights and the undersigned members of the Leadership Conference's Media/Telecommunications Task Force, we are pleased to submit comments in response to the publication and request for input on your *Solutions 2020 Call to Action Plan*. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. We are grateful for your strong leadership in ensuring affordable, equitable, and accountable communications everywhere, and commend your efforts to advance the opportunity for affordable broadband in rural America, ensure reasonably priced calls to the incarcerated, and increase participation by women and people of color in media, among other major initiatives.

In summary, we recommend the following actions:

- Retention of existing media ownership limits and institution of the minority tax credit;
- Rapid and effective implementation of the recent Lifeline modernization;
- Defense of the Commission's prison phone caps to protect families and increase community safety by reducing recidivism;
- Ample access to unlicensed spectrum, particularly for entrepreneurs with limited access to capital;
- Prohibition of forced arbitration and adoption of policies to prevent bill shock;
- A strong FCC Office of Native Affairs; and
- Policies to promote disability access to all telecommunications, particularly for emergency communications.

Competitive and Representative Media

Media diversity has long been a top priority of The Leadership Conference and our members because we understand that meaningful protection of civil rights and advancement of key policy objectives rely in great measure on an accurate, independent, and diverse media that serves our constituencies. As we commented in the independent programming docket,



“people of color and women are vastly underrepresented in the cable and broadcast programming today—not only in front of and behind the camera, but also as owners of entertainment companies.”¹ The statistics we filed at that time amply demonstrated an entertainment industry where women, people of color, people with disabilities, and the LGBTQ community are all pushed to the margins.

We remain concerned that minority and female ownership of broadcast outlets continues to be dismal. Who owns the media matters, as there is a direct connection between those who own broadcast stations and the content they transmit, and studies demonstrate owners of color are more likely to offer content that serves underserved audiences.² A fully dynamic and competitive market will also produce more jobs and help to increase the diversity of voices available to all audiences.

As a first order of business, the Commission in 2017 should do no harm. The current local media ownership rules offer a First Amendment-friendly neutral bulwark against media consolidation. With the proliferation of online so-called “fake news,” competitive independent local news and media outlets become even more important. The Commission should quickly reject requests to reconsider last August’s vote on the Quadrennial Ownership Review.³

In order to improve ownership diversity, we could not agree more strongly that the years-long bipartisan and industry consensus in support of reinstatement of the minority tax certificate program should bear fruit this year. The Commission should take the lead in developing the record necessary to support the reestablishment of this program. Such an effort would be more effective than other proposals.

Lifeline

We believe Commission policies must ensure that all members of society are connected to modern, advanced communications networks and services and fully support last year’s Commission decision to modernize Lifeline so that it supports the cost of broadband services for low-income households. The reforms adopted as part of the modernization put the program on firm footing, and we look forward to collaborating with the FCC and USAC as they work to rapidly, but carefully, implement the new reforms. During 2017 we will begin to see the implementation of your proposals to take carriers out of the eligibility determination process. During this time the Leadership Conference, its members, and the many supporters of Lifeline modernization will actively work to educate the public about this program. Through volunteer efforts and collaboration with the various federal, state and local entities, we support bringing information about Lifeline to all eligible households, including those that are eligible and receiving information for other state and federal benefits programs.

Prison Communications

Not only is access to communication a human right, but communications with supportive friends, clergy and family members for people in jail or prison is a critical component of a successful return to society and safer communities. Recidivism costs the public dearly at federal, state, and local levels.



Thus, like the Commissioner, we support Rep. Bobby Rush's Family Telephone Connection Protection Act and Sen. Tammy Duckworth's Video Visitation in Prisons Act. Similarly, we urge states and localities around the country to initiate or continue their efforts at the local level to bring down calling rates in prisons, jails and other confining institutions.

Despite the Commission's noble efforts over the last few years, we have not yet seen the full benefit of reasonable regulation due to attacks by prison phone companies and localities that profit off families in exigent circumstances. These court challenges have limited the impact of the Commission's efforts, leaving families and clergy vulnerable. Defense of existing rules has long been a hallmark of sound governance and we strongly hope and expect that the Commission will continue to pursue and defend its current rules against attack.

Unlicensed Spectrum

Because of unlicensed spectrum's low barriers to entry, it is an important resource for entrepreneurs, including many communities of color and women, who have a hard time accessing capital. The Leadership Conference has been a supporter of innovative uses of unlicensed spectrum, including to enhance broadband access for all.

Consumer Protection

Forced arbitration clauses, frequently buried in the fine print of telecommunications contracts, deprive consumers of their ability to vindicate their rights in court. Instead consumers are forced to resolve any disputes that they may have with the company in a private and secret forum in which the company is a repeat player with an inherent advantage. Based on a comprehensive review of this landscape several agencies, including the Department of Education, the Centers for Medicare and Medicaid Services, the Department of Labor, and the Consumer Financial Protection Bureau, have proposed important reforms that would restore individuals' ability to vindicate the rights given to them under the law.⁴ We encourage the Commission to do the same and stand up for ordinary working-people so they may receive the full protection of the law when they do not receive the services they were promised. Likewise, for the same reasons that our members support the efforts of the FCC and wireless carriers to stop bill shock, we believe consumers, particularly low-income consumers, should receive clear and simple notification, before sign-up, of all the costs (including taxes and fees) they will face when subscribing to a communications service.

Disability and Tribal Affairs

We support the Commissioner's proposal to empower the FCC's Office of Native Affairs as a standalone Office with its own budget that is sufficient to proactively engage with Tribes on important issues of communications policy. We further support continuation of Mr. Wheeler's leadership in ensuring telecommunications access for people with disabilities, including texting solutions and improved access to emergency alerts.



We strongly welcome and endorse your efforts and the work of your staff on behalf of ordinary people everywhere, and to enhanced, in your words, “community, community, community.” Thank you for this opportunity to offer feedback on the Solutions 2020 Action Plan. If you have any questions about these comments, please contact Leadership Conference Media/Telecommunications 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 if you would like to discuss the above issues.

Sincerely,

American Civil Liberties Union
Center for Media Justice
Common Cause
Communications Workers of America
The Leadership Conference on Civil and Human Rights
NAACP
National Consumer Law Center, on behalf of its low-income clients
National Hispanic Media Coalition
United Church of Christ, OC Inc.

¹ Leadership Conference Independent Programming Comments at 1, FCC MB Docket 16-41 (filed April 26, 2016).

² Leadership Conference Independent Programming Comments at 3-4.

³ Federal Communications Commission, Petitions for Reconsideration of Action in Rulemaking Proceeding, 81 Fed. Reg. 96415 (Dec. 30, 2016).

⁴ See Department of Education, Student Assistance General Provisions, *et al.* 81 Fed. Reg. 75,926 (Nov. 1, 2016) (amending 34 C.F.R. § 685.300); Consumer Finance Protection Board, Arbitration Agreements, 81 Fed. Reg. 32,830-01 (May 24, 2016); Centers for Medicare & Medicaid Services, Medicare and Medicaid Programs, 81 Fed. Reg. 68,688 (Oct. 4, 2016); Department of Labor, Employee Benefits Security Administration, 81 Fed. Reg. 68 (April 8, 2016).