

Hon. Jessica Rosenworcel  
Acting Chairwoman  
45 L Street, NE  
Washington, DC 20554  
Federal Communications Commission

Filed Electronically

**Re: DA 20-1529; In the Matter of State of the Lifeline Marketplace Report;  
WC Docket No. 20-437**

Dear Acting Chairwoman Rosenworcel:

Congratulations on your appointment as Acting Chairwoman of the Federal Communications Commission (“FCC”). In your tenure at the Commission and now, during the COVID-19 crisis, you have been a strong advocate for consumers and students, especially those who are on the wrong side of the digital divide. Our organizations<sup>1</sup> have been strong advocates for these communities as well. We have seen first-hand how the Lifeline program can improve the lives of many Americans and their families by ensuring their connection to public safety, healthcare, educational resources, and the overall economy. Today we write to bring to your attention to a recent FCC Data Collection Order, issued during the last week of the Pai chairmanship, that represents another effort to undermine the Lifeline program by the prior Administration.

We encourage you to treat this Order as one of the Trump Administration’s “midnight regulations” that needs to be suspended and scrutinized pursuant to the new Memorandum issued by the Biden White House Chief of Staff Ron Klain. You have earned the right to set your own priorities, and follow the precedents set by prior Democratic FCC Chairmen<sup>2</sup> and work with the Office of Management and Budget to review the applicability

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<sup>1</sup> Consumer Action has been a champion of underrepresented consumers nationwide since 1971. A nonprofit 501(c)(3) organization, it focuses on consumer education that empowers low- and moderate-income and limited-English-speaking consumers to financially prosper. By providing consumer education materials in multiple languages, a free national hotline, extensive community training programs and monthly newsletters, Consumer Action helps consumers assert their rights in the marketplace and make financially savvy choices.

The National Consumers League, founded in 1899, is America's pioneering consumer organization. Our mission is to protect and promote social and economic justice for consumers and workers in the United States and abroad. For more information, visit [www.nclnet.org](http://www.nclnet.org).

<sup>2</sup> For example, Chairman Julius Genachowski publicly committed the FCC to E.O. 13579 on Regulation and Independent Regulatory Agencies, which urged independent agencies to comply with, and promote the goals of, several additional executive orders legally binding on only the executive agencies. (<https://www.fcc.gov/document/genachowski-continues-regulatory-reform-ease-burden-businesses>).

of the Paperwork Reduction Act to the Order and to ensure interested stakeholders are afforded an opportunity to provide input.

We applaud the recent establishment of the Emergency Broadband Benefit (“EBB”) Program to meet the connectivity needs of low-income Americans during the COVID-19 pandemic, and support efforts to expand Lifeline opportunities. As the efforts to implement the program gets underway, we hope you agree that both the FCC and carriers need to focus on how to best promote public awareness and participation of the EBB program, rather than focusing on the gathering of data that is not useful in figuring out how to narrow our nation’s digital divide.

We hope the FCC, under your sound leadership, will take a fresh look at the Lifeline Data Collection Order and replace the previous administration’s misguided effort with a new process, while providing an opportunity for those concerned about the future of the Lifeline program to submit comments. Thank you for your ongoing stewardship of the Lifeline program and for considering our request.

With best wishes,

Ken McEldowney  
Executive Director  
Consumer Action

Sally Greenberg  
Executive Director  
National Consumers League