

April 9, 2024

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: WC Docket No. 23-320, *Safeguarding and Securing the Open Internet***

Dear Ms. Dortch:

On Friday, April 5, 2024, S. Derek Turner, Heather Franklin, Yanni Chen, and I of Free Press met by video conference with Trent Harkrader, Bureau Chief of the Wireline Competition Bureau (“WCB”); Jodie Griffin, Division Chief for WCB’s Telecommunications Access Policy Division (“TAPD”); and Matthew Baker, TAPD Associate Division Chief.

While the main purpose of the meeting was to discuss other matters before the Commission and outside the scope of this proceeding, the Free Press representatives did voice our strong support for several forbearance decisions proposed in the NPRM and the draft order in the above-captioned docket. That includes our strong support for the proposal to forbear for now from Section 254(d).<sup>1</sup>

In that vein, we highlighted for Bureau staff our policy rationale for supporting this forbearance decision, as articulated in our initial comments in this proceeding<sup>2</sup> and in earlier submissions to the Commission in various universal service fund proceedings up to and through its *Future of the Universal Service Fund* Report issued in response to congressional directives in the bipartisan infrastructure act. In each case, we expressed our grave concern that broadening the base to include BIAS now would significantly shift the USF contribution burden away from businesses and towards individuals and families—with as much as \$4 billion annual wealth transfer from consumers to corporations.<sup>3</sup>

This regressive shift would disproportionately harm low-income households. It also would result in tremendous monthly price increases for households subscribing to BIAS and

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<sup>1</sup> See *Safeguarding and Securing the Open Internet*, WC Docket No. 23-320, Notice of Proposed Rulemaking, FCC 23-83, ¶ 105 (rel. Oct. 20, 2023) (proposing “to forbear in part from the first sentence in section 254(d) and our associated rules ‘insofar as they would immediately require new universal service contributions associated with’ BIAS”); *Safeguarding and Securing the Open Internet*, WC Docket Nos. 23-320, 17-108, Declaratory Ruling, Order, Report and Order, and Order on Reconsideration, FCC-CIRC-2404-01, ¶ 359 (rel. Apr. 4, 2024).

<sup>2</sup> See Comments of Free Press, WC Docket No. 23-320, at 66–67 (filed Dec. 14, 2023).

<sup>3</sup> See Comments of Free Press, WC Docket No. 21-476, at 31–35 (filed Feb. 17, 2022).

other telecommunications services—of anywhere from \$2 up to nearly \$18 per month, according to record evidence submitted to the Commission—especially if the Commission were to undertake efforts to increase the size of its affordability support program in order to approach the enrollment numbers and dollar amounts of the Affordable Connectivity Program.<sup>4</sup>

Respectfully submitted,

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<sup>4</sup> See Letter from Jessica Rosenworcel, Chairwoman, Federal Communications Commission, to Hon. Ben Ray Luján, at 3 (Jan. 12, 2024), <https://docs.fcc.gov/public/attachments/DOC-400113A1.pdf>.