

# Reconsideration of Subscriber-Level ACP Data Collection

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March 1, 2023

A key aspect of the FCC's ACP Transparency Data Collection rules may be in doubt if the FCC takes up a recent petition for reconsideration. In its [Fourth Report and Order and FNPRM](#), the FCC adopted an aggregate-level approach for collecting ACP subscriber pricing and plan information, finding that ACP providers should submit ACP subscriber data grouped by each unique plan for a given geographic area (such as by state) rather than submitting that data through National Lifeline Accountability Database (NLAD) at the time of enrollment. Relying on provider comments discussing the administrative burdens of subscriber-level data collections, the FCC reasoned that "the subscriber-level approach as proposed by the Commission may conflict with the statutory requirement to stand up an annual collection and may be too administratively burdensome for subscribers and providers, particularly with respect to obtaining subscriber consent to the collection of additional subscriber-specific data and in light of privacy concerns."

However, Next Century Cities and the Benton Institute for Broadband & Society (Petitioners) challenged that conclusion in a [Joint Petition for Reconsideration](#) on February 13, 2023. Petitioners argue that collecting aggregate-level subscriber data fails to meet the statutory requirements for data collection in the [Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60502\(c\)\(1\) \(IIJA\)](#), and undermines overall integrity of the ACP. Specifically, Petitioners point out the IIJA does not establish an initial data collection date – it only requires publication of collection rules within one year of the IIJA's passage. Petitioners assert that the FCC should have enacted rules that deferred the start of ACP data collection until after the FCC could determine the best way to collect subscriber-level data. Petitioners further assert that the IIJA's statutory directives to the FCC include targeting ACP public awareness and enrollment support and determining local subscription rates, requirements necessitating subscriber-level data. Further, Petitioners assert that subscriber-level data is also needed to investigate complaints and enforce ACP rule compliance. Addressing the "annual" collection component of the IIJA requirements, Petitioners contend that pricing and plan data submitted through NLAD would be an annual collection if the FCC implements snapshot-date approach.

Petitioners' challenge strikes at the core of ACP providers' processes for implementing the FCC's ACP Transparency Data Collection rules. As of this publication, the FCC has not yet taken action on the petition.