

This article examines the new Affordable Connectivity Program (ACP) access to broadband for low-income household. The article explains what the ACP offers, who can obtain benefits, and how to apply. With over 11.5 million households [already enrolled](#) [1] in ACP, consumer practitioners need to know how to help clients with enrollment and to advise those already enrolled as to their rights.

As the COVID-19 pandemic has made clear, broadband is essential for full participation in modern society. It is crucial for access to healthcare, employment, assistance programs, commerce, banking, and judicial systems. It is a prerequisite for modern platforms of communication as well as an important connection to loved ones, the community, and public officials.

The Affordable Connectivity Program Is Now in Effect

The ACP significantly increases access to and decreases the cost for broadband access—whether individuals choose connection through home internet or their cell phones. The program guarantees access even for those previously disconnected or with a spotty credit history, and it limits a provider's ability to disconnect ongoing service. The ACP program also provides up to \$100 toward the purchase of a computer or tablet from participating providers.

The Infrastructure Investment and Jobs Act, [Pub. L. No. 117-58](#) [2] (Bipartisan Infrastructure Law) div. F, tit. V (2021) established the \$14.2 billion ACP to help low-income households afford and access essential broadband service. The ACP legislation became effective on December 31, 2021, replacing its predecessor, the [Emergency Broadband Benefit Program](#) [3] (a COVID-19 emergency program).

A new FCC rule sets out the specifics of the ACP at 47 C.F.R. § 54.1800, *et seq.*, and is explained in detail at [87 Fed. Reg. 8346](#) [4] (Feb. 14, 2022). The rule became effective March 16, 2022, with some parts, including many consumer protections, effective on April 15, 2022. On April 15, 2022, the [FCC granted limited extensions](#) [5] of sixty days for a limited number of AT&T and Verizon mobile plans.

A \$30 Monthly “Digital Coupon” on Top of the \$9.25 Monthly Lifeline Benefit

ACP operates like a digital coupon for ACP recipients. Eligible ACP households receive up to \$30 a month off the cost of any home broadband or cellular plan that includes data from a participating provider. The monthly benefit cannot exceed the cost of the monthly plan and those on Tribal lands can receive up to \$75 a month. In an [ongoing rulemaking](#) [6], the FCC will be providing an ACP benefit up to \$75 a month in certain non-Tribal, high-cost areas.

A major difference between the ACP and its predecessor Emergency Broadband Benefit and the current Universal Service Fund's [Lifeline Program](#) [7] is that participating households can apply their ACP benefit to any broadband service offered by a participating provider. *See* Bipartisan Infrastructure Law § 60502(a)(3)(B).

In addition to stand-alone broadband service, ACP covers wireless and wired or fiber-to-the-home bundles that include voice and texting service. ACP does not cover the video portion of a bundle (so the video portion of the bundle must be subtracted out before determining the amount of the ACP benefit). *See* 47 C.F.R. § 54.1802(b).

Although the monthly ACP benefit is limited to one benefit per eligible household, the ACP payment can be stacked onto the separate \$9.25 Lifeline benefit. ACP and Lifeline benefits can be combined or treated totally separately depending on the household's choice. For example, a consumer could receive a \$39.25 a month discount on a cellular voice and data plan covered totally by ACP and Lifeline combined. *See* 47 C.F.R. § 54.1800(j). Alternatively, a household could opt to use their Lifeline benefit with one provider (e.g., a cellular provider) and the ACP benefit with another provider (e.g., a home broadband provider). An ACP household also does not have to be enrolled in Lifeline to receive the ACP benefit.

Although only one ACP benefit is available per household, multiple benefits per address are available if multiple households reside at the same address (e.g., a senior living facility or two families in one home). To help determine if multiple households live at the same address, the FCC provides an ACP Household Worksheet, FCC Form 5646, in [English](#) [8] and in [Spanish](#) [9].

ACP applicants without a traditional US Postal address will need to describe where they reside through an online mapping tool (there is also a Tribal mapping tool) that is a part of the online application or by providing a hard copy map that identifies where the applicant resides. Homelessness is not a bar to ACP. Applicants will need to describe where they reside at night, even if it is a shelter or a street corner. The application does ask if the address is temporary or permanent.

ACP customers cannot be subjected to a waiting period for service based on previously receiving service and are subject to the same terms and conditions of service as other customers (except for the enhanced consumer protections discussed below). *See* 47 C.F.R. § 54.1808(e)(6).

Past Disconnects or Bad Credit Rating Not a Barrier to Broadband Service

ACP households cannot be denied broadband service because of a credit check. *See* 47 C.F.R. § 54.1810(c). The provider can still use a credit check to condition offers of devices and equipment that are not covered by ACP. A provider may use a credit check to determine whether to offer a bundle of services that include components not covered by ACP, but the provider must still offer to ACP households the broadband component of the bundle on a stand-alone basis. *See* 87 Fed. Reg. 8359 (Feb. 14, 2022). Participating providers cannot deny broadband service because of a current or prior arrearage, even with the same provider. *See* 47 C.F.R. § 54.1800(j).

Once a household is on the ACP, a provider cannot terminate service until the consumer is ninety days or more late on a payment. *See* 47 C.F.R. § 54.1810(d). Termination must be based upon nonpayment of ACP-covered service, and not any other charges, and termination must be preceded by notice of termination sixty and thirty days prior to termination, with proscribed information in the termination notice. *See* 87 Fed. Reg. 8360 (Feb. 14, 2022).

Even after a plan offered to an ACP household is disconnected because of nonpayment, that household can still obtain access again through a new broadband plan. Nevertheless, the FCC regulations provide that, in such cases, the provider need offer only a new plan that is fully covered by federal benefits (i.e., the up to \$30 ACP benefit and a \$9.25 Lifeline benefit if applicable). *See* 87 Fed. Reg. 8360 (Feb. 14, 2022).

No Charge for Switching Plans and No Requirement to Switch Plans

Under the FCC's ACP rules, an ACP household is not liable for an early termination fee; therefore, ACP participants should not be worried that they will be locked into monthly payments for a year or more in a plan that doesn't meet their needs or is no longer affordable. *See* 47 C.F.R. § 54.1810(f). Not only does this eliminate much of the risk of signing up for an ACP plan, but a household on an existing plan switching to a different ACP plan can cancel an old plan and avoid any fee they would have otherwise been obligated to pay. The ACP benefit is portable and consumers should easily be able to [transfer their benefit](#) [10] to a different service and/or different provider. *See* 47 C.F.R. § 54.1810(b).

By the same token, if a household already has a broadband plan, the provider cannot condition receipt of the ACP payment on changing their existing plan and the provider cannot "exert pressure" on a consumer to change their existing plan. *See* 47 C.F.R. § 54.1810(e). This is particularly important if the customer is on a grandfathered plan that they would like to keep. While providers can communicate information about their products, they are prohibited from upselling or downselling. *See* 47 C.F.R. § 54.1810(e).

Subsidized Computers and Tablets

Households eligible for the ACP can receive a one-time \$100 benefit for the purchase of a laptop, tablet, or desktop computer through a participating provider. No matter how inexpensive the device, a household must pay between \$10 to \$50 towards the cost of the computer and will have to pay the difference for a more expensive device. Households are not eligible if they received a device payment under the Emergency Broadband Benefit (EBB), which was offered as part of COVID-19 relief. *See* 47 C.F.R. § 54.1803(b).

Unfortunately, most ACP providers do not participate in the ACP device program. The FCC has a [list of providers](#) [11] that participate in the ACP connected devices program.

Enforcement

Only the FCC can directly enforce its rules—there is no direct private right of action for violation of the FCC's ACP rules. To complain to the FCC, the FCC created a [specific webpage](#) [12] to receive ACP complaints. In addition, a rule violation might be considered an unfair or deceptive practice in violation of a state UDAP statute. *See* [NCLC's Unfair and Deceptive Acts](#)

[and Practices §§ 3.2.7](#) [13], [3.3](#) [14].

Eligibility

Households are eligible for the ACP if a member of the household meets at least one of the following criteria:

- The household's income is below 200% of the federal poverty guideline;
- The household is enrolled in SNAP, Medicaid, Federal Public Housing Assistance, Supplemental Security Income, Veterans and Survivors Pension Benefit, WIC, or Lifeline;
- The household includes a member approved to receive free or reduced-price school lunch or breakfast, including through the USDA Community Eligibility Provision; or
- The household includes a Pell Grant recipient in the current award year.

For households living on Tribal lands and are applying for the [enhanced Tribal \\$75 a month ACP Benefit](#) [15], in addition to the criteria listed above, there are additional Tribal specific criteria:

- A member of the household participates in Bureau of Indian Affairs General Assistance,
- A member of the household participates in Tribal TANF,
- A member of the household participates in the Food Distribution Program on Indian Reservations; or
- A member of the household participates in Tribal Head Start (only households meeting the relevant income qualifying standard).

Applicants do not need a Social Security number to apply for the ACP benefit, but providing a Social Security number could lead to a much faster application processing time, in some cases just minutes because of verification based on data matching with certain programs that allow for ACP eligibility (particularly Medicaid, Federal Public Housing Assistance, and in many states, SNAP).

Some participating internet service providers have low-income broadband programs that have received approval from the FCC to have their own application process for the ACP program.

Households that had enrolled in the Emergency Broadband Benefit (EBB) offered as part of COVID-19 relief were rolled over automatically into the ACP on March 1, 2022 (i.e., they did not have to re-apply unless they qualified for EBB through eligibility criteria that no longer exist under the ACP). But benefit for past EBB participants has been reduced from up to \$50/month (the EBB benefit amount) to up to \$30/month (the ACP amount). The EBB customers had a sixty-day grandfather period for the higher benefit amount.

How to Enroll

Lifeline and ACP use the same centralized eligibility determination process, so Lifeline participants are already verified as eligible for ACP. For FCC-approved provider low-income programs, households may use the provider's own enrollment process.

Non-Lifeline households can apply for the ACP online using [this link](#) [16] to the ACP enrollment page, and then click on the blue "Apply Now" button to start the online application. The ACP application is very similar to the Lifeline application.

Although the paper application process is more cumbersome and slower, paper applications are available. To apply using a paper application, an applicant will need download and print—either by themselves or find someone to download and print for them—an ACP application, either in [English](#) [17] or [Spanish](#) [18]. Customer support representatives at the toll-free ACP Support Center, (877)384-2575, can also mail an application. [Application instructions](#) [19] are also available for downloading.

When applying with a paper application, gather only *copies* of [documents listed](#) [20] as required for the application—do not mail the original documents. Mail the application and copies of documents to ACP Support Center, P.O. Box 7081, London, KY 40742.

Pick a Company

Once enrolled, all applicants must pick a provider and a plan. There are over 1,000 participating providers and this list is growing. There is an [online search tool by zip code](#) [21] to find companies that participate in ACP. The FCC also has a list of [participating providers by state](#) [11].

For Help or Questions

For help or questions about the ACP, email ACPSupport@usac.org or call the toll-free ACP Support Center at (877) 384-2575, open seven days a week from 9:00 am to 9:00 pm ET. Other information is available at the [FCC's ACP webpage](#) [22] and at an [ACP consumer webpage](#) [23] published by the Universal Service Administrative Company (USAC).

Help for Those Wishing to Advertise the ACP

For those who want to help advertise the availability of the ACP, the FCC has a [helpful toolkit](#) [24], with flyers, fact sheets, handouts, public service announcements, and videos—all in English and Spanish.

Current experience demonstrates that outreach by trusted community partners is a critical component for eligible households to sign up for ACP. The FCC has an ongoing rulemaking to establish a \$100 million outreach grant program.

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Olivia Wein has been an attorney at the National Consumer Law Center (NCLC) for over 20 years. Olivia focuses on policies and programs that protect low-income consumers' access to essential utility services, including energy, water, and broadband service. Olivia works on the federal Low Income Home Energy Assistance Program (LIHEAP), Weatherization and Lifeline programs, and intervenes in federal and state utility commission proceedings in matters affecting low-income utility consumer programs and protections. She is co-author of NCLC's Access to Utility Service and co-author of The Rights of Utility Consumers. Olivia serves on the boards of the Universal Service Administrative Company and the National Energy and Utility Affordability Coalition and she serves on the Federal Communication Commission's Consumer Advisory Committee.



Source: National Consumer Law Center, [], updated at www.nclc.org/library

Source URL: <https://library.nclc.org/new-federal-benefit-provides-affordable-broadband-access>

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Links

- [1] <https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/#total-enrolled>
- [2] <https://www.govinfo.gov/content/pkg/BILLS-117hr3684enr/pdf/BILLS-117hr3684enr.pdf>
- [3] <https://www.nclc.org/issues/energy-utilities-a-communications/nclc-energy-utilities-telecom-blog/how-a-new-federal-program-is-helping-more-people-get-connected-to-broadband.html>
- [4] <https://www.govinfo.gov/content/pkg/FR-2022-02-14/pdf/2022-02887.pdf>
- [5] <https://www.fcc.gov/document/wcb-addresses-service-providers-petitions-waiver-acp-rules>
- [6] <https://www.fcc.gov/document/fcc-releases-rules-implement-affordable-connectivity-program>
- [7] <https://www.nclc.org/special-projects/lifeline-after-natural-disaster.html>
- [8] <https://acpbenefit.org/wp-content/uploads/lifeline/images/ACP-Household-Worksheet-English.pdf>
- [9] <https://acpbenefit.org/wp-content/uploads/lifeline/images/ACP-Household-Worksheet-Spanish.pdf>
- [10] <https://acpbenefit.org/manage-my-benefit/>
- [11] <https://www.fcc.gov/affordable-connectivity-program-providers>
- [12] <https://consumercomplaints.fcc.gov/hc/en-us>
- [13] <https://library.nclc.org/nclc/link/UDAP.03.02.07>
- [14] <https://library.nclc.org/nclc/link/UDAP.03.03>
- [15] <https://acpbenefit.org/do-i-qualify/enhanced-tribal-benefit/>
- [16] <https://acpbenefit.org/>
- [17] <https://acpbenefit.org/wp-content/uploads/ACP-Application-Form-English.pdf>
- [18] <https://acpbenefit.org/wp-content/uploads/ACP-Application-Form-Spanish.pdf>
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- [22] <https://www.fcc.gov/acp>
- [23] <https://acpbenefit.org>
- [24] <https://www.fcc.gov/acp-consumer-outreach-toolkit>