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June 9, 2008

Milton Brown  
Office of the Chief Counsel  
National Telecommunications and Information Administration  
1401 Constitution Avenue, Room 4713  
Washington, D.C. 20230

In the Matter of	)	
	)	
<b>The Household Eligibility and</b>	)	
<b>Application Process of the</b>	)	<b>Docket Number: 080324461-8462-01</b>
<b>Coupon Program for Individuals</b>	)	
<b>Residing in Nursing Homes and</b>	)	
<b>Households that Utilize Post Office</b>	)	
<b>Boxes; Waiver</b>	)	

**COMMENTS OF AARP**

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*Submitted electronically to [coupon@ntia.doc.gov](mailto:coupon@ntia.doc.gov) and via facsimile to (202)-501-8013.*

AARP<sup>1</sup> respectfully submits these comments for the National Telecommunications and Information Administration's (NTIA) consideration and thanks NTIA for the opportunity to participate in this important docket regarding household eligibility to receive converter box coupons.

The digital television (DTV) transition will require an adjustment – and an expense – for many Americans. There are significant costs, monetary and non-monetary, for consumers; these costs are particularly challenging for older persons, especially the most vulnerable elderly residing in nursing homes, assisted living facilities, and group housing.

The government's converter box coupon program, established by Congress in 2005, provides funding to defray consumers' cost of the converter box. Coupons, at the initial stage of the program's implementation, are available to every U.S. household. However, the NTIA converter box coupon rules have used the U.S. Census definition of a household as: "All persons who currently occupy a house, apartment, mobile, home, group of rooms or single room that is occupied as a separate living quarters and has a separate U.S. post address."

This definition of households does not include the elderly who reside in homes providing assistance, such as nursing centers, assisted living facilities, and group homes.

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<sup>1</sup> **AARP** is a nonprofit, nonpartisan membership organization that helps people 50+ have independence, choice and control in ways that are beneficial and affordable to them and society as a whole. We have staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The elderly have had a growing reliance on television technology. TV offers more than just entertainment. For older individuals, television can be a primary connection to the outside world – providing life-saving weather forecasts and public safety announcements, along with information on government and politics, and community news. In fact, Americans aged 50 and above watch the greatest number of hours of television a day, almost 5.5 hours.<sup>2</sup>

Given older individual's reliance on television service, it is important that any costs and inconvenience due to the digital transition be as minimal as possible. Extending the availability of converter box coupons will lessen the burden of the transition costs on the elderly.

AARP commends the NTIA for this Notice of Proposed Rulemaking and appreciates this opportunity to work together to resolve this gap in the DTV converter box coupon program and design measures to include *all* our nation's elderly in the government converter box coupon program.

AARP offers the following five points regarding the importance of minimizing the risk of the elderly losing television service as a result of the DTV transition on February 17, 2009.

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<sup>2</sup> Nielsen Media Research, 2005.

**1. Older individuals are disproportionately impacted.** The Government Accountability Office (GAO) reported that of those OTA households, about 48 percent have incomes under \$30,000. Moreover, approximately 8 million – or 40% -- of these households include at least one person over the age of 50.<sup>3</sup>

The distribution of coupons should be offered to all older individuals utilizing a process that is convenient, uncomplicated, and expeditious.

**2. Congress' objective in providing funding for a program to assist households with the DTV transition was designed to include *all* consumers.** If the NTIA is to fulfill the statute's requirements, then NTIA must make the coupons available to the elderly, regardless of the individual's living environment.

While AARP is pleased that the NPRM intends to include nursing home residents and "other senior care facilities," many elderly reside in a variety of long-term care living environments, such as group homes, that are not specifically included in NTIA's proposed rule. While AARP recognizes the difficulty of verifying group home residents, it is important that these consumers not be denied the benefits of the coupon program. Often, it is the elderly at the greatest risk (low-income, minority, non-English speaking) who reside in facilities other than licensed nursing homes, and these residents may have the greatest need for converter box coupons.

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<sup>3</sup> Nielsen Media Research TV Household Estimates, 2003-2004.

**3. In an effort to limit fraud and scams, the NPRM unfairly burdens the elderly residents, their families, and nursing home administrators.** NTIA's NPRM offers three options for the administration of the coupons for nursing home residents. The burden to verify that the applicant is qualified to receive coupons is inappropriately placed on the elderly, their family members, and nursing administrative staff. This is an unfair burden that has not been imposed on any other consumers.

NTIA rules currently require that any household resident apply for a coupon by providing their name and address. NTIA and its vendor (IBM) then take responsibility for verifying that this request does indeed come from a U.S. household (a residence) and that the household has only requested the maximum two coupons. The burden is on NTIA and its vendor, not on the household resident, to verify the applicant meets the requirements to receive one or two coupons.

Of particular concern is the NTIA request for applicants (or a family member or nursing home administrator) to provide their Social Security number. AARP is quite concerned that in an effort to avoid fraud or scams for the converter box coupon program, NTIA is inadvertently raising the opportunity for the abuse of an individual's Social Security number, which can lead to identity theft and fraud. Requesting a Social Security number is unnecessary, and it is unfair that the elderly, and their families, are singled out for this potentially harmful disclosure.

A similar system of verification currently used for other U.S. households applicants should be in place to mitigate the risk of fraud or scams, without unduly burdening an elderly applicant. NTIA and its vendor should establish a mechanism that does not require any unnecessary information from the elderly residents.

In the NPRM section regarding *Person designated to Act on a Nursing Home Resident's Behalf*, relatives or friends are also required to provide evidence that they are empowered to act on behalf of the resident. This additional requirement is time-consuming and burdensome and will result in a more limited number of elderly receiving coupons. The application process for the coupons should be as easy for the elderly as it is for every other community in need. The proposed rule exceeds Congress' and the NTIA's intent to implement a coupon program that is accessible to all consumers and that does not require excessive personal information that could serve as a barrier to filing an application.

**Conclusion:**

AARP commends NTIA for releasing this NPRM and initiating corrective measures to ensure the most vulnerable elderly are eligible to receive converter box coupons. We urge the NTIA to revise the proposed rule to simplify the process for residents in elderly housing to apply for the coupons, and to place the burden of verifying a coupon application where it should be -- on NTIA and its vendor, not the consumer. It is important that the process be simple and accessible for *all* elderly residents in order to

achieve Congress' goal of helping all consumers experience a smooth and successful transition to digital television.