

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Emergency Connectivity Fund for) WC Docket No. 21-93
Educational Connections and Devices)

**COMMENTS
OF
WTA – ADVOCATES FOR RURAL BROADBAND**

WTA – Advocates for Rural Broadband (“WTA”) hereby comments in response to the Public Notice (*Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic*), WC Docket No. 21-93, DA 21-317, released March 16, 2021 (“*Public Notice*”).

WTA is a national trade association that represents more than 350 rural telecommunications carriers (“Rural LECs”) that either directly or via Internet service provider (“ISP”) subsidiaries furnish broadband services to areas that contain rural (including Tribal) schools and libraries. Many of these schools and libraries will be eligible for Emergency Connectivity Fund (“ECF”) assistance to purchase certain equipment and advanced telecommunications and information services for use by students, school staff, and library patrons at locations other than the school or library.

Many WTA members presently serve participants in the Commission’s Schools and Libraries (“E-Rate”) program and are familiar with its mechanisms, regulations and compliance procedures. Many WTA members also joined in the initial and/or extended Keep America Connected pledges, and virtually all have devoted substantial efforts during the COVID-19 pandemic to extend, upgrade and provide the broadband services needed by their customer families

to attend school from home and to access services and information that they previously obtained at their local libraries.

WTA and its members believe that a critical goal for a successful ECF program is to get its administrative mechanisms implemented, and its urgently needed equipment, service and support arrangements put into place, as soon as possible. It is already April, and the current elementary, middle and high school years will end throughout much of the nation during May and June (although some school districts may offer more extensive summer school programs during 2021 to make up for the instructional disruptions and interruptions suffered since March 2020). And whereas no one can guarantee at this time when the COVID-19 pandemic will end, the increased availability of vaccines offers hope that some level of “herd immunity” can be achieved within the coming months so that traditional school and library activities can be resumed prior to the end of 2021.

WTA agrees with the Commission that the focus of the ECF program should be upon existing and readily available equipment and advanced telecommunications and information services. *Public Notice*, pp. 5-7. For example, the “connected devices” included as “eligible equipment” should have service capabilities that, at minimum, require them to be Wi-Fi-enabled and able to support video conferencing platforms and other software necessary to ensure full participation in remote learning activities. As the Commission recognizes, these “connected devices” include laptop computers, tablet computers and many desktop computers, but not smartphones and other mobile phones. *Id.* at pp. 5-6.

Likewise, eligible services should be those existing category one E-Rate services that can be supported by and delivered with the “eligible equipment” on an expedited basis during the COVID-19 emergency. These encompass existing broadband transmission services capable of

delivering video downstream and upstream, but not dark fiber or the construction of self-provisioned or other new networks. In addition to falling outside the scope of the eligible equipment and services defined and authorized by section 7402 of the American Rescue Plan, new network construction would entail substantial delays in the availability of eligible services that are needed immediately, significant additional per-location costs that can consume an inordinate portion of the ECF budget, and wasteful overbuilding of existing facilities and services.

Whereas the purchase and installation of Wi-Fi hotspots for school buses and bookmobiles can benefit some students and library patrons, the most effective and efficient way to broadly and rapidly implement and use ECF funding would appear to be to enable schools and libraries to engage in the bulk purchase and distribution of eligible equipment and services. Although some WTA members do not sell or maintain customer premises equipment, virtually all are familiar with such equipment and can assist local schools and libraries in their evaluation, selection and bulk purchase of Wi-Fi hotspots, routers, modems and connected devices. And virtually all WTA members that serve rural areas and Tribal Lands containing eligible schools and libraries are ready, willing and able to enter into bulk broadband service purchase arrangements with such schools and libraries for ECF implementation purposes.

WTA members have a long and well-established record of compliance with E-Rate procedures and regulations, including competitive bidding requirements and gift rules. They recognize that competitive bidding procedures and gift rules have been intended to reduce favoritism and other forms of waste, fraud and abuse. At the same time, the COVID-19 pandemic has created a need for ECF-supported equipment and services to be distributed to students, school staffs and library patrons on an expedited basis. It makes good sense under such circumstances for the Commission to authorize streamlined ECF competitive bidding procedures. Another

alternative would be to permit participating schools and libraries to add ECF-funded equipment and services, where applicable, to existing contracts that were entered into prior to the enactment of the American Rescue Plan legislation as the result of a competitive bidding process.

Finally, the ECF is predominately a program wherein schools and libraries make the decisions regarding the purchase, distribution and use of eligible equipment and eligible services, and then are reimbursed by the Universal Service Administrative Company (“USAC”) for the costs or reasonable costs of such equipment and services. WTA members and other service providers may develop bulk service and other pricing proposals and place competitive bids with the appropriate school and library authorities. However, if their bids are accepted and they enter into service contracts, their prices and terms are fixed by such contracts and the schools and libraries have sole control over the selection of the households that receive and use service. Under these circumstances, it is unreasonable for the Commission to require service providers to monitor, report and validate usage of the supported monthly services by the households selected by a participating school or library.

First, a school should be able to tell whether a student or staff member did not attend class or participate in school activities for an entire month, and a library (and also a school) can use a login or similar access system to determine whether a particular patron used its online resources during a month.

Second, some service providers have equipment and software applications that allow them to monitor and summarize the amount of monthly usage by individual customers, but others require a substantial number of man-hours for their employees to go through individual customer accounts to determine whether or not there was usage during a particular month. In addition, dynamic Internet Protocol addresses that change from day-to-day, or session-to-session, increase the

complexity of monitoring the usage of individual customers (particularly customers whose direct relationship is with a school or library rather than the service provider). Hence, the effort and cost of usage monitoring constitutes a significant disincentive for certain service providers to participate.

Third, if (as WTA believes) bulk service contracts represent the most efficient and effective way to implement the ECF program, requiring service providers to monitor, report and adjust pricing for non-usage constitutes a major complication and disincentive. The general nature of such bulk service contracts is that the school or library pays the service provider for monthly service to X locations at a price discounted in recognition of the service provider's administrative and billing cost savings, and then the school or library distributes the service to X locations of its choice. The service provider has to have facilities to the locations, but may or may not have a sufficient relationship with the residents at the location to know who the actual service recipients are. More important, the bulk service pricing is normally dependent upon the number of service locations specified by the school or library. If that number can change from month to month because certain locations must be deleted or added each month due to their non-usage or usage of the service, the underlying basis for the bulk contract price is largely nullified. Service providers will either be reluctant or unable to offer bulk service contract pricing, or will be forced to set such prices well above the level that would normally be appropriate for a specific number of locations.

The far better solution is to make the reasonable assumption that households provided with ECF-supported equipment and service during the COVID-19 pandemic will use them for school and library access, and to refrain from disrupting the efficient and economic functioning of the ECF program by requirements for the monitoring of usage by individual households and by the resulting potential month-to-month revision or re-calculation of bulk purchase and other payment arrangements.

Respectfully submitted,
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