

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Schools and Libraries Universal Support Mechanism) CC Docket No. 02-6
)

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

WTA - Advocates for Rural Broadband (“WTA”) hereby supports the proposal in the Commission’s *Notice of Proposed Rulemaking*¹ in this proceeding to update the definition of “library” in the Commission’s Rules to provide clarity regarding the eligibility of Tribal libraries and to promote increased participation of underrepresented Tribal libraries in the E-Rate Program.

The Commission has express statutory authority to change the definitions of “library” and “eligible recipients” in Sections 54.500 and 54.501(b)(1) of its Rules to include all Tribal libraries. Whereas some Tribal libraries previously were unable to seek E-Rate support because they were ineligible for Library Services and Technology Act (“LSTA”) funds from their state library administrative agencies, the Museum and Library Services Act of 2018 (“MLSA”) amended the LSTA to specifically include Tribal libraries in the definition of libraries that are eligible for support from a state library administrative agency. The Commission has previously employed the MLSA amendment of the LSTA to clarify that Tribal libraries are eligible for support from the Emergency Connectivity Fund Program.² The very same statutory amendment and rationale support -- in fact require -- E-Rate program eligibility to be extended to all Tribal libraries.

¹ *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Notice of Proposed Rulemaking, FCC 21-107, released October 1, 2021 (published in 86 FR 57097 (October 14, 2021)).

² *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696 (2021).

Increasing the number of Tribal libraries eligible for E-Rate support is not only a statutory mandate but also good public policy. As this Commission is well aware, reservations and other Tribal lands are plagued by various geographic, economic and social problems. Many Tribal households living in isolated areas and/or lacking stable employment and income do not have access to, or cannot afford to subscribe to, the broadband services that they increasingly need to participate in tribal, employment, education, health, government, social and other activities. Without Internet access at their residence, the next best alternative for many Tribal families and households is to obtain Internet access at the Tribal library. Making all Tribal libraries eligible for E-Rate support will help to ensure that they will be able to provide essential Internet access to the Tribal families and households that often need it the most.

Once the proposed definitional changes are made, the Commission's Office of Native Affairs and Policy ("ONAP") and the trade associations (including WTA) that represent carriers serving areas containing Tribal libraries can rapidly make certain that all previously ineligible Tribal libraries are made aware that they may now seek E-Rate support as well as the schedules and procedures for applying for such support.

Other than making sure that all previously ineligible Tribal libraries are made aware of their eligibility for E-Rate support, the Commission's Rules should remain flexible so as to allow individual Tribes and Tribal libraries to determine the nature and amount of the facilities and services for which they need E-Rate support. Some may need large communal rooms with dozens of connected work stations, while others may need the privacy of enclosed computer rooms or cubicles. Some may need open or closed areas or satellite facilities for elementary school, high school and/or university students to do research or homework or group study, or to watch video programs and lectures. Others may be utilized primarily as points of contact between Tribal

members and their existing or potential employers. Some may need early morning or extended evening hours to accommodate the needs of their Tribal users. These few examples illustrate the point that different Tribes and Tribal libraries are likely to have different needs, and that the most effective and efficient way to encourage E-Rate participation and deploy E-Rate funding is to give Tribal libraries as much flexibility as feasible to use their E-rate support to meet the specific needs of their Tribal members.

In sum, WTA urges the Commission to adopt its proposed re-definitions of “library” and “eligible recipients” so as to enable all Tribal libraries to become eligible for E-Rate support. In addition to making sure that these changes are disseminated to all previously ineligible Tribal libraries, WTA recommends that the Commission encourage maximum E-Rate participation by Tribal libraries by giving them as much flexibility as feasible to serve the specific needs of their Tribal patrons.

Respectfully submitted,
WTA – ADVOCATES FOR RURAL BROADBAND

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