

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                              |   |                      |
|----------------------------------------------|---|----------------------|
| In the Matter of                             | ) |                      |
|                                              | ) |                      |
| Ensuring Children’s Safe Use of Screens and  | ) | WC Docket No. 26-133 |
| E-Rate-Funded Services                       | ) |                      |
|                                              | ) |                      |
| Modernizing the E-Rate Program for           | ) | WC Docket No. 13-184 |
| Schools and Libraries                        | ) |                      |
|                                              | ) |                      |
| Establishing the Emergency Connectivity Fund | ) | WC Docket No. 21-93  |
| to Close the Homework Gap                    | ) |                      |
|                                              | ) |                      |
| Promoting Fair and Open Competitive Bidding  | ) | WC Docket No. 21-455 |
| in the E-Rate Program                        | ) |                      |

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

WTA – Advocates for Rural Broadband (“WTA”) submits these comments in response to some the issues raised in the Notice of Proposed Rulemaking seeking input on potential reforms or scaling back of the Universal Service E-Rate Program.<sup>1</sup> WTA is a national trade association representing approximately 400 small, rural local telecommunications carriers. The typical WTA member company serves fewer than 5,000 customers per service area and has fewer than 50 employees. WTA’s members provide voice, broadband and other communications-related services to some of the most remote, rugged, sparsely populated, and expensive-to-serve areas of

---

<sup>1</sup> *In the Matter of Ensuring Children's Safe Use of Screens and E-Rate-Funded Services*, FCC 26-41, released June 26, 2026, published in the Federal Register August 14, 2026, 91 FR 52626, (hereafter cited as “NPRM”).

the United States, and have been at the forefront of providing advanced services to these very difficult to serve territories. WTA's members also compete for and receive funding under the Commission's Universal Service Fund E-Rate programs, and thus have an interest in this proceeding.

## **I. The Job is not Finished**

Congress in the 1996 Telecommunications Act presciently recognized the importance of ensuring that schools and libraries have access to affordable, robust and reliable broadband. And the benefits of that Congressional foresight became evident and critical during the pandemic. But even with the end of the pandemic, remote education in the classroom remains essential in rural areas so as to provide rural students access to a broad range of subjects that rural schools cannot afford to offer in-person. The E-Rate program also makes training on and use of AI-enabled applications possible, thus helping ensure rural areas have access to a sufficient precision agriculture workforce.

The Commission set the tone of this proceeding in the first paragraph of the *NPRM* when it suggests that the E-Rate mission may have already been completed:

Accordingly, in this Notice of Proposed Rulemaking (NPRM), we seek comment not only on how to ensure E-Rate-funded services are advancing educational outcomes and protecting children online, but also on whether the program should be narrowed or otherwise reoriented to reflect the extent to which its connectivity objectives have been achieved.<sup>2</sup>

---

<sup>2</sup> *NPRM* at ¶ 1. *See also*, *NPRM* at ¶ 12 (citations omitted):

We are interested in understanding the E-Rate program's progress in achieving this purpose and to what extent the E-Rate program should be reexamined in light of the current state of school and library connectivity and current demand for program funds. ... Given the substantial expansion of broadband access in schools and libraries over the last three decades, we seek comment on whether and to what extent the E-Rate program has fulfilled that mission and whether continued funding is consistent with Congress's original objective. Has Congress's directive in section 254(h) of the Communications

WTA maintains that there is still a continuing need for E-Rate funding for both connectivity and affordability. As an initial matter, the *NPRM*'s general assertion that "that virtually all schools report having broadband connectivity and Wi-Fi"<sup>3</sup> is difficult to verify, because the National Broadband Map does not necessarily reflect Community Anchor Institutions ("CAIs") like schools and libraries.<sup>4</sup> But more importantly, even for schools and libraries that are currently connected with broadband service, it is likely that they will need to upgrade or replace those connections in the not too distant future to support Artificial Intelligence ("AI") applications.

---

Act been satisfied? Should the E-Rate program be limited or sunset to reflect today's extensive connectivity rates? Does the Commission have the authority to limit or sunset the E-Rate program?

In the context of the High Cost Fund proceeding, the Commission also asserts that LEO satellite service has solved the broadband problem. WTA explained in its comments in that proceeding why that was not correct, including that the shared nature of the spectrum (both intra- and inter-system) would adversely affect reliability. *See generally*, Comments of WTA in WC Docket No. 26-96 and WC Docket No. 10-90, filed August 4, 2026, at pp. 16-23. Moreover, as Commissioner Trusty recently observed:

Every artificial intelligence model depends on computing capacity, high-speed connectivity, and enormous volumes of data moving across communications networks. Every telehealth appointment depends on a stable broadband connection for a patient to communicate with his or her healthcare provider. Every online business depends on digital infrastructure capable of moving information quickly, safely, and efficiently. ***And every classroom located in a rural or remote area depends upon networks that students and teachers can access consistently and without disruption.***"

The U.S. Perspective on Transforming Digital Markets 21st International Regulatory Workshop Communications Regulation Commission, September 1, 2026 (<https://docs.fcc.gov/public/attachments/DOC-424589A1.pdf>). To the extent *NPRM* also seeks comments on assessing children's screen time, protecting children and empowering parents on E-Rate-funded networks (*NPRM* at ¶¶ 29-53), WTA and its members lack expertise with regard to these issues, and so will not address them.

<sup>3</sup> *NPRM* at ¶ 12 (citations omitted).

<sup>4</sup> *See*, <https://help.bdc.fcc.gov/hc/en-us/articles/13471550784411-How-to-Identify-a-Community-Anchor-Institution-as-a-Broadband-Serviceable-Location>.

Given these ongoing needs for deployment and upgrades, it would continue to serve the public interest for the Commission to retain the option of E-Rate Fund support for special construction,<sup>5</sup> although with several important limits and conditions as discussed below. While the *NPRM* suggests that the Broadband Equity Access and Deployment (“BEAD”) program can provide the necessary funding,<sup>6</sup> it is far from clear that a State would be able to utilize BEAD funding to pay for deployment to schools and libraries, or for upgrades to current broadband facilities already serving schools and libraries. BEAD does include schools and libraries within the definition of Community Anchor Institutions (“CAIs”):

(E) COMMUNITY ANCHOR INSTITUTION.—The term “community anchor institution” means an entity such as *a school, library*, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.<sup>7</sup>

However, any such funding for unserved or underserved CAI’s is limited to “eligible” CAI’s, defined as “The term ‘eligible community anchor institution’ means a community anchor institution that lacks access to gigabit level broadband service,”<sup>8</sup> thus seemingly limiting the ability to fund upgrades of any schools currently served by a gigabit service.

---

<sup>5</sup> *NPRM* at ¶¶ 19-22.

<sup>6</sup> *See, NPRM* at ¶ 22: “We seek comment on these questions and whether BEAD and other similar sources of funding make it no longer necessary for the E-Rate program to continue to provide support for self-provisioned network construction, even in limited circumstances.”

<sup>7</sup> IIJA § 60102(a)(2)(E) (emphasis added).

<sup>8</sup> IIJA § 60102(a)(1)(E).

In addition, BEAD prioritizes deployment of service to unserved and underserved locations before a State can fund deployment to CAI's, including schools and libraries. The BEAD statute specifies:

(h) BROADBAND NETWORK DEPLOYMENT .—

(1) ORDER OF AWARDS ; PRIORITY .—

(A) IN GENERAL .—An eligible entity, in awarding subgrants for the deployment of a broadband network using grant funds received under this section, as authorized under subsection (f)(1)—

(i) shall award funding in a manner that—

(I) *prioritizes unserved service projects*;

(II) *after certifying to the Assistant Secretary that the eligible entity will ensure coverage of broadband service to all unserved locations within the eligible entity, prioritizes underserved service projects*; and

(III) *after prioritizing underserved service projects*, provides funding to connect eligible community anchor institutions.<sup>9</sup>

Thus, States were constrained in their ability to use BEAD funding for broadband deployment to schools and libraries in their initial BEAD funding decisions. More recently, the National Telecommunications and Information Administration (“NTIA”) voided those initial State decisions and issued the BEAD Restructuring Policy Notice,<sup>10</sup> which modified the original BEAD Notice of Funding Opportunity. The Restructuring Policy Notice (“RPN”) specified:

---

<sup>9</sup> IIJA § 60102(h)(1)(A). (emphasis added) In addition, IIJA Section 60102(a)(2)(H) provides:

LOCATION; BROADBAND-SERVICEABLE LOCATION.—

The terms “location” and “broadband-serviceable location” have the meanings given those terms by the Commission under rules and guidance that are in effect, as of the date of enactment of this Act.

And the Commission defines a broadband serviceable location (BSL) as “a business or residential location in the United States at which mass-market fixed broadband Internet access service is, or can be, installed.” <https://help.bdc.fcc.gov/hc/en-us/articles/16842264428059-About-the-Fabric-What-a-Broadband-Serviceable-Location-BSL-Is-and-Is-Not>.

<sup>10</sup> <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

Eligible Entities must revise their list of eligible Community Anchor Institutions (CAIs) to ensure their designations conform with the statutory definition of a CAI as established by IIJA. NTIA hereby revokes the more expansive definition adopted by the NOFO. NTIA will closely review all CAI submissions and will narrowly interpret the term “community support organization” as used in the statute. NTIA reserves the right to reject any CAI designation.<sup>11</sup>

Thus, there may be further limits on future BEAD funding of schools and libraries. In addition, the Frequently Asked Questions (version 23) issued by NTIA in connection with the RPN with respect to service to CAIs provided:

2.3 With the release of the RPN, should Eligible Entities continue to prioritize unserved, underserved, and CAI BSLs?

Yes. Eligible Entities must prioritize service to unserved service projects, underserved service projects, and then CAIs, consistent with the requirements of the Infrastructure Act.

2.33 May an Eligible Entity add CAI addresses to its approved CAI list?

No. An Eligible Entity cannot add CAI addresses to the list approved in their Initial Proposal Volume I. However, an Eligible Entity can remove CAIs from the approved list to come into compliance with the RPN.<sup>12</sup>

Thus, any school or library that had not been on the original list of CAIs could not be added to the “Benefit of the Bargain Round,” and some schools or libraries that were on the original list of CAIs to be supported by BEAD may have been removed. In sum, BEAD has not rendered E-Rate funding of deployment or upgrades of broadband connections to schools and libraries superfluous.

WTA thus supports the retention of the Commission’s policy of allowing the use of E-Rate funding of special construction in appropriate situations and with proper safeguards.<sup>13</sup>

WTA agrees that special construction should only be allowed when the school or library can

---

<sup>11</sup> *Ibid.* at p. 14 (citations omitted).

<sup>12</sup> [https://broadbandusa.ntia.gov/sites/default/files/2026-08/BEAD\\_FAQs\\_V23\\_08\\_26.pdf](https://broadbandusa.ntia.gov/sites/default/files/2026-08/BEAD_FAQs_V23_08_26.pdf)

<sup>13</sup> *NPRM* at ¶ 22.

demonstrate that it is the most cost-effective solution for providing the requested broadband services.<sup>14</sup> But WTA is concerned that E-Rate funding of special construction could result in inefficient and competitively-harmful overbuilding of our members' facilities.

The concern is not merely hypothetical. Back in May of 2019, a petition for rulemaking was filed at the Commission concerning overbuilding subsidized by the E-Rate program. In response, the Commission issued a Public Notice seeking comments.<sup>15</sup> That petition was based on an experience in Texas where the schools issued a single Request for Proposals ("RFP") on a region-wide basis, which included 41 different Independent School Districts. Although there were rural local service providers that already had facilities serving or were capable of serving schools in many of the Independent School Districts, they were not aware of the RFP because it listed only a single zip code of the Regional Educational Service Center, not the zip codes for the schools or even the Independent School Districts.

Moreover, even if the rural local service providers had received notice of the RFP, it would not have been possible in the 28 days the RFP was open to create a consortium/joint venture including the rural local service providers that could have developed a bid to provide service to all the schools in the 41 different Independent School Districts ("ISDs"). As a result, the provider selected for the regional RFP was a larger national provider with no existing fiber

---

<sup>14</sup> Cf., *NPRM* at n. 83:

Applicants seeking self-construction are required to demonstrate self-construction is the most cost-effective option after conducting competitive bidding. ... Applicants must first seek bids for both services and construction and must demonstrate that construction is the most cost-effective option. (citation omitted)

<sup>15</sup> *Public Notice*, "Wireline Competition Bureau Seeks Comment on Texas Carriers' Petition to Prohibit Use of E-Rate Funds to Build Fiber Networks in Areas Where Fiber Networks Already Exist," DA 19-493, released May 30, 2019. The Commission has not yet acted on that petition for rulemaking.

to a vast majority, if not all, of the ISDs. The selected provider requested and was awarded special construction costs, in excess of seventeen million dollars, to lay new fiber to many schools that already had fiber connections, or were within a short drop cable of already existing fiber.

The Commission should ensure that such inefficient use of E-Rate funding is avoided. One way to do so would be to follow the example of Utah, which utilizes the Utah Education and Telehealth Network (“UETN”) as a centralized telecommunications procurement and funding vehicle for public education. UETN is created by statute in Utah Code Section 53H-4-213.4.<sup>16</sup> This code section describes UETN duties and provides that UETN may apply for state and federal funding, but must use a competitive process. Subsection (3) also provides (emphasis added):

- (3) In performing the duties under Subsection (2), UETN shall:
  - (a) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;
  - (b) work with the private sector to deliver high-quality, cost-effective services;
  - (c) ***avoid duplicating facilities, equipment, or services of private providers or public telecommunications service, as defined under Section 54-8b-2;***
  - (d) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and
  - (e) assure that public service entities, such as educators, public service providers, and public broadcasters, are provided access to the telecommunications infrastructure developed in the state.

---

<sup>16</sup> [https://le.utah.gov/xcode/Title53H/Chapter4/53H-4-S213.4.html?v=C53H-4-S213.4\\_2025101420251206](https://le.utah.gov/xcode/Title53H/Chapter4/53H-4-S213.4.html?v=C53H-4-S213.4_2025101420251206).

In addition to avoiding overbuilding like Utah does, the Commission should also take steps to help ensure that the competitive bidding process is not “rigged” through procedures like specifying a sole-source contract for an overly large territory.

WTA also urges the Commission to enhance the bidding process by ensuring that all potential bidders receive notice of the Form 470. One way to achieve this would be to require the E-Rate recipients to send notice of the Form 470 to all companies listed on the National Broadband Map providing service at gigabit speeds within one-half mile of the school or library, particularly if that school or library is contemplating special construction for some or all of the project.

Finally, WTA notes that Congress established the E-Rate program not only to ensure connectivity to schools and libraries, but also to support affordability of those connections for schools and libraries. Section 254254(h)(1)(B) provides:

The discount shall be an amount that the Commission, with respect to interstate services, and the States, with respect to intrastate services, determine is appropriate and necessary ***to ensure affordable access to and use of such services*** by such entities. (emphasis added)

Thus, it is important for the Commission to continue to subsidize broadband service to schools and libraries, particularly in rural areas. The *NPRM* asks:

Should the discount rate for rural schools and libraries be higher than the discount rate for urban schools and libraries? When the Commission created the E-Rate program, it recognized that schools and libraries in rural areas would likely face higher costs for E-Rate supported services. The Commission has accounted for these additional costs by providing rural schools and libraries with higher discounts than their urban counterparts in the same discount tier. However, we now seek comment on whether to modify the discount rates in order to ensure applicants are incentivized to select the most cost-effective offerings to meet their needs.<sup>17</sup>

---

<sup>17</sup> *NPRM* at ¶ 25.

WTA reminds the Commission that the higher rates for broadband services in rural areas reflect the higher costs and lower density in rural areas. And rural schools and libraries do not need to be incentivized to select the most cost effective offerings, because they are required to utilize a bidding process that ensures that they do select the most efficient offer. Moreover, the subsidies/discounts are particularly critical in rural areas, because a significant share of school funding is supported by local property taxes,<sup>18</sup> and rural school districts have relatively low tax bases. For all these reasons WTA urges the Commission to retain the higher discounts for rural schools and libraries than their urban counterparts in the same discount tier. Taking such action, along with the other recommendations of WTA herein, will best serve the public interest.

Respectfully submitted,

**WTA – ADVOCATES FOR RURAL BROADBAND**

/s/ Derrick B. Owens  
Senior VP of Government and  
and Industry Affairs  
400 Seventh Street, NW, Suite 406  
Washington, DC 20004  
(202) 548-0202

/s/ Stephen L. Goodman  
Regulatory Counsel  
400 Seventh Street, NW, Suite 406  
Washington, DC 20004  
(202) 607-6756

Dated: October 13, 2026

---

<sup>18</sup> <https://usafacts.org/answers/how-are-public-schools-in-the-us-funded/country/united-states/>.