



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS FOR EMERGENCY RELIEF TO ALLOW THE USE OF E-RATE FUNDS TO SUPPORT REMOTE LEARNING DURING THE COVID-19 PANDEMIC

WC Docket No. 21-31

Comment Date: February 16, 2021

Reply Comment Date: February 23, 2021

The COVID-19 pandemic has underscored the critical need for broadband connections for millions of Americans, including students and teachers across the country. To mitigate the spread of the disease, schools and libraries have shut their doors and transitioned to remote learning and virtual services, either in whole or in part, leaving those students who found themselves caught in the “Homework Gap” before the pandemic facing extraordinary hardship and at risk of being unable to participate in any virtual studies.¹

As a result of the impact of the COVID-19 pandemic on schools and libraries, the Commission has received at least 11 petitions for emergency relief from parties asking the FCC to permit the use of E-Rate program funds to support remote learning during this unprecedented public health emergency (collectively, Petitions).² By this Notice, the Wireline Competition Bureau (Bureau) seeks comment on those Petitions. In so doing, we highlight three of the petitions, that together raise most of the issues covered by other Petitioners: a petition filed by a coalition of E-Rate stakeholders led by the Schools, Health & Libraries Broadband (SHLB) Coalition, a petition for waiver filed on behalf of the State of Colorado and one filed by the State of Nevada, the Nevada State Board of Education, and the Nevada Department of Education.³

¹ See e.g., Moriah Balingit, ‘A National Crisis’: As coronavirus forces many schools online this fall, millions of disconnected students are being left behind, Washington Post (Aug. 15, 2020), https://www.washingtonpost.com/education/a-national-crisis-as-coronavirus-forces-many-schools-online-this-fall-millions-of-disconnected-students-are-being-left-behind/2020/08/16/458b04e6-d7f8-11ea-9c3b-dfc394c03988_story.html (explaining that disconnected students caught in the “homework gap” are now missing more than just homework, and are missing all of school this fall).

² The petitions for relief on which we seek comment are identified in Appendix A. The E-Rate program is more formally known as the schools and libraries universal service support mechanism.

³ Petition for Expedited Declaratory Ruling and Waivers filed by the Schools, Health & Libraries Broadband Coalition, et al., WC Docket No. 13-184 (filed Jan. 26, 2021), <https://www.fcc.gov/ecfs/filing/101260036427898> (SHLB Petition); Petition for Waiver on behalf of the State of Colorado, WC Docket No. 13-184 (filed Sept. 2, 2020), <https://www.fcc.gov/ecfs/filing/10902218280692> (Colorado Petition); Letter from Elaine Wynn, President, Nevada State Board of Education, to Chairman Pai, FCC, CC Docket No. 02-6 (filed Aug. 10, 2020), <https://www.fcc.gov/ecfs/filing/108212219529231> (Nevada Petition). The SHLB Petition was submitted by SHLB;

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Background. The E-Rate program was authorized by Congress as part of the Telecommunications Act of 1996 (the Telecommunications Act), and created by the Commission in 1997 to, among other things, enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary schools and libraries.⁴ Under the E-Rate program, eligible schools, libraries, and consortia (comprised of eligible schools and libraries) may request universal service discounts for eligible services and/or equipment (collectively, eligible services), including connections necessary to support broadband connectivity to eligible schools and libraries.⁵ Eligible services must be used “primarily for educational purposes.”⁶ In the case of schools, “educational purposes” is defined as “activities that are integral, immediate, and proximate to the education of students.”⁷ In the case of libraries, “educational purposes” is defined as activities that are “integral, immediate, and proximate to the provision of library services to library patrons.”⁸

The Commission has established a presumption that activities that occur in a library or a classroom or on library or school property serve an educational purpose and, therefore, are eligible for E-Rate funding.⁹ The E-Rate program does not provide support for most off-campus services and E-Rate applicants are, therefore, usually required to cost-allocate out of their funding requests any portion of eligible services used off campus.¹⁰ In some instances, however, the Commission has provided E-Rate support for off-campus services, after first finding that the off-campus provision of such services is “integral, immediate, and proximate to the education of students or the provision of library services to library patrons, and thus, would be considered to be an educational purpose.”¹¹ For example, and relevant

American Library Association; Consortium for School Networking (CoSN); National School Boards Association (NSBA); State Educational Technology Directors Association (SETDA); State E-rate Coordinators’ Alliance (SECA); Urban Libraries Council (ULC); Wireless Futures Project, Open Technology Institute at New America; and Wisconsin Department of Public Instruction.

⁴ See 47 U.S.C. § 254(h)(2)(A).

⁵ 47 CFR §§ 54.501, 54.502.

⁶ *Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, Sixth Report and Order, 25 FCC Rcd 18762, 18774, para. 22 (2010) (*Schools and Libraries Sixth Report and Order*) (amending the rules to require that services be used *primarily* for educational purposes and explaining that “[t]o primarily use services supported by E-rate, E-rate recipients must ensure that students always get first priority in use of the schools’ resources”).

⁷ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, 9208, para. 17 (2003) (*Schools and Libraries Second Report and Order*) (clarifying the meaning of educational purposes); 47 CFR § 54.500 (defining “educational purposes”).

⁸ *Schools and Libraries Second Report and Order*, 18 FCC Rcd at 9208, para. 17; 47 CFR § 54.500.

⁹ *Schools and Libraries Second Report and Order*, 18 FCC Rcd at 9208, para. 17.

¹⁰ See *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 13793, 13804 (WCB 2020) (adopting the eligible services list for funding year 2021, which requires that off-campus use be cost-allocated from a funding request, among other things); 47 CFR § 54.504(e) (detailing the requirement to cost-allocate ineligible services from requests).

¹¹ See, e.g., *Schools and Libraries Second Report and Order*, 18 FCC Rcd 9208-09, para. 19 & n.28 (listing the following examples of off-site activities that the Commission determined are permissible: “a school bus driver’s use of wireless telecommunications services while delivering children to and from school, a library staff’s person’s use of wireless telecommunications services on a library’s mobile library unit van, and the use by teachers or other school staff of wireless telecommunications services while accompanying students on a field trip or sporting event”). In 2010, the Commission also launched a pilot program—E-Rate Deployed Ubiquitously (EDU2011)—to investigate the merits and challenges of wireless off-premises connectivity services for mobile learning devices.

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to the issue of remote learning, recognizing the unique challenges of certain residential student populations, the Commission allows E-Rate support for eligible services serving the residential areas of schools that serve unique populations—including schools on Tribal lands and schools designed to serve students with medical needs, among others—because such services are primarily, if not exclusively, for educational purposes.¹² Paramount to the Commission’s determination was its finding that such residential schools serve students whose educational needs may not otherwise be met without attending these schools and that limiting support to these types of residential schools, rather than expanding support to any school with a dormitory or residential facility on its grounds, minimized the potential impact on limited E-Rate funding, while targeting those students with the most unique needs.¹³

The Petitions. As the pandemic continues to force schools and libraries across the country to remain closed and rely on remote learning and virtual services, either in whole or in part, the need for broadband connections—particularly for those students, teachers, staff, and patrons that lack an adequate connection at home—is more critical than ever. Eligible schools and libraries explain that they are hampered in their ability to address the connectivity needs brought on, and in many cases exacerbated, by COVID-19 because of the restrictions on off-campus use of E-Rate-funded services and facilities.¹⁴ Last spring, as the COVID-19 pandemic forced schools and libraries to grapple with the challenges of transitioning to remote learning, the FCC began to receive requests for emergency relief aimed at ensuring that all students have sufficient connectivity at home. Below, we summarize three petitions, which reflect the experience of schools and libraries dealing with many months of remote learning.

Most recently, a coalition of stakeholders led by SHLB filed a petition for declaratory ruling and waivers asking the FCC to allow E-Rate-funded services and equipment to be used off-campus to enable remote learning for the duration of the pandemic.¹⁵ SHLB urges the Bureau, on delegated authority, to declare that during the pandemic, remote learning meets the standard of serving an “educational purpose”¹⁶ and thus, any off-campus use does not need to be removed from funding requests.¹⁷ SHLB also proposes opening a separate “Remote Learning Application Filing Window” to allow applicants to file new or revised requests for additional E-Rate funds for off-campus services and equipment that facilitate remote learning during funding years 2020 and 2021.¹⁸ SHLB recommends that the FCC

Schools and Libraries Sixth Report and Order, 25 FCC Rcd at 18783-87, paras. 41-50. As part of this pilot program, the Commission authorized up to \$10 million for funding year 2011 to support a small number of innovative, interactive off-premises wireless connectivity projects for schools and libraries. *Id.* at 18785-86, para. 46.

¹² See *Schools and Libraries Sixth Report and Order*, 25 FCC Rcd at 18779, paras. 31-32.

¹³ *Id.*

¹⁴ See, e.g., New America, *Innovative Options to Connect All Students to Online Learning*, <https://www.newamerica.org/oti/reports/online-learning-equity-gap/ii-innovative-options-to-connect-all-students-to-online-learning/> (last visited Jan. 27, 2021) (explaining that FCC policy is hindering the school’s ability to use its fiber backhaul to provide students with direct access to the school district’s filtered network at home); Ryan Johnston, *For Students without Home Internet during the Pandemic, Could FCC’s E-Rate Help?*, Statescoop (Aug. 19, 2020), <https://statescoop.com/home-internet-pandemic-fcc-erate-expansion/> (“And because the E-Rate program explicitly requires schools use money to fund classroom connectivity, the program hasn’t provided connectivity to millions of students who will be working from their homes for the foreseeable future.”).

¹⁵ SHLB Petition at 8-10.

¹⁶ *Id.* (arguing that the expansion of broadband accessibility for remote learning is necessary during the pandemic to continue schooling and therefore, is integral, immediate, and proximate to the education of students and/or provision of library services).

¹⁷ *Id.* at 7.

¹⁸ *Id.* at 16.

provide unused E-Rate funds to support these Remote Learning applications¹⁹ and use the existing E-Rate discount methodologies to prioritize funding.²⁰ SHLB further requests a waiver of E-Rate program rules, including the competitive bidding, application, and eligible services rules to facilitate the Remote Learning Application Filing Window.²¹

Last fall, Colorado filed a petition requesting waiver of: (1) the prohibition on the use of E-Rate funds and E-Rate-funded facilities and services to allow schools to extend their broadband Internet connectivity to students who lack adequate Internet connectivity at home, and (2) the requirement to cost-allocate such off-campus use.²² Colorado explains that temporarily waiving the restrictions on off-campus use of E-Rate-supported equipment and services is consistent with the Communications Act, which requires the Commission to provide support for services that “are essential to education, public health, or public safety” and “are consistent with the public interest, convenience, and necessity.”²³ Colorado further explains that because the school classroom has shifted from a shared physical space to a virtual space during the pandemic, the Commission can and should waive the E-Rate program requirements accordingly to provide students with the broadband Internet connectivity needed to fully engage in remote learning.²⁴ Colorado contends that the FCC can rely on the same statutory authority to allow schools to extend connectivity to students’ homes that the Commission relied on to establish the Connected Care Pilot Program, which funds the purchase of Internet access service for participating telehealth patients’ remote use.²⁵

Last summer, Nevada filed a request for waiver of the restrictions on the use of E-Rate-funded broadband connectivity beyond school property.²⁶ Nevada proposes to install fixed wireless hotspots on the roofs of school buildings to extend their E-Rate-funded broadband Internet connectivity to a two-to-three-mile radius around each school site for students’ and staff’s use.²⁷ Nevada specifies that access to the schools’ networks would be restricted to students and staff through specific credentials or by their registered devices.²⁸ According to Nevada, by leveraging existing fiber connections, fixed wireless

¹⁹ *Id.* at 14 (requesting that USAC identify carry-forward funds that have been committed but not used by applicants or funds designated for pending appeals to fund these applications).

²⁰ *Id.* at 14.

²¹ *Id.* at 13.

²² Colorado Petition at 3.

²³ *Id.* at 4 (citing 47 U.S.C. § 254 (c)(1)(A), (c)(1)(D)).

²⁴ *Id.* at 6 (“To enable school districts to promptly obtain and deploy Wi-Fi hotspots and other services necessary to support remote schooling, the Commission should also waive, specific to this purpose, the E-Rate program’s complex application procedures and competitive bidding requirements.”).

²⁵ *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket Nos. 18-213 and 20-89, Report and Order, 35 FCC Rcd 3366, 3417-18, paras. 87-88 (2020) (*Connected Care Pilot Program Report and Order*) (relying on section 254(h)(2)(A), which directs the Commission to establish competitively neutral rules to enhance, to the extent technically feasible and economically reasonable, access to “advanced telecommunications and information services,” to establish the Connected Care Pilot Program).

²⁶ Nevada Petition at 2-3.

²⁷ *Id.* (explaining that the state is prepared to run a competitive bidding process for fixed wireless solutions, which wireless Internet service providers are prepared to support and can be paid for by COVID-19 recovery funds).

²⁸ *Id.* (establishing limits to ensure the requested waiver would not result in competition with residential broadband service offerings).

hotspots could “bridge 60% of the current connectivity gaps that exist due to geographic and economic limitations across the State.”²⁹

We seek comment on these and the other issues raised by the three above-referenced petitions as well as the other petitions identified in Appendix A.³⁰ To focus our consideration of the requests, we offer some more specific areas of inquiry.

Eligible Equipment and Services and their Costs. We seek comment on the specific equipment and services that E-Rate should support to fund off-campus access to broadband services for students, staff and patrons who lack adequate home Internet access. For example, the SHLB Petition requests E-Rate support for wired or wireless network equipment and services necessary for remote learning, including, but not limited to, wireless hotspot devices and fixed or mobile wireless towers.³¹ Do other commenters agree that these services and equipment are needed to support remote learning? Are there other or different services or equipment that are needed to support remote learning? For example, should modems, routers, devices that combine a modem and router, or connected devices be eligible? With respect to broadband connectivity, what level of service is required to support remote learning? We also seek comment on the cost of the services and equipment needed to support remote learning. We encourage schools, libraries and other stakeholders that have recent experience with these services and costs to provide specific information about the services they are purchasing, the costs they are paying and what they have done to ensure the services are sufficient and the costs are reasonable.

Cost-Effective Purchases. E-Rate program rules require applicants to select the most cost-effective service offering,³² consistent with section 254(h)(2)(A) of the Act.³³ Competitive bidding is a cornerstone of the E-Rate program, ensuring that applicants are informed of their options and service providers have sufficient information to provide services, leading to cost-effective pricing, and protecting limited E-Rate funds from waste, fraud, and abuse. At the same time, due to the urgency with which schools have needed to adapt to remote learning, both the Colorado and SHLB Petitions seek waivers of competitive bidding rules.³⁴ In the absence of such a safeguard, how can the Commission ensure that applicants are making cost-effective purchases? Is payment of the non-discount share a sufficient incentive to prevent wasteful spending?³⁵ Would the same be true if adjustments are made to the non-discount share? What steps have schools and libraries that are currently providing off-premises broadband services to students, staff and patrons taken to ensure that they are making cost effective purchases? What other limitations or guardrails exist or are necessary to prevent waste, fraud, or abuse of E-Rate program funds? Should, for example, the Commission subject recipients of E-rate funds for remote learning equipment and services to audits similar to those conducted in the regular E-Rate program? Should the Commission apply existing E-Rate program record keeping requirements to any funds it provides to enable remote learning? What other measures should the FCC use to safeguard these

²⁹ *Id.*

³⁰ See Appendix A.

³¹ SHLB Petition at 19.

³² 47 CFR § 54.511(a).

³³ 47 U.S.C. § 254(h)(2)(A) (requiring support be “economically reasonable”).

³⁴ See SHLB Petition at 18; Colorado Petition at 4-5.

³⁵ SHLB Petition at 14-15.

funds and ensure they are used to target students and teachers who lack sufficient Internet access at home?

Funding and Prioritization. Publicly available information strongly suggests that substantially more funding might be needed than is potentially available through the E-Rate program.³⁶ In the event that demand exceeds available funding, how should the off-campus requests be prioritized? We seek comment on the best approach to quickly and equitably make funding available to those with the most need.³⁷

How can the Commission ensure that available funds are efficiently targeted and focused on the needs of rural students; Native American, African American and LatinX students; students with disabilities; and other populations of students that are disproportionately affected by the Homework Gap or are more expensive or difficult to reach?³⁸ Does the E-Rate program's existing discount rate system adequately target students that fall into the Homework Gap, especially low-income students and those in rural or remote areas?³⁹ How can the Commission prioritize limited E-Rate support to those students, staff, or patrons that still do not have adequate home Internet access to fully engage in remote learning?

Timing. Colorado requests that the Commission waive its restrictions on off-campus use of E-Rate-supported services during the COVID-19 pandemic and asserts that remote learning will remain a significant, if not exclusive, mode of instruction through at least the 2020-21 school year.⁴⁰ SHLB requests that the Commission waive its restrictions on off-campus use for funding years 2020 and 2021, due to the uncertainties of whether students will be able to return to the classrooms during the upcoming 2021-2022 school year.⁴¹ If relief is granted to the Petitioners, should the relief provided apply on a prospective basis in order to target the students and staff that remain without adequate home Internet access? Or, recognizing that COVID-19 has forced schools and libraries across the country to dramatically shift the way they operate and provide education and library services since the first closures began in March 2020, should the relief provided apply retroactively to services and equipment purchased during funding year 2020? If funding is allowed for prior purchases, how can the Commission ensure that limited E-Rate funds are not used to pay for services and equipment that were reimbursed with other federal funding, including funding made available through the CARES Act or through the Emergency

³⁶ See, e.g., John B. Horrigan, Students of Color Caught in the Homework Gap, Alliance for Excellent Education, National Indian Education Association, National Urban League, and UnidosUS (2020), https://futureready.org/wp-content/uploads/2020/08/HomeworkGap_FINAL8.06.2020.pdf (estimating the cost to connect students and teachers between \$6 and \$12 billion, including connectivity and devices); Funds for Learning, Off-Campus Internet Connectivity Needs of K-12 Students and Public Library Patrons in the United States During COVID-19 Pandemic (Apr. 23, 2020), <https://www.fundsforlearning.com/docs/2020/04/COVID-19%20E-rate%20White%20Paper.pdf> (FFL April 2020 White Paper) (estimating a \$2.98 billion in E-Rate support to connect 7.15 million households without Internet access); Free Press, Keeping Connected Amid Crisis: Policies to Keep People Online During the COVID-19 Pandemic (Mar. 23, 2020), https://www.freepress.net/sites/default/files/2020-03/free_press_action_keeping_connected_amid_crisis_full_report_0.pdf (recommending that Congress allocate \$3 billion for devices and extending school or library networks and \$2 billion for hotspots to loan to students).

³⁷ See, e.g., SHLB Petition at 15, n.23.

³⁸ See, e.g., Ali, T., et al., Common Sense Media, Looking Back, Looking Forward: What it Will Take to Permanently Close the K-12 Digital Divide (2021) at p. 9, https://www.common Sense Media.org/sites/default/files/uploads/kids_action/final_-_what_it_will_take_to_permanently_close_the_k-12_digital_divide_vjan26_1.pdf (describing the disproportionate impact of the digital divide on Black, Latinx, Native American students, students in poorer families, and southern, rural communities).

³⁹ SHLB Petition at 14-15.

⁴⁰ Colorado Petition at 3, 5 (noting that remote learning is likely to remain a prevalent instructional model throughout the 2020-21 school year due to COVID-19-related school closures).

⁴¹ SHLB Petition at 19-20.

Broadband Benefits Program?⁴² Commenters should explain how the funding sought through the E-Rate program to address insufficient Internet access at home would not be duplicative of funding available through the Emergency Broadband Benefits Program. What are the guardrails or other measures that should be used to avoid duplication of limited funds and ensure the funds are targeted to students and teachers lacking adequate Internet access at home? Should the Commission prioritize prospective relief over reimbursements for prior purchases? What should be the timeframe for this relief? Should it start when the COVID-19 pandemic was declared a national emergency? Should it end when the national emergency is rescinded, or should another marker be used to define this period?

Legal Issues. According to SHLB and Colorado, allowing E-Rate-funded off-campus support for students with inadequate Internet access at home during the pandemic is consistent with the Commission's authority to determine which services to support under the Communications Act.⁴³ SHLB explains that the Commission can clarify that off-campus use of equipment to support remote learning during the pandemic constitutes an educational purpose under section 254(h)(1)(B).⁴⁴ Colorado asserts that the inaccessibility of physical classrooms during the pandemic enables the Commission to deem at-home connectivity eligible for these purposes under section 254(c)(1),⁴⁵ which requires the Commission to take into consideration, when determining eligible services, which services "are essential to education, public health, or public safety"⁴⁶ and "are consistent with the public interest, convenience, and necessity."⁴⁷ SHLB offers a variety of arguments for rejecting suggestions that the reference to "classrooms" in section 254(b)(6) and 254(h)(2)(A) which provide that "[t]he Commission shall establish competitively neutral rules . . . to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms . . ." limits the Commission's ability to provide E-Rate supported broadband for remote learning.⁴⁸ SHLB points out that the Commission already provides E-rate support for some off-campus services and echoes Colorado's argument that during the pandemic students' and teachers' homes have become virtual classrooms.⁴⁹ Both SHLB and Colorado argue that the Commission relied on its authority under section 254(h)(2)(A) of the Act to allow health care providers to purchase Internet access services for participating patients' use in their homes or mobile locations during the pandemic in the Connected Care Pilot Program and can take a similar action in the E-Rate program.⁵⁰

⁴² CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020). Consolidated Appropriations Act, 2021, H.R. 133, 116th Cong. (2020) (enacted), available at <https://www.congress.gov/bill/116th-congress/house-bill/133/text> (Consolidated Appropriations Act). Section 904 establishes an Emergency Broadband Connectivity Fund of \$3.2 billion and directs the FCC to use that fund to establish an Emergency Broadband Benefit Program, under which eligible households may receive a discount off the cost of broadband service and certain connected devices during an emergency period relating to the COVID-19 pandemic.

⁴³ Colorado Petition at 5-6.

⁴⁴ SHLB Petition at 21.

⁴⁵ Colorado Petition at 5.

⁴⁶ 47 U.S.C § 254(c)(1)(A).

⁴⁷ 47 U.S.C § 254(c)(1)(D).

⁴⁸ SHLB Petition at 20-24.

⁴⁹ *Id.* at 22-24. *See also* Colorado Petition at 6.

⁵⁰ Colorado Petition at 6-7 (asserting that the Commission's authority under section 254(h)(2)(A) applies in education as it does in healthcare). SHLB Petition at 22-23. *See also Connected Care Pilot Program Report and Order*, 35 FCC Rcd at 3417-18, paras. 87-88 (concluding that remote uses fall within the scope of section 254(h)(2)(A) because it would enhance health care providers' access to "advanced telecommunications and information services" by "expand[ing] health care providers' digital footprints for purposes of providing connected care services and allow[ing] health care providers to serve more eligible low-income patients and veterans through the Pilot Program.").

They also both point out that the Commission has the statutory authority to designate additional E-Rate supported services.⁵¹ We invite other stakeholders to comment on the Commission's legal authority to use E-Rate funding to help address the remote learning challenges created by the COVID-19 Pandemic.

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before **February 16, 2021**, and reply comments on or before **February 23, 2021**.⁵² All filings should refer to WC Docket No. 21-31. Comments may be filed by paper or by using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments and replies may be filed electronically using the Internet by accessing ECFS: <http://www.fcc.gov/ecfs>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
- Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. Filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L St, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.⁵³

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

Ex Parte Rules. Proceedings in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be

⁵¹ SHLB Petition at 23; Colorado Petition at 6.

⁵² See 47 CFR § 1.4(j) (filing dates that would otherwise fall on a holiday shall be filed on the next business day).

⁵³ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (2020). In response to the COVID-19 pandemic, the FCC has closed its current hand-delivery filing location at FCC Headquarters. We encourage outside parties to take full advantage of the Commission's electronic filing system. Any party that is unable to meet the filing deadline due to the building closure may request a waiver of the comment or reply comment deadline, to the extent permitted by law.

⁵⁴ See 47 CFR §§ 1.1200(a), 1.1206.

found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in these proceedings should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Gabriela Gross, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-0546 or by email at Gabriela.Gross@fcc.gov.

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Appendix A

List of Filers

Filer	Date Filed	Docket(s)	Link ¹
Aleutians East Borough School District	April 3, 2020	CC 02-6; WC 10-90, 13-184	https://www.fcc.gov/ecfs/filing/10404360816908
State of Colorado	September 2, 2020	WC 13-184	https://www.fcc.gov/ecfs/filing/10902218280692
Florida Department of Management Services	March 12, 2020	WC 02-6	https://www.fcc.gov/ecfs/filing/10312280696180
Illinois Department of Commerce & Economic Opportunity, Office of Broadband	July 2, 2020	CC 02-6; WC 17-287, 13-184, 11-42; GN 17-83	https://www.fcc.gov/ecfs/filing/10703531621573
Los Angeles Unified School District	April 3, 2020	WC 19-2, 13-184	https://www.fcc.gov/ecfs/filing/104033022828405
Massachusetts Department of Telecommunications and Cable	November 5, 2020	WC 13-184	https://www.fcc.gov/ecfs/filing/1105062629458
Mississippi Department of Education	March 24, 2020	CC 02-6	https://www.fcc.gov/ecfs/filing/1032470516353
Navajo Nation	April 30, 2020	WC 13-184	https://www.fcc.gov/ecfs/filing/10501013173531
State of Nevada, the Nevada State Board of Education, and the Nevada Department of Education	August 10, 2020	CC 02-6	https://www.fcc.gov/ecfs/filing/108212219529231
San Diego County Office of Education	April 9, 2020	CC 02-6	https://www.fcc.gov/ecfs/filing/104231014223661
Schools, Health & Libraries Broadband Coalition; American Library Association; Consortium for School Networking (CoSN); National School Boards Association (NSBA); State Educational Technology Directors Association (SETDA); State E-rate Coordinators' Alliance (SECA); Urban Libraries Council (ULC); Wireless Futures Project, Open Technology Institute at New America; and Wisconsin Department of Public Instruction	January 26, 2021	WC 13-184	https://www.fcc.gov/ecfs/filing/101260036427898

¹ Wireline Competition Bureau staff will add the filings included in Appendix A to the new docket, Addressing the Homework Gap through the E-Rate Program, WC Docket No. 21-31. The link to the Colorado Petition was incorrect in the original version of this document and has now been corrected.