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GOBIERNO DE PUERTO RICO

Federal Communications Commission
Office of the Secretary

DEPARTAMENTO DE EDUCACIÓN

Oficina de Sistemas de Información y Apoyo Tecnológico a la

Docencia

October 4, 2017

CC: 92-6

Mr. Ajit V. Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Emergency Hurricane Relief under the Federal E-Rate Program

Dear Commissioner Pai:

As Puerto Rico attempts to recover from the catastrophic impact of Hurricanes Irma and Maria, we are working diligently to restore our telecommunications and information systems to allow us to reestablish normal operations in our 1,111 schools as quickly as possible. As you know, this endeavor is being undertaken under extremely difficult circumstances, but we are committed to a full recovery for the entire island of Puerto Rico. As the Secretary of Education for the Puerto Rico Department of Education (the "Department"), I am writing to ask the Federal Communications Commission (the "Commission" or "FCC") to authorize emergency relief for our school system under the Universal Service Fund E-Rate program.

We believe that the relief the Department is requesting is permitted under Commission rules, is in the best interest of the public and is consistent with the relief authorized by the Commission for several states adversely impacted by Hurricane Katrina in 2005. Also, although we are requesting relief we think will provide the broadest and most immediate relief for our island, much of the requested support will also benefit schools and libraries in our sister regions of the U.S. Virgin Islands, Texas and Florida also devastated by Hurricanes Harvey, Irma and/or Maria. To expedite the restoration of internet and communications in schools and libraries in affected areas, the Department hereby respectfully requests that the Commission authorize the following:

1. Allow Reallocation of FY2017 Funds Requested for Closed Schools. To reduce costs and optimize available dollars, the Department closed 167 schools this summer. The list of closing schools had not been finalized when we filed our FY2017 E-Rate applications on May 11, 2017. As a result, our applications included funding for 129 of the 167 closed schools. We notified the Universal Service Administrative Company ("USAC") about the closed schools, as required under the program. However, rather than reducing the amount of our applications, we request

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authorization to amend our applications (a) add additional schools impacted by the hurricanes and (b) to reallocate the dollars originally requested for closed schools so the funding is used support open schools.

2. **Permit the Department to Transfer Funding Commitments from Closed Schools included in FY2012 Internal Connections Funding.** The Department has approximately \$24 million in funding for internal connections that was approved by USAC approximately two years ago. A number of schools included in the FY2012 application have been closed since the application was filed five years ago. Therefore, the Department would like to transfer funds approved for closed sites to open schools and amend the application to include open schools that were not initially a part of the internal connections initiative. We understand that the FCC has expressly stated that Rule 54.513(d) permits applicants to transfer funding commitments from closed schools to other eligible entities within districts.¹ However, we are requesting express authorization from the Commission for this request, because while USAC has a process for transferring equipment from closed schools to open facilities, USAC does not currently have an established mechanism to effect funding commitment transfers.
3. **Establish New FY2017 Filing Window.** We ask that the Commission waive Section 54.507(c) of FCC rules establishing the annual E-Rate application filing window to permit the reopening of the FY2017 filing window for 90 days so that affected schools and libraries can request additional Category 1 and Category 2 funding up to the established \$3.99 billion FY2017 funding cap. This is consistent with the relief granted by the FCC to applicants impacted by Hurricane Katrina, where the 2005 filing window was reopened for 60 days.² We are requesting a longer filing window to ensure there is sufficient time to meet E-Rate and local procurement rules and requirements.
4. **Waive 28-Day Competitive Bidding Requirement for FY2017 Emergency E-Rate Eligible Procurements.** If the filing window for FY2017 is reopened, the Department will post the required Form 470 in accordance with E-Rate rules and issue requests for proposals as appropriate. However, we ask that the 28-day competitive bidding requirement be waived for eligible items that can be bid on an emergency basis under Puerto Rico procurement laws.
5. **Waive Category 2 Budget Cap for FY2017 and for FY2018.** We are currently in the process of assessing the damage to each of our schools and have determined that every one of our schools was damaged by the recent hurricanes. The damage to our properties is extensive, and additional funding is needed to restore telecommunications and information systems to pre-hurricane operation levels. To this end, we ask the FCC to waive the Category 2 Budget Cap for two years to allow affected E-Rate participants to apply for what is needed to restore eligible equipment and services, without being restricted by the current \$153.47 per-student cap.

¹ Requests for Waiver by Abbeville County School District, Union County School District, Williamsburg County School District.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 25 FCC Rcd 14494 (adopted October 18, 2010)

² See also Request for Review of the Decision of the Universal Service Administrator, Ysleta Independent School District, El Paso, 96-45, 97-21, Order, 1 (reopening filing window for Funding Year 2002 in order to permit Ysleta, and similarly situated applicants to re-bid for services).


6. **Grant Automatic Extensions for FY2017 and FY2018 E-Rate Deadlines.** The Department will make every effort to remain in compliance with all rules of the E-Rate program, including additional certification, documentation and audit requirements imposed by the Commission or USAC with regard to approved emergency measures. However, power has not been restored to over 40% of the island and phone and internet services are still out for most of the territory. Until the emergency situation in Puerto Rico has been stabilized, the Department may not be able to meet all applicable program deadlines. Consequently, we respectfully request that the Commission grant one-time automatic extensions of E-Rate deadlines, including but not limited to the following:

- 1-Year extension for FY2017 and FY2018 Category 2 Internal Connections Service implementation deadline; and
- 120-Day extension for FY2017 deadlines pertaining to Form 472 and 474 invoices, Form 486, service substitutions, contract amendment and extensions, and PIA responses.

In addition to the foregoing, the Department respectfully respects any other relief the Commission deems appropriate under the Universal Service Fund for E-Rate applicants affected by the recent natural disasters.

Due to the difficulty in establishing communications, if you have any questions or if you need any additional information, please contact Marie Ortiz at 787-773-5800 or ortiz_n@de.pr.gov and Yanin M. Dieppa at 787-773-2003 or dieppapy@de.pr.gov and Jennifer Mauskapf at 202-965-3652 or jmauskapf@bruman.com. Thank you for your continued support of our commitment to providing the children of Puerto Rico with a quality education.

Sincerely,



Julia B. Keleher, Ed.D.
Secretary of Education