

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

In the Matter of)
)
Addressing the Homework Gap) WC Docket No. 21-31
Through the E-rate Program)

**COMMENTS OF THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS**

The National Association of Telecommunications Officers and Advisors (“NATOA”)¹ submits these comments in response to the Public Notice released on February 1, 2021, seeking comment on multiple petitions for emergency relief asking the Commission to permit use of E-Rate program funds to support remote learning and teaching during the public health emergency caused by the COVID-19 pandemic.² NATOA applauds the Commission for undertaking this proceeding and supports the use of E-Rate funds to provide much-needed relief to families and teachers by allowing E-Rate funds to support at-home classrooms during the pandemic.

The serious, significant impacts of the pandemic on students is well documented and need not be restated here. As a nation, we must prioritize this urgent issue and take all reasonable steps to help students stay connected—with robust broadband—during the pandemic. The Commission can and should aid in this effort by permitting the use of E-Rate funds to support remote learning as proposed in the various petitions for emergency relief. As several petitioners noted, the

¹ NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of such services for the nation’s local governments.

² Public Notice, *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 (Feb. 1, 2021) (“Public Notice”).

Commission previously relied on Section 254(h)(2)(A) to allow health care providers to purchase services for participating patients, and should similarly rely on this Section to allow E-Rate funds for use in at-home classrooms during the pandemic.³

With respect to eligible equipment and services, we support the Schools, Health & Libraries Broadband (SHLB) Coalition’s suggestion that funds may be used for wired or wireless network equipment and services necessary for remote learning, including hotspots and other devices that enable connectivity.⁴ As reflected in the petitions, there are a variety of services and equipment that have been or could be used to facilitate students’ and teachers’ access to remote classrooms, and no one solution that will work for everyone, everywhere. As such, the Commission should ensure flexibility by permitting a broad range of services and equipment to be funded, provided they are used to facilitate a remote classroom.

We also support petitioners’ requests for waivers of the competitive bidding rules. While we agree with the statement in the Public Notice that “[c]ompetitive bidding is a cornerstone of the E-Rate program” as a means of ensuring cost-effective pricing and combating waste, fraud and abuse,⁵ the unprecedented national emergency warrants a waiver. Connectivity for virtual classrooms is an urgent need, as is funding to support that connectivity. E-Rate recipients, as made clear in the petitions, are seeking to help students and teachers endure this pandemic. They have every incentive to maximize E-Rate dollars, the experience to understand what pricing is reasonable and in many cases already receive services secured through a competitive bidding process.⁶ These inherent safeguards, along with the existing E-Rate record keeping obligations,

³ Petition for Waiver on behalf of the State of Colorado, WC Docket No. 13-184 (filed Sept. 2, 2020) at 6-7; 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) at 22-23 (“SHLB Petition”).

⁴ Public Notice at 5.

⁵ *Id.*

⁶ *See, e.g.*, SHLB Petition at 18.

which we recommend apply to funds used for remote learning, are reasonable means of protecting E-Rate funds under these unique and urgent circumstances.

Finally, we agree with the statement in the Public Notice that, if available for use for remote classrooms, the funds should be targeted to reach those most in need for as long as possible and should not be used to reimburse services and equipment funded through other federal programs.⁷

In sum, we urge the Commission to take the reasonable and necessary step of permitting the use of E-Rate program funds to support remote learning and teaching during the national emergency.

Respectfully submitted,



Nancy L. Werner
General Counsel
NATOA
3213 Duke Street, #695
Alexandria, VA 22314
(703) 519-8035

February 16, 2021

⁷ Public Notice at 6.