

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

In the Matter of)	
)	
Emergency Broadband Connectivity)	WC Docket No. 20-445
Fund Assistance)	

REPLY COMMENTS OF EDUCATIONSUPERHIGHWAY

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EducationSuperHighway respectfully submits these reply comments in response to the Public Notice from the Wireline Competition Bureau requesting comments in the above-referenced proceeding.

INTRODUCTION AND SUMMARY

EducationSuperHighway again commends Congress and the Commission for recognizing the need to address the affordability gap faced by tens of millions of households and view the Emergency Broadband Benefit Program as a historic opportunity to make significant progress on two key Commission objectives—closing the digital divide and the homework gap. Upon reviewing the initial comments, EducationSuperHighway would like to provide further comments on the following topics:

1. The FCC should reserve 50% of the Emergency Broadband Connectivity Fund for those without home broadband connections.
2. States and school districts have spent nearly a year figuring out which student households are not connected, so they are well prepared to assist service providers in determining which households need broadband service.
3. In order to make rules that deliver on Congress's intent to solve the homework gap, the FCC needs to address the issue of sharing Free & Reduced Lunch information.
4. The FCC needs to approve a simple, standard form that schools can give providers or families that denotes a household is eligible.
5. The Commission should collect and provide transparent access to Emergency Broadband Benefit Program enrollment and usage data to inform future policymaking.

I. THE COMMISSION MUST RESERVE 50% OF THE EMERGENCY BROADBAND CONNECTIVITY FUND FOR THOSE WITHOUT HOME BROADBAND CONNECTIONS

The amount of funding appropriated by Congress for the Emergency Broadband Connectivity Fund is unlikely to be sufficient to meet the demand for the program; therefore, the Commission must take steps to ensure that both households without home broadband connections and those struggling to maintain their home broadband subscriptions are able to access the benefit.¹ Thus, EducationSuperHighway supports the comments like those of the California Emerging Technology Fund, which explicitly urges the Commission to reserve half of its funds for the unconnected.

Other commenters support the rationale for reserving funding for the unconnected. The Benton Institute for Broadband & Society advocates that the Commission prioritize the unconnected, recognizing that “for providers, it will be very easy to just apply the emergency broadband benefit to existing qualified households.”² The cities of Los Angeles, Chicago, Portland, Boston, and the Texas Coalition of Cities For Utility Issues also issued comments that warned of the negative consequences if the Commission does not set aside funding for the unconnected: “Absent Commission intervention, the funding made possible by the Act could have an adverse result in that it could serve to incent ISPs to do the least amount of work possible to access these funds -- that is, subsidizing their current customers.”³

Finally, the Commission can explicitly use this funding for unconnected households because nothing in the statute specifically prohibits this use of funding. While the statute limits eligibility⁴ and restricts the amount of funding,⁵ it does not provide any specific limitations regarding how the Commission chooses to prioritize the funding. Thus, the Commission has the authority to reserve half of the Emergency Broadband Connectivity Fund to be used for currently unconnected households.

II. STATES AND SCHOOL DISTRICTS ARE WELL PREPARED TO ASSIST SERVICE PROVIDERS IN DETERMINING WHICH HOUSEHOLDS NEED BROADBAND SERVICE

There was strong support in the initial comments for allowing states, municipalities, and school districts to verify whether a household is eligible for the Emergency Broadband Benefit Program.

¹ EducationSuperHighway Initial Comments, January 19, 2021.

² Benton Initial Comments, January 25, 2021, page 5.

³ The cities of Los Angeles, California; Chicago, Illinois; Portland, Oregon; Boston, Massachusetts and the Texas Coalition of Cities For Utility Issues Comments, page 13.

⁴ Consolidated Appropriation Act, 2021, Pub. L. No. 116-260, div. N, tit. IX § 904(a)(6).

⁵ Id. § 904(i)(3).

Eighteen comments made by local governments, states, service providers, and national advocacy groups all advocated allowing those agents that have been doing this work successfully during the pandemic—school districts, municipalities, and states—to work with service providers to help aggregate signups.⁶ These aggregators have done such incredible work since the pandemic began to connect their communities, and they are advocating for the Emergency Broadband Benefit Program to facilitate that work moving forward: “The Commission should permit bulk purchasers of broadband services such as schools, public housing and public interests to continue to make purchases for eligible households and allow those households to assign any credit to the bulk purchaser. Likewise, the Commission should embrace the practice of sponsored services.”⁷

We also support the National Digital Inclusion Alliance’s comments, which raised the importance of leveraging the most trusted organizations to help with awareness and community outreach: “the FCC and USAC should fund directly and/or ensure and incentivize providers to fund outreach and sign-up assistance partnerships via local and state government, tribes, anchor institutions, local ethnic media, libraries, faith institutions and culturally competent community based-organizations that residents often turn to first as trusted facilitators to learn about and access essential services.”

An example that reinforces NDIA’s argument was Chicago Connected. Chicago understood that households would be wary of a “free internet” program, thinking that it is a scam or a marketing ploy if the messaging came from a service provider. Thus, Chicago Connected issued \$3 million in funding to 35 local organizations to lead the community outreach component. To implement this effective strategy for the Emergency Broadband Benefit Program, the Commission could distribute \$30 million, approximately half of its administrative funds, as block grants to states. The money could be allocated based on the percentage of unconnected in each state. States could then disburse this funding to local organizations to support the critical community outreach component. As Chicago Connected has done to track progress made by community-based organizations, the Commission can institute sign-up metrics that local organizations report to states.⁸

⁶ EducationSuperHighway analysis of public comments to WC Docket No. 20-445.

⁷ The cities of Los Angeles, California; Chicago, Illinois; Portland, Oregon; Boston, Massachusetts and the Texas Coalition of Cities For Utility Issues Comments, page 15.

⁸ From Chicago Public Schools’ website: “CBOs must also be able to track progress and share impact with funders. Metrics will include target households connected, digital literacy workshops held, and the skills, credentials, and certifications earned by participating households.”, <https://www.cps.edu/strategic-initiatives/chicago-connected/community-based-organizations/>

III. IN ORDER TO MAKE RULES THAT DELIVER ON CONGRESS’S INTENT TO SOLVE THE HOMEWORK GAP, THE FCC NEEDS TO ADDRESS THE ISSUE OF SHARING FREE & REDUCED LUNCH INFORMATION

There was strong support in the initial comments for the Commission to adopt an alternative verification process, coming from at least thirty-six commenters spanning local governments, national advocacy groups, and service providers.⁹ When looking specifically at the Free and Reduced Lunch eligibility component, we believe it is essential for the Commission to address the issues of sharing free and reduced lunch information.

As presented by other commenters, the Commission should rely on the precedent set by the Community Eligibility Provision. EducationSuperHighway also urges the Commission to go further and build on the frameworks that school districts, municipalities, and states are already doing to determine households with K-12 students are eligible. “As has been done successfully in Chicago, in North Carolina, and in Milwaukee, school districts and states have proven that they can successfully certify needy K-12 households. Data exchange is key.”¹⁰

IV. THE FCC NEEDS TO APPROVE A STANDARD, SIMPLE FORM THAT SCHOOLS CAN GIVE PROVIDERS OR FAMILIES THAT DENOTES A HOUSEHOLD IS ELIGIBLE

If the Commission does not adopt the eligibility criteria of a students’ household being unconnected as a proxy for Free and Reduced Lunch (FRL) status,¹¹ then the Commission needs to take steps to make it as easy as possible for families to prove their FRL eligibility. One option for making the sign-up process as easy as possible is to allow states, municipal governments, or school districts to determine eligibility and send voucher codes to households.

The Alabama Department of Economic and Community Affairs detailed this process in their initial comments, highlighting the benefit of streamlining the sign-up process for their “ABC for Students” program. They used State data on participation in the National School Lunch Program to identify which households would be eligible for the free broadband service in their statewide program. Upon negotiating contracts with 42 ISPs that committed to serving eligible families, they mailed personalized voucher codes to eligible families in the state, “empowering residents to sign up for service with just one phone call.”¹²

⁹ EducationSuperHighway analysis of public comments to WC Docket No. 20-445.

¹⁰ Benton Initial Comments, January 25, 2021, page 30.

¹¹ EducationSuperHighway Initial Comments, pages 6 - 9.

¹² Alabama Department of Economic and Community Affairs Comments, January 25, 2021, page 1.

V. THE COMMISSION SHOULD COLLECT AND PROVIDE TRANSPARENT ACCESS TO EMERGENCY BROADBAND BENEFIT PROGRAM ENROLLMENT AND USAGE DATA TO INFORM FUTURE POLICY MAKING

Data transparency was such a clear driver for closing the digital divide for America’s K-12 public schools. The critical change that occurred was when E-rate data went from the aggregate level to line item level, creating open transparency about how the E-rate fund was being used. By being able to see what other school districts were paying for their broadband connections, districts were able to better negotiate deals leading to increased bandwidth speeds and lower costs. The results of introducing price transparency to K-12 broadband are clear. In 2013, over 22,000 schools lacked high-speed fiber-optic connections; now, less than 1% of schools lack fiber connections. E-rate modernization also resulted in school broadband costs decreasing 90%, with the median cost per Mbps dropping from \$22 in 2013 to \$2.24 in 2019.¹³

The Commission needs to ensure that these same principles of transparency are instituted in the Emergency Broadband Benefit Program. Not only will this program provide much-needed assistance to those without broadband and struggling to afford it, but it also offers an opportunity to better understand how to finally close the digital divide. The Commission should publish an anonymized data set that discloses the following for each Emergency Broadband Benefit Program recipient:

- Date of enrollment
- Basis of eligibility verification (Lifeline, FRL, Pell Grant, existing provider program, income loss)
- Existing or new subscriber to the provider requesting the benefit
- Location (census block or municipality)
- Provider requesting Emergency Broadband Benefit
- Service plan subscribed to (including service type and speeds)
- Cost of plan
- Device provided
- Device subsidy provided
- Duration of Emergency Broadband Benefit Program enrollment
- Did subscriber continue service once the benefit expired - Y/N
- Service plan subscriber continued with (service type and bandwidth speeds)
- Cost of service plan subscriber continued with

This data will help policymakers determine the effectiveness of the Emergency Broadband Benefit Program in closing the digital divide and the homework gap and better understand the need for permanent broadband funding. By making the anonymized data publicly available,

¹³ “The State of Connectivity in America’s Schools.” 2019 State of the States Report. EducationSuperHighway, <https://stateofthestates.educationsuperhighway.org/>, (October 2019).

advocacy organizations can help policymakers design the most effective permanent broadband funding mechanisms and additional strategies for closing the digital divide. Additionally, equipped with this data, service providers would be able to create more competitive service offerings that maximize the impact of future broadband funding.

CONCLUSION

For the reasons discussed above, the Commission should establish rules for the Emergency Broadband Benefit Program that ensure that a substantial number of unconnected households are connected to home broadband, maximize the number of households that are able to participate effectively in remote learning, and appropriately measure and track the efficacy of the program.

Respectfully submitted,

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