



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

Petitions for Emergency Relief to Allow the Use)
Of E-rate Funds to Support Remote Learning) WC Docket No. 21-31
During the COVID-19 Pandemic)

**INITIAL COMMENTS OF
THE STATE E-RATE COORDINATORS' ALLIANCE
IN RESPONSE TO PUBLIC NOTICE DA 21-98**

I. Introduction

The State E-rate Coordinators' Alliance ("SECA")¹ submits these Comments in response to Public Notice DA 21-98 seeking comment on the various petitions for emergency relief concerning remote learning. These petitions request the FCC to allow E-rate funds to be used for facilitating broadband Internet access to students and teachers who are participating in remote learning, off-campus, during the COVID-19 pandemic.

SECA applauds the FCC's efforts to date to assist schools, their teachers, and their students during the pandemic. Earlier measures such as waiver of the gift rules through June 30, 2021 and the special FY 2020 471 filing window for increases in on-campus Internet expenses have offered some economic resources to help schools that are seeking to ensure all students and teachers have adequate

¹ SECA members provide E-rate coordination services in 41 states and 1 U.S. Territory. State Coordinators have daily interactions with and provide training to E-rate applicants to assist them with all aspects of the program. State coordinators serve as intermediaries between the applicant and service provider communities, the E-rate Administrator, and the Federal Communications Commission. SECA regularly communicates with the E-rate program administrator, the Federal Communications Commission) and other federal and state policy makers regarding the operation and administration of the E-rate program to convey recommendations and feedback to fulfill the goals of the program. The organization was established in 1997 and is operated by a dedicated team of volunteers.

broadband Internet access at home, so that students can participate in remote learning for the duration of the pandemic and until classes resume in their school buildings.

As the Public Notice observed, numerous filings have been submitted to urge the FCC to allow E-rate funds to be used for remote learning. Led by the Schools, Health and Libraries Broadband Coalition (“SHLB”), SECA joined with other national education and E-rate stakeholder petitioners in support of the petition filed on January 26, 2021, seeking emergency relief to expand the use of E-rate funding, on a temporary basis during the pandemic, to do more to facilitate remote learning.

As noted in our January 25, 2021, Comments to the Emergency Broadband Benefit Program (“EBB”),² SECA believes that a program like EBB, that offers financial assistance to eligible low-income households for broadband Internet connectivity, is the appropriate model for a permanent solution to the *affordability* problem facing these households in securing broadband Internet access. SECA believes that a “direct to consumer” program like Lifeline, when adequately funded, is a more efficient and effective way to solve the “homework gap” program where Lifeline-supported consumer choices are available and easy to access by qualifying low-income households.

The EBB and Lifeline programs, however, do not address or resolve the situations and locations where broadband Internet is not accessible or available to teachers and students. This is a much bigger policy issue than the E-rate program alone can or should be called upon to solve. A coordinated effort among all universal service support mechanisms is needed to address and resolve holistically the solutions for making affordable broadband Internet access available ubiquitously throughout the country to all households, including those with student learners.

Unfortunately, the present COVID-19 emergency does not allow for the development of a comprehensive and permanent solution to this national challenge. As we intuitively know and as news reports and studies continue to illustrate, *it is vital and essential for students to have reliable broadband Internet at home now to keep up with their education during the pandemic.*³ Schools have been thrust into the role of taking extraordinary and sometimes costly measures to ensure that each teacher and student has broadband Internet at home in order to effectively participate in remote learning. Prior to

² https://ecfsapi.fcc.gov/file/101252980328238/SECA%20EBB%20Comments%202021_01_25_%20filed.pdf

³ [Closing the Digital Divide in the Age of Distance Learning \(June 2020; Common Sense Media\); Looking Back, Looking Forward: What it will take to permanently close the digital divide \(January 2021; Common Sense Media\); Closing Education's Digital Divide will Cost Billions \(January 2021; Governing.com\)](#)

the pandemic and the ubiquitous pivot to remote learning, this is not a role that many schools had foreseen for themselves.

It is the reality of these circumstances that led SECA to embrace the request for use of available E-rate funding to facilitate remote learning during the pandemic. To be clear, SECA does not foresee the long-term use of E-rate funds to supplement actions taken by schools to ensure that all students have affordable and reliable broadband Internet access at home. SECA believes that the lack of home connectivity is a large, nationwide issue and is not the responsibility of just the education community, as an institution, nor E-rate, as a funding source, to solve or fix. We do not believe that the present E-rate program, funded at the current ceiling levels, can support this expansion of home access for students permanently. But given the urgent need to address this problem until education returns to brick and mortar classrooms, *and in the absence of Congressional action*, SECA believes that existing available E-rate funds could be used specifically for the purpose of facilitating remote learning.

SECA's support and joining with SHLB and other petitioners in filing the January 26, 2021 petition was based on the belief and assumption that no appropriation from Congress supplementing E-Rate or Universal Service Fund ("USF") programs for remote learning would be forthcoming. Since then, legislation was introduced in the House of Representatives to create a \$7.6 billion Emergency Connectivity Fund ("ECF") for remote learning.⁴ On February 12, 2021, the House Energy and Commerce Committee marked-up its COVID-19 Reconciliation package and included the \$7.6 billion remote learning provision.

In the event that Congress makes such an appropriation, SECA believes that this Congressional ECF should be used to fulfill the goals of the remote learning petitions and existing Universal Service E-rate funds should not be used for this purpose except where an unmet need may exist.⁵ For example, should ECF not provide schools with funding to purchase equipment to extend their existing networks, SECA believes that the FCC can and should use the existing E-rate funding for this purpose during the pandemic.

In any event SECA believes that in one key respect the FCC should not wait to see what final action Congress takes on the ECF legislation. We encourage the FCC to act swiftly to approve the

⁴ https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Subtitle%20D_Other%20Provisions_FINAL.pdf

SHLB request to allow existing, E-rate funded eligible equipment and services to be used to extend school networks and E-rate-funded Internet access to off-campus locations, because this relief would not impose an additional financial burden on E-rate. SECA will focus these Comments, therefore, on the off-campus network extension issue. We will address other issues raised by commenting parties in reply comments.

II. The Cost-Allocation Requirement to Deduct the Costs of Internet Used Off-Campus Should be Rescinded Permanently.

As the educational setting has moved from on-campus to off-campus, the need, ability, and desire to enable teachers and students to participate in remote learning safely should not impose a financial penalty for the E-rate applicant. Yet, current E-rate rules prohibit the use of E-rate funds to provide any Internet access service except on school campus. With many schools closed, educators quickly realized that they could open their Internet networks and the service could be made available off-campus to student households. Realizing the severity of the emergency, some schools have already instituted these measures while still others want to but have refrained from doing so for fear of jeopardizing their E-rate funding.

As stated in the SHLB petition, schools should be permitted to use their existing E-rate broadband services without cost-allocation and without fear of jeopardizing their E-rate funding to provide access off-campus access to students and teachers for the purpose of remote learning. In some communities, the school-provided service may be the only solution capable of overcoming the hurdles of access and affordability. Under current E-rate rules, however, the costs associated with the off-campus usage of E-rate funded services must be deducted from a school's pre-discount amount and E-rate funding may not be used for this purpose.

SECA believes that the FCC should issue a Declaratory Order as soon as possible to waive the off-campus cost allocation requirement as of March 13, 2020, when the pandemic emergency was first declared.⁶ This is an obvious and cost-effective way to allow schools to use their E-rate funded services to facilitate their students' remote learning off-campus. SECA also encourages the FCC to

⁶ This waiver would permit schools from having to reduce their reimbursement requests by the costs associated with off campus usage of Internet. We are not suggesting or advocating that schools should be permitted to retroactively request additional funding for off campus Internet usage that may have occurred during either FY 2019 (during the period March 13, 2020 – June 30, 2020) or FY 2020.

consider permanently rescinding this requirement as a simplification and efficiency measure that has virtually no financial impact on E-rate funding demand. There are numerous reasons supporting this request.

First, the amount of funding requested and approved for FY 2019 and FY 2020 (the E-rate funding years that the pandemic emergency traverses) were based on the anticipated *on-campus* usage by schools. The approved funding has already been committed, and therefore, there is no further funding demand or financial burden on the E-rate program by allowing schools to forego the off-campus cost allocation requirement.

Second, use of E-rate funded, off-campus Internet access allows for more efficient use of E-rate funds. Since schools must pay for Internet “around the clock” whether school is in session or after hours; off-campus use allows for more effective ongoing use – more comprehensive utilization -- of this resource where and when it is needed – regardless of the time of day.

Third, the FCC can and should implement appropriate measures to ensure that off-campus usage of Internet does not result in schools requesting additional E-rate discount funding just to meet their off-campus Internet demands. Following the end of the pandemic, off-campus connectivity could be restricted to after-school hours similar to the current guidelines governing community usage of on-campus Internet connectivity. This would ensure that schools would apply only for the amount of Internet needed for their on-campus usage during the day, and not increase their Internet funding requests for off-campus usage after school hours.

Fourth, elimination of the cost allocation requirement will simplify the program for applicants, service providers and the program administrator. There would be no need to review complex cost allocation calculations for deduction of off-campus Internet usage. The efficiency improvements far outweigh the nominal reductions in disbursements of E-rate funding that might occur by continuing to require cost allocation.

SECA’s recommendation to repeal the off-campus Internet cost allocation requirement is independent of whether additional funds are made available either by Congress or the FCC to E-rate to pay for remote learning. The rescission of the cost-allocation requirement is a sensible and relatively inexpensive way to grant immediate relief to schools and libraries striving to meet students’ remote learning needs during the pandemic as well as post-pandemic, when students must still access the Internet to complete homework assignments after hours.

III. Conclusion

The State E-rate Coordinators' Alliance requests that the FCC adopt an Order consistent with these Comments and repeal the requirement to cost-allocate Internet used for off-campus connectivity.

Respectfully Submitted by:



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