

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

In the Matter of )  
 )  
 )  
Emergency Broadband Benefit Program ) WC Docket No. 20-445  
 )

**REPLY COMMENTS OF FUNDS FOR LEARNING**

Funds For Learning (“FFL”)<sup>1</sup> submits these reply comments in response to the Federal Communication Commission’s (“Commission”) Public Notice<sup>2</sup> seeking comment on the Emergency Broadband Benefit Program (“EBB”) established by the Consolidated Appropriations Act of 2021.<sup>3</sup>

**I. INTRODUCTION**

If successfully implemented, the EBB program will be a historic response to an unprecedented and ongoing national crisis. The COVID-19 pandemic has made broadband connectivity more important than ever. In the interest of individual and community health, an increasing number of schools and school districts have been forced to transition entirely to remote learning. For example, 74% of the 100 largest school districts moved to online instruction in the fall of 2020, affecting over 9 million students.<sup>4</sup> The use of telehealth services has grown

---

<sup>1</sup> Funds For Learning LLC is a national E-rate-compliance consulting and web services firm. For the past 23 years, FFL has dedicated itself exclusively to the needs of E-rate stakeholders. Our clients include schools, school districts, and libraries from across the country, of all sizes and types and in both rural and urban areas.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on Emergency Broadband Connectivity Fund Assistance*, Public Notice, WC Docket No. 20-445, DA 21-6 (rel. Jan. 4, 2021) (“Public Notice”).

<sup>3</sup> Consolidated Appropriations Act, 2021, H.R. 133, 116<sup>th</sup> Cong. (2020) (“Consolidated Appropriations Act”).

<sup>4</sup> *School Districts’ Reopening Plans: A Snapshot*, Education Week (July 15, 2020, Updated October 16, 2020), <https://www.edweek.org/leadership/school-districts-reopening-plans-a-snapshot/2020/07>.

exponentially. According to the American Medical Association, physicians and health professionals are now seeing anywhere from 50 to 175 times the number of patients via telehealth than they did before the pandemic.<sup>5</sup> Many Americans have transitioned to working from home while others have had their employment upended due to the economic impact of the pandemic. In fact, as of June 2020, an incredible 42% of the U.S. labor force was working from home full-time with 33% not working at all – a testament to the devastating economic impact of COVID-19.<sup>6</sup>

Yet, in millions of households across the country, individuals cannot participate in online learning, see their health care providers, work from home, or connect to employment opportunities because they lack a stable, affordable broadband connection. As a result, the COVID-19 pandemic has only widened the digital divide across the country with an impact that has been particularly acute for unconnected and underconnected K-12 students, low-income individuals, and those in historically disadvantaged communities.

At a time when Internet access has become even more crucial, it has never been more urgent to address the long-standing affordability gap faced by millions struggling to obtain or maintain a home broadband connection. With the \$3.2 billion Emergency Broadband Connectivity Fund, the Commission has a unique opportunity to confront this important issue and play a significant role in facilitating affordable broadband access to households across the country.

Through these comments, we offer a series of proposals to enable the Commission to quickly implement an effective EBB program. Our comments are based on our long history

---

<sup>5</sup> Tanya Albert Henry, *After COVID-19, \$250 Billion in Care Could Shift to Telehealth*, The American Medical Association, (June 18, 2020), <https://www.ama-assn.org/practice-management/digital/after-covid-19-250-billion-care-could-shift-telehealth>.

<sup>6</sup> May Wong, *Stanford Research Provides Snapshot of a New Working-From-Home Economy*, Stanford News (June 29, 2020), <https://news.stanford.edu/2020/06/29/snapshot-new-working-home-economy/>.

working with schools and libraries across the country – of all sizes and types, in both rural and urban areas – and aimed at ensuring the success of students, schools, and their local communities. Incorporating these proposals will help connect the most students and families to broadband access in the shortest amount of time while ensuring the benefit is directed to those who need it most.

## **II. THIS IS AN EMERGENCY**

In a 2019 report, even before the COVID-19 crisis, the Government Accountability Office (“GAO”) estimated that 48% of households with an annual income less than \$25,000 lacked Internet access.<sup>7</sup> The GAO acknowledged that “Internet access is crucial not only inside the classroom – where it enables teachers to provide a richer learning experience – but also outside the classroom, because access is frequently necessary for doing homework.” Describing the “Homework Gap,” it concluded that underconnected students with limited or no access at home may have difficulty doing homework, putting them at risk of falling behind better-connected peers.

As the pandemic continues to force schools and libraries across the country to remain closed, millions of K-12 students without adequate Internet access have been cut off from their schools, teachers, and educational resources. Schools and libraries have made great strides in connecting students *inside* the classroom. But there is still substantial work to be done to connect students *outside* the classroom. In Oklahoma, for example, more than 96% of students can access the Internet at speeds of at least 100 kbps when on school campuses.<sup>8</sup> In stark contrast, 41% of students in Oklahoma are without an adequate high-speed connection at home, and 28% students

---

<sup>7</sup> U.S. Gov’t Accountability Office, GAO-19-564, FCC Should Assess Making Off-School Premises Access Eligible for Additional Federal Support 23 (July 2019), <https://www.gao.gov/assets/710/700629.pdf> (“GAO Report”).

<sup>8</sup> EducationSuperHighway, *State of the States* (2019), <https://stateofthestates.educationsuperhighway.org/?postalCd=OK#state>.

lack the devices needed to participate in remote learning.<sup>9</sup> The lack of broadband access was a serious issue before the COVID-19 pandemic. Now, it is an emergency.

Fortunately, the EBB has the potential to address this problem in a significant way. The Commission has concluded that the EBB is, in part, “designed to ensure that program beneficiaries are able to meaningfully access and participate in remote learning during the COVID-19 pandemic.”<sup>10</sup> To facilitate remote learning, as the EBB was intended to do, the Commission must remove barriers to participation facing many K-12 households, authorize schools to coordinate enrollment and participation efforts, prioritize the unconnected, and minimize uncertainty for eligible participants.

### **III. SCHOOLS SHOULD BE PERMITTED TO ACT AS AGENTS FOR ELIGIBLE K-12 HOUSEHOLDS AND ENROLL THOSE HOUSEHOLDS IN THE EBB**

In the Public Notice, the Commission asks whether there are measures schools can take to encourage participation in the EBB program.<sup>11</sup> Not only do we feel that schools could play a role in encouraging enrollment; we believe the success of the program depends on the participation of schools. Unconnected households face many barriers to obtaining Internet access. The lack of information about affordable broadband options, complex enrollment procedures, and financial obstacles deter many from obtaining the broadband access their K-12 students need. Recognizing these challenges, in the early stages of the pandemic schools began to procure broadband connections for unconnected households. In response, as EducationSuperHighway notes in its comments, service providers began offering sponsored service programs where states,

---

<sup>9</sup> Common Sense Media and Boston Consulting Group, *Closing the K-12 Digital Divide in the Age of Distance Learning* (2020), [https://www.common sense media.org/sites/default/files/uploads/pdfs/common\\_sense\\_media\\_report\\_final\\_6\\_26\\_7.38am\\_web\\_updated.pdf](https://www.common sense media.org/sites/default/files/uploads/pdfs/common_sense_media_report_final_6_26_7.38am_web_updated.pdf).

<sup>10</sup> Public Notice at 9.

<sup>11</sup> *Id.* at 11.

municipalities, or school districts could purchase home broadband connections for K-12 households.<sup>12</sup> These programs removed many of the barriers facing households without Internet connection. Schools were also able to quickly identify eligible households, verify their eligibility, and ultimately connect three million K-12 students to home broadband in just over six months.<sup>13</sup>

We agree with the comments of EducationSuperHighway that “the Commission must build upon what has been shown to work to connect K-12 households rather than reverting to a policy that requires unconnected households to overcome myriad obstacles to obtain a home broadband connection.”<sup>14</sup> Accordingly, the Commission should authorize schools and school districts to act as agents for K-12 households and enroll them in the EBB. Allowing schools to play a meaningful role in the program is critical to its success, both because schools can identify and verify the eligibility of qualifying recipients and because it will eliminate many of the obstacles facing unconnected households. Centralized decision making may also result in more cost-effective solutions. This approach stands to benefit service providers as well. With schools coordinating EBB enrollment for K-12 households, it offers service providers a single point of contact with whom they can communicate rather than locating, then enrolling, each eligible household individually. Consistent with our goal of quickly connecting the most students to broadband access, empowering schools to facilitate enrollment in the EBB will maximize the number of K-12 households participating in the program in the shortest amount of time while ensuring the benefit is targeted to qualifying recipients.

---

<sup>12</sup> Comments of EducationSuperHighway at 5.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 6.

#### **IV. THE EBB BENEFIT SHOULD BE AVAILABLE TO SCHOOLS AND SCHOOL DISTRICTS PROVIDING BROADBAND SERVICE AND CONNECTED DEVICES TO QUALIFYING K-12 HOUSEHOLDS**

The unique partnerships between schools and service providers were established in the absence of alternative funding sources and out of necessity to quickly provide students with resources to participate in remote learning during the pandemic. The EBB offers to schools and school districts a source of funding to ensure K-12 households have affordable broadband access for the duration of the benefit.

For schools that have entered into partnerships and financial arrangements with service providers on behalf of K-12 households, we urge the Commission to allow them to leverage the EBB benefit to provide or continue providing qualifying broadband access and connected devices to eligible K-12 households. Permitting schools to receive the EBB credit will ensure students can continue to participate in remote learning. It offers a much-needed source of funding to schools which have already purchased service and devices for K-12 households. And it enables schools to coordinate remote online instruction for K-12 students, thereby removing many obstacles to participation for unconnected households.

#### **V. THE EBB PROGRAM SHOULD PRIORITIZE UNCONNECTED HOUSEHOLDS**

In March of 2020, then FCC Chairman Pai announced the Keep Americans Connected Initiative in effort to prevent consumers from losing their existing broadband service due to the economic downturn.<sup>15</sup> However, an estimated 28.2 million Americans did not have broadband service before the pandemic, many because they could not afford the service to begin with.<sup>16</sup>

---

<sup>15</sup> *Keep Americans Connected*, Federal Communications Commission (July 8, 2020), <https://www.fcc.gov/keep-americans-connected>.

<sup>16</sup> Comments of EducationSuperHighway at 5.

Through the Consolidated Appropriations Act, Congress recognized the need to address the affordability gap for those struggling to maintain their broadband service due to a loss of income *and* those without a current home broadband connection. Because demand is likely to exhaust the \$3.2 billion allocated for the Emergency Broadband Connectivity Fund, steps should be taken to ensure that households without a broadband connection may benefit from the EBB as Congress intended.

For households with current service subscriptions, receiving the benefit will be significantly easier. Service providers will likely focus first on enrolling subscribers with whom they have a relationship and simply apply the benefit to qualifying households. They know which households qualify for the benefit, they have the information to contact them, and nothing is required to activate service. For those without a home broadband connection, however, service providers must locate households, verify their eligibility, and, only after signing a subscription agreement, activate the new service. To provide an equal chance to participate in the EBB program, the Commission should follow the intent of Congress and reserve a portion of the Emergency Broadband Connectivity Fund for households without a home broadband connection.

**VI. THE COMMISSION SHOULD ESTABLISH AN END DATE OR FIXED DURATION FOR THE BENEFIT AND REQUIRE AGREEMENT FROM NEW SUBSCRIBER ENROLLEES TO CONTINUE SERVICE UPON ITS EXPIRATION**

In the Public Notice, the Commission asks what information should be provided to eligible households prior to initial enrollment and while the service is being supported by the program.<sup>17</sup> To encourage participation in the EBB program, consumer uncertainty should be minimized where at all possible. First, to ensure households understand the scope of the benefit, a fixed term should

---

<sup>17</sup> Public Notice at 13.

be established and clearly communicated to those who receive it. We believe the Commission should either establish an end date for the program or commit to 12 months of service for each household that enrolls. Without knowing how long the benefit will last, consumers would reasonably question whether enrollment is worth the effort and may discourage participation. Failing to establish a set duration of the benefit will also create unnecessary confusion among households and service providers alike.

Second, the Commission should require an “opt-in” to continue service upon the expiration of the EBB benefit. According to schools and school districts with whom we work, low-income K-12 households routinely decline free broadband service for fear of having to pay for a service they cannot afford. To alleviate this concern, the Commission should require an opt-in to continue service when the benefit expires. More specifically, the Commission should require every participating service provider to terminate service at the end of the benefit period for new subscriber households unless the household affirmatively agrees to continue service. Before enrolling new subscriber households in the benefit program, the Commission should also require service providers to clearly communicate the costs associated with continuing service. Together, these requirements will ensure households understand the scope of the program and the impact of fund exhaustion on the program discount.

## **VII. CONCLUSION**

Congress’s allocation of funding for the EBB program underscores the importance of broadband connectivity for all and provides a unique opportunity for the Commission to confront the challenges facing households without broadband access and those struggling to maintain their service. To get the most out of the EBB program, and for all of the foregoing reasons, the Commission should (1) permit schools to act as agents for K-12 households and enroll eligible

households in the EBB; (2) allow schools to leverage the EBB benefit to provide qualifying broadband access and connected devices to eligible K-12 households; (3) follow the intent of Congress in prioritizing the unconnected; and (4) minimize uncertainty by establishing a fixed term for the benefit and requiring an opt-in to continue service once the benefit ends

Respectfully submitted,



By: /s/ John D. Harrington  
John D. Harrington  
Chief Executive Officer

2575 Kelley Pointe Parkway, Suite 200  
Edmond, OK 73013

February 16, 2021