

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

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

COMMENTS OF FUNDS FOR LEARNING



Funds For Learning
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February 16, 2021

SUMMARY

As the COVID-19 pandemic continues to force schools and libraries across the country to close, millions of K-12 students without adequate Internet access are being cut off from their schools, teachers, and educational resources. Schools and libraries have admirably attempted to address the connectivity needs exacerbated by the pandemic, but the restriction on off-campus use of E-rate funded services continues to be a substantial barrier.

Recognizing the need for quick, decisive action, a number of E-rate stakeholders filed petitions for emergency relief asking the Commission to permit the use of E-rate program funds to support remote learning for the duration of the COVID-19 pandemic. Funds For Learning (“FFL”) joins the petitioners and urges the Commission to provide the requested emergency relief during this unprecedented crisis.

It is imperative that E-rate applicants are equipped to facilitate remote learning as more and more schools and libraries move towards online instruction and virtual services. At the same time, the Commission must balance the need to provide additional support with its obligations to safeguard limited program funds. In support of each of these important objectives, we offer the following proposals to ensure the most effective use of E-rate program funds.

First, the Commission should adopt an “all of the above” approach when it comes to the services eligible for support during this limited period. The needs of schools and libraries are not uniform. There is no one-size-fits-all solution to address the connectivity gap facing K-12 students without adequate Internet access. To avoid narrowing the range of available broadband solutions, the Commission should make all available options eligible for support with the primary consideration being whether the services are used to support remote learning.

Second, consistent with prior Commission precedent, the Commission should temporarily modify the competitive bidding rules to allow schools to quickly request and receive additional funding to expand broadband connectivity. A blanket waiver of competitive bidding rules is neither

advisable nor necessary to effectuate the requested relief. Instead, the Commission should retain the competitive bidding rules with limited modifications. This temporary emergency measure will permit applicants to quickly request and receive additional support while continuing to ensure cost-effective purchasing and safeguard limited program funds.

Third, the existing E-rate discount methodology and Category Two framework should be leveraged to prioritize requests and deliver support. Using existing systems that work well saves valuable time and resources. These approaches also distribute support in an equitable, effective, and expedient manner while targeting the communities who need it most.

Fourth, the emergency relief should apply to future purchases as well as those made in funding year 2020. We cannot predict when students will be able to safely return to the classroom, and the reliance on broadband services to support remote learning will not soon recede. To provide much-needed certainty for applicants, we encourage the Commission to apply the requested relief to prospective purchases and retroactively to purchases made in funding year 2020.

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Funds For Learning (“FFL”)¹ submits these comments in response to the Federal Communication Commission’s (“FCC” or “Commission”) Public Notice² seeking comment on the petitions for emergency relief to allow the use of E-rate funds to support remote learning during the COVID-19 pandemic.

I. INTRODUCTION

The COVID-19 pandemic has forced schools and libraries across the country to drastically shift the way they operate and provide education and library services. 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.³ Thousands of libraries across the country were also forced to close their doors and focus instead on the availability of

¹ Funds For Learning LLC is a national E-rate compliance consulting and web services firm. For the past 24 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.

² *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*, Public Notice, WC Docket No. 21-31, DA 21-98 (rel. February 1, 2021) (“Public Notice”).

³ *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>.

online content and virtual services. In fact, from March to November of 2020, more than 4,300 public libraries reported closures due to COVID-19.⁴

Yet, as schools continue to adapt, millions of K-12 students cannot meaningfully participate in remote learning because they lack an at-home broadband connection or the necessary devices. Because libraries serve as a lifeline for many low-income families, many students can no longer access the educational resources offered, including Internet access in rural communities and for those who cannot afford it. 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 students, low-income families, and historically disadvantaged communities.

At a time when Internet access has become even more critical, it has never been more urgent to address this long-standing problem. Recognizing this urgency, a number of E-rate stakeholders, including the Schools, Health & Libraries Broadband Coalition (“SHLB”),⁵ the State of Colorado,⁶ and the State of Nevada⁷ (collectively, the “Petitioners”) filed petitions for emergency relief asking the Commission to permit the use of E-rate program funds to support remote learning for the duration of the COVID-19 pandemic.

For the reasons outlined in the petitions, and for all of the reasons set forth below, we urge the Commission to allow E-rate applicants to use program funds to support remote learning during

⁴ Gary Price, *Statements, Closings, Cancellations, and Updates Due to COVID-19 Concern*, infoDocket from Gary Price, Library Journal (last visited February 9, 2021), <https://www.infodocket.com/2020/03/10/library-related-special-event-cancellations-and-changes-due-to-covid-19-concerns/>.

⁵ 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) (“SHLB Petition”).

⁶ Petition for Waiver on behalf of the State of Colorado, WC Docket No. 13-184 (filed Sept. 2, 2020).

⁷ Letter from Elaine Wynn, President, Nevada State Board of Education, to Chairman Pai, FCC, CC Docket No. 02-6 (filed Aug. 10, 2020).

this unprecedented crisis. By providing the requested relief, the Commission has an opportunity to bridge the Homework Gap in a significant way, facilitating distance learning for those without an at-home broadband connection and allowing libraries to continue providing important resources for those who depend on them – all while helping to mitigate the spread of COVID-19.

II. THIS IS AN EMERGENCY

A. THE COVID-19 PANDEMIC HAS FURTHER EXPOSED THE HOMEWORK GAP

In 2019, 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 and encouraged the Commission to consider allowing support for off-campus Internet access for students.⁸ The GAO recognized 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.”⁹ 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.

Based on the GAO report, combined with recent data from the National Center of Education Statistics, FFL estimates that there are now more than 25 million family households without Internet access.¹⁰ Of those, 7.15 million cannot afford it. As the pandemic continues to

⁸ 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”).

⁹ *Id.* at 1.

¹⁰ U.S. Dep’t of Education, National Center for Education Statistics, Education Demographic Estimates Program, School Neighborhood Poverty Estimates (2018), https://nces.ed.gov/programs/edge/docs/EDGE_SIDE_PUBSCH_FILEDOC.pdf.

force schools and libraries across the country to close, millions of K-12 students without adequate broadband service or the necessary devices 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.¹¹ In stark contrast, 41% of students in Oklahoma are without an adequate high-speed connection at home, and 28% students lack the devices needed to participate in remote learning.¹² The lack of broadband access was a serious issue before the COVID-19 pandemic. Now, it is an emergency.

B. APPLICANTS NEED ADDITIONAL RESOURCES TO CARRY OUT REMOTE LEARNING AND PROVIDE VIRTUAL SERVICES

In Funds For Learning's 2020 E-rate Applicant Survey, we asked schools, schools districts, and libraries across the country about off-campus Internet access and remote learning during the COVID-19 pandemic.¹³ With 2,138 survey respondents (nearly 10% of all E-rate applicants), we received responses from every type of applicant and from every state and territory, representing both rural and urban areas. When asked about the importance of off-campus Internet access and remote learning, applicants shared with us the following:

¹¹ EducationSuperHighway, *State of the States* (2019), <https://stateofthestates.educationsuperhighway.org/?postalCd=OK#state>.

¹² 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.

¹³ 2020 E-rate Trends Analysis, Funds For Learning Ex Parte Submission, WC Docket No. 13- 184, CC Docket No. 02-6 (filed July 17, 2020), <https://ecfsapi.fcc.gov/file/1071774292501/2020-07-17%20Applicant%20Survey%20Results%20WCB%20Ex%20Parte.pdf>.

- Insufficient home Internet access is a significant issue in 90% of communities
- 93% of schools and libraries would share their Internet access off-campus at no additional cost if permitted
- 84% have received little or no emergency financial support for remote learning
82% believe the E-rate program is the best and most practical solution to support remote learning¹⁴

With many comments citing increased connectivity needs due to the COVID-19 pandemic, it is clear that home broadband access is more important than ever. E-rate program applicants are seeking solutions to connect these students amidst extraordinary circumstances. But they lack the resources necessary to address the connectivity needs brought on and exacerbated by the COVID-19 pandemic, in part, because of the restrictions on off-campus use of E-rate funded services.

III. THE COMMISSION SHOULD ALLOW APPLICANTS TO USE E-RATE PROGRAM FUNDS TO SUPPORT REMOTE LEARNING

Because the primary objective of the E-rate program to improve the educational experience for all students, support should not be limited by the confines of the physical classroom. This limitation was hindering students, schools, and libraries before the COVID-19 pandemic and, in many cases, has now made it all but impossible to facilitate remote learning. To help provide all students with adequate Internet connectivity, the Commission should, as the Petitioners suggest, permit E-rate funded services and equipment to be used off-campus to enable remote learning during the pandemic.

A. ELIGIBLE EQUIPMENT AND SERVICES

In the Public Notice, the Commission seeks comment on the specific services and equipment the E-rate program should support to fund off-campus access to broadband services for students, staff, and patrons.¹⁵

¹⁴ *Id.* at 21-25.

¹⁵ Public Notice at 5.

1. Schools and Libraries Need Different Solutions

Rather than reverting to an eligible services policy with narrow definitions and strict requirements, we believe applicants should be permitted, during this limited period, to choose the best solution to meet their individual needs. The objective, where at all possible, should be to provide applicants with maximum choice to select what works best for them and their students – whether that means creating or expanding their networks, purchasing services directly from service providers, or any other option allowing them to extend network connectivity to students. In this important regard, we encourage the Commission to adopt an approach that makes eligible all broadband options which are used to support remote learning.

School and library closures forced a rapid shift to remote instruction and virtual services, and applicants responded to the challenge by implementing different solutions. As SHLB notes in its Petition, the solutions used to deploy broadband connectivity have taken many forms, including: (1) a cable or telephone company connection to a student and teacher home; (2) personal hotspots with mobile data connections; (3) school or library Wi-Fi networks; (4) school bus or other Wi-Fi hotspots in targeted locations; and (5) fixed wireless private LTE solutions where the school's network connects directly to student and teacher home.¹⁶ These approaches were based on the circumstances of individual applicants but all were designed to facilitate remote learning and provide virtual services.

Further reflecting the unique needs of schools and libraries across the country, during the past year a number of parties requested E-rate support for a variety of services and equipment to support off-campus broadband connectivity. The State of Nevada, in its petition, specifically

¹⁶ SHLB Petition at 9.

requested that the Commission allow support for fixed wireless hotspots on the roofs of school buildings, noting that it would allow students to take advantage of its existing robust fiber connections.¹⁷ Florida’s Department of Management Services asked the Commission to classify data cards as eligible while schools remain closed due to the COVID-19 pandemic.¹⁸ The Mississippi Department of Education made a similar request and, in addition, encouraged the Commission to create a voucher program for students to afford broadband at home.¹⁹ The San Diego County Office of Education asked the Commission to allow support for the purchase of connected devices, including laptops, Chromebooks, or tablet computing devices, as well as mobile Wi-Fi hotspots.²⁰

Meanwhile, the Illinois Office of Broadband, in a letter to the Commission, encouraged it to make all potentially available broadband options eligible for support.²¹ It noted that “[m]any parties with varied perspectives on the issue of broadband availability have offered insights and proposals on additional steps the Commission should consider,” with a large number focused particularly on the eligibility of Wi-Fi hotspots.²² Acknowledging the merits of those proposals, it also cautioned against narrowing the range of available choices “arbitrarily” or “favor one technology over another,” because many students and teachers may lack mobile wireless

¹⁷ Nevada Petition at 3.

¹⁸ Letter from Lyell Walker, State E-Rate Coordinator, Florida Department of Management Services, to Ajit Pai, Chairman, FCC, CC Docket No. 02-6, at 1 (filed Mar. 12, 2020).

¹⁹ Letter from John Kraman, Chief Information Officer, Mississippi Department of Education, to Ajit Pai, Chairman, FCC, CC Docket No. 02-6, at 1 (filed Mar. 24, 2020).

²⁰ Letter from Terry Loftus, Assistant Superintendent & Chief Technology Officer, San Diego County Office of Education to Kris Monteith, Chief, Wireline Competition Bureau, FCC, WC Docket No. 21-31 (filed April 15, 2020).

²¹ Letter from Matt Schmit, Director, Illinois Office of Broadband, Illinois Department of Commerce & Economic Opportunity, to Ajit Pai, Chairman, FCC, CC Docket No. 02-6 at 3 (filed July 2, 2020).

²² *Id.* at 4.

broadband coverage needed to use hotspots but have access to other terrestrial fixed or satellite broadband alternatives.²³

2. The Commission Should Adopt an “All of the Above” Approach

Consistent with the Illinois Office of Broadband’s request, the Commission should adopt an “all of the above” approach when it comes to the services eligible for off-campus support. That applicants have deployed various solutions, and stakeholders have requested support for different technologies, to address what is a singular problem – connecting students, staff, and patrons who lack adequate Internet access – underscores the importance of allowing applicants to choose which option works best for them. Allowing for a variety of solutions increases the chance that an applicant will find a cost-effective solution that best fits their needs. Therefore, in determining which services and equipment to deem eligible to support remote learning, the Commission should keep its rules as broad as possible so as to not limit or unintentionally omit certain technologies. Because different schools and libraries have unique needs, all available broadband options should be eligible for support with the primary consideration being whether the services are used to support at-home education.

B. COST-EFFECTIVE PURCHASES

The Public Notice seeks comment on how to ensure that applicants make cost-effective purchases, and, in the absence of competitive bidding rules, asks what limitations exist to prevent waste, fraud, and abuse of program funds.²⁴

²³ *Id.*

²⁴ Public Notice at 5.

1. The Commission Should Temporarily Modify the Competitive Bidding Rules

The E-rate program competitive bidding rules help to ensure that applicants are informed of their options and service providers have sufficient information to provide services. Together with E-rate program oversight controls and principles of financial accountability, the rules also lead to cost-effective purchasing and help guard against waste, fraud, and abuse. The rules generally play an important role in the request and distribution of limited E-rate funds; but these are not normal circumstances. Schools and libraries are facing extraordinary challenges to provide connect those without adequate home Internet access during an unprecedented public health crisis.

Given the urgent need to equip applicants with resources to facilitate remote learning and virtual services, the Commission should temporarily modify the competitive bidding rules to allow applicants to quickly request and receive additional support. A blanket waiver of the competitive bidding rules is neither advisable nor necessary to effectuate the requested relief. Rather, the Commission can retain these important rules with limited, temporary modifications. This emergency action will allow applicants to quickly receive additional funding while continuing to ensure cost-effective purchasing.

This temporary measure is also consistent with prior Commission precedent. In the *2017 Hurricanes Order*, the Commission adopted, on an emergency basis, temporary rules to provide immediate relief to E-rate program participants affected by Hurricanes Harvey, Irma, and Maria.²⁵ The Commission declined to waive the competitive bidding rules and, instead, explicitly retained the rules with two limited exceptions. First, the Commission permitted a qualifying applicant to submit an FCC Form 471 during a second application window and request discounts without initiating a new competitive bidding process if the applicant: (a) already sought bids for the

²⁵ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 9538, 9546 (2017) (“*2017 Hurricanes Order*”).

services or equipment by posting an FCC Form 470; (b) received a Funding Commitment Decision Letter from USAC approving a funding request that relied on that FCC Form 470, or already had such a funding request pending; and (c) requested additional E-rate discounts during the second application window to purchase the same services or equipment on substantially similar terms and conditions as the contract that originated the existing FCC Form 470.²⁶ Second, for all other funding requests submitted during the second application window, the Commission modified the requirement that applicants wait 28 days after the posting of an FCC Form 470 to enter a contract with a service provider. It instead required applicants seeking additional E-rate discounts to wait only 14 days prior to selecting a service provider and filing an FCC Form 471.²⁷

Consistent with the relief the Commission has previously provided, and earlier actions taken in response to the COVID-19 pandemic,²⁸ the Commission should adopt similar temporary and limited modifications to the competitive bidding rules. This emergency measure best balances the need for quick and decisive action with the Commission's obligations to ensure the most efficient use of universal service funds and protect the program against waste, fraud, and abuse.

2. The Requested Relief Would Neither Compromise the Goals of the E-rate Program nor Result in Excessive Spending

A cornerstone of the E-rate program is the principle of having “skin in the game:” financial accountability, cost-effective decision making, and a sliding scale of support that provides the most aid to the communities that need it the most. Because the E-rate program is a discount program,

²⁶ *Id.* at para. 15.

²⁷ *Id.* at para. 16.

²⁸ See, e.g., *Rural Health Care Universal Service Support Mechanism; Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-60, CC Docket No. 02-6, Order, 35 FCC Rcd 2741 (WCB 2020) (initially waiving sections 54.622(h) and 54.503(d) of the Commission's rules through September 30, 2020); *Rural Health Care Universal Service Support Mechanism; Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-60, CC Docket No. 02-6, Order, 35 FCC Rcd 9416 (WCB 2020) (extending the waiver of each program's gift rule until December 31, 2020).

schools and libraries are required to pay their non-discount share of the cost of service and have a vested interest in only using funds that are truly needed for solutions that make the most sense.²⁹ Applicants therefore have an incentive to carefully consider the cost of services when selecting a solution and service provider, guarding against wasteful spending and ensuring that limited E-rate funds will reach as many students as possible. Simply put, schools and libraries with already strained budgets and limited resources will not request support for services they cannot afford; nor will applicants purchase services or equipment beyond those they absolutely need to provide adequate Internet connectivity to students, teachers, and patrons.

3. Oversight Controls and Procedures Exist to Further Guard Against Waste, Fraud and Abuse and Promote Cost-Effective Purchasing

In addition to the requirement that applicants pay their non-discount share, the Commission and USAC have tools already in place to guard against waste, fraud, and abuse of program funds. For example, as the Commission suggests, it can and should apply the E-rate program record keeping requirements to funds it provides to enable remote learning.³⁰ While we encourage the Commission to make the application and distribution of funds during this emergency period as simple as possible, requiring applicants to document that E-rate support was used to provide off-campus broadband services is a reasonable and effective solution to ensure compliance with program rules. The Commission can also subject recipients to audits as it currently does in the E-rate program. We encourage the Commission to leverage these and other existing procedures to

²⁹ See 47 C.F.R. 54.504(a)(1)(iii) (requiring applicants to pay the non-discounted portion of the cost of eligible services).

³⁰ See 47 C.F.R. § 54.516 (requiring schools and libraries to retain all documents related to the application for, receipt, and delivery of supported services for at least 10 years after the latter of the last day of the applicable funding year or the service delivery deadline for the funding request).

safeguard program funds and ensure they are used to target individuals who lack sufficient Internet access.

C. FUNDING AND PARTICIPATION

In the Public Notice, the Commission observes that substantially more funding may be needed than is potentially available through the E-rate program – a testament to the magnitude of the Homework Gap – and seeks comment on the prioritization of off-campus requests to make funding available to those with the most need.³¹

1. \$5.25 Billion Needed to Close the Gap

FFL has previously submitted its estimate that \$5.25 billion in E-rate discounts would be required to support remote learning for one year, using the Category Two discount matrix.³² This cost estimate included network connectivity (\$2.98 billion), end-user devices (\$1.24 billion), and network security (\$1.02 billion).³³ These costs are not expected to decline significantly, even with a return to in-person instruction. Students and teachers have embraced the use of digital resources and it is expected that education will continue to rely heavily on remote access to the Internet for homework, access to lectures, use during cyber snow days, and so on. COVID-19 did not create this trend; it merely accelerated its adoption.

³¹ Public Notice at 6.

³² Off-Campus Internet Connectivity Needs of K-12 School Students and Public Library Patrons in the United States During COVID-19 Pandemic, Funds For Learning Ex Parte Submission, WC Docket No. 13- 184, CC Docket No. 02-6 (filed April 24, 2020), <https://ecfsapi.fcc.gov/file/10424240121341/2020-04-24%20COVID-19%20E-rate%20White%20Paper-ExParte.pdf>.

³³ *Id.*

2. Using the Existing E-rate Discount Methodology to Prioritize Requests for Off-Campus Support Will Quickly and Equitably Make Funding Available to Those Who Need It Most

The Commission should use the existing E-rate discount methodology to prioritize requests for off-campus support. This approach would continue to prioritize applicants in rural locations and those with the highest poverty rates, thereby ensuring that available funds are effectively targeted to students that are disproportionately affected by the Homework Gap. The existing discount methodology will also promote cost-effective purchasing, because applicants are required to pay the non-discount share and have an incentive to carefully consider the cost of services.

Utilizing an existing system that works well saves valuable time and money, and the current discount methodology is the best option to deliver support in an equitable, effective, and expedient manner. There is no need for a new program or regulations. The existing E-rate program rules and regulations are well suited to support connections to any classroom location, even if it happens to be remote.

3. The Existing Category Two Budget System Can Govern the Use of Funding at a Variety of Levels

The existing Category Two discount budget system provides effective support for applicants, allowing them to set their own priorities and timelines for the use of E-rate funding. Using the existing Category Two framework, the Commission can quickly provide schools and libraries with additional support. This could be done by creating a separate budget system for remote learning, or by adding additional funds to the current Category Two budgets and allowing applicants to apply for remote learning support accordingly. An advantage of this second approach would be to provide applicants with flexibility to meet their local needs, which would promote the most effective use of funding.

FFL estimates that the entire five-year Category Two budget for funding year 2021 through funding year 2026 is \$7.33 billion.³⁴ This estimate is based on the current Category Two budget factors. FFL recommends that the Commission calculate a new Category Two budget factor for remote learning based on the overall amount of funding the Commission determines is available for this program. The following table illustrates the potential budget factors for ranges of funding from \$1 billion up to \$5 billion. For example, if \$2 billion was targeted towards remote learning, the FCC could set the budget factors as: \$6,819.84 per site (floor), \$45.56 per students and \$1.23 per sq. ft.

Estimated Category Two Budget Multipliers for Various Levels of Support

Factor	Available Funding					(Current)
	\$1.0 billion	\$2.0 billion	\$3.0 billion	\$4.0 billion	\$5.0 billion	\$7.33 billion
Budget Floor	\$3,409.92	\$6,819.84	\$10,229.77	\$13,639.69	\$17,049.61	\$25,000.00
Per Student (School)	\$22.78	\$45.56	\$68.33	\$91.11	\$113.89	\$167.00
Per Sq. Ft (Library)	\$0.61	\$1.23	\$1.84	\$2.46	\$3.07	\$4.50

4. An Additional Filing Window Is the Most Practical Solution for Distributing Support for Remote Learning

As SHLB suggests in its petition, the Commission should direct USAC to open an additional filing window as soon as practicable to allow applicants to request additional funding for off-campus broadband connections and equipment.³⁵ In addition, we encourage the Commission to take measures to streamline the application process for schools and libraries. For example, as SHLB notes, applications for off-campus support may require waiver of regulations included in the FCC Form 471 certifications.³⁶ The Commission should also direct USAC to

³⁴ See Attachment A, Five Year Category 2 Budget Summary (2021 through 2026)

³⁵ SHLB Petition at 16.

³⁶ *Id.* at 20. SHLB notes that the FCC Form 471 requires applicants to certify, among other things, that (1) they are compliant with the cost allocation requirements; (2) that only the entities listed on the application

conduct an expedited review and disbursement process. Among other measures to streamline the application process, USAC should allow discounts to be approved for services before July 1, 2021; process application and invoices using minimum standards and certifications; and pause reviews, audits, and related post-commitment activities until at least September 30, 2021. It is critical that funds are disbursed as quickly as possible to ensure schools and libraries have the resources needed to provide connectivity to students. The Commission should therefore implement these and any other measures necessary to get funding to applicants in a quick and efficient manner.

D. TIMING

The Commission seeks comment on the duration of the requested emergency relief.³⁷ It also asks whether, if granted, the relief should apply on a prospective basis only or also retroactively to services and equipment already purchased.³⁸

Unfortunately, we cannot predict when and to what degree schools will return to in-person instruction or when libraries may reopen their doors to patrons. Though we are making strides with vaccination efforts, between the challenges of administering millions of vaccines and the uncertainty surrounding new variants of the virus, it is far from clear how many students may be able to safely return to school for the 2021-2022 school year. We do know that remote learning will remain a prevalent instructional model throughout the 2020-2021 school year and likely much longer. To provide much-needed certainty for applicants, the Commission should allow funding for off-campus use of E-rate supported services for E-rate funding years 2020 and 2021.

may will receive the requested services; and (3) that a legally binding agreement is in place to support the requested services and equipment.

³⁷ Public Notice at 6.

³⁸ *Id.*

We also encourage the Commission to apply the requested relief on both a prospective basis *and* retroactively for services and equipment purchased during funding year 2020. As the Commission notes, limiting the use of E-rate funds to future purchases might better target those students and teachers that remain without adequate home Internet access.³⁹ At the same time, many schools and libraries have already purchased services and equipment to facilitate off-campus connectivity and are continuing to incur those expenses.

Rather than distinguishing between one group of applicants or the other, both should be permitted to benefit from the special filing window with support distributed using the existing E-rate methodology. We believe this is most equitable approach to prioritize requests, as it offers support for past and prospective purchases of off-campus broadband services while providing the most aid to schools and libraries in communities that need it most.

IV. CONCLUSION

For all the foregoing reasons, we respectfully request that the Commission permit the use of E-rate program funds to support remote learning during this unprecedented public health crisis. In implementing this emergency relief, we also encourage the Commission to adopt the recommendations herein to ensure the most effective use of limited program funds.

³⁹ Public Notice at 6.

Respectfully submitted,



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February 16, 2021

Attachment A: Five Year Category Two Budget Summary (2021 through 2026)

Five Year Category 2 Budget Summary
Estimated Total of All Applicant C2 Budgets, Funding Year 2021 to 2026

Locale	Type	E-rate Applicants		C2 Budget		C2 E-rate Discounts			Per Site		Per Student	
		Count	Site Count	Average (per applicant)	Maximum (all applicants)	Average Disc. Rate	Average (per applicant)	Maximum (all applicants)	Average C2 Budget	Average E-rate Disc	Average C2 Budget	Average E-rate Disc
Rural	Library	2,708	3,012	\$37,353	\$101,150,850	73.97%	\$27,629	\$74,481,750	\$34,163	\$25,269	n/a	n/a
	Library System	823	4,443	\$231,380	\$190,426,108	77.45%	\$179,214	\$145,312,790	\$43,219	\$33,475	n/a	n/a
	School	1,964	3,716	\$99,129	\$194,689,331	67.41%	\$66,822	\$138,030,069	\$64,364	\$43,387	\$177.52	\$119.67
	School District	9,033	44,342	\$270,691	\$2,445,148,918	73.52%	\$199,013	\$1,766,856,901	\$48,999	\$36,024	\$174.31	\$128.15
	Sub-total	14,528	55,513	\$201,777	\$2,931,415,207	73.00%	\$147,298	\$2,124,681,510	\$47,983	\$35,028	\$193.82	\$141.49
Urban	Library	1,210	2,779	\$102,928	\$124,543,050	64.06%	\$65,940	\$81,884,205	\$67,729	\$43,390	n/a	n/a
	Library System	565	4,904	\$661,137	\$373,542,427	73.29%	\$484,514	\$288,222,606	\$84,720	\$62,087	n/a	n/a
	School	8,215	17,025	\$110,023	\$903,836,823	63.74%	\$70,124	\$568,722,369	\$68,239	\$43,493	\$170.82	\$108.87
	School District	5,302	70,628	\$1,167,656	\$6,190,913,521	65.84%	\$768,814	\$4,268,035,263	\$78,197	\$51,487	\$168.64	\$111.04
	Sub-total	15,292	95,336	\$496,523	\$7,592,835,820	64.85%	\$321,972	\$5,206,864,443	\$72,260	\$46,857	\$180.77	\$117.22
All Applicants		29,820	150,849	\$352,926	\$10,524,251,027	68.82%	\$242,878	\$7,331,545,953	\$60,433	\$41,589	\$184.23	\$126.78