

**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 from the
Wisconsin Department of Public Instruction (WIDPI)**
(Filed February 16, 2021)

The Wisconsin Department of Public Instruction (WIDPI, department) is the state’s education and library agency. The department has statutory oversight for our state’s 423 public school districts and 384 public libraries. We appreciate the opportunity to submit these comments on the petitions filed by the Schools, Health & Libraries Broadband (SHLB) Coalition and several other parties.

The department was a signatory on SHLB coalition petition filed on January 26, 2021. Thus, we very much support the request by the coalition to allow temporary “off-campus” use of E-rate-funded broadband and Internet services. The purpose of the various petitions filed on this issue is to address the homework gap—a gap that long pre-dates the COVID-19 pandemic. However, the pandemic has made this gap far more visible with the great majority of students now engaged in remote learning from their households and other locations. It is estimated that 15 to 17 million students do not have a household Internet connection.¹

In its Notice the Commission asks a number of questions on five specific subjects. We offer our opinions on several of these questions and subjects below.

¹ SHLB *Petition for Expedited Declaratory Ruling and Waivers Allowing the Use of E-rate Funds for Remote Learning During the COVID-19 Pandemic* (SHLB Petition), page i.

1) *Eligible Equipment and Services and their Costs.* We suggest the Commission to take a liberal position on this issue and not be too proscriptive on what kinds or types of equipment are needed to support off-campus broadband connectivity. Certainly modems, routers and wireless hotspot devices should be eligible but we caution that even if the Commission develops a long “laundry list” of eligible equipment it is still likely to omit some equipment needed in some areas of the country to make remote connectivity possible. Rather than a specific list, we strongly recommend the Commission define 'eligible equipment' to mean any equipment needed to provide "advanced telecommunications and information services..." to off-campus locations. During the application review process applicants can be required, if necessary, to explain or justify why they are requesting specific types of hardware.

On the issue of the level of broadband connectivity the Commission should require any off-campus connections meet its own minimal requirements of 25MB download speed and 3MB upload speed.

2) *Cost-Effective Purchases.* To expedite any requests for funding off-campus connections the SHLB petition asks for a waiver of the E-rate’s competitive bidding rules.² The Commission asks that in removing the competitive bidding requirements how can it be assured that applicants are making cost-effective purchases? To address this issue the SHLB petition documents that “Many school districts have already conducted a competitive bidding process for the broadband facilities and services they have now.”³ Thus these districts have good cost and other information to help them make cost-effective decisions. The Commission further asks, “What other limitations or guardrails exist or are necessary to prevent waste, fraud, or abuse of E-Rate program funds?”⁴ We note that in addition to the competitive bidding already done, applicants are still required to adhere to local and state procurement rules and regulations. As a specific example, schools throughout Wisconsin can purchase from our Cooperative Education Service Agency’s (CESA) statewide procurement program to develop cost-effective solutions for off-

² SHLB Petition, pages 17-18.

³ SHLB Petition, page 18.

⁴ 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. February 1, 2021. Page 5.

campus connectivity.⁵ The CESA has its own board of control and that body adopts its own procurement rules.

3) *Funding and Prioritization.* With the likelihood that available funds will not be sufficient to cover all funding requests we think the prudent way to address this issue is to: (1) determine how much funding is available and then based on this amount, (2) develop a formula to allocate a specific amount to schools and libraries.⁶ We see several issues arising if a pre-application amount is not set. For example, there will be a "free-for-all" where some school districts or libraries will ask for many millions of dollars. Without a set fund amount the Commission will not be able to award any applications until a decision to fund or not fund all applications is made. This will further delay getting households connected. With no fixed amount it will then be necessary to award funds based on whatever priorities the Commission establishes. Documenting which applicants meet these priorities will result in even more delays in getting the funding "out the door."

4) *Timing.* The E-rate program does not generally fund the purchase of equipment or services before the July 1 start of the program year. But as the SHLB petition notes, "Many schools and libraries already have made purchases and are incurring expenses already to facilitate off-campus connectivity."⁷ To address the issue of expenses already incurred we agree with the SHLB petition that applicants should be able to receive retroactive funding⁸ back to July 1, 2020. And in going forward, they can get funding with the start of the July 1, 2021, E-rate funding year. However, this is another reason to establish a set amount of funding for school districts and libraries as we advocate above. With a set amount applicants can then decide to use their funding retroactively, prospectively or both.

5) *Legal Issues.* We find the SHLB petition offers compelling arguments that the Commission already has all the statutory authority needed to allow E-rate support for off-campus Internet connectivity. The SHLB petition goes further in offering supportive language that "[A]ll of the

⁵ For more information see our state's Digital Learning Bridge program at <https://cesapurchasing.org/digital>.

⁶ The Commission already has experience in fund allocation in the E-rate's Category 2.

⁷ SHLB Petition, page 19.

⁸ We acknowledge that retroactive funding will require applicants to provide full documentation of expenses and any other information the Commission requires to ensure proper use of the funds.

actions requested in this Petition could be taken by the Wireline Competition Bureau on delegated authority.”⁹ We very much agree with this SHLB language.

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The Wisconsin Department of Public Instruction strongly supports the petition filed by the SHLB coalition and other parties. Thus we ask the Commission to proceed with all possible speed to grant these petitions and offer a process by which our schools and libraries can use E-rate funds to assist off-campus household Internet connectivity.

Respectfully submitted,

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⁹ SHLB Petition, page 21.