Before the
Federal Communications Commission
Washington, DC 20054

In the Matter of:

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

Comments of the American Library Association

The American Library Association (ALA) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all. ALA represents the nation's 117,000 libraries, which includes 16,557 public libraries. We appreciate the opportunity to comment on this important proceeding.

As a signatory to the Schools, Health & Libraries Broadband (SHLB) coalition petition, ALA unreservedly affirms that the Commission has the authority needed to act immediately to address dire connectivity gaps for K-12 students and library patrons. Further, we urge the Commission to remain true to the founding premise of the E-rate in that it is a Universal Service program for both Schools *and* Libraries. The need to connect students, teachers and consumers to jobs, life-long learning, and information has led to a steady rise in demand for bandwidth and broadband access from schools and libraries.[1]

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[1]The Commission notes these critical bandwidth uses: "The ongoing proliferation of innovative digital learning technologies and the need to connect students, teachers and consumers to jobs, life-long learning, and information have led to a steady rise in demand for bandwidth in schools and libraries." https://www.fcc.gov/consumers/guides/universal-service-program-schools-and-libraries-e-rate.

The Commission's decision in September 2020 to open a second application window[2] only to school applicants unfortunately prevented some libraries from improving broadband capacity for adult learners, job seekers, and a wide range of residents needing to connect with healthcare professionals, as well as e-government programs and services during a national emergency.[3] All of these needs and more are at a time when having an internet connection is absolutely essential. The demand for online learning and the connectivity making this possible does not stop at the classroom or library door. This is as true today during the pandemic as it was in 1996 when the Telecommunications Act established the E-rate program. Libraries *must* be on the same footing as schools to use E-rate funds to provide services to library patrons under any emergency program the Commission establishes.

We could not agree more with the Commission's statement, "As the pandemic continues to force schools and libraries across the country to remain closed and rely on remote learning and virtual services, either in whole or in part, the need for broadband connections—particularly for those students, teachers, staff, and patrons that lack an adequate connection at home—is more critical than ever."[4] We appreciate the affirmation the Commission made at the start of the pandemic[5] that libraries and schools could extend their E-rate supported Wi-Fi connections to adjacent library and school property. This was somewhat helpful in leveraging the E-rate program to cobble together at least some connectivity solutions for their communities. But it has proven insufficient, and libraries report they cannot meet patron demand for access to the internet and digital resources. The Commission must now take immediate steps and allow libraries and schools to seek E-rate funding for services that provide connectivity to patron and student households to better enable remote learning during the pandemic.

[2] https://www.fcc.gov/document/fcc-opens-second-e-rate-application-window-funding-year-2020-0.

[3] This is but one example of a library that could have taken advantage of the second application window to increase broadband capacity in response to increased demand as a result of the pandemic. An Arkansas library applied for and received funding for a WAN and internet access for each branch location in FY2020. The library wanted to reconfigure its network to get rid of the WAN and increase speed at each branch location to better respond to patron needs due to COVID-19. The library would have only been able to afford these changes if it could move the funding committed for the WAN to the FRNs for the individual branch locations' internet access. This change was allowable under the existing contract with the ISP and the scope was requested in the establishing Form 470. In follow up with USAC to determine if this would be an allowable post-commitment change, USAC acknowledged that the easiest way to make this change would have been during the second window. Because of considerable administrative burden on the part of the applicant without a straightforward way to request this change, the library decided to not increase bandwidth.

[4] Public Notice WC Docket No. 21-31, p3. https://docs.fcc.gov/public/attachments/DA-21-98A1.pdf.

[5] Wireline Competition Bureau Confirms That Community Use Of E-rate Supported Wi-Fi Networks Is Permitted During School And Library Closures Due To COVID-19 Pandemic. WC Docket No. 02-6, WC Docket No. 13-184. March 23, 2020.

Because of the urgency of this issue, we focus our comments on issues the library community identified as the most pressing to resolve in order to stand-up a program within the E-rate framework. As such, the Commission should:

1. Ensure library applicants are able to provide emergency services to library patrons, including but not limited to K-12 students and teachers.
2. Allow for flexibility for both hardware and implementation of eligible services for locally driven solutions to best meet off-campus connectivity needs of patrons and/or students who lack home access.
3. Balance accountability and oversight with expedient funding distribution.
4. Ensure predictability of funding available for applicants.

Libraries Step Up During COVID-19

As the COVID-19 pandemic has resulted in the closure of many schools, so it has also led many public library buildings to be closed to the public.[6] Even so, libraries immediately stepped up to continue meeting community needs in a range of ways that included hotspot and device lending, 24/7 Wi-Fi on library grounds, virtual programming and services, and curbside pickup or home delivery of resources. Even before the pandemic, more than 80 percent of public libraries reported keeping their Wi-Fi available after operating hours, but at the start of the pandemic this number jumped to 93 percent, as well as increased numbers amplifying the Wi-Fi reach and strength and increased internet hotspot lending to nearly one-quarter of public libraries.

For instance, a teacher in Illinois who benefited from a Cordova District Library hotspot wrote: "When COVID-19 closed the schools, many teachers found themselves scrambling to figure out what to do to continue to keep students learning while school was out of session." Due to inadequate home broadband, the teacher was having difficulty. It could take over an hour to upload an 8-minute (or less) video, for instance. Sometimes the connection would get interrupted, and it would take even longer to post. At this point, the local library reached out to ask whether any teachers could use a hotspot. For this teacher, the hotspot was a "game changer."

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[6] In the Public Library Association's *Public Libraries Respond to COVID-19* survey, 98% of libraries reported they were closed to the public (April 2020).

Over the past eleven months, ALA has heard from libraries nationwide about the needs and creative solutions enabled to address patron internet needs during the pandemic. These actions include, but are not limited to:

- Providing outdoor ("drive-in") Wi-Fi and positioning their network hardware to increase the Wi-Fi signal outside the library (but still on library property);
- Loaning Wi-Fi hotspots and other devices such as tablets and laptops to patrons;
- Partnering with local schools to get mobile hotspots to students in need;
- Using bookmobiles to establish mobile neighborhood hotspots at scheduled times;
- Offering virtual support for library users needing to complete online job applications, course work and other activities; and
- Engaging in internet connectivity-related partnerships with schools, non-profits, telecommunication and internet providers, and other units of government.[7]

Thus, libraries are vigorously engaging to provide increased internet access during the pandemic. While libraries are making noble efforts, there remains much unmet need. State library agencies received CARES Act funding, some of which was used to expand library broadband capacity. These CARES Act funds were limited and also expended quickly, and many libraries did not benefit. Most libraries are limited to their own and modest partner resources, which are further strained because of public health requirements and increasing budget cuts. E-rate funding is not currently available to address the greater broadband needs deriving from the health emergency but is especially needed for communities with the fewest resources.

Focus an emergency program on services that most effectively reduce local homework and learning gaps

ALA supports every effort to ensure services made eligible for this program result in connecting as many K-12 students and others without hindering applicants from determining solutions that best meet their local circumstances. Both the equipment and the monthly recurring costs for service should be eligible.

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[7] For example, the Wisconsin State Library, in cooperation with the state's Public Service Commission, developed a map showing library and other Wi-Fi hotspots in the state. See
https://maps.psc.wi.gov/Apps/PublicWiFiLocations/index.html.

Many libraries have focused on purchasing hotspots and/or equipment to extend Wi-Fi signals in response to the pandemic. The Arkansas River Valley Regional Library System (ARVL), for example, installed antennas to extend Wi-Fi coverage off library property at three branch libraries. ARVL includes seven libraries and serves four counties of about 3,000 square miles of farmland and mountainous areas in the Ozark Mountains. ARVL selected these three branches because of the community buildings located next to the libraries (e.g., the Courthouse, Boys & Girls Club, and a nearby public school district building) so that the public could safely access library Wi-Fi while the building was closed to the public. Equipment costs were about $3,000 per branch.[8] ARVL was able to use county funds for the equipment but it meant not being able to upgrade other technologies like public access computers, children's literacy stations, or tablets. Similarly, the Charlotte Mecklenburg (NC) Library partnered with the Charlotte Digital Inclusion Alliance to pilot a Neighborhood W.I.S.P. (Wireless Internet Service Provider) Network to increase internet access in low connectivity neighborhoods where nearly 41 percent of households lack internet access. In addition to receiving free internet access, individuals will receive digital literacy training.[9]

For libraries that loan hotspots to patrons, there is a wide variety of how programs are managed. We provide a few examples below but want to emphasize that managing a lending program includes administration costs and staff time, both to set up a new program and to manage an ongoing one. We mention these costs to underscore that libraries initiate lending programs only after considerable planning, and they make every effort to select cost-effective solutions that are also robust enough to meet bandwidth needs of their patrons.

- The Westerville (OH) Public Library manages 42 hotspots for patrons and 4 for staff use from two different providers at the cost of about $10,000 per year. The library loans a hotspot for two weeks and reports an average 25-person waitlist. The library would like to purchase at least an additional 20 hotspots and would extend the loan period if funding were available.

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[8] For illustration, equipment for one branch included: Wireless Access Point (Outdoor AC Mesh 802.11ac 1.71 Gbit/s Wireless Access Point 2.40 GHz, 5 GHz - MIMO Technology - 2 x Network (RJ-45) Gbe (pole/wall-mountable) $325.00; Wireless Access Point (Indoor WAP 802.11ac 1.27 Gbit/s Wireless Access Point 2.40 GHz, 5 GHz – MIM Technology - 2 x Network (RJ-45) Gbe), $185.00; Security Gateway $185.00; Cloud Management Key (UniFi Cloud Key Gen2 Network Monitoring Appliance) $424.00; Ubiquiti Surge Suppressor/Protector $18.00; WiFi Configuration Services $1,200.00; Installation cost (network cabling, outdoor install) $525.00.

[9] See https://www.imls.gov/news/american-libraries-and-museums-awarded-138-million-imls-cares-act-grants.

- The Kalamazoo (MI) Public Library partnered with several local organizations to get 1,000 Wi-Fi hotspots to public school students and families in fall 2020. The partners paid for the hotspots and data plans while the library serves as the distribution point and does the processing and cataloging of the hotspot units.[10]

- In May 2020, the Montana State Library established a statewide Wi-Fi hotspot program that loans 818 hotspots to 82 participating libraries. The hotspots were purchased from commercial carriers (e.g., T-Mobile, Verizon) and include unlimited monthly data plans at about $35/month. The State Library plans to support the program and pay for the data plans via a variety of funding sources through September 2021. It estimates that the total cost of the hotspots for the 16-month period will be approximately $415,000. The State Library estimates about $43,000 will be spent in staff time for a variety of activities including shipping hotspots and laptops, tracking the items and fielding troubleshooting questions from libraries.[11]

To prioritize and ensure funding stretches as far as possible to meet great need, ALA recommends that eligible services be limited to equipment and ongoing costs directly related to connectivity (excluding, for instance, end-user devices). These eligible services, however, should be flexible to meet local needs more effectively as determined by applicants.

Establish clear, common sense program rules to ease administrative burden for applicants

The Commission is rightly concerned that limited funding be used efficiently and effectively. ALA supports efforts to minimize wasteful spending but not at the expense of program simplicity. We note that libraries routinely are required to adhere to state and local procurement requirements, which should address issues with waiving the Commission's competitive bidding rules for this program. We encourage the Commission to allow applicants to self-certify that they have followed relevant procurement requirements.

The Arkansas River Valley Regional Library System referenced above, for example, is required to seek Board approval for purchases over $500 using county funds. The Board keeps a record of these purchases through its motions and meeting minutes. In the case of the purchased equipment, the company submitted its bid to the Board for approval. For purchases over $5,000, the Westerville (OH)

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[10] See *KPL Partners with DAFA To Provide Internet Access to 1,000 Kalamazoo Households*. (https://www.kpl.gov/about/news/new-partnership-provides-digital-access-for-all-kps-students-in-need/).

[11] Personal communication 1-28-2021. See also https://about.msl.mt.gov/publications/hotspot_program.

Public Library is required to secure at least two quotes (preferably three) which are evaluated based on the lowest and best quote with state and government prices requested. "Final selection of quotations for goods and services will be those that are in the best interest of and/or represent the best value to the Library."[12] The library is required to retain all quotes along with the one they ultimately select.

We again raise the concern that introducing too much oversight, while well intentioned, will discourage applicants from taking advantage of much needed relief funding. This is especially true for small and often rural libraries that have historically been less likely to apply for E-rate funding because of the program's complexity. We urge the Commission and the Bureau to take this into account as they consider which E-rate rules can be waived while ensuring program integrity. Over the course of the pandemic, the libraries that report not loaning hotspots or being able to boost Wi-Fi signals report lack of funding as the primary reason. The Commission can ensure these libraries are able to take advantage of an emergency remote learning program by waiving the E-rate competitive bidding rules. ALA also recommends not introducing new rules for this program (e.g., align document retention requirements with the current E-rate program but do not add more requirements). We encourage the Commission to develop a straightforward, streamlined application for requests at a de minimis which could further ensure small libraries would take advantage of the program and apply.[13]

ALA appreciates that many libraries (and schools) have already stepped up to address lack of connectivity among patrons and students. Libraries have turned to their Friends group (often the non-profit arm of the library) or foundations for funding to expand Wi-Fi capacity or purchase hotspots for loan. Other libraries have reallocated budget items to prioritize Wi-Fi services and put other purchases on hold. Other libraries have reported that they would like to start a hotspot lending program but do not have the funding available to do so. With limited funding available, ALA suggests the Commission prioritize funding requests for new services before funding retroactively. Should the Commission determine there is adequate funding to allow for retroactive reimbursement, a reasonable compromise—rather than going back to the start of the pandemic—would be to approve reimbursement for eligible services beginning July 1, 2020. Alongside schools, libraries face significant

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[12] Personal communication 2-13-2021 citing the Westerville Public Library Fiscal Policy Manual.
[13] Tribal libraries, for example, often lack resources or expertise necessary to navigate the E-rate program or federal grant programs and advocate for plain language, streamlined applications.

impacts on their budgets because of local and state revenue loss. Recouping even some of the costs for eligible services would assist many libraries.

Should funding remain at the end of the pandemic, we recommend the Commission initiate a second Public Notice to seek comment on experiences of applicants that participated in the emergency remote learning program and recommendations for expending the funds and any future adjustments to the program over the longer term to address remote learning needs.

Prioritizing limited funding for an equitable program

ALA supports the SHLB petition's call for the Commission to identify unused funds of the E-rate program to support a remote learning program. We encourage the Commission to make clear to the applicant community how much funding will be available *before* it opens an application window. We also encourage the Commission to provide a formula for library and school applicants so that there is assurance that all interested applicants could receive some funding. Libraries report having predictability in available funding is a key factor in determining whether to apply for E-rate funding. To account for additional need for rural and low-income areas, the Commission could include an additional percentage for these applications per the current discount matrix for category 1. Further, because of the extreme need for connectivity solutions in Indian Country, we strongly encourage the Commission to work with tribal libraries and schools to determine an appropriate additional amount that would ensure these applicants have sufficient funding.[14]

We also take this opportunity to request that the Commission finally resolve the longstanding ineligibility of many tribal libraries that prevents them from participating in the E-rate program. The Commission's rules currently reference the statutory definition of a library in the Library Services and Technology Act and state a library "must be eligible for assistance from a state library administrative agency under that Act.[15] This definition has prevented tribal libraries from applying for E-rate funding. We urge the Commission to consult with the Institute of Museum and Libraries services to align its definition with the library definition in the reauthorization of the Museum and Library Services Act

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[14] Should more funding become available, for example through legislation passed through the budget reconciliation process, we acknowledge that prioritization may be as significant as an issue as it is with scant funding available.

[15] See https://www.usac.org/e-rate/applicant-process/before-you-begin/school-and-library-eligibility/.

which references tribal library separately from public library.[16] We believe this will allow more tribal libraries to apply, though not all.

ALA is fully in support of the legal argument outlined in the SHLB petition and urges the Commission to move quickly to develop a program through which libraries and schools may use E-rate funding to address connectivity challenges among their patrons and students.

Respectfully submitted,

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[16] See Sec. 8(2)(C) https://www.congress.gov/bill/115th-congress/senate-bill/2271/text.