

**Before the
Federal Communications Commission
Washington DC 20554**

In the Matter of)
)
Emergency Connectivity Fund For) WC Docket No. 21-93
Educational Connections And Devices)
To Address The Homework Gap During)
The Pandemic)

**COMMENTS ON THE EMERGENCY CONNECTIVITY FUND FOR EDUCATIONAL
CONNECTIONS AND DEVICES TO ADDRESS THE HOMEWORK GAP DURING
THE PANDEMIC**

Infinity Communications & Consulting, Inc. (Infinity) is an E-Rate consultant representing more than 450 E-Rate applicants across the United States. We also design technology systems, including all current E-Rate Category One and Category Two eligible services. In the 18 years Infinity has been in business, we have supported public agencies with thousands of E-Rate filings in support of communities. In addition to supporting those public agencies, Infinity has a vested interest in the modernization of the E-Rate program. With this background in mind, Infinity submits the following comments on the Commission’s Request For

Comments regarding the emergency funding made available for the effort to close the known homework gap.^[1]

Administration of the Emergency Connectivity Fund

Infinity feels strongly that anchor institutions should drive decision making and set priorities for spending funding commitments. To acknowledge the service providers and the role they play in the effort to bridge the homework gap by providing internet access, their comment should be noted in response to this NPRM. However, the anchor institutions should remain the primary decision makers regarding funds meant to support education and student achievement. Service providers lack the pedagogical knowledge base needed to support student achievement. The focal point of funding decisions should rest on the educational and community anchor institutions that are best prepared to deploy and monitor public access to school connectivity and educational resources.

Infinity works with and is aware of multiple anchor institutions that provide services to stake holders that allow for lower costs to their clients. These service providers provide a valuable commodity to their communities and are aware of the unique needs of each of their clients. The input from local service providers should carry as much weight or more than larger or national service providers.

The Commission and USAC should allow for the anchor institutions to collect data and assist in goal setting. Schools and libraries have a direct connection with the families and constituents and would be able to provide timely general overview of the needs relating to

^[1] *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 19-58 (rel. July 9, 2019) (*Notice*).

eligible equipment and services. Data to consider for the establishment of goals should include but not limited to, the number of school aged children in households, current connection speed per household, and the average amount of digital curriculum instituted by individual districts.

Eligible Schools and Libraries

Infinity supports the Commissions belief that current E-Rate eligible institutions should remain eligible as schools and libraries are the central institutions of education. The established funding can have a direct impact on decreasing the homework gap through these institutions. There is an opportunity to insert lasting solutions into current and historical issues regarding technology access which in turn has impacted learning across the United States.

Eligible Equipment and Services

Infinity defines itself as technology neutral, and forward thinking when consulting with anchor institutions. The expansion of the eligible services list to include services and equipment that can bridge the homework gap for all students must be the central factor when deciding on the details which shall impact the rules of the E-Rate program. Impactful decision making during this process could ease the strain on future E-Rate program funding cycles. Specifically, the ability of anchor institutions to own and operate their own infrastructure will decrease the continued request of funding from applicants through the E-Rate program.

Infinity being technology neutral, we believe that devices purchased by anchor institutions should be equipped with all necessary items to allow access for all students to the classroom and digital curriculum. This should include the ability to access the classroom remotely by students and staff. We do not believe that mobile phones should be included as an

eligible device as they do not allow adequate resources for educational purposes. We do support the notion that any device includes Wi-Fi, video, and camera functions.

Infinity supports long term connectivity solutions for anchor institutions. Current infrastructure through anchor institutions does not close the homework gap due to the localization of services to on site classrooms or libraries. Strategically planned middle mile and last mile connectivity should be a consideration of each conversation regarding funding and the impact on students, and long-term financial considerations for the E-Rate program. Options that should be allowed for consideration should include, but not be limited to; Wireless Mesh Networks, Mobile Wi-Fi, Metropolitan Wi-Fi, TV White Space, Satellite, and any other transmission vehicle that can extend the services from the School or Library to the student's home. Some of these options are only valid by building the appropriate infrastructure. The Commission should allow for the Eligible Services List to be a fluid and living document that allows for updating as technology is a rapidly changing and evolving field.

Infinity disagrees with the possible exclusion of Dark Fiber and the exclusion of new constructed networks from the allowable for this funding. As Dark Fiber is installed and owned by an anchor institution, longer term savings can be realized and spending on reliant services decreases. While there will always be cost involved in supporting technology, the per month spending can decrease with self-owned connectivity.

There are numerous examples across the United States where dark fiber and self-provisioned fiber has been installed to provide stakeholders better access to resources with the byproduct being a less costly long-term solution than service provider-based resources. A client of Infinity recently investigated constructing a dark fiber solution. After receiving bids on both Dark Fiber and Lit solutions from service providers, it was an apparent savings of \$90,000 per

month after the first five years. The initial cost difference was \$21,000 more per year, however after twenty years the cost savings totaled \$15,000,000. This would not only allow the anchor institution to have complete access to their own network but provide significant long-term saving and necessary relief the E-Rate program. Since the FCC opened the E-Rate program to receive bids from Dark Fiber and Self-Provisioned Service Providers, the cost per Megabit has gone down drastically. There already is a requirement that, if a Dark Fiver or Self-Provisioned project is bid that the Applicant MUST also receive a Lit Fiber solution, why eliminate this requirement for connectivity to the home?

The Commission should include equipment and additional costs such as taxes, installation, and fees as allowable costs. These are components of the necessary services which are required in the delivery of educational services. Infinity believes that if hotspots are used, they must be seen short-term solutions. The charges for hotspot access will be largely eliminated with additional infrastructure owned by anchor institutions. Hotspots should also be technology neutral as a solution since the mediums and effectiveness can change in each instance.

The Commission has asked for comment on the minimum service standards. Infinity believes that 100 MB should be a true measure of speed per household, or at a minimum 25 Mbps downstream and 3 Mbps upstream per school aged student in the home. In past years, the speed of 25 Mbps downstream and 3 Mbps upstream may have been adequate but the technology in use to support current learning environments will require a level of speed which lends itself to a true classroom experience. The Commission should impose a standard to provide equitable learning opportunities regardless of service area.

Reasonable Support Amount

Infinity believes that funding for past projects which were commissioned on or after January 27, 2020 should be funded with the caveat that they must have followed all applicable procurement rules, including E-Rate procurement rules to ensure that waste, fraud and abuse doesn't occur. Institutions should be ready to produce records regarding the proof of appropriate purchase for systems and equipment. Lowest Corresponding Price (LCP) rules should be found to be complete and in accordance with procurement rules. In addition, institutions should be able to prove that devices are in active use by students.

Infinity believes that the program should allow for contingency cost to provide consistent implementation of remote learning and closing the homework gap. Anchor institutions rely on technology as a necessary medium for instruction. Using this curricular style leads to an ever-increasing need to eliminate any down time from instruction due to the increased demands for online learning during the current COVID-19 crisis. Having contingency resources is necessary to provide for an education system which has significantly changed over the past two years. A contingency of up to 10% would be recommended for approved purchases.

The E-Rate program rules currently in place should remain the focus for anchor institutions. This includes the competitive bidding process to eliminate waste and fraud. Infinity believes that this should continue to be a factor in the approval of past and future purchases. In accordance with this rule, schools and libraries wishing to use available funds to procure equipment must complete the competitive bidding process for any future purchases. Past purchases should be deemed eligible for reimbursement if the applicant can show a reasonable effort to compare pricing models that vendors made available, and that the cost of the purchased equipment and/or services were the lowest corresponding available price.

Infinity believes that the funding of projects to enhance distance learning should follow the current E-Rate Category 2 funding rules. This will allow for rural and high poverty areas to access the equipment and services needed to close the homework gap and increase student access to the school. Reasonable cost can vary by these locations as well. Infinity believes that there should be a set pricing structure which reflects reasoning and justification. This will work to eliminate unreasonable pricing of materials and services.

Application Process

Infinity would support a separate filing window for Emergency funding separate from the E-Rate window. The new temporary filing window should be between 30 to 60 days. One window per year for the life of available funding would be optimal with the Commission having the option to open emergency windows, as necessary. The timing of the window should address the institution's ability and availability to plan accordingly for purchasing of equipment and services. The Commission should allow for an announcement of the temporary filing window a minimum of 45 days prior, for the planning and development of projects by anchor institutions.

Regarding operations of the fund, Infinity believes that the Commission has been successful in implementing process which allow the E-Rate program to be largely successful and supportive of stakeholders. Use of the same structure such as forms, certifications and well-defined deadlines will best serve the funding, and to further support those who need to improve educational access.

Enforcement of rules again can follow suit of the current E-Rate process. There absolutely should be mechanisms which impose penalties on those who would act in an improper

manner with public monies. The E-Rate program once again can be used as a model of enforcement powers.

Infinity Communications & Consulting, Inc. supports the effort to close the homework gap and extending of services to the student's home. The expansion of the E-Rate program to assist schools and libraries in advancing connectivity off-campus to support students and to provide greater access for student learning and engagement. The modernization of the E-Rate program should meet the needs of the population that requires it the most, the students. The need prior to the COVID-19 emergency was evident, but the current educational environment during the emergency has made it clear and evident that broadband access at the home is essential for student learning. Access to education is a basic principle for all the nation's youth. The current trends in learning environments will remain after this emergency. Therefore off-campus connectivity and closing the homework gap is paramount and should be recognized by the E-Rate program for funding to best serve the educational needs of students.