Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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

COMMENTS OF THE CALIFORNIA EMERGING TECHNOLOGY FUND

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Pursuant to the schedule in the Public Notice,[1] the California Emerging Technology Fund

("CETF") hereby files its comments on the Public Notice on Emergency Connectivity Fund for

Educational Connections and Devices to Address the Homework Gap During the Pandemic

("Public Notice"), released on March 16, 2021, in WC Docket No. 21-93. To help schools and

libraries provide devices and connectivity to students, school staff and library patrons during the

pandemic, Congress established a $7.171 billion Emergency Connectivity Fund ("ECF") as part

of the American Rescue Plan of 2021 ("Act").[2]

A. Background

Formed by the California Public Utilities Commission in 2006, the mission of CETF is to

close the Digital Divide in California. The overall goal is to reach 98% of all California

residences in every region with broadband infrastructure and to achieve 90% home broadband

adoption by 2023. A non-profit organization, CETF strives to achieve these goals through public

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[1] Public Notice, at 18.
[2] American Rescue Plan Act, 2021, HR 1319, 117 Cong. , tit. VII, Section 7402 (2021) (enacted).
Funding for the ECF is appropriated out of money in the US Treasury not otherwise appropriated and are
available until Sept. 30, 2030. Notably, the Universal Service Fund is not an ECF funding source.

policy, awareness and education, digital inclusion programs, and grantmaking to non-profit community organizations and public agencies. While CETF focuses its efforts on California, CETF has participated before the FCC on many prior occasions on issues relating to broadband, particularly relating to corporate consolidations where broadband access and affordable offers were issues, Lifeline broadband policies, and broadband infrastructure programs, such as the Rural Digital Opportunity Fund. CETF also received federal grants from NTIA during the American Recovery and Reinvestment Act of 2009 to perform broadband adoption work in California which it did successfully.

CETF was recently selected by the City of San Jose to manage its Digital Inclusion Fund, with approximately $24 million of grants in digital inclusion programs for the capital of Silicon Valley, with the goal to get online 50,000 low-income households in a decade. Further CETF entered into memorandum of understandings with Frontier Communications, Charter Communications and T-Mobile USA relating to merger commitments and collaborates with these providers on digital infrastructure and digital adoption programs relating to merger commitments in our state. For example, CETF partnered with Frontier Communications to achieve 150,000 broadband adoptions and distribute 50,000 computers to low-income households. During the pandemic, the devices have been directed to the neediest communities including low-income schoolchildren and residents of Tribal nations. CETF oversaw a commitment by Charter-Spectrum to achieve 350,000 broadband adoptions. Among other commitments, CETF negotiated an MOU with T-Mobile to achieve 325,000 broadband adoptions and maintain no less than 675,000 LifeLine customers with Internet. T-Mobile also pledged to expand its EmpowerEd Program and Sprint's 1Million Project to reach an additional 52,000 low-income California families with K-12 school age children within five years. This

program will provide at least 3 GB of free high-speed data service and unlimited non-high speed

Internet service and free Internet-enabled devices.

CETF also leads an innovative School2Home program[3] in low performing California

middle schools to close the Digital Divide and Achievement Gap to transform practice and

policy for excellence in education. CETF uses ten core components rooted in successful

education technology programs in School2Home.[4] To date, CETF has implemented

School2Home in 30 schools in seven school districts for more than 16,000 students, their parents

and 800 teachers. CETF has developed and peer reviewed a detailed Implementation Guide to

publish "School2Home in a Box"[5] so other school districts may implement School2Home.

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[3] https://www.school2home.org/

[4] https://www.school2home.org/10_components.

1. School Leadership, Assessment, and Planning: A School Leadership Team is formed to assess needs, analyze data, set goals, develop a work plan, and oversee implementation.
2. Technology Bundles for Students and Teachers: All students receive a computing device to use in the classroom and at home following parent training. Teachers receive powerful devices.
3. Teacher Professional Learning: Teachers receive professional learning about integrating technology into classroom instruction, homework assignments, and engagement of parents.
4. Coaching and Mentoring: School personnel are designated as technology coaches and content champions to support teachers and embed professional learning.
5. Parent Engagement and Education: Parents receive basic digital literacy training to use the device, ensure online safety, communicate with the school, and support their child's education.
6. Student Tech Expert Development: Students are recruited and trained to help provide basic technical support to other students, teachers, and families.
7. Online Resources: The website provides support for teachers to prepare lessons and assistance for parents to acquire digital skills and engage with schools and teachers.
8. Learning Academies: Principals and teachers participate in workshops and online sessions as learning communities to share best practices and learn from one another.
9. Affordable Home Internet Access: Parents receive information about affordable high-speed Internet service offers and the availability of public broadband access centers.
10. Evaluation: A comprehensive annual evaluation process provides feedback to schools for accountability and input to program managers for continuous improvement to achieve goals.

[5] https://d3n8a8pro7vhmx.cloudfront.net/cetf/pages/182/attachments/original/1583533302/School2Home_Implementation_Guide_190602_%28003%29.pdf?1583533302

CETF also has aligned public services to support the School2Home students and families. CETF recommends the FCC look at the School2Home program and consider how it can be expanded to transform educational technology programs across the nation.

California is beautiful and magnificent—and yet it also has a Digital Divide larger and more challenging than in any other state. Too many rural communities and productive farmlands lack broadband infrastructure to support adequate public safety and economic development. Too many urban residents in low-income neighborhoods lack affordable access to get ahead. Many of our anchor institutions – schools and libraries – lack gigabit speeds due to rural and remote infrastructure challenges and being able to afford that level of service.   Finally, the continuing COVID-19 pandemic emergency has revealed that many of our students' families do not have high speed Internet access at home and thus, were unable to participate in distance learning. Libraries were unable to serve patrons given libraries were shuttered. The pandemic laid bare the sorrowful inequities of the Digital Divide. In Salinas, a photo of two children sitting on the hard pavement to do their homework using free WiFi outside a Taco Bell, became the meme of the Digital Divide for low-income students.[6] The FCC has a unique opportunity to address the inequity for schools and libraries and make progress using s rare opportunity of Act funding.

For fifteen years, the California Emerging Technology Fund has endeavored diligently to fulfill its mission. Thanks to our spectrum of partners and extensive network of community-based organizations, we have deep and wide on-the-ground experience about "what works" to close the Digital Divide. The decision of the California Public Utilities Commission to establish CETF as a public benefit from corporate consolidations was a game-changer. Indeed, significant

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[6] https://people.com/human-interest/calif-students-internet-hotspot-taco-bells-wifi/

progress has been made in narrowing the Digital Divide in California over the last decade with adoption of forward-looking policies. However, the most disadvantaged populations still remain unconnected or underconnected. These residents also often are confronted with an interrelated set of factors and forces that constitute a huge barrier to overcome and escape—a "wall of poverty"—resulting in these households being left behind at an accelerating pace that stunts and stifles California's global potential. As a result, CETF continues its work to act as a catalyst for action in California to bring Internet to all. With this background, CETF hereby makes comments on issues raised by the Public Notice relating to implementation of the Emergency Connectivity Fund.

B. CETF Comments on the Emergency Connectivity Fund.

CETF commends the FCC on its timely efforts to issue ECF program rules within the 60-day timeframe set by Congress. CETF recommends the FCC continue to act with urgency given the scope and complexity of the Homework Gap problem which existed well before the pandemic but became more pronounced as soon as the shelter-in-place restrictions commenced in mid-March 2020. The concern is that students unconnected to the Internet at home will fail to make educational advancements during the pandemic, and fall behind their Internet-connected classmates. The issue occurs in urban areas due to lack of affordable broadband by low-income and disadvantaged families and also occurs in rural, remote, and Tribal nations due to lack of broadband infrastructure. Further, one cannot just drop a new device and an Internet connection into the home of a new subscriber without also providing digital literacy training for the household members.

In California, early in the pandemic, the Homework Gap issue was highlighted by Governor Gavin Newsom in an April 20, 2020 Press Release: "Approximately one in five students in California lack high-speed Internet or an appropriate computing device at home. In a parent survey two weeks ago, 50 percent of low-income families and 42 percent of families of color reported that they lacked the laptop, Chromebook, or tablet needed to access distance learning."[7]

An Annenberg report entitled "COVID-19 and the Distance Learning Gap" by Professor Hernan Galperin, Director, Annenberg Research Network on International Communications, University of Southern California, found the following facts as to the Los Angeles major metropolitan area:

- About 1 in 4 families with school-age children in Los Angeles County lack the technology resources for distance learning. This represents approximately 250,000 families whose children are likely to fall behind in educational attainment during the crisis.
- The gap is even larger for Los Angeles Unified School District families, as 1 in 3 lack high-speed Internet access or a desktop/laptop device.
- Only about half of the K-12 households in the bottom 20% of the income distribution are equipped for distance learning. This compares to about 90% in the top 20%.
- Households lacking distance learning resources are clustered in South and East Los Angeles. In these communities, less than half of all families have the technology resources for distance learning.[8]

Thus, CETF strongly agrees the need for connectivity and devices for schools, students, and administrative staff is urgent given the pandemic, and remains urgent as the pandemic continues after a full year of shelter-in-place restrictions in most places. Similarly, California libraries have suffered with forced closures and having to interact with library patrons online or

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[7] https://www.gov.ca.gov/2020/04/20/governor-newsom-announces-cross-sector-partnerships-to-support-distance-learning-and-bridge-the-digital-divide/
[8] https://arnicusc.org/covid-19-and-the-distance-learning-gap/

using virtual forums.[9] Patrons who lack connectivity or suitable devices have not been able to

access the rich resources of their local libraries for necessary information on social services,

critical health information, and access to a computer for job search during the recession.

Libraries are where many low-income persons go for free Internet access, free access to

computer devices, and technical support. With libraries shuttered, this important resource was

lost for low-income households.

1. Administration of the Emergency Connectivity Fund

CETF agrees with the FCC that given the urgency of the implementation deadline of 60

days that the Universal Service Administrative Corporation (USAC) should be the administrator

of the ECF program. CETF agrees that not more than two percent (2%) of the funds be provided

for administration of the ECF.[10]

CETF recommends that the FCC set performance goals for itself and USAC in order to

measure performance. Without ambitious goals to work toward, the program will not reach the

goal set by Congress to eradicate the Homework Gap during the pandemic. The FCC should

adopt specific and aggressive broadband adoption goals for schools and libraries. The baselines

should be set on the best information in the possession of (1) the educational agencies in the

state, counties, or local agencies on broadband adoption, and (2) that the library agencies or

authorities have as broadband adoption levels among their patrons. The goal should be nothing

less than achieving full connectivity by the end of the program.

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[9] https://www.cla-net.org/page/7-1
[10] Public Notice, at 3.

Given the one-time funding level of $7.171 billion which may be inadequate for this purpose, the FCC should consider priority for funding for services and eligible equipment should be given to schools and libraries that serve low-income, disadvantaged, rural, remote, and Tribal areas. Also, the FCC should also consider how it can permanently continue the ECF program until the goal is achieved with other funding sources, if the goals are not met before ECF funding runs out. These funding sources could include the Universal Service Fund.

2. Eligible Schools and Libraries

Given Section 7402(d)(7) of the Act define an "eligible school or library" as "an elementary school, secondary school, or library (including a Tribal elementary school, Tribal secondary school, or Tribal library," CETF agrees that schools, libraries and consortia of schools and libraries eligible for support under the E-Rate program be eligible for ECF funding.[11] This will facilitate the eligibility of this group.

At page four of the Public Notice, the FCC asked what other entities not eligible under E-rate should be eligible for support by the ECF. CETF strongly recommends that entities with established school-based or library-based programs to advance Digital Inclusion and to achieve Digital Equity aligned with a State Plan also be eligible. These programs would be required to focus on bringing eligible advanced communications services and eligible devices to students, teachers, and administrators of eligible schools, or patrons of eligible libraries. The program should require digital literacy and digital adoption training. Also, the FCC should require the State to express its approval of such an entity to be eligible, either through the Governor's office,

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[11] Public Notice, at 4.

a state agency (e.g., educational, library, public utilities commission), or a local municipality (e.g., mayor, City Council, or Board of Supervisors).

As an example, CETF suggests its School2Home program[12] is the type of program that should be funded via the ECF for eligible schools. School2Home is an innovative statewide initiative to close both the Achievement Gap and the Digital Divide at low-performing middle schools by integrating the use of Internet-enabled computing devices into teaching and learning, coupled with significant parent engagement. The School2Home program is a recognized program consistent with the State's broadband goals, and overseen by a nonprofit organization established by the state public utilities commission. School2Home is at thirty middle schools in seven school districts for more than 16,000 students, their parents, and 800 teachers. When COVID-19 closed California schools and sent home millions of students to try and continue their education remotely, the pandemic laid bare the Digital Divide and exposed deep inequities and widespread challenges for distance learning. However, School2Home schools made the transition relatively easily because all teachers were prepared, parents had been trained, and students already had been assigned computers to take home. One California principal commented, "We had the advantage as we dealt with school closure." A teacher leader stated, "Without School2Home, we would not have been ready for this moment."

Similarly, another type of program that should be eligible to apply for ECF funding is the San Jose Digital Inclusion Partnership, which is focused on closing the Digital Divide in the capital of Silicon Valley. In San Jose, 95,000 San Jose residents are not connected to high-speed Internet service at home, and many lack computing devices and digital literacy skills to access

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[12] https://www.school2home.org/

the full benefits of the technology developed in Silicon Valley. A visionary leader in Smart City innovation, San Jose Mayor Sam Liccardo and the San Jose City Council established the Digital Inclusion Fund with fees from Internet Service Providers employing 5G networks in San Jose. The City Council engaged CETF to help manage $24 million over 10 years in digital inclusion grants to community organizations and public agencies to get 50,000 households online and digital proficient. In 2019, the San Jose Digital Inclusion Partnership was established to speed 5G deployment in San Jose while promoting Digital Inclusion through $24 million in grants over the next decade. The City Manager appointed an Advisory Board of public and private civic leaders to guide the Partnership. In early 2020, the City Council awarded $1 million to 23 community organizations to get 4,000 households online and digitally proficient. CETF suggests that an established and funded organization like the San Jose Digital Inclusion Partnership should be eligible for funding to match its funding to launch Digital Inclusion programs specifically for schools and libraries within San Jose, with the goals of connecting school students, teachers, and staff, and connecting libraries with their patrons through high-speed broadband service and devices. Entities allied with Digital Inclusion plans such as School2Home and the San Jose Digital Inclusion Partnership that bring matching funds and serve low-income and disadvantaged households should receive priority for ECF funding.

In a third example, CETF has struck partnerships via Memorandum of Understandings during corporate consolidations with broadband providers like Charter Communications, Frontier Communications, and T-Mobile USA. Examples of CETF-initiated projects that could be funded by ECF would be the distribution of 25,000 devices to low-income students (including students in Tribal Nations) by Frontier Communications in the Frontier Device Distribution Project; and the T-Mobile Digital Literacy project (reaching 75,000 households). The FCC

should seek not only schools and libraries to fund but also experienced organizations that have established programs to advance Digital Equity oriented to schools and libraries that are aligned with at State Plan.

3. Eligible Equipment and Services

In terms of the definition of "eligible equipment" and "advanced telecommunications and information services" for the ECF rules, CETF recommends that the FCC not be overly restrictive in its definitions in order to give schools and libraries broad latitude to innovate how it reaches their students or patrons. Given the diversity of situations in the Nation, CETF cautions against overly restrictive rules that prejudge what may be necessary to connect students, teachers, staff, and patrons. Frankly, E-rate eligible equipment and service rules have tended to lag behind technological advances and innovation. For example, providing Wi-Fi in school buses for rural and remote students to do their homework is a gamechanger, yet early FCC E-Rate rules prohibited these types of innovations. For years, E-Rate participants had to advocate to have category two equipment and services allowed for internal campus and library connectivity. Similarly, in recent years, through the Schools, Health & Libraries Broadband Coalition ("SHLB"), E-rate participants have advocated for a "to and through" capability to use school or library Internet connections as a way to serve nearby disadvantaged communities that lack high speed Internet infrastructure at home due to infrastructure or cost considerations. This initiative was not acted upon. Thus, CETF recommends that the FCC restrain from forbidding categories of equipment and services in the ECF program, and instead give the school and library communities ample room for innovation and creativity to solve the Homework Gap and reach library patrons at home.

Section 7402(d)(6) defines "eligible equipment" as WiFi hotspots, modems, routers, devices that combine a modem and router, and connected devices (defined as laptop computers, tablet computers, and similar end-user devices that are capable of connecting to advanced telecommunications and information services). CETF supports allowing wireless modems such as air cards to be defined as "modems". As to tablet computers or "other end- user devices," CETF recommends that any laptop, desktop computer, or tablet paid for by the ECF program have these key characteristics: (1) the device has a keyboard for data input; (2) the device screen is of adequate size (e.g. at least 7 inches or larger) to perform homework or research online; (3) such devices are Internet-enabled to reach the public Internet and not "walled garden" devices that are not designed for the public Internet; and (4) the device supports video conferencing platforms and software necessary for such platforms. CETF suggests the connected device not be required to comply with the Children's Internet Protection Act ("CIPA") standards[13] in general at the point of purchase so parents are able to use it. If the device is used in school, the school district will have rules the parents will need to comply with related to CIPA.

CETF strongly agrees that participating in remote learning or library virtual sessions requires a device that can support an array of learning technologies including video conferencing platforms. Thus, CETF agrees that any connected device funded by the ECF support video conferencing platforms and software necessary for such platforms.

CETF generally agrees with the Public Notice that smartphones should not be included as eligible connected devices[14] because most lack the full functionality of a personal computer,

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[13] CIPA is a federal law that addresses Congress' concern about exposing school children to offensive content on the Internet.
[14] Public Notice, at 6.

tablet, or laptop for remote learning activities for students. One cannot write a term paper or

perform research on a small smart phone screen. While there may be some exceptions of devices

with large screens that are workable, the FCC should issue clear guidelines, such as requirements

that the smart phone have a 9" or larger screen, a keyboard, and be able to connect to typical

video conferencing platforms using the platform's software.

CETF supports minimum system requirements for the devices, which should include the

ability to be WiFi-enabled and have video and camera functions to enable remote learning.

CETF strongly supports ensuring that K-12 students and library patrons with disabilities

receive appropriate devices that to the extent possible accommodate their disabilities and help

facilitate student learning. Disabilities should include people who are deaf or hard of hearing,

blind or with low vision, and those persons with physical or access disabilities. CETF

recommends consultation to groups representing disabled users, and to reserve a percentage of

the ECF fund for this important purpose.

As to the appropriate definition of "advanced telecommunications and information

services," CETF supports the proposed language in the Public Notice at 7 (service that support

category one and category two services).[15] Further, CETF recommends a new "category 3"

which focuses on services designed to get advanced telecommunications and information

services to eligible students or library patrons who lack broadband access at home. This

category of services does not qualify under categories one or two, and requires flexibility and

creativity given the diversity of the challenges faced by schools and libraries to accomplish the

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[15] Category one provides connectivity to schools and libraries, while category two services include internal connections, for example WiFi, managed internal broadband services (for example managed WiFi), and basic maintenance of internal connections.

ECF goal. Category 3 should include a cost-effective requirement that demonstrates that the school or library made efforts to determine a cost-effective bid while ensuring reliability and resilience. Further, CETF does not agree with the FCC's proposed blanket restrictions on dark fiber funding or bans on new networks given the scope of the challenges for the goals of the ECF program.[16]

CETF supports minimum service standards and data thresholds with respect to the advanced telecommunications and information services for the ECF program. Such ECF service should support, enable, and facilitate robust remote learning, including with various video platforms and software. Services should feature not only fast download speeds but should also have adequate upload speeds given the importance of video applications for learning.

For data allowances for distance learning, CETF provides this data. Kajeet, an Internet provider to 185 schools and school districts in California, reported that in May 2020, it saw increased data usage of 860 MB per month, and high usage accounts with 6 GB per month.[17] The FCC should ensure ECF plans provide adequate data for distance learning for students, teachers, staff, and library patrons.

As to bandwidth requirements for distance learning, CETF refers to the Corporation for Education Network Initiatives ("CENIC") report entitled "Perspectives from CENIC: What Home Broadband Requirements Are Necessary for Students (and Families) during COVID-19 and Beyond" dated June 14, 2020 ("CENIC Report").[18] This CENIC report provides up-to-date

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[16] Public Notice, at 7.

[17] This provider uses filtering (CIPA and non-educational uses) to dramatically reduce usage; K-12 students are not allowed to access popular mobile sites like Facebook, Instagram, Netflix, TikTok, and SnapChat.

[18] https://cenic.org/blog/perspectives-from-cenic-home-broadband-requirements-what-is-necessary-for-students-and-families-during-covid-19-and-beyond

bandwidth requirements for Zoom, Google Hangouts and Skype, three of the most popular video

applications being used for distance learning in the pandemic.

CETF highlights an important finding in the CENIC Report, at page 2:

"Overall, one in four K-12 households in California do not have a desktop or laptop computer and a high-speed Internet connection. These households (25% of all households) were already significantly disadvantaged pre-COVID and will continue to be post-COVID; COVID only exacerbates and illuminates inequities. This represents about 870,000 families whose child or children are likely to fall behind in educational attainment during the COVID-19 crisis. If households with mobile broadband service are included, the share of households lacking resources for distance learning falls to 17%, which represents about 610,000 families. "

On page 8 of the Public Notice, it asked whether the FCC's current speed benchmark of

25 megabits per second (Mbps.) download and 3 Mbps. upload is adequate and should be

adopted for an ECF minimum speed benchmark. CETF recommends the speed benchmark be

substantially increased. On speeds, the CENIC Report at page 3 reviewed current benchmarks

for what is defined as "broadband" and concluded that both the FCC benchmark speed (25 Mbps.

download/3 Mbps. upload) and California Public Utilities Commission/California Assembly Bill

1665 broadband speed standard (6 Mbps. download/1 Mbps. upload) are inadequate for remote

learning, not to mention the other demands of users in the household. At pages 4-5 of the

CENIC report, CENIC further observes that upload speeds, network latency, packet loss and data

caps can serve as a barrier, as well as speed. CETF wholeheartedly agrees with the CENIC

Report.

Also, CETF has found that data caps imposed on student or library patron end users can

be a serious barrier to usage. When a user hits the data cap limit, providers may charge overage

fees, slow that user's data speeds, and even in some cases disconnect the subscriber. The

foregoing observations and statistics must be considered by the FCC, to ensure that advanced

telecommunications and information services will in fact meet the current needs of the target

households, and not relegate them to a second-rate, low-speed broadband plan, with inadequate data caps, poor latency, or packet loss. CETF cannot overstate the importance of providing a quality broadband service plan that is adequate to the household to perform necessary applications such as distance learning via two-way video conference. Further, given the typical size of an American households is 2.53 persons in 2020,[19] the needs of all of them should be met.

4. Service Locations

CETF is troubled by some of the Public Notice language suggesting restrictions in the "service locations" section,[20] because this language suggests potential restrictions for unhoused persons who lack a "location" to which to deliver ECF Internet services. Unhoused persons are some of the neediest residents requiring broadband service for school and library resources (e.g., prepare a resume, perform online job search, and obtain access to social and government services). The lack of a home location should not prevent an unhoused person from obtaining a critically needed device such as a tablet or laptop. While CETF agrees that FCC ECF rules should bring service to community locations via WiFi and loaned devices that an unhoused student or library patron can access easily and with dignity, the FCC's ECF rules should not restrict unhoused persons from access to services due to the lack of a home location. CETF recommends the FCC consult with organizations that represent unhoused persons and ensure there are no restrictions on devices or service due to a lack of a home location. In addition, the FCC should encourage schools and libraries to work with community leaders to establish community service locations include places where unhoused persons can safely access, such as community centers, food banks, youth centers, and social service centers.

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[19] statista.com/statistics/183648/average-size-of-households-in-the-us/#:~:text=The%20average%20American%20household%20consisted%20of%202.53%20people%20in%202020.&text=As%20shown%20in%20the%20statistic,their%20usual%20place%20of%20

[20] Public Notice, at 8.

CETF agrees with a limit of one supported connection per location and one supported device per student, teacher, or staff member for the home location, and one connection and device per library patron per location.[21]

CETF further supports the Public Notice language suggesting it would approve proposals for school and library proposals for WiFi hotspots to achieve connectivity in a cost-effective manner using such applications as WiFi hotspots in bookmobiles, on school buses, and at other school or library community sites.[22]   CETF cautions however that one cannot "hotspot" one's way out of the Digital Divide. What is contemplated by the Act is <u>home</u> connectivity for unconnected eligible persons. Community locations should be a part of any school or library strategy, but should not replace the Act's goal of home connectivity for an unconnected student, teacher, staffer, or library patron.

Responding to the Public Notice question, school districts and libraries should not overbuy for their demonstrated needs, but should be allowed to have up to 5% of extra devices due to normal wear and tear.

5.   Eligible Uses

CETF supports a broad interpretation of "educational purposes" for which the ECF funds may be used.[23] Any definition should generally be consistent with the Universal Service rules noted in page 9 of the Public Notice but in terms of library patron usage, it should not be overly restrictive. In the school setting, services generally should conform with the Universal Service rules, but schools should have the ability to request exceptions for good cause.

6.   Reasonable Support Amount

CETF supports reimbursement of purchases of eligible equipment and services made by eligible schools and libraries since January 27, 2020. The Act's language clearly allows for this interpretation.

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[21] Public Notice, at 8-9.
[22] Public Notice, at 9.
[23] Public Notice, at 10.

As to past purchases, the FCC should not use as a bar requirements on cost effectiveness and compliance with cost procurement processes. Home schooling due to a global pandemic was never contemplated in any school district budget and so CETF supports reimbursement for any unexpected costs that are now eligible for ECF. Specifically, CETF opposes restrictions on reimbursements if the past costs failed to go through applicable state, Tribal or local procurement requirements as to the contracts, as suggested in the Public Notice at page 10. The pandemic was an unexpected global health emergency and school districts scrambled to establish service in any way they could to unconnected teachers, staff, and students. Likewise, libraries should also be eligible for reimbursement of costs for services and equipment to extend service to patrons from home since January 27, 2020, despite failing to meet any required procurement processes.

As to forward-looking expenses, a reasonable policy on cost effectiveness and procurement should be considered, but the FCC should consider the E-rate application cycles when determining the new rules and not place new restrictive rules on pending applications.

As to reasonable amounts for range of costs for categories of equipment and service eligible for funding via the ECF, CETF recommends that the FCC should establish broad ranges of acceptable costs based on data received to date as noted on page 11 of the Public Notice. CETF is surprised at the large variation in reported prices for things like a Chromebook ($160-$600) and a hotspot ($0 with one year commitment up to $145 per device).[24] The FCC should keep in mind that some larger school districts and library consortia can negotiate volume deals while others are very small, located in difficult to serve rural or remote areas, and cannot obtain low-cost options. To that end, the FCC should consider a program to assist smaller schools and libraries with bulk purchases at volume rates of service, equipment, and devices. This would help drive costs of the ECF program down.

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[24] Public Notice, at 11.

CETF generally opposes the funding cap on eligible equipment or service concept set forth at page 12 of the Public Notice, absent more information on how the cap would apply. The neediest eligible schools and libraries should be prioritized by the FCC if funding is limited. This refers to those serving low-income, disadvantaged, rural/remote/Tribal Nation locations, and a high number of persons with disabilities which require specialized equipment.

7. Application Process

CETF supports the suggested application process at page 12 of the Public Notice but suggests a longer filing window of 60 days instead of 30 days, particularly if the FCC imposes procurement requirements. CETF agrees that any ECF deadlines consider the current E-Rate deadlines to ensure harmony between them.

CETF specifically supports allowing schools and libraries to obtain reimbursement for costs beginning January 27, 2020 in the recommended application process. Further CETF strongly recommends a specific deadline by which the ECF applications will be acted upon, for example 90 days from the filing. Applicants need certainty on when it will know if its application is granted.

CETF also recommends transparency be ensured as to the USAC ECF application process through a USAC website setting forth the status of any application.

8. Prioritization of Funding.

CETF agrees that if the ECF program is oversubscribed, the FCC should establish a method to fairly prioritize funding. CETF urges the FCC to keep the Act's ECF purpose firmly in mind as it sets prioritization rules. CETF does not support E-Rate rules being imported wholesale to the ECF program giving the different goals of the two programs. CETF recommends that school districts and libraries be required to certify that it will make good faith efforts to ensure such devices and services go to those the Act identified as eligible. CETF supports a requirement of a written distribution policy and plan that demonstrates compliance with ECF eligibility requirements.

9. Reimbursement Process

CETF does not offer comment on the reimbursement process but supports adequate and accurate documentation such as invoices as to ECF reimbursement requests.

10. Treatment of Eligible Equipment During and After the COVID-19 Emergency Period

CETF supports having limited rules about the use of the equipment after the COVID-19 emergency ends, given the relatively short life of the devices and communications equipment. The school or library should be allowed to keep the eligible equipment after the program ends, and use them for any educational purpose thereafter.

11. Children's Internet Protection Act (CIPA)

The Public Notice asks questions on the applicability of CIPA to the devices and services funded through the ECF.[25] CETF recommends that the connected device not be required to comply with the CIPA standards[26] in general at the point of purchase so parents are able to use it at home. If the device is used in school, the school district will have rules the family will need to comply with related to CIPA. Libraries should apply their normal CIPA requirements.

12. Other Federal and State Funding for Remote Learning

CETF supports the proposed restriction in the Public Notice on not reimbursing expenses out of the ECF for eligible equipment and services for which schools and libraries will receive funding from other federal programs (e.g., the FCC Emergency Broadband Benefit Program, the CARES Act, or other provisions of the American Rescue Act), state programs specifically

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[25] Public Notice, at 14.
[26] CIPA is a federal law that addresses Congress' concern about exposing school children to offensive content on the Internet.

targeted at providing funding for eligible equipment and services, other externals sources of funding, or gifts. This will allow the ECF funding to last longer.

13. Other Protections Against Waste, Fraud and Abuse

CETF supports requirements of record retention, audits, asset inventories, and record of services purchased.[27] Regarding concerns regarding non usage, CETF agrees that there should be some oversight to ensure the ECF devices and services are put to use, but not to the degree that it is insensitive to school schedules and the need to provide the device with necessary digital literacy training as a requirement which may take time to schedule.

The E-Rate gift rule should not be applied to the ECF program.[28] The gift rule was previously waived as to the E-Rate program during the pandemic and should not apply to this program whatsoever.

14. Enforcement

CETF supports use of the FCC's normal administrative forfeiture and other penalties on ECF program participants found to be in violation of program rules and requirements, to discourage fraud, waste, and abuse.

15. Costs and Benefits

The Act does not require a cost benefit analysis by the FCC, and CETF advocates not spending time on such an exercise.

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[27] Public Notice, at 15-16.
[28] Public Notice at 16-17.

WHEREFORE, CETF appreciates being given this opportunity to comment on the FCC's Public Notice on the ECF program, and stands ready as a resource to the FCC.

Respectfully submitted,

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