

Before the
Federal Communications Commission
Washington, D.C.

In the Matter of)	
)	
Emergency Connectivity Fund for Educational)	WC Docket No. 21-93
Connections and Devices to Address the)	DA 21-317
Homework Gap During the Pandemic)	

**Comments of the State of South Carolina on the proposed rulemaking for the
Emergency Connectivity Fund**

The State of South Carolina, as represented by the South Carolina Department of Administration, South Carolina Education Oversight Committee, South Carolina Educational Television Commission, South Carolina Department of Education, South Carolina Telecommunications and Broadband Association, South Carolina State Library, Anderson County School District One, Charleston County School District, Charter Institute at Erskine, Chester County Library, Clarendon School District Three, Greenville County School District, Greenville Tech Charter High School, Laurens County School District 55, Richland Library, Spartanburg County School District Six, Spartanburg County Library, Thornwell Charter School, Union County School District, and York County Public Library respectfully submits its comments in response to the Federal Communications Commission’s (Commission) notice of proposed rulemaking (NPRM) regarding the Emergency Connectivity Fund (ECF).

The school districts, charter schools, and library systems that participated in the state’s advisory group to develop comments in response to the Commission’s NPRM for the ECF represent a cross-section of all South Carolinians. The state’s advisory group represents the voices of 165,589 K-12 students and 531,210 registered library patrons.

Additionally, the state agencies listed above make up the South Carolina K-12 School Technology Initiative, a unified voice guiding and supporting broadband infrastructure development across the Palmetto State.

Below, the Commission will find the state’s comments on many of the Commission’s proposed rules and regulations of the Emergency Connectivity Fund (ECF). To summarize these comments, the state strongly recommends that the Commission reduce the administrative burden to potential applicants by allowing third-party entities to file for ECF program funds on behalf of schools and libraries, allowing applicants to build new or expand their networks where cost-effective, implement a rolling filing window, and limit document retention to one year after the ECF program has closed.

The state submits these recommendations because the United States is trying to manage the Covid-19 emergency. When hurricanes threaten the South Carolina coastline, the state activates its emergency response teams to protect property and human life. In those situations, procurement is streamlined, service providers are engaged, and regulations are temporarily relaxed with the sole purpose of mitigating the threats of a hurricane. The state recommends that the Commission consider treating the Covid-19 pandemic as South Carolina would treat a hurricane by streamlining procurement, engaging service providers, and temporally relaxing regulations.

1. Do schools and libraries conduct assessments of their students, patrons, and staff to determine the need for eligible equipment; if so, how have those assessments been used to determine purchasing decisions?

The state finds that there is no current consensus of data collection, assessments, or surveys that drive purchasing decisions. Some school districts survey students and families to measure the need for connected devices such as Mi-Fi hotspots, but this data is often outdated in a matter of weeks. Other school districts procure a fixed number of connected devices and issue them to students upon request. Library systems seem to universally follow the later process whereby the library purchases as many connected devices as it can afford, then issues those devices to library patrons upon request for a limited amount of time.

In addition to the vast number of documentation requirements proposed under the ECF, it seems that to be eligible to apply for products and services from the ECF program, applicants would be required to also implement some standardized process of measuring expected need by way of survey and perhaps validation.

2. Are there other entities, not already eligible under the E-Rate program, that the Commission should make eligible for support under this Emergency Connectivity Fund (ECF)?

The state assembled an advisory group of school districts, library systems, and charter schools in South Carolina seeking their opinions on the proposed ECF program rules. When asked about their general impressions of the ECF, the prevailing concern was the overwhelming administrative burden of managing a program, such as the ECF, within the compliance framework of the E-Rate program.

The state recommends that the Commission make two types of entities eligible for ECF funding.

First, where a school district or library system chooses to not participate in the ECF program, the state recommends that independent afterschool programs be eligible to apply for eligible products and services on behalf of students. The state has observed that independent afterschool programs, such as local Boys and Girls Clubs and YMCA organizations, have had a unique relationship with students across the United States and in South Carolina's communities for decades. That relationship has been more critical during the Covid-19 pandemic because school districts rely on afterschool programs to help bridge the services gap between the school and the student's home. It is the opinion of the state that religious organizations that provide afterschool programs are unlikely to apply for ECF program funds but should be deemed eligible to apply for services on behalf of eligible students.

Secondly, wired, and wireless internet service providers, such as AT&T, Verizon, and rural broadband telecommunications providers, have provided E-Rate eligible products and services to school districts and library systems since the beginning of the E-Rate program. Current E-Rate program rules allow service providers to invoice the Universal Service Administrative Company (USAC) directly for Category 1 reimbursements using the Service Provider Invoicing (SPI) method. It is the state's opinion that service providers presently know where they do and don't have service coverage. This information puts service providers in an ideal position to work with school districts and library systems to identify where underserved/unserved students, patrons, and staff live and file for ECF products and services on behalf of eligible students, patrons, and staff. Understandably, school districts and library systems possess student, patron, and staff

personally identifiable information (PII) and as such, the state recommends that service providers must obtain a Letter of Agency (LOA) from the school district or library system that before applying for products and services under ECF.

Should the Commission deem independent afterschool programs and internet service providers eligible to file for products and services under the ECF, then two positive outcomes emerge. First, students, patrons, or staff members that live in a county where the school district or library system elect not to participate in the ECF program, then allowing a third-party organization such as an independent afterschool program to file for ECF products and services on their behalf, prevents those students and patrons from continuing to be un-connected from the remote learning environment. Secondly, internet service providers presently have detailed knowledge of their coverage areas and stand to financially gain from the ECF program. It comes as no surprise that rural communities have the largest need for broadband access. According to the most recent broadband maps of South Carolina, the state finds that rural communities not served by major wired or wireless telecommunications providers can in fact be served by rural broadband telecommunications providers¹. Rural broadband telecommunications providers are members of these rural communities and equally committed to assisting the needs of school districts and library systems². Allowing service providers to file on behalf of students, patrons, and staff would shift the administrative burden from the school district and library system to the service provider.

If the Commission makes eligible independent afterschool programs and service providers for the ECF program, then the state recommends that employees of these organizations should not be eligible to receive ECF eligible products and services. It is the opinion of the state that service provider employees receiving ECF products and services would contravene the Commission's long-standing rule on "educational purpose." While afterschool programs may meet the Commission's definition of "education purposes", it is the opinion of the state that afterschool programs are filing on behalf of students at an eligible entity, such as a school, rather than filing as the eligible entity.

3. Should the Commission clarify that Tribal libraries are eligible for support under the LSTA and are, therefore, eligible for funding from the ECF?

Yes, the state agrees with the Commission that the forthcoming ECF Report and Order include clarification that Tribal libraries are eligible for ECF funds. While there are no Tribal libraries in South Carolina, the digital divide on Tribal lands has been well documented³. This clarification would only help students, patrons, and staff of those Tribal communities by encouraging Tribal school districts and library systems to participate in the ECF program.

4. The Commission proposes to provide funding only for equipment and services that are needed to provide the connectivity required to enable and support remote learning for students, school staff, and library patrons.

¹ SC Broadband Maps, "South Carolina Areas of Need: March 31, 2020", Palmetto Care Connections, <https://www.palmettocareconnections.org/broadband/maps/>, (accessed April 5, 2021).

² South Carolina Telecommunications and Broadband Association, "Maps", <https://www.sctba.org/maps.php> (accessed April 5, 2021).

³ American Indian Policy Institute, "Digital Divide", Arizona State University, <https://aiipi.asu.edu/content/digital-divide>, (accessed April 5, 2021)

Yes, the state agrees with the Commission that funding is provided for equipment and services that are needed to provide the connectivity required to enable and support remote learning. However, the state recommends that desktop computers that offer the same functionality as a laptop or tablet be eligible for funding under the ECF program.

Desktop and “all-in-one” computers should be eligible for funding under the ECF program because these computers provide the same functionality as a laptop or tablet. For example, many desktops have integrated web cameras and are touch screen enabled. Additionally, desktops are designed to be set up in a fixed location, and not as likely to be damaged or lost, compared to the mobile nature of laptops and tablets. Lastly, the state is concerned about the commercial availability of laptops and tablets and has witnessed long delivery times for those products. The Covid-19 pandemic has resulted in a surge in demand for laptops and network equipment⁴. Desktops are a cost-effective option for some students, patrons, and staff members that may be procured and delivered faster than a laptop, which seems to be the intent of this emergency funding.

5. Should the Commission clarify that modems include wireless modems, such as air cards?

Yes, the state recommends the Commission include as much specificity on the proposed ECF eligible services list as possible. Considering prior experience with the Category 1 and Category 2 Eligible Services List, the state’s opinion is that more specificity will provide potential applicants with a better understanding of what is eligible under the ECF program, and what is not eligible.

Additionally, the state recommends that the Commission include language on the proposed ECF eligible services lists to clarify that all of the equipment, cables, and accessories that are boxed with an eligible product are also eligible and not required to be cost allocated or filed under a separate funding request number. For example, an applicant seeks funding for a modem. The modem is boxed with a one-meter cable. The cable is not specifically listed as an eligible product on the proposed ECF eligible services list but is required to make the modem work.

6. Should the Commission impose minimum systems requirements for connected devices?

The state recommends that the Commission impose minimum system requirements for connected devices supported by the ECF program. When developing these standards, the state considered that too much specificity may be a limiting factor, which may seem contrary to our comments regarding the specificity of eligible products and services. The key difference we seek to highlight between these two comments is that eligible products and services should be specific, while the system requirements of those eligible products and services should be broader. The state understands this approach may enlarge the size of the proposed ECF eligible services list but given the emergency nature of this program and the observed global shortage of connected devices, a larger eligible products and services list may be in the best interest of applicants.

The state recommends that all connected devices eligible for funding under the ECF program must have an integrated web camera, be Wi-Fi enabled, at minimum 4Gb RAM processing capacity. The state finds that 4Gb RAM processing capacity is a common standard for online

⁴ Browning, Kellen (2020, October 12). The Digital Divide Starts with a Laptop Shortage. The New York Times. Retrieved from <https://www.nytimes.com/2020/10/12/technology/laptops-schools-digital-divide.html>

meeting software, such as Zoom⁵ and Microsoft Teams⁶, and Google Meet⁷. However, Cisco Webex⁸ appears to require only 2GB RAM.

While the state generally agrees that smartphones are not ideal for the remote learning environment, the device screen size should not be a limiting factor. Limiting the eligibility of connected devices based on screen size may only exacerbate the current shortage of such devices. The state recommends that the Commission state that devices which send and receive voice phone calls using a wired or wireless signal are not eligible for funding. This position is consistent with the phasedown of eligibility for voice services under the E-Rate program.

The state would like to reiterate its comment regarding making eligible desktop computers under the ECF program. Consistent with our previous comments, desktop computers should also adhere to these minimum system requirements, which the state believes is possible.

7. Are there rules that the Commission should adopt to ensure that “connected devices” eligible for support from the ECF are accessible to and usable by people with different types of disabilities, including people who are deaf or hard of hearing; blind, or with low vision; deaf and blind; and those with physical disabilities?

The state agrees with the Commission that connected devices supported by the ECF program be “accessible to and usable by people with disabilities.”

Aside from explicitly stating as such in the forthcoming ECF Report and Order, the state is not aware of any rule the Commission should adopt to ensure that “connected devices” eligible for support under the ECF are accessible to and usable by people with different types of disabilities.

However, the state would like to highlight the fact that accessibility functionality is not equal on all connected devices such as laptops and tablets. The South Carolina School for the Deaf and the Blind comments that Apple’s operating system for MacBooks and Ipad includes the best accessibility functionality for the school’s students. The school adds that Microsoft laptops and tablets have some accessibility functionality, but oftentimes requires additional software to meet the student’s needs. Lastly, the school states that there are some laptops and tablets that offer little to no accessibility functionality on the device’s operating system.

The state recommends that the Commission provide ECF program support to eligible schools and libraries for the purchase of connected devices which meet the individual needs of all students and patrons, especially those students and patrons with disabilities. It is the state’s opinion that school districts and library systems are in the best position to make these decisions. Consistent with the state’s comments regarding the eligibility of third-party entities, such as service providers, the state suggests here that school districts will work with service providers filing on

⁵ Zoom, “System requirements for Windows, macOS, and Linux”, Zoom.com, <https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux>, (accessed April 2, 2021).

⁶ Microsoft, “Hardware requirements for Microsoft Teams”, <https://docs.microsoft.com/en-us/microsoftteams/hardware-requirements-for-the-teams-app>, (accessed April 2, 2021).

⁷ Google Meet Help, “Requirements for using Google Meet”, Google, <https://support.google.com/meet/answer/7317473?hl=en#zippy=%2Cuse-a-supported-operating-system%2Cuse-a-supported-web-browser%2Chardware-recommendations>, (accessed April 2, 2021).

⁸ Cisco Webex Help Center, “Webex Meetings Suite System Requirements”, Cisco Webex, <https://help.webex.com/en-us/nki3xrq/Webex-Meetings-Suite-System-Requirements>, (accessed April 2, 2021).

the school district's behalf to ensure students with disabilities receive the products and services they need to effectively participate in the remote learning environment.

8. The Commission seeks comment on excluding from funding dark fiber and the construction of new networks, including the construction of self-provision networks.

The state disagrees with the Commission's position on excluding from ECF funding dark fiber and the construction of new networks.

Where conditions exist, district or library system networks may offer a cost-effective option to reach students and library patrons in the communities they serve. As such, the ECF program seeks to provide advanced telecommunications services to students, patrons and staff members engaged in the remote learning environment in areas that lack commercially available internet service. The state suggests that if internet service providers had commercially available internet service to all communities in the United States, then there would be no need to include "advanced telecommunications services" on the proposed ECF eligible services list. However, this is not the case, and there will be communities that service providers will not reach despite the funding available under this program and other federal funding programs.

The ECF program proposes to allow schools and libraries to request funding for internet service to unserved or underserved students, library patrons, and staff. In reality, the school district or library system is simply paying the service provider to expand its network into an unserved or underserved area using the ECF program. In other words, as currently proposed, the ECF rules allow service providers to expand and build new networks but prohibit school districts and library systems from doing the same. It is the state's opinion that this is not fair to school districts and library systems.

The state contends that conditions exist in South Carolina and across the United States where school districts and library systems can provide cost-effective internet solutions to their students, patrons, and staff members. For example, Laurens County School District 55 (Laurens 55) in South Carolina, owns several monopole towers ranging from 100 feet to 140 feet in height, which are located on top of its schools, or are co-located on school property. In one case, a tower is located within 700 feet of Laurens Middle School and E.B. Morse Elementary School. Since the fiber from the schools to the tower is still functional, the school district could simply install new fixed wireless hardware, similar to that used by cellular carriers, on the tower that will propagate a Wi-Fi signal to students and school staff within approximately five miles of the tower. The state recognizes that the coverage area of this solution varies based on topography and other interference. This low-cost solution would provide wireless connectivity to all students in the school district. Figures 1 – 3 are offered as visual representation of this particular example and found in Appendix A.

Laurens 55 has not received official estimates from potential service providers by the time of this writing, however the district estimates that hardware and installation costs may range from \$25,000 to \$50,000. Considering Laurens 55's estimated costs in the example provided versus a service provider's cost to expand their fiber network to all students that lack internet service in the community, the state is considers that Laurens 55's solution may be more cost-effective.

The state is confident that there are many more examples similar to that of Laurens 55 across the United States and where those examples present a cost-effective solution, the ECF program should be used.

Lastly, the state recommends that the Commission only fund applicant fiber construction for projects that are considered “shovel-ready” or to be installed in the funding year for which funds are requested and where the cost effectiveness can be realized in one funding year. The state understands the Commission’s position on prohibiting new fiber construction, however the state presents these limitations on the type, scope cost effectiveness of new fiber construction for which applicant’s may request funding in an effort to focus ECF program funds on projects that can supply internet access to students, library patrons, and staff who need it quickly. The Commission presently has rules on fiber construction, and the state recommends that the Commission apply those same rules to fiber construction under the ECF program.

9. Should installation costs, taxes, and fees be included as an allowable cost?

The state recommends that the Commission interpret “advanced telecommunications and information services” to include the equipment necessary to deliver these services to connected devices as eligible. This is in line with the Commission’s position on network equipment for category 1 services whereas “eligible costs include monthly charges, special construction, installation, and activation charges, modulating electronics and other equipment necessary to make a Category One broadband service functional (“Network Equipment”), and maintenance and operation charges” are eligible.

10. We seek comment on whether applying the Commission’s current speed benchmark as a minimum standard here would be appropriate for these purposes.

The Commission’s current benchmarks of 25Mbps downstream and 3Mbps upstream are connectivity goals, not eligibility requirements. The state does not recommend that the Commission establish a minimum bandwidth capacity standard to be eligible for ECF program funds. Should the commission establish a bandwidth connectivity goal for the remote learning environment, not tied to eligibility, then 100Mbps downstream and 25Mbps upstream seems reasonable.

11. Should the Commission impose restrictions on what locations can receive wireline and fixed wireless services supported by this fund for remote learning?

The state agrees with the Commission that restrictions should be imposed on locations that receive ECF funding for wireline and fixed wireless services. Specifically, housing of any type should be allowed to receive wireline or fixed wireless services under the ECF program. The state defines housing as single-family homes, multi-family homes, homeless shelters, transitional shelters, and safe-place shelters. Hotels, motels, extended stay lodging, and other types of for-profit housing should not be eligible for wired or fixed wireless broadband products and services under the ECF program. The state also suggests that residences serving as for profit lodging such as homes for short-term lease on platforms such as Airbnb and VRBO are not eligible for wired or fixed wireless broadband products and services under the ECF program because there is no convenient way that a beneficiary could delineate between internet service used for educational purposes from internet service used for business purposes.

Pursuant to the state’s comments on other entities the Commission should make eligible to apply for ECF funding, namely independent afterschool programs, the state would like to highlight the following distinction. The state recommends that afterschool programs be eligible to file ECF applications for students, but that the afterschool program itself is not an eligible recipient of services. It is the state’s opinion, that independent afterschool programs presently have some type

of wireline or fixed wireless internet service. For example, Allendale County School District does not file for ECF program funds for their students. The Allendale County Recreation Commission has an afterschool program which serves many of the district's students. In the state's proposal, the Allendale County Recreation Commission would file for eligible products and services under the ECF program for Allendale County School District students assuming the district provided an LOA to the recreation commission. The recreation commission would not be allowed to seek funding for ECF eligible products and services for recreation commission facilities, employees, or contractors.

Additionally, the state recommends that the Commission limit one connection per location for fixed broadband services except for multi-family housing. Should multiple eligible students, library patrons, and staff member live in the same multi-family housing unit, then each eligible student, library patron, and staff members must be eligible for fixed broadband service to their home. Presumably, the Commission will require beneficiary addresses be logged into the E-Rate Productivity Center (EPC) in some manner and in most cases beneficiaries residing in multi-family domiciles will have an apartment number, suite number, floor number, or some other type of numbering system consistent with United States Postal Service regulations. In cases where multiple beneficiaries reside in a multi-family property where addresses do not conform to United State Postal Service regulations, then the Commission and USAC must use alternative identification or numbering solutions to ensure beneficiaries eligible to receive products and services under the ECF program do, while adhering to the Commission's proposed rule of limiting one connection per location for fixed broadband services.

The state does not recommend that the Commission impose any per-location limitation on Wi-Fi hotspots, except that one Wi-Fi hotspot is issued to one eligible student, library patron, or staff member. It is the state's opinion that the Commission cannot effectively implement device limitations because family living situations are infinity diverse and imposing a one-device per location will ultimately leave some eligible students, library patrons, and staff un-connected.

12. To maximize available funds, the Commission will require schools to document the student and staff member served at each supported location and prohibit schools from providing more than one supported connection and more than one connected device to each student or staff member (the same with libraries).

The state agrees that one connection and one connected device be issued to one eligible student, library patron, or staff member. However, it is the state's opinion that the proposed level of documentation and accountability will ultimately deter many applicants from participating in the ECF program altogether. The state recognizes that the level of documentation the Commission requires is to minimize waste, fraud, and abuse, however, many applicants will simply not participate. It is for this reason that the state would like to reiterate its position that independent afterschool programs and service providers be deemed eligible to apply for funding on behalf of students, library patrons, and staff members (with school district or library consent).

For example, Spartanburg County Library presently issues Mi-Fi devices to library patrons upon request and dependent on availability. The library does not determine whether the patron has internet service at their residence or not. The library provides Mi-Fi devices to patrons for up to 14 calendar days. Because the library provides Mi-Fi devices only to library members, the library inherently collects base-level data on the patron such as name and contact information.

13. The Commission seeks comment on the requirement that equipment and services purchased with funding from the ECF program be primarily for educational purposes.

The state agrees with the Commission that products and services purchased with ECF program funds be used primarily for educational purposes. The state recommends that the Commission extend its E-Rate definition of “educational purposes” as “activities that are integral and proximate to the education of students” to the ECF program.

The state finds that many school districts in South Carolina presently require student access to the internet through district-provided connected devices be routed through the district’s firewall and content filter in a process known as “tunneling.” The state suggests that the “tunneling” process ensures CIPA compliance and meets the Commission’s definition of educational purposes, but also protects the device from potential internet threats such as malware.

The state does not recommend that “tunneling” become an explicit requirement of the ECF program. There are other technological processes that applicants may implement similar to “tunneling” that can demonstrate to the Commission that products and services funded under the ECF program are used for educational purposes.

14. Should the Commission establish one or more funding caps?

The state recommends that the Commission establish funding caps to ensure funds are distributed in the most equitable way possible. The state is not able to comment at this time on what the funding cap amount should be but considers the current Category 2 Budget caps as a reasonable framework.

15. Is 30 days an appropriate filing window length?

No. The state recommends that the Commission implement a rolling application filing period opening Summer 2021 and closing on the June 30 of the year directly following the Director of Health and Human Services (HHS) announcement that the pandemic is over or when funding commitment decisions totaling available ECF funds has been issued, whichever comes first. For example, should the Director of HHS announce on October 1, 2021 that the Covid-19 pandemic is over, then the state proposes that the application filing window close June 30, 2022 with the official ECF program closeout occurring one year later.

Additionally, the ECF program will provide nearly \$7B to schools, libraries, and potentially third-party entities. Once USAC has issued funding commitment decision letters totaling \$7B (or whatever amount is ultimately available to applicants), then the rolling filing window should close. The state recognizes that this proposal may result in ECF program funds being unobligated to applicants. In this case, the Commission should direct USAC to use those remaining funds to funds applicants who are granted waivers or appeals after the close of the filing window.

It is the state’s opinion that a restrictive open and close filing window does not match up with the variable needs of a school district or library system during the Covid-19 pandemic. The state has observed school districts and library systems move in and out of remote learning as Covid-19 infection waves have ebbed and flowed over the past year. Setting a restrictive filing window will force applicants, who do elect to participate in the ECF program, to file for anticipated needs, not current needs. For example, the state observed several school districts transition from remote learning to hybrid learning to in-person learning over the course of six months. Should the Commission’s proposed 30-day filing window be enacted, then there is a real risk that in the

event of a new wave of Covid-19 infections, school districts transitioning from in-person learning to remote learning would not be provided the opportunity to file for funding under the ECF program. The same risk applies to library systems whereby libraries are forced to close or limit services to patrons based on the infection rates in communities they serve. A rolling application window period may also address the Commission's concerns over warehousing connected devices.

16. The Commission believes that using modified versions of the current forms, with which applicants are already familiar, will provide the simplest process for applying for and receiving funding through the ECF program.

The state agrees in part and disagrees in part with the Commission's proposal to use modified forms for the ECF program. The state agrees that utilizing modified program forms many applicants are already familiar with is reasonable. However, the state is concerned how the Commission will treat eligible locations under the ECF program. Specifically, will the Commission require that all eligible locations, such as a single-family home or apartment, obtain an entity number in EPC and be associated with the school district or library system for which they are applying? It is the state's opinion that this is simply not feasible and may result in violations of laws governing release of personally identifiable information (PII).

17. Should the Commission prioritize funding for future purchases rather than reimbursements for already purchased equipment and services, and would doing so target funds to those students, school staff, and library patrons who remain un-connected?

The state recommends that the Commission make eligible for funding the purchase of connected devices and advanced telecommunication services back to the date the Director of HHS declared the start of the Covid-19 pandemic. Providing applicants with this flexibility will provide relief to applicants that may have not benefited from other federal and state funding programs.

However, the state also recommends that applicants who seek funding from January 2020 to the opening of the ECF program filing window submit applications within the first three months of the state's proposed rolling application window. For example, should the Commission open the ECF rolling filing window on July 1, 2021, then applicants seeking reimbursement for products and services from Jan. 27, 2020 until June 30, 2021 must file their application no later than Sept. 30, 2021. Applicants in this position will have already conducted procurement and taken receipt of the eligible products and services, so the administrative effort has been completed.

The state recommends that all applicable rules and regulations of the proposed ECF program are to be applied to funding requests with a service start date between Jan. 27, 2020 and the day before the Commission opens the ECF filing window.

18. The Commission proposes requiring applicants, rather than service providers, to submit invoices detailing the items purchased to receive reimbursement.

The state recommends that the Commission consider the State's comments regarding making service providers eligible to file for ECF program funding. Under this proposal, service providers, who stand to gain financially, are in an ideal position to work with school districts and library systems to match un-connected students and library patrons with an advanced telecommunications service, network equipment, and connected device.

The Commission proposes that ECF program applicants file Billed Entity Applicant Reimbursements (BEAR) for reimbursement, despite the Service Provider Invoicing (SPI) method also being allowed under the current E-Rate program rules. The state sees no benefit to the ECF program or applicants by eliminating the SPI reimbursement method from the ECF program. The state does recognize that the discount rate for eligible products and services under the ECF program are 100% reimbursable to the applicant and applicants who elect the SPI method would receive a service provider invoice where 100% of costs are discounted. In other words, why allow the SPI method if the discounted invoice to an applicant is zero. In this scenario, the Governmental Accounting Standards Board (GASB) does allow for the recording of “donated” goods. Receipt of a zero dollar amount due invoice is simply a financial record detailing the fact that the applicant is the fiduciary agent and the service or products provided to the applicant have been delivered, and or donated. It is the state’s opinion that (in the event service providers are not deemed eligible) allowing the SPI method for the ECF program is critical to applicants and would ease the financial and administrative burden of all school district and library systems.

It is the state’s opinion that making service providers eligible to file for ECF program funds on behalf of a school district or library system will shift the administrative burden from schools and libraries to service providers. By doing this, program compliance is also shifted from the school or library to the service provider. As stated before, should the Commission decide to make eligible service providers, then school districts and library systems must provide an LOA to the service provider granting the service provider permission to file on behalf of the school district or library system. This provision would ensure that students or library patrons, who live in counties where a school district or library system will not file for products or services under the ECF program due to the complexities of this program, could be served by a service provider or an independent afterschool program as reflected in the state’s previous comments on the matter.

19. The Commission seeks comment on the applicability of CIPA to the devices and services funded through the ECF program.

The state recommends that the Commission maintain CIPA compliance for products and services funded through the ECF program. CIPA is the cornerstone of the online education process and lifting this requirement would certainly put students and library patrons under the age of 18 at risk.

As previously noted, many school districts in South Carolina presently “tunnel” off-campus student and staff member internet access through the district’s firewall and content filters.

20. Would the Commission harm these applicants by prohibiting reimbursement of eligible equipment and services when state funding was used?

The state strongly recommends that the Commission allow state E-Rate consortia to apply for ECF program funds on behalf of schools and libraries. In South Carolina, the state E-Rate consortium is funded by state appropriations, not federal funds. Should the South Carolina E-Rate consortium decide to apply for products and services under the ECF program, the state sees no co-mingling of federal funds.

The financial sources for state E-Rate consortia likely vary greatly and as such, it is the opinion of the State that the Commission not automatically prohibit state E-Rate consortia from applying for ECF funding. Instead, the state recommends that the Commission simply require state E-Rate

consortia to self-certify compliance with the prohibition of co-mingling federal funds as is common practice for other federal funding sources.

21. The Commission seeks comment on other protections against waste, fraud, and abuse.

The state agrees with the Commission in that the ECF program be built on a framework that reduces waste, fraud, and abuse of ECF program funds. However, the state does not agree with the Commission that a 10-year document retention policy applies to recipients of ECF program funds. Rather, the state recommends that the Commission adopt a document retention policy of one year after the end of the ECF program. For example, if the Director of Health and Human Services announces on Oct. 1, 2021 that the Covid-19 pandemic is over, then the American Rescue Plan Act states that the ECF program will expire on June 30, 2023. In this scenario, the state proposes that the Commission require documents to be retained until June 30, 2024 or until the applicant's own document retention policy date, whichever is later.

Quite simply, the nature of the ECF program is not like the E-Rate program. Schools and libraries are generally anchored institutions in a community. In contrast, the ECF program seeks to provide funding to homes, apartments, homeless shelters, and other types of residences. Housing is far more fluid than schools and libraries. Families frequently move in and out of school districts and library service areas. The state is very concerned about how school district and library system applicants will be able to manage the administrative burden of simply documenting who has what device for how long and at what house. It is the opinion of the state that the Commission can meet its legal requirement of reducing waste, fraud and, abuse through program integrity review (PIA), existing disbursement scrutiny systems, payment quality review (PQA), selective review, beneficiary contributor audit program (BCAP), and national supply chain audit program within one year after the ECF program has closed.

22. The Commission seeks comment on documentation related to asset inventories of devices and services purchased with these funds.

The state agrees with the Commission that the information to be included on an asset inventory as suggested in the Notice of Proposed Rulemaking is reasonable and should be kept. However, it is the opinion of the state that service providers are in the best position to keep this information and as such should be eligible to file for ECF products and services on behalf of schools and libraries.

23. The Commission seeks comment on requiring the service provider to notify the school or library regarding the non-usage and to remove the cost for any non-used service from the invoice provided to the school or library.

It is the opinion of the state that the Commission's requirement that the service provider notifies the school or library of non-usage every month is overly burdensome to applicants. The Commission's proposal here is perhaps the best reason why the state recommends that service providers be made eligible to file for ECF program funds on behalf of school districts and library systems. Service providers have all of the information that the Commission requires under the proposed rules of the ECF program including that which is being requested here in the Commission's proposal.

The state strongly disagrees with the Commission that service providers be required to notify school districts and library systems of non-use. Applicants will file for 12 months of service and

seek reimbursement on the services billed by the service provider. The state would also like to highlight the fact that this proposed rule is not presently an E-Rate rule.

The state cautions the Commission that imposing highly bureaucratic regulations will deter applicants of all types (school district, library system, or service provider) from requesting funds of the ECF program, which is contrary to Congress' intentions of the ECF program and for which the Commission has been charged to carry out.

24. The Commission also seeks comment on whether gift restrictions should not be adopted for the ECF program because of the ongoing Covid-19 pandemic.

The state recommends that the Commission not adopt gift restrictions for the ECF program and extend the waiver for those gift restrictions until the ECF program ends.

It is the state's opinion that the circumstances in which the gift restriction waiver was granted have not fundamentally changed today. To provide applicants with continuity, the state recommends that the Commission tie the gift rule waiver to the end of the ECF program.

25. The Commission seeks comment on the costs and benefits proposed by commenters to this NPRM.

The state summarizes its comments with the following recommendations:

- Allow third-party entities, such as independent afterschool programs and service providers, to be eligible to file on behalf of school districts and libraries.*
- The eligible services list should include a specific list of eligible products and services, but the system requirements of those products and services should be broad.*
- Applicants should be eligible to request funding to build new networks or expand their current network when a service provider is not able to do so, or when the applicant's solution is more cost-effective than a service provider's solution.*
- Housing of any type should be made eligible for ECF program funding with the exception of short-term owner leased housing.*
- Rolling filing window provides maximum flexibility to applicants who move in and out of remote learning and may minimize warehousing of equipment.*
- Provide applicants with the option to select the BEAR or SPI method.*
- Allow state E-Rate consortia to apply for funding on behalf of schools and libraries and provide a co-mingling self-certification.*
- Limit document retention to one year after the close of the ECF program or the applicant's own document retention date, whichever is later.*
- Establish a reasonable set of regulations that will reduce waste, fraud, and abuse, but not at the expense of deterring applicants from ever applying.*

Overall, the state's recommendations seek to reduce the administrative burden to applicants by implementing reasonable program regulations that will not deter applicants from applying. It is the opinion of the state that these comments will yield the most benefit to applicants and service providers. Should the Commission implement the state's recommendations, it is likely more applicants will participate in the ECF program meeting Congress' intentions for the American Rescue Plan Act of 2021.

Should the Commission decide to implement its proposed rules as detailed in the Notice of Proposed Rulemaking, it is the state's opinion that very few applicants will consider applying for ECF funds and thus the benefit to the student, library patron, and staff member is never realized.

In terms of financial costs and benefits of the state's comments, it is the opinion of the state that most comments do not have a financial impact, rather seek to reduce/remove a proposed regulation or to clarify proposed rules. The state's comment on making eligible applicant network construction is proposed with a term with which the Commission is already familiar, "cost-effective solutions." The state does not anticipate that applicant network construction will represent a large portion of requested funding but incorporating the "cost-effective solution" requirement ensures that students and library patrons are served in areas not served by a service provider.

Respectfully submitted,

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APPENDIX A

Laurens County School District 55 – Tower LTE Signal Propagation



Figure 1: 140 foot monopole tower in Laurens, S.C.



Figure 2: Tower location in relation to Laurens Middle School and E.B. Morse Elementary School

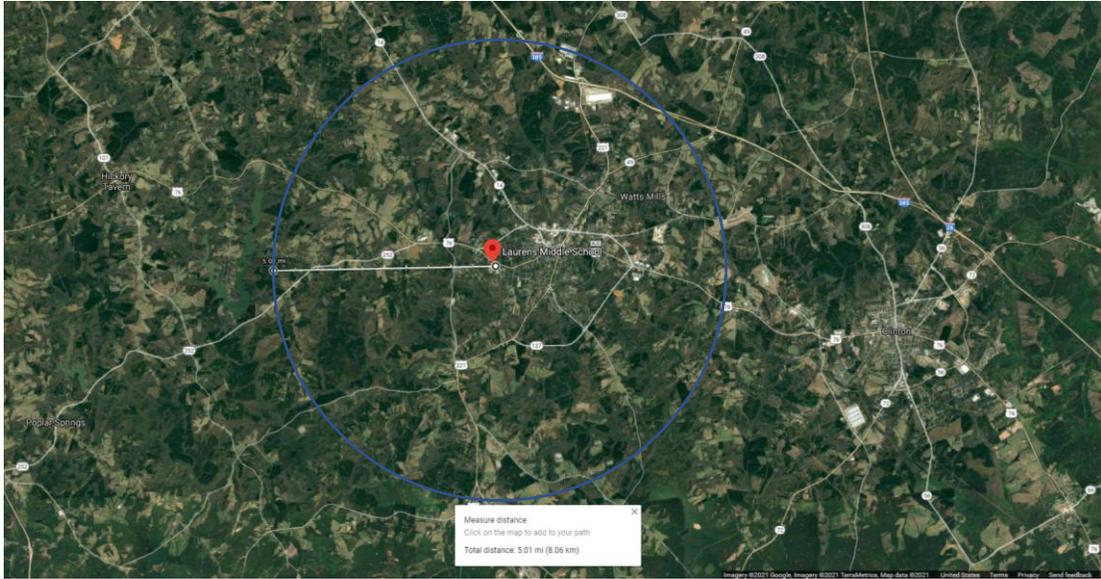


Figure 3: 5 mile radius illustrating maximum coverage area