**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 OF ACA CONNECTS – AMERICA'S COMMUNICATIONS
ASSOCIATION ON THE PUBLIC NOTICE**

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COMMENTS OF ACA CONNECTS – AMERICA'S COMMUNICATIONS ASSOCIATION ON THE PUBLIC NOTICE

I. INTRODUCTION AND SUMMARY

ACA Connects – America's Communications Association ("ACA Connects")[1]

hereby submits comments in response to the Public Notice issued by the Wireline

Competition Bureau ("WCB") of the Federal Communications Commission

("Commission").[2] The Public Notice requests comments on proposed rules

implementing the recently enacted Emergency Connectivity Fund ("ECF" or the

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[1] ACA Connects' membership is made up of more than 700 small- and medium-size independent operators providing video, broadband, and phone services. ACA Connects' members provide service to more than 11 million households and businesses, some of whom have no other means of receiving vital communication services. As such, they understand how important it is to close the digital divide, particularly for low-income students, and they support sound programs to do so.

[2] *Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic*, WC Docket No. 21-91, Public Notice, DA 21-317 (Mar. 16, 2021) ("Public Notice").

"Program"),[3] which provides emergency funding for eligible schools and libraries for the purchase of advanced telecommunications, information services, and eligible equipment for use by students and school staff and library patrons at locations other than a school or library ("remote locations"). The statute establishing the ECF directs the Commission to implement the Program pursuant to paragraphs (1)(B) and (2) of section 254(h) of the Communications Act, as amended (the "Act"),[4] during the COVID-19 emergency period—which will last at least through June 30, 2022 and perhaps years longer.[5]

As the Public Notice explains, with schools and libraries closed and virtual learning in effect because of the COVID pandemic, students and library patrons require broadband connectivity and associated devices more than ever. Yet, a presumably large, but precisely unknown, number of students and patrons, especially those in more vulnerable populations, are unable to attend "virtual classrooms" or access library services remotely because while most have access to adequate broadband service at remote locations, for a variety of reasons, they do not subscribe.[6] As a result, already-

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[3] American Rescue Plan Act, 2021, H.R. 1319, 117th Congress, tit. VII, § 7402 (2021).

[4] H.R. 1319, tit. VII, § 7402(a)(1)-(2); *see also* 47 U.S.C. § 254(h)(1)(B), (h)(2).

[5] H.R. 1319, tit. VII, § 7402(d)(5)(A); 47 U.S.C. § 247(d); Public Notice at 2. The emergency period began on the date the Secretary of Health and Human Services determined a public health emergency existed as a result of the COVID-19 pandemic (*i.e.*, January 27, 2020) and will end "on the June 30 that first occurs after the date that is one year after the Secretary of Health and Human Services determines that a public health emergency no longer exists."

[6] Public Notice at 1; *see also* Jevay Grooms, *et al.*, "The COVID-19 public health and economic crises leave vulnerable populations exposed," The Brookings Institution (Aug. 13, 2020) (last accessed Feb. 16, 2021), available at https://www.brookings.edu/blog/up-front/2020/08/13/the-covid-19-public-health-and-economic-crises-leave-vulnerable-populations-exposed/.

vulnerable students and library patrons are at a further risk of falling behind their peers. The ECF is designed to bridge this gap, and Congress has provided the Program with substantial, although still limited, funding to accomplish this task.

For many reasons, wireline providers, including ACA Connects members, offering broadband speeds of at least 25/3 Mbps, particularly those in smaller markets and rural areas, are well positioned to meet the immediate connectivity needs of in-need students and library patrons and help the ECF achieve its goals. First, wireline providers offer robust and reliable broadband service to the vast majority of locations in their service territories and throughout the country. Second, many wireline providers already provide broadband service and remote learning solutions for in-need households with students and patrons who are likely to be eligible for the program— some through government sponsored programs, others through provider initiated discount programs, and still others through standard service. Indeed, in many cases, households choose to receive service from these providers over other options because these providers best meet their needs. Third, many wireline providers are interested in providing remote connectivity for the Program, including many who serve territories that overlap with other wireline providers, as evidenced by their participation in the Emergency Broadband Benefit Program[7] and in state and local programs already

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[7] *See* "More than 100 ACA Connects' Members Seek to Participate in the Emergency Broadband Benefit Program," telecompetitor (Mar. 25, 2021) available at https://www.telecompetitor.com/more-than-100-aca-connects-members-seek-to-participate-in-the-emergency-broadband-benefit-program/; see also, "Emergency Broadband Benefit Providers," available at https://docs.fcc.gov/public/attachments/DOC-371292A1.pdf. Many ACA

supporting remote learning. As a result, the Program should take advantage of the

capabilities of and interest by wireline broadband providers to participate so schools and

libraries can meet student and patron remote learning needs.

In these comments, ACA Connects first discusses the material differences

between the objectives and operations of the ECF and the existing E-Rate program ("E-

Rate") and the importance of adopting rules tailored to the ECF. ACA Connects then

recommends two major policies that should underlie these rules. First, to ensure that

consumers can obtain immediate connectivity and not undermine investment and

innovation, the Commission should: rely on existing broadband providers offering

qualifying services to meet the connectivity and associated device needs for remote

learning by students and patrons;[8] require that schools and libraries utilize all existing

providers that wish to participate in the Program; and give these existing providers that

already connect to in-need households a right of first refusal to provide the qualifying

service. Second, to ensure that the Program funds remain available for the duration of

the Program, the Commission should, after allocating sufficient funding to meet

expected demand with a reserve going forward: prioritize funding for connectivity and

devices first for in-need and then for rural students and patrons on a going-forward

basis; allocate sufficient support both for connectivity and connected devices; and not

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Connects members are among the 319 providers identified in the first slate of
EBB providers announced by the Commission.

[8]   As discussed later in these comments, there may be exceptional circumstances
where existing providers cannot connect students and patrons in a reasonable
time. In only those limited instances should the Commission consider permitting
the use of Program funds for the deployment of new infrastructure to offer
qualifying broadband services.

provide support where another government program already fills the need for connectivity and connected devices for remote learning. Both of these policies will enhance the chances that the Program will succeed in enabling students and patrons to engage in remote learning for as long as the emergency lasts.

II. THE ECF DIFFERS IN MATERIAL ASPECTS FROM E-RATE AND THE COMMISSION RULES SHOULD REFLECT THESE DIFFERENCES

Congress has facilitated the Commission's implementation of the ECF by subsuming it under section 254(h)(1)(B) and (2) of the Act, which provides the authority for the existing E-Rate program ("E-Rate"). However, the Program's objectives and the attributes of the broadband service offering are materially different in key respects from E-Rate, which provides on-campus and in-building connectivity and related equipment for eligible schools and libraries, usually for an extended period. First, unlike E-Rate, the ECF is an emergency program requiring immediate connectivity for a limited period during the health emergency. And, there is a limited amount of funding provided by Congress for this purpose. Second, ECF connectivity will be provided to numerous disparate locations in areas where students, school staff, and library patrons reside, which, in most instances makes it infeasible to select a single provider or uneconomic to construct new network facilities.[9] Third, most of the remote users targeted by the ECF

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[9]   By contrast, to serve their unique on-campus or multi-campus needs, schools and libraries often require Ethernet connectivity from and among a limited number of locations and to an Internet Exchange Point for many years, which can be provided by a single provider on a relatively economic basis. Thus, it is reasonable for a school or library to select a single vendor via competitive bidding, irrespective of whether the provider can provide such connectivity at the time of the bid, to offer E-Rate supported service.

have access to broadband service today from different providers, and some already receive service from one of these providers. Moreover, unlike the E-Rate program where schools and libraries know the locations that need service, schools and libraries do not know what service options are available at the households of their students and patrons, do not know which households already receive service, and if they are receiving service, schools and libraries do not know which households are receiving service and whether it is subsidized or discounted. Moreover, they do not know why households with available access to broadband do not subscribe. As a result, if the Commission wishes the Program to be successful, it cannot simply treat the ECF as another E-Rate program; rather, it should shape the Program's rules to fit the unique nature of the ECF, and most especially, to maximize the chances that it will succeed in immediately connecting those most in-need during the entire emergency period. Fortunately, Congress has given the Commission the authority it needs to properly shape the Program, including to adopt ACA Connects' proposals set forth in these comments.

III. TO GIVE STUDENTS AND PATRONS IMMEDIATE CONNECTIVITY TO QUALIFYING BROADBAND SERVICES FOR REMOTE LEARNING, THE PROGRAM SHOULD MAXIMIZE USE OF AND PARTICIPATION BY EXISTING PROVIDERS

The ECF's aim is to rapidly provide broadband service to students and patrons for remote learning for the limited duration of the emergency period. To achieve this aim, the Public Notice seeks comment on the scope of "advanced telecommunications and information services" that would be subject to the Program and inquires whether to exclude the construction of new networks, including the construction of self-provisioned

networks, based on the assumption that "the construction of new networks is not supported by the statutory text" in section 7402 of the American Rescue Plan.[10] ACA Connects supports the proposal to not provide funding for dark fiber or new networks. The Public Notice also proposes a streamlined competitive bidding process for ECF reimbursements.[11] ACA Connects believes there is merit in establishing a competitive procurement process that is distinct from the competitive bidding process used for E-Rate. Consistent with those proposals, below, ACA Connects recommends key measures the Commission should adopt, which will not only enable schools and libraries to give students and patrons immediate connectivity at remote locations but maximize use of the Program's limited funding.

A.   **The Program Should Rely on Existing Broadband Providers to the Maximum Extent to Provide Connectivity and Associated Devices**

The statute establishing the ECF requires that support be provided for "advanced telecommunications and information services," and the Commission proposes that "the specific [E-Rate] category one services" that should be eligible for the ECF are those "that can be supported by and delivered with eligible equipment as defined in the" statute.[12] The Commission seeks comment on excluding "dark fiber and the construction of new networks" and "the underlying assumption" that the statute requires

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[10]   Public Notice at 7.

[11]   *Id.* at 11 (describing an expedited competitive bidding process proposal).

[12]   Public Notice at 7. Eligible equipment includes Wi-Fi hotspots, modems, routers, devices that combine a modem and router, and connected devices. Such equipment does not include fiber, dark fiber, or telecommunications transmission equipment.

this interpretation.[13] ACA Connects agrees that the statute does not support using ECF

funds to support the acquisition of dark fiber or construction of new networks. Rather, to

be consistent with the statute and best ensure the successful implementation of the

ECF, the Program should rely to the maximum extent on connectivity from existing

broadband providers. This approach will best ensure that students and patrons receive

the immediate connectivity they need and that the Program's limited resources are

spent most efficiently. While dark fiber procurement may make sense for E-Rate to

provide Ethernet connectivity to a limited number of schools and libraries, there is no

question that deploying new networks for remote connectivity needs of students

scattered about communities and for a limited time not only will take time but is not

economically sound—and therefore, should be seen as a last resort when connectivity

does not already exist. Further, the Commission should recognize that it would likely be

administratively burdensome for the Universal Service Administrative Company if it

were required to review and find justifiable numerous requests for the deployment of

new facilities. Should the Commission find that the statute permits support to be

provided for the acquisition of dark fiber or new network, for the reasons discussed

above, it should only permit such acquisition or construction where there is no existing

service and, in the rare instances where it permits Program funds to be used for new

facilities, it should prohibit use of any new network facilities to provide commercial

service at any time.

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[13]   *Id.*

B. **To Expedite Broadband Connectivity for Remote Learning on a Reasonable Basis, Program Rules Should Require Schools and Libraries to Select Multiple Existing Providers to Provide Service Wherever Possible, With One Key Exception**

ACA Connects submits the Commission should adopt a streamlined provider-selection process, which would effectively provide for competitive procurement, by requiring schools and libraries to enter into agreements with all interested existing providers offering qualifying broadband service to provide remote learning connectivity and devices required for connectivity and to obtain reasonable reimbursement for such service and equipment. Schools and libraries then should be given flexibility in selecting a provider for each location, so long as the process is reasonable, non-discriminatory, and technology-neutral.

Under one approach, a school or library would handle this task by having providers identify which locations they could serve from among a list of addresses provided by the school or library and then, the school or library would choose among these providers to serve each individual location. In choosing among existing qualified providers to serve any individual location, schools or libraries should be required to take into account the ability to reliably provide the minimum performance requirements, to quickly install service, and the student's (or patron's) preferences. In selecting service providers, the school or library should not unreasonably skew its choices to favor any single provider or group of providers. As an alternative approach, a school or library would give students and patrons the opportunity to choose the provider from a list of qualifying providers. The school or library would thus seek approval in advance for

multiple suppliers of connectivity and, at the invoice stage, seek reimbursement based on the number of students or patrons that chose each provider.

Under either option, to limit disruption to students and patrons and the marketplace and serve the interest of providing immediate connectivity, where a household in need has already chosen a broadband provider, that provider should be given priority to continue to serve that location, with the school or library obtaining reimbursement for the cost of service to the end user from the ECF. Forcing students and patrons to move to a new provider selected by the school or library, instead of being able to maintain service with their existing provider, would be disruptive with little or no discernable benefit.

ACA Connects submits that the competitive process set forth above has a number of advantages over—and will better ensure the success of the Program than—E-Rate's traditional competitive bidding process, which focuses on choosing a single vendor to serve a select group of known locations. Most importantly, the process proposed above can be implemented expeditiously and drive competition among existing providers, whereas it will take time for a school or library, which lack information about remote connectivity needs and the service territories of local providers, to develop a request for proposal ("RFP") and conduct a bidding process that meets the remote learning needs of students and patrons. In fact, if schools and libraries move forward hastily without adequate information, they may issue an RFP for service covering all areas but that do not match up with local providers' network footprints—effectively resulting in a process that is not competitive because it prevents providers, unable to

serve the entire coverage area, from bidding. ACA Connects thus urges the

Commission to adopt its proposed competitive procurement process.

IV.   TO ENSURE ECF FUNDS LAST FOR THE DURATION OF THE PROGRAM AND THE PROGRAM ACHIEVES ITS OBJECTIVES, THE COMMISSION SHOULD ALLOCATE FUNDING TO MEET ESTIMATED DEMAND GOING FORWARD AND THEN PRIORITIZE FUNDING FOR IN-NEED AND RURAL STUDENTS AND PATRONS AND BY REASONABLY ALLOCATING SUPPORT BETWEEN CONNECTIVITY AND CONNECTED DEVICES

The Commission inquires in the Public Notice how to distribute funding most

efficiently and effectively in seeking to enable students and patrons to engage in remote

learning as long as the emergency period lasts.[14] This task is especially challenging

because demand for funding is unknown—and because the Program's duration and

effects of the COVID emergency are uncertain, the timeframe of the Program is

unknowable. To minimize the possibility that the Program will not have sufficient funds

to provide connectivity and devices for remote learning, the Commission should first

allocate sufficient funds, with a reserve, to meet estimated demand going forward and

then establish funding priorities and allocations between services and equipment. In

addition to the measures set forth in the previous section to meet this goal, below ACA

Connects sets forth policies the Commission should adopt on the prioritization and

allocation of funding.

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[14]   *See* Public Notice at 3. The Public Notice (at 7) also proposes to establish ECF support by using a subset of the services currently available for Category One E-Rate support, namely for services and devices that can be supported by and delivered with eligible equipment as defined in the American Rescue Plan (*i.e.*, Wi-Fi hotspots, modems, routers, devices that combine a modem and router, and connected devices) and (at 10) inquires whether the Commission should permit reimbursement for purchases since January 27, 2020.

A.   Program funds should be allocated to schools and libraries so that students and patrons that are most in-need and in rural areas receive connectivity and connected devices for remote learning going forward

While the funding for the Program—$7.171 billion—is substantial, it is not limitless. In fact, as Funds for Learning recently pointed out to the Commission, it can be used up quickly.[15] Moreover, as discussed above, the demand for funds is difficult to estimate, and no one knows how long the Program will remain in effect or how long the emergency will last. And getting additional funding from Congress, while possible, is uncertain. ACA Connects members believe that running out of funds, while students and patrons have ongoing needs for remote locations, is an unacceptable outcome.

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[15]   *Ex Parte* Filing from John D. Harrington, Chief Executive Officer, Funds For Learning, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 21-93 and 13-184, at 2 (Mar. 25, 2021) ("We pointed out that the $7 billion ECF is a modest amount of funding once divided amongst the nation's many K-12 students and library sites. We estimate that the fund equates to $117 per K-12 student and $23,286 per library branch. Because the ECF allows for 100% reimbursement of expenses, the entire ECF could quickly be depleted. What if a large school district requested connected laptops for every student? What if an entire state requested laptops for every public-school student?"); *see also, Ex Parte* Filing from Jon Bernstein, Schools & Libraries Networks Coalition, to Ms. Marlene H. Dortch, Office of Secretary, Federal Communications Commission, WC Docket Nos. 21-93, at 1-2 (Mar. 24, 2021) ("The Notice requests input on how applications will be prioritized in the event that demand exceeds available funds. We reiterated previously filed comments in which EdLiNC recommended using the E-Rate program's Category I discount matrix as a basis for prioritizing funding. Those comments also stated: 'This discount matrix assigns E-Rate eligible discount rates based on the number of students eligible for the federal free and reduced price lunch program and includes additional discounts for schools and libraries located in rural areas. Using the matrix as a way to assign priority in a fund scarcity situation, therefore, would ensure that urban and rural areas with the lowest income students are first in line for Homework Gap support. We also recommend that the Bureau consider additional prioritization measures to ensure equitable geographic distribution of these funds to allow all corners of the United States to benefit.'").

Thus, ACA Connects agrees with the Commission that, to ensure that the Program

achieves its objectives, it should establish priorities for the allocation of funds.[16] ACA

Connects recommends that those priorities be modified to better ensure the available

funding serves needed locations and populations.

ACA Connects asserts that the Commission first should ensure there is sufficient

funding to meet the potential reasonable demand for connectivity and connected

devices for remote learning by all students and patrons it prioritizes—with a reasonable

reserve—from the date of enactment of the statute through the end of the emergency

period, *i.e.*, prospectively.[17] Thus, the Commission will need to estimate how much

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[16]   *See* Public Notice at 12-13 ("Prioritization of Funding").

[17]   *See* Comments of ACA Connects – America's Communications Association on
       the Public Notice, WC Docket No. 21-31 at 11-12 (Feb. 16, 2021) ("ACA
       Connects E-Rate Comments"). In these comments, ACA Connects set forth the
       following approach to implementing the distribution of support to in-need
       students:

       To achieve the emergency program's mission with maximum efficiency and
       to ensure that the funds are effectively targeted to those students most in-
       need, the Commission should direct funding to schools based upon the
       number of their students participating in the federal free and reduced school
       lunch program. ACA Connects urges the Commission to target the
       emergency use of E-Rate program funds by providing each school with an
       amount per eligible student – akin to the amount provided for Category 2
       requests – which should be based upon the discounted rates in existing
       programs for in-need students and which account for support provided by
       other government programs. Schools in especially difficult-to-serve areas,
       such as in Tribal or rural areas, should receive an additional 5% in funding
       per eligible student. The maximum amount a school may receive each
       month would be determined by multiplying the number of eligible students
       by the per student funding amount. That total then would be adjusted
       downward if the aggregate requests from all schools exceed the total
       amount of available emergency funding.   In addition, the allocation needs
       to reflect the number of eligible students that are actually engaged in online
       learning. Therefore, the actual amount a school would be permitted to draw

money to allocate in the first year and subsequent years of the Program's expected

duration so that enough money will be available to meet estimated demand. This will

reduce the risk that the Program cannot meet the needs of students and patrons over

time. As the Program is implemented, the Commission should be able to improve its

understanding of demand somewhat, which may permit it to adjust going forward

priorities and allocations; yet, because the duration of the Program and the effects of

the COVID pandemic on schools and libraries are likely to be still uncertain, the

Commission will need to proceed cautiously in spending the limited funding.[18]

Next, in determining who should be eligible for support and the amount of

support that should be available, the Commission's should make in-need individuals the

top priority. This would be consistent with the statute's goals, as well as the E-Rate

methodology for allocating funds.[19] The Commission should next prioritize remote

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for any month would be the (adjusted) maximum amount multiplied by the percentage of eligible students involved in online learning during the month.

[18] As for the allocation of support among schools, *see* ACA Connects E-Rate Comments at 12-13 ("Because each school is in the best position to determine the needs of each of its students lacking in-home broadband access, the Commission should provide schools with the discretion to determine how to use its allocation of emergency E-Rate funding among the in-need students participating in remote learning, so long as the distribution is reasonably equitable. ACA Connects proposes that schools generally should be able to determine the broadband service needs of each student (above the minimum level) and how much to spend to provide such service to their eligible students. However, schools should not be allowed to allocate emergency E-Rate funding to a household that already has sufficient broadband connectivity, including through another government program, which would reduce scarce support and unnecessarily displace existing commercial services.").

[19] ACA Connects notes that the State of Virginia just enacted a law providing for remote learning that focuses on assistance for in-need students. *See* SB 1225 (enacted Mar. 31, 2021) *available at* https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+SB1225ER+pdf ("'Sponsored program' means a

learning for students and patrons in rural areas by providing additional funds to schools and libraries in these areas to cover the higher costs of connectivity in these areas.

As indicated above, because the Program's duration is unknown, potentially lasting for years, the Commission should prioritize providing equipment and connectivity on a going forward basis from the effective date of the American Rescue Plan Act. Once the funds are expended from the date of enactment through the end of the emergency period, the Program can provide reimbursement to schools and libraries for expenditures that were made for other students and patrons prior to the date of enactment—but only if these expenditures are consistent with the Program's rules. Prioritizing prospective reimbursement is especially warranted because providing retroactive reimbursement at the outset of the Program would reimburse schools and libraries that had sufficient means to procure services and equipment—most likely more well off schools and libraries—and that had no expectation of being reimbursed.

B.   The Program Should Allocate Sufficient Funds for the Procurement of Connectivity and Related Devices (e.g., modems/routers) and for the Procurement of Connected (End-User) Devices (e.g., Laptops) and Should Require Separate Procurement Processes for Each

Because remote learning requires both connectivity and connected devices—and because demand for each is uncertain—the Commission should allocate a sufficient amount for procurement of each—and keep a reserve. In some cases a student or

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financial program to provide lower-cost or free broadband services, or a specialized offering of broadband services, for educational purposes to the home of a student when the student would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.").

patron may need just an eligible device or just connectivity, and in other cases, they

may need both. Moreover, a student with one and not the other effectively have neither.

The Commission should be careful not to squander available funds by not coming up

with a proper methodology for allocating support among connectivity and connected

devices and for directing expenditures by schools and libraries on each. In addition,

ACA Connects proposes the Commission require separate procurement processes for

connectivity and connected devices because, as discussed herein, even if both could be

procured from a single vendor, connectivity will be best provided by multiple providers

while connected devices might be procured from a single vendor.

C.   **The Program Should Not Provide Support for Connectivity and Devices for Remote Learning Where Students and Patrons Are Already Receiving Support from Another Government Program**

Because Program funding is limited and because there may be other government

programs that already support remote learning for students and patrons, the

Commission should require schools and libraries to certify that they are not seeking

ECF support for students and patrons receiving connectivity and devices through other

government programs that could be used for remote learning. As such, ACA Connects

agrees with the proposal in the Public Notice to limit reimbursements out of the ECF to

those purchases where funding is not also received from other federal programs

(including the Emergency Broadband Benefit Program, the CARES Act, and other

provisions of the American Rescue Plan Act), from state programs, from other external

sources of funding, or from gifts (including those allowed by the FCC under its COVID-19 waivers).[20]

V.   ENSURING COMPLIANCE WITH CHILDREN'S INTERNET PROTECTION ACT

In addition to the two major proposals discussed above, ACA Connects believes the Children's Internet Protection Act ("CIPA") applies to the services and devices funded by the Program, even though they are used off-campus and outside E-Rate supported networks.[21] Thus, schools and libraries will need to be responsible for ensuring compliance with that statute. That said, just as other rules used for E-Rate need to be tailored for ECF, so should the rules to implement and ensure compliance with CIPA. First, to facilitate compliance, the Commission should permit schools and libraries to purchase services and equipment necessary to carry out this task. In addition, schools and libraries should be permitted to impose requirements on connected devices provided under the Program to students and patrons to ensure they are used consistently with CIPA. Finally, broadband service providers should not be required to monitor compliance with CIPA at remote locations, but if they are, such requirements should provide sufficient flexibility, and such services should be compensable.

VI.   CONCLUSION

The ECF provides a substantial opportunity to ensure students and patrons can engage in remote learning during the COVID emergency. As set forth herein, the

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[20]   Public Notice at 15.

[21]   *Id.* at 14.

Commission can best achieve the Program's objectives by adopting rules that rely on existing broadband service providers to immediately provide the necessary connectivity and by focusing support on in-need students and patrons going forward. ACA Connects looks forward to further discussing the Program and its proposals with the Commission.

Respectfully submitted,

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