



Education Center

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April 5, 2021

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission
45 L Street NE
Washington, DC 20554

WC Docket No: 21-93 - Emergency Connectivity Fund Public Comment

Dear Secretary Dortch and Acting Chairwoman Rosenworcel,

The Bethlehem Area School District is situated in Bethlehem, Pennsylvania. The district has 13,600 students enrolled from a community of approximately 75,000. Within district boundaries exist five low-income housing developments. The District works with community partners to meet the needs of all families, especially those in the low-income housing developments. The staff of our district have seen first-hand the challenges the pandemic has presented, especially with broadband Internet access. The District reacted by providing more mobile hotspots to families at a high cost that has been and will continue to be difficult to sustain in order to allow our children and their families to learn, receive much needed health services, and to obtain employment. However, the broadband access challenge is not solely due to the pandemic. This challenge has been evolving due to various industries such as education, healthcare, and employment moving to online tools that were being used well before the pandemic occurred and this is a very important point for the Commission to understand. As many other district's before us, the Bethlehem Area School District began distributing Chromebooks to each secondary student in September 2019 enabling them to access online tech books and homework assignments. As a result of a year-long preparation for this distribution, the District understood it needed to provide mobile hotspots to eligible students. The District purchased a limited number of hotspots and partnered with local community centers who had wireless networks to address the known broadband access challenge. However, the pandemic exacerbated the challenge of broadband access at home prompting our district to purchase additional mobile hotspots in large quantities so students could pivot to a fully online learning environment.

We strongly believe, and urge the Commission, to consider broadband Internet access a part of the public utility infrastructure similar to electricity, water, and sewer. Broadband Internet access is necessary for

providing education, health services, and employment of students and their families. As with other public utilities, broadband Internet must be affordable to all families, including low-income families.

On behalf of the Bethlehem Area School District students and parents, the attached comments are respectfully submitted in reference to the FCC's Emergency Connectivity Fund Public Notice. We thank you for this opportunity of providing responses to the questions posed by the FCC.

Sincerely,



Marie E. Bachman
Chief Technology Officer

cc: Dr. Joseph J. Roy, Superintendent
Dr. Jack Silva, Assistant Superintendent

| FCC Section | FCC Questions | Bethlehem Area School District Responses |
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| Eligible Schools and Libraries. | Are there other entities, not already eligible under the E-Rate program, that should be eligible for support through the ECF? | The Commission should include local housing authorities and local community centers as they support low-income families who are challenged by the high cost of quality Internet service. The local housing authorities should deliver broadband access to each housing unit that can be reimbursed through ECF. The local community centers serve as hubs for all families, especially low-income families and often they offer wireless connectivity at their own expense despite many of them being non-profit organizations. |
| Eligible Equipment and Services. Equipment | What additional equipment and services are necessary to support and facilitate the connectivity required for remote learning? Is more equipment specificity required? For example, should we clarify that modems include wireless modems, such as air cards? | For those districts who have issued devices to students, chargers are critical in keeping the device powered. At times, chargers become defective and must be replaced. Device chargers are expensive and this cost should be included as part of the eligible equipment and services. The list of eligible equipment should have further specificity to include both wired and wireless modems, Chromebooks with built-in wireless cards. Further, the Commission should reconsider mobile phones as eligible equipment since many smartphone data plans offer a mobile hotspot. Lastly, the list of eligible equipment and services should indicate if there are any vendors or Internet Service Providers whose equipment or services are ineligible and the reason. |
| Eligible Equipment and Services. Broadband/Internet | Should the Commission interpret "advanced telecommunications and information services" to include the equipment necessary to deliver these services to connected devices as eligible? Should installation costs, taxes, and fees be included as an allowable cost? Should minimum service standards and data thresholds be established to consider services to be eligible "advanced telecommunications and information services." Is the current definition of broadband of 25 Mbps downstream and 3 Mbps upstream sufficient or should it be higher to meet the definition of advanced services? | The Commission should include equipment necessary to deliver advanced telecommunications and information services as eligible. In addition, installation costs, taxes, and fees should be included as allowable costs since many Internet Service Providers identify those costs separate from service. Minimum service standards and data thresholds should be established to ensure reliable telecommunication and information services for tasks such as video-conferencing or situations like multiple students in one household. The current definition of broadband of 25 Mbps downstream and 3 Mbps upstream may or may not be sufficient dependent upon the household. The Commission should provide definition as "per person" in the household and total household. While various guidance exists, it appears that for one person 10 Mbps downstream and 1 Mbps upstream is sufficient. In a household of five individuals with two parents and three children, the total for the house hold may need to be 50 Mbps downstream and 5 Mbps upstream assuming all five individuals were online simultaneously. |
| Eligible Service Locations. | Are there other places schools and libraries should be able to place Wi-Fi hotspots to provide broadband to students, school staff, and library patrons who currently lack broadband access? Are there other approaches to funding broadband access to multiple students that the Commission should incorporate into its rules implementing the ECF? | Local community centers are places where schools should be able to place hotspots, if the FCC will not include them as eligible entities for ECF, as many of these centers are community partners of school districts playing a key role in providing tutoring programs to students. An example specific to Bethlehem Area School District's community are Northeast Community Center, Hispanic Center of the Lehigh Valley, and the Boys and Girls Club of Bethlehem. The Commission should incorporate funding broadband access to housing authorities. By doing so, these agencies can work with local Internet Service Providers to provide broadband access directly to each housing unit. If this were done, school districts would be relieved from providing broadband access in the forms of mobile hotspots or hotspots in buses. |
| Effective Dates (Retroactivity). | Should the Commission reimbursement for purchases of eligible equipment and services made by schools and libraries back to January 27, 2020? If the Commission has the authority to set a different date, what date should it choose and why? | Reimbursement of eligible equipment and services should not be limited to the COVID-19 timeframe. Broadband access at home has not been a challenge undertaken solely due to the pandemic. This challenge has been evolving due to education's move to online instructional tools that began well before the pandemic occurred. Funding for eligible equipment and services for broadband access should be available similar to how the E-rate program is administered. |

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| Competitive Bidding. | Should the Commission adopt a streamlined, 14-day competitive bidding process to be used by eligible schools and libraries that have not yet purchased or entered into contracts to purchase eligible equipment and/or services? Are there other ways to streamline the competitive bidding process? Are there other exemptions the Commission should consider for the competitive bidding requirements? Should purchases from state master contracts be exempt from E-rate bidding requirements? If so, what examples are there of state master contracts that could be used by schools and libraries? | The Commission should avoid the complexity of bidding requirements that can cause delays in receiving and subsequently deploying equipment and services by schools and libraries. Instead, the Commission should require such equipment and services to be on state or national master contracts such as PEPPM or Costars. |
| Funding Limits. Equipment/Service Price Limits | Should a range of costs be set that are considered reasonable for each category of equipment that is eligible for reimbursement? (i.e., set a price for reimbursement for: Wi-Fi hotspots; modems; routers; devices that combine a modem and router; connected devices; and advanced telecommunications and information services). Should the “reasonable” equipment prices for each category of eligible equipment and service vary for urban or rural consumers? | A percentage of costs for eligible equipment and services should be reimbursed to school districts based on the district's National School Lunch Program information. This percentage determination is similar to how E-rate is administered but should be without the lengthy process and numerous filings of E-rate. In doing this, school districts will naturally calculate the range of costs they can afford and deploy equipment and services quickly. This percentage may need to be adjusted for rural areas where infrastructure for broadband needs to be built. |
| Funding Limits. School or Library Funding Caps | As alternative to, or in addition to, equipment/service price limits, should there be funding caps per applicant {similar to the way each applicant has a funding cap for Category 2}? If so, how would the caps be calculated? Should there be a funding cap on specific types of eligible equipment or services? Could such a cap help to target ECF support to those students, school staff, and library patrons that are most in need, and how would those individuals with the greatest need be determined? Should other factors such as poverty, rurality, and/or broadband availability be considered in the allocation of ECF support and setting of caps? | A percentage of costs for eligible equipment and services should be reimbursed to school districts based on the district's National School Lunch Program information. This percentage determination is similar to how E-rate is administered but should be without the lengthy process and numerous filings of E-rate. In doing this, school districts will naturally calculate the range of costs they can afford and deploy equipment and services quickly. This percentage may need to be adjusted for rural areas where infrastructure for broadband needs to be built. |
| Eligible Uses. | Should equipment and services purchased with ECF funding be primarily for educational purposes. Educational Purposes is defined as “activities that are integral, immediate, and proximate to the education of students (or the provision of library services to library patrons).” If so, hat safeguards should be imposed to ensure the educational purpose requirement is met for all reimbursements from ECF? Should, for example, schools and libraries be required to restrict access to eligible equipment and services to those students, school staff, and patrons with appropriate credentials? | Equipment and services purchased with ECF funding should not be limited to educational purposes regarding students since schools offer telehealth services to students which may require certain equipment and services per HIPPA. Equipment and services purchased with ECF funding should be limited to educational purposes if provided to staff for the purpose of carrying out their job duties. Schools should be required to restrict access to eligible equipment and services to those students who qualify for the National School Lunch Program and have district-assigned credentials. |
| Application Process. | Is 30 days an appropriate filing window length? What other aspects of the application process should be borrowed from the regular E-rate program, such as Form 471, certifications, PIA, EPC, etc.) What other rules should be adopted specific to the ECF? | The application process of the regular E-rate program is a lengthy process with numerous filings. The ECF process should not be as lengthy in order to provide eligible equipment and services to needy students as quickly as possible. Further, it is Bethlehem Area School District's proposal that this funding be maintained as a regular program offered by the federal government. |
| Prioritization of Funding. | Should funding be prioritized for future purchases rather than reimbursements for previously purchased equipment and services, and would doing so target funds to those students, school staff, and library patrons who remain unconnected? Or, should the Commission prioritize funding requests for prior purchases over requests submitted for new purchases? | The Commission should prioritize future purchases as delivering broadband internet access to all is not going away even when the COVID-19 pandemic is deemed over. Until such time as broadband internet access is considered a utility and delivered to each household, then school district's and other entities will need to assist families in obtaining it. If ECF funds remain after future purchases are prioritized, then reimbursement should also cover the significant prior purchases made by school districts of eligible equipment and services whose reimbursement from other funding sources did not occur due to manufacturing supply chain issues causing timelines to be exceeded. |
| Reimbursement Process. | What would be the shortest possible invoice filing deadline period that would not impose undue burden on applicants? What documentation should be included with the reimbursement request? | The shortest invoice filing is difficult to determine at this point in time considering manufacturing supply chain issues remain causing shipments of electronic equipment being delayed for significant amounts of time. For example, Bethlehem Area School District received Chromebooks ordered July 1, 2020 at the beginning of March 2021. |
| Prohibition on Duplication of Funding. | No FCC Question | No response required. |

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| <p>Treatment of Eligible Equipment During and After the Emergency Period.</p> | <p>We seek comment on the treatment of equipment purchased through the ECF during and after the COVID-19 emergency period. Should, for example, schools and libraries be permitted to use eligible equipment for any purpose that the school or library considers appropriate after the emergency period? Or, should the use of eligible equipment after the emergency period continue to be restricted to primarily educational purposes as defined by the Commission?</p> | <p>The use of eligible equipment and services by schools should be limited to educational or telehealth services for students.</p> |
| <p>The Children’s Internet Protection Act (CIPA).</p> | <p>Does CIPA apply to the devices and services funded through the ECF? If so, should a CIPA certification be included on the application for funding, rather than on a separate form?</p> | <p>Yes, CIPA does apply to devices and services funding through the ECF. CIPA certification should be included on the application for funding rather than on a separate form.</p> |
| <p>Records Retention Requirements.</p> | <p>Should service providers providing monthly services reimbursed through this Fund to report and validate usage of the supported services provided after adoption of new rules? In the event there is non-usage during a service month, should the service provider be required 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?</p> | <p>It is acceptable to have service providers provide monthly reports and validate usage of support services. As a result of some districts having a high transient student population and a summer session where not all students attend, it is expected that some device may have non-usage if they are returned back to inventory and are dormant until being redeployed to a new student. Therefore, notice to the school about non-usage is acceptable. However, the schools should be allowed to indicate which devices to remove for non-used service and not the service provider.</p> |
| <p>Broadband and Connectivity Goals.</p> | <p>Should the Commission adopt specific broadband adoption goals for students, school staff, and library patrons? If so, what should those goals be? Should the Commission adopt specific goals for ensuring students, school staff, and library patrons have end user devices for connecting to the internet? If so, what should those goals be? What information should the Commission direct USAC to collect to enable the Commission to evaluate progress towards meeting the goals?</p> | <p>The Commission should adopt goals for students specifically around insuring that all students who qualify for the National School Lunch Program have broadband access at home that is sufficient to meet all members of the household simultaneously. The Commission should request schools retain an inventory of the the eligible equipment and services funded through ECF. Further, the Commission should request that schools maintain a list of students and staff issued eligible equipment and services. If requested by the FCC, schools should be able to produce a report of recipients that includes only directory information typically released by the district through school board policy. If the school does not have a board policy of releasing directory information on students and staff, then the school should be required to submit a list of eligible equipment or services deployed per school.</p> |
| <p>Efficient Program Administration.</p> | <p>Should the Commission adopt specific performance goals and measures with respect to USAC’s administration of the Fund as it has done for the E-Rate program? If so, what should those performance goals be?</p> | <p>The Commission should adopt specific performance goals and measures with respect to USAC’s administration of the ECF. The performance goals and measures should relate to the number of students served through the ECF versus the number of students served through NSLP.</p> |