

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

**In the Matter of:**

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

DA 21-317

WC Docket No. 21-93

COMMENTS OF  
THE E-RATE MANAGEMENT  
PROFESSIONALS ASSOCIATION

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## INTRODUCTION

The E-Rate Management Professionals Association (E-mpa)<sup>®</sup> is an association of E-rate professionals whose mission is to promote excellence and ethics in E-Rate professional management and consulting through certification, education and professional resources. E-mpa appreciates the opportunity to comment on this extremely important and timely petition.

Congress has broadly agreed that the Covid-19 pandemic has created an educational crisis in this country and has supplied significant funding to address the shortfall in connectivity and devices. The Commission has, by releasing this Request for Comment, sought input from the larger E-Rate and educational communities as to the mechanics for the administration of those funds, the specifics for the entities that can receive them, the products and services that can be obtained, and the timeframe for purchase or, in some cases, reimbursement, and E-mpa is pleased to contribute to the discussion.

We live in extraordinary times. The Covid-19 pandemic has fundamentally changed how teachers teach and how students learn. In the past, when students were in school, if a teacher had a lesson planned that used the internet in some capacity, if their internet connection malfunctioned, the teacher would simply pivot, rearrange the schedule, and come back to the planned lesson when connectivity was restored.

This “teaching flexibility” is impossible in a dispersed environment. Simply put, with the students at home, if the district’s internet malfunctions, teaching stops. Connectivity has become a single point of failure in the educational process.

According to a staff member of the Savannah Chatham County Public School System (SCCPSS), Savannah, Georgia, “The majority of educators within the SCCPSS believe that education has profoundly and permanently changed, and that change requires a retooling of the belief that the public school system can shoulder all costs associated with providing equitable access.”

Based on the above, the framework the Commission adopts should be clear, consistent, and simple, with broad guidelines for what goods and service can be purchased (or are eligible for reimbursement), and minimal additional work for the applicant staff.

## TIMEFRAME

The short timeframe for such a significant rulemaking will leave many areas and issues unclear, and comments that errors will likely be made at all levels of the process. E-mpa urges a “gentle hand” during the audit and enforcement phase of the process.

The timeframe for reimbursement for services already delivered should backdate to January 27, 2020. Many districts had the foresight to see the seriousness of the pandemic; they should not be penalized for making early purchases. The Commission should establish which alternative fund expenditures cannot be fully reimbursed, but partial reimbursement should be allowed. Monies generally considered part of an entity’s normal operating budget, including tax revenues, specific grants, and Title funds (1-4, and IDEA, as appropriate), should be viewed differently than COVID-19 relief funding, including CARES funds. In short, CARES and other similar funds should not be reimbursable, but normal operating funds should be.

Due to the exigent nature of the crisis, E-mpa recommends that competitive bidding be waived, and that applicants instead certify compliance with their own state and local procurement rules.

Finally, if Congress intends the funds to create lasting change and sustainable solutions within communities to lessen the effects of future disruptions, then schools and libraries should be allowed to use the funding to support connectivity to their communities for educational purposes. Connectivity could include leased lit-fiber, dark-fiber or self-provisioned fiber networks, private cellular networks, and non-traditional modalities and designs, as best suits their needs. Schools and libraries should be given more options to connect students and patrons, not fewer.

## ENSURING COSTS ARE REASONABLE

E-mpa fully supports adopting the E-Rate Category Two budget methodology (“funding cap” or “cap”) for this program as recommended by E-Rate Central in their comments<sup>1</sup> to this proceeding and by Funds for Learning in their ex parte<sup>2</sup> to this proceeding. There are significant advantages to the district-wide or library system-wide funding cap including allowing schools and libraries to make their own choices from a broad range of COVID-19 related expenditures as well as ensuring that all schools and libraries across the country are able to participate in the program. The funding cap allows the FCC to control costs as well as predict the total demand for the program.

## ELIGIBLE GOODS & SERVICES

### FLEXIBILITY

As discussed earlier, schools and libraries have been meeting the connectivity needs of remote learners throughout the pandemic. With a funding cap in place, the school or library should be able to choose from a wide range of pandemic-related products and services to request either reimbursement for past purchases or future funding support from this program.

In a seminar conducted by SHLB on March 31, 2021<sup>3</sup>, Arlington Public School’s (APS) CIO and assistant superintendent for information services, Rajesh Adusumilli, explained that they had used five different strategies to address student connectivity needs during the pandemic. This included discounted Internet Access for qualified students, Mi-Fi services/devices for students, wireless access points at APS schools to provide outdoor access, pop up Wi-Fi hotspots in the

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<sup>1</sup> E-Rate Central comments, March 26, 2021. <https://www.fcc.gov/ecfs/filing/10326326803555>

<sup>2</sup> Funds for Learning Ex Parte, March 25, 2021. <https://www.fcc.gov/ecfs/filing/103260824422818>

<sup>3</sup> Schools Health Libraries Broadband Coalition, March 31, 2021.  
<https://www.shlb.org/uploads/G2G/Webinars/3.31.2021%20Webinar%20Slides.pdf>

county, and CBRS technology pilots to provide connectivity in a 2-mile radius within the community. All five of the strategies combined allow the district to ensure that as many students as possible have the connectivity necessary for remote learning during the pandemic. Each strategy met a different set of student connectivity needs. Their experience clearly demonstrated the wide range of solutions available. Each solution had a different cost and helped a different set of students in their community. APS' example clearly demonstrates that the mission should consider allowing a wide range of solutions to receive this funding support. By implementing a budget cap and a broad list of eligible products and services, the FCC can ensure that goals of this program are met – the items chosen for support are reasonable in cost and the schools and libraries are able to leverage this funding to best meet the connectivity needs of their students and patrons during the pandemic.

#### END USER DEVICES

E-mpa comments that desktops, laptops, and tablets should be acceptable as eligible end-user devices, and agrees with the Commission's initial finding that cellular phones, including smart phones, should not be. The distinction between large screen smart phones and smaller tablets is almost negligible, and a quick survey of the website of a national reseller revealed that the largest phones had a 6.7" screen size, and the smallest tablets had a 7" screen size. Setting the minimum allowable screen size at 7" should disallow any currently available smart phones. Further, E-mpa comments that cellular phones (smart or not) cannot be bought without a SIM card and a cellular plan. Therefore, in order to prevent the purchase of cellular phones under this program, the dual requirement that the screen size be 7" and above, and that the device could have been purchased without a cellular plan, should provide the necessary product differentiation.

#### HOME CONNECTIVITY

For those students with access to commercially available home internet, the fund should provide reimbursement for those charges, including ongoing and one-time fees.

While commodity internet, with the targeted financial assistance that these funds will provide, will connect a substantial portion of the currently unconnected students, those students outside of the areas served by those providers have far fewer options, and those options that they do have are significantly more expensive. Funds For Learning recently conducted a

webinar where they laid out several points that they intend to make in their comments, and one of them (broadly) is a two-tiered system for addressing those students. E-mpa supports the principles behind this model, and notes that it is similar to the Rural Health Program in that it acknowledges the concept that remote locations have geographic challenges that cannot be solved inexpensively.

#### DEVICE MANAGEMENT TOOLS

We urge the Commission to make device configuration and management tools eligible for funding. As noted above, the sheer quantity and dispersed nature of student devices creates substantial challenges for districts, forcing them to divert significant personnel resources. Configuration and management tools would help to alleviate that burden.

#### RELATED ISSUES

The proposed rules discuss which products should be eligible for immediate support, but little mention is made of ongoing support costs, including repair, and upkeep, initial configuration, and management.

In E-mpa's conversations with the Savannah Chatham County Public School System (SCCPSS) in preparation for its comments<sup>4</sup> in the SECA-SHLB petition, it was mentioned that there was attrition based on students moving and not returning their assigned device, or device breakage.

The inclusion of end-user devices changes some of the parameters that have been accepted in the E-Rate Program. Therefore, we recommend the following modifications regarding end-user devices:

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<sup>4</sup> Comments of the E-Rate Management Professionals Association, WC Docket No. 21-31, February 16, 2021.  
<https://www.fcc.gov/ecfs/filing/10216163306902>

## WAIVE THE 3-YEAR RULE

It will be extremely difficult to track an end-user device if the student neglects to return it. If the school cannot account for a device lost in this manner, creating an audit finding that requires repayment is counterproductive. Further, some devices may break after the warranty period, and inexpensive devices simply may not be worth fixing. Bluntly put, devices used by children break more often. Enforcing the 3-year rule would punish the school district for things it cannot control.

## CIPA COMPLIANCE

It would be impossible for districts to accurately audit CIPA compliance on end-user devices in the home or wherever the student may go. Therefore, we recommend that new services should offer CIPA compliance, but it should not be a requirement.

## ALLOW VIDEO-CONFERENCING EQUIPMENT AND RELATED SOFTWARE SUBSCRIPTIONS

Schools and libraries have incurred significant expenses for subscriptions for video conferencing services, such as Zoom Meeting, microphones, cameras, and “camera bots”. These services should be eligible as other costs of connecting students and library patrons during the pandemic.

## INVOICING METHODOLOGY

We believe the BEAR method is more appropriate for end-user devices and home internet connectivity, considering the opportunity to file for reimbursement for past purchases. We recommend normal invoicing flexibility (BEAR or SPI) for larger projects.

## ALLOW A POOL OF END-USER DEVICES

The easiest way to manage a large implementation of low-cost end-user devices is to allow a school or library to purchase a pool of devices that can be distributed to students or patrons on an as-needed basis. Since the purpose of this funding is to provide support for connectivity and devices necessary for access, allowing flexibility is critical to the program’s success in meeting these goals. Devices in the hands of children are often lost, misplaced, or broken. A broken device does not accomplish that goal, nor does a lengthy repair period while the device

is being fixed. Allowing schools and libraries to have a modest pool of devices where not all units are distributed at any given time will allow the students to continue learning, and the broken device, when repaired and returned, could be issued to a different student when necessary.

#### ALLOW REIMBURSEMENT ON MAINTENANCE

Devices in the hands of students and library patrons will break. E-mpa comments that repair and upkeep should be an allowable expense.

#### CONFIGURATION & MANAGEMENT TOOLS

School districts are already stretched to the breaking point. Larger school districts, especially, will find it a daunting task to accomplish the rollout of thousands of end-user devices, much less manage them properly. Managing an installed base of end-user devices, scattered throughout a school district or library system is a daunting task. There are tools available to assist in this process. Allowing funding for management and monitoring support tools of this sort would mitigate the additional workload incurred by school districts and library personnel. These tools are also extremely helpful in mitigating loss of end user equipment and can provide valuable information for audit and management reporting.

#### BUDGETARY MATTERS

As stated previously, both E-Rate Central and Funds for Learning, have proposed a per-student budget for school districts and per-square foot budget for libraries for this program, similar to the budget for E-Rate Category 2 equipment and services. E-mpa has reviewed their figures and methodology and agrees that a “Category 3” budget is an effective and efficient way to manage the process. Having a budget for Category 2 equipment has proven an excellent way to ensure that all applicants have access to some funding and has given the Commission the flexibility to adjust the program without affecting the health of the fund itself. A “Category 3” budget for this program will provide all program constituents with exactly how much funding is available, allowing them to make more informed decisions. We consider this a critical factor for the success of this initiative.

## CONTRIBUTION BASE – LONG TERM SUSTAINABILITY

E-mpa supports the expansion of the contribution base to include all broadband services. We are well aware of the intricacies and long-established telecommunications regulations that are a barrier to this solution. The current contribution model is based on an outdated analog-based methodology applied to a digital world. The stakeholders in this program and believers in universal service who truly understand the purpose that everyone should have universal access will agree that the contribution base needs to be updated. It has been 25 years since the 1996 Telecommunications Act and 87 years since the 1934 Act. This fund is critical for affordable access and needs to be updated so that all broadband providers contribute equitably.

We highly encourage all of the great minds including leaders within the FCC, service providers, anchor institutions, schools, libraries, and individuals across the country to come together to update the contribution base. This needs to be done as soon as possible to ensure a sustainable future so the mission can continue to be realized for the present and future generations who depend on this valuable funding for affordable access.

## AUDITS & ENFORCEMENT

The asset tracking and management of end-user device is significantly more complex than managing network equipment:

- There are significantly more end-user devices than pieces of network equipment;
- End-user devices may move between classrooms, onto school buses, and into the homes of the students;

In sum, it will be challenging to be able to identify the location of a specific device exactly in a given day, and in large urban centers, where the student population is significantly more mobile, this challenge is increased.

Further, as stated above, there will be a higher level of “device churn” over the course of a school year. Devices will break or go missing at a significantly higher rate than network equipment, which is generally in locked cabinets or closets, and moves infrequently, if at all.

Applying the same audit standards to end-user equipment as are applied to network equipment will likely produce a substantive uptick in the number of audit findings, and under current rules, may require enforcement, and eventual repayment.

This is not a desirable outcome. School districts have no ability to investigate missing equipment in the homes of the students, nor to pursue students who have moved out of the district and neglected to return their equipment. Libraries are in a similar situation with devices checked out and taken to a myriad of locations by a wide range of users throughout the year.

E-mpa encourages the Commission, as much as possible under applicable statutes, to avoid requiring repayment for lost or broken devices. Audits should focus on invoicing, payments, and delivery. Further, E-mpa urges the Commission to publish clear rules governing the audit requirements and enforcement actions concerning end-user devices. Schools and libraries will need to know their exposure in this process, in order to make informed decisions.

As stated earlier, we also recommend that management and monitoring tools be eligible for support under this program as these tools will greatly mitigate loss of end user equipment.

## USAC PROCESSING

The E-Rate program has been successfully managed over the years by USAC who continues to do an excellent job considering all of the stakeholders and constant changes in the program. We agree with the Commission that utilizing the procedures already in place by the E-Rate program is the best way to manage this program for connected learners as well.

## SUMMARY

E-mpa appreciates the opportunity to comment on this critically important proceeding.

The COVID-19 pandemic has permanently changed how students learn and districts function.

Technology in the form of devices to use and connectivity to use them on, is no longer optional.

In the short term, finding the correct funding program is less important than pushing the funds out quickly, but E-mpa continues to believe that connectivity to the student's homes properly

falls under the purview of the Lifeline program. With minor modifications, the Lifeline program is the structurally appropriate vehicle to deliver the necessary connectivity to households.

The E-Rate Program has a cadence, developed over years of practice and observation. The Commission and the Universal Service Administration Company (USAC) have developed policies and procedures to process applications, disburse funding, conduct various audits, and, if necessary, enact penalties. USAC is very good at its job, and the program has helped over a billion school children gain access to better technology and connectivity.

USAC, however, is “limited” by past practice, and this initiative will certainly fall outside of many of its norms and established practices. Staffing will need to be increased. Competitive bidding requirements will need to be reviewed. EPC will need to be modified. Form 470 requirements will need to be waived. End-user equipment has never been permissible before, but is now, temporarily. Management and configuration tools for device rollout are being recommended. Internet to the home will be funded.

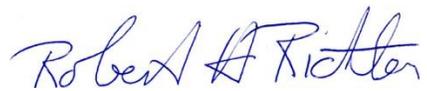
Further, in order to comply with the deadline as written into the COVID-19 Relief Bill, the Commission will have approximately 20 days to release its rulemaking after the deadline for reply comments on April 23<sup>rd</sup>. E-mpa, collectively, wants to take a moment to recognize the monumental effort required to issue such a comprehensive rulemaking, and then to make the necessary programmatic adjustments to implement it.

With such an undertaking in a short time-period, mistakes will be made. We recommend clear statements of principle. If the wider E-Rate community knows what the Commission intends, it will be easier to comply than attempting to parse paragraphs of legalese.

The business of schools and libraries is rarely perfect. Equipment breaks, students and patrons move. Applicants cannot be penalized for the normal ebb and flow of a school or library. The funding, therefore, needs to be provided quickly to meet the highest needs and reasonable controls need to be in place to mitigate waste fraud and abuse.

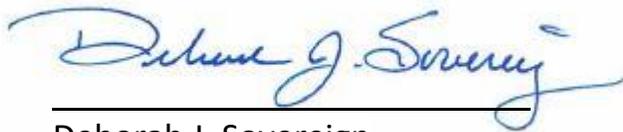
With a funding cap and flexible spending options, we are confident that support can be provided as soon as possible to meet the connectivity needs of our nation’s schools and libraries during this difficult time.

Respectfully submitted:



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April 4, 2021