

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Establishing Emergency Connectivity Fund)	WC Docket No. 21-93
To Close the Homework Gap)	

COMMENTS OF ENA SERVICES, LLC

ENA Services, LLC (ENA) respectfully submits these comments in response to the Wireline Competition Bureau’s Public Notice seeking comment on the promulgation of rules to administer the Emergency Connectivity Fund (ECF), a \$7.17 billion fund established by Congress in section 7402 of the American Rescue Plan Act of 2021 to expand access to remote learning capability during the COVID-19 emergency.¹ ENA appreciates the Commission’s dedication to narrowing the homework gap and helping America’s students, as well as its hard work turning Congress’s vision into reality and getting ECF funding out to eligible schools and libraries as quickly and equitably as possible.

ENA agrees with many of the proposals in the *Public Notice*. However, the rules that the Commission adopts should reflect the same competitive neutrality that Congress mandated in section 254(h)(2) of the Communications Act. The Bureau’s proposed limits on eligibility for advanced telecommunications and information services—limits that the *Public Notice* suggests could exclude dark fiber and new networks, including self-provisioned networks, from ECF funding—are at odds with the explicit language of section 7402 and section 254(h)(2). The

¹ *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. 21-93, Public Notice, DA 21-317 (rel. Mar. 16, 2021) (*Public Notice*).

proposed limits are also at odds with the Commission’s longstanding position that schools and libraries should be permitted to select the connectivity solution that best supports their students’ broadband connectivity needs.

As a policy matter, limiting schools and libraries to using broadband facilities that are already deployed will inevitably leave many students behind, and will therefore undermine the goals of the American Rescue Plan Act and the E-rate program. As the Biden Administration recently noted when introducing the American Jobs Plan, by one definition, more than 30 million Americans live in areas where there is no broadband infrastructure that provides minimally acceptable speeds. Without the construction of new facilities, the students, teachers, and library patrons living in those unserved and underserved areas will continue to be left behind, for the duration of the pandemic and beyond.

If the Commission nonetheless chooses to exclude new construction from ECF funding, the Commission should make clear that the deployment of private LTE networks and other wide area networks for school or library use constitutes “installation” rather than “new construction,” for purposes of ECF funding, and that the ECF will support installation costs for these networks. These networks do not compete with existing telecommunications and cable networks. In addition, dedicated wireless networks are uniquely capable of reaching unserved students and are cost-effective and quick to install without sacrificing reliability. Excluding them would undermine the goal of enabling remote learning for as many students as possible during the pandemic emergency.

ENA also urges the Commission to grant the earlier petitions filed by the Schools, Healthcare, and Libraries Broadband Coalition and others requesting that the Commission declare that remote learning is an educational purpose, at least during the pandemic, so that

services purchased to enable remote learning would be eligible for E-rate support and need not be cost-allocated out of funding requests. This declaration is essential to ensure that schools and libraries can receive the full benefit of the ECF and other state and federal funding without potentially sacrificing E-rate support.

ENA believes that the Commission should allow schools and libraries to continue using the equipment purchased for remote learning once the COVID-19 emergency ends. Limiting use of this equipment to the COVID-19 emergency is not mandated by section 7402, and doing so would waste an unprecedented opportunity to narrow the homework gap permanently.

Finally, the Commission should make the process of applying for ECF support as streamlined as possible, making use of existing E-rate procedures as much as possible to get funding out to schools.

TABLE OF CONTENTS

I. THE COMMISSION SHOULD ALLOW ECF FUNDING FOR ANY TYPE OF BROADBAND CONNECTIVITY 5

 A. The Language of the American Rescue Plan Act Mandates ECF Eligibility for All Services and Equipment Currently Eligible for E-rate Funding, Including New Construction, Self-Provisioned Networks and Dark Fiber..... 6

 B. The Commission Should Make Clear That the Deployment of Private LTE Networks Is Eligible for ECF Funding..... 12

II. THE COMMISSION SHOULD DECLARE THAT REMOTE LEARNING CONSTITUTES AN “EDUCATIONAL PURPOSE” AND THAT COST ALLOCATION OF E-RATE-FUNDED SERVICES USED FOR REMOTE LEARNING IS NOT REQUIRED 16

III. THE COMMISSION SHOULD PERMIT THE CONTINUED USE OF ECF-FUNDED EQUIPMENT AFTER THE COVID-19 EMERGENCY ENDS..... 17

IV. THE APPLICATION PROCESS SHOULD BE AS STREAMLINED AND APPLICANT-FRIENDLY AS POSSIBLE 18

V. CONCLUSION..... 19

I. THE COMMISSION SHOULD ALLOW ECF FUNDING FOR ANY TYPE OF BROADBAND CONNECTIVITY

Consistent with Congress’s directive in section 254(h)(2) to adopt “competitively neutral rules,” the Commission has always avoided mandating or preferring specific technologies in the E-rate program, instead allowing schools and libraries to make their own decisions about which equipment and services best serve the needs of their students, patrons, and staff.² Because Congress created the ECF as “funding for E-rate support,”³ the Commission should take the same approach in its ECF rules and should allow any equipment and services that enable broadband connectivity for remote learning to be eligible for ECF funding.

In order to address the learning gap that has reached crisis proportions during the pandemic, schools and libraries must have *every* technological solution at their disposal. Eliminating the options of using dark fiber or self-provisioned networks is not only inconsistent with section 254(h) and the history of the E-rate program, but would deprive schools and libraries of the solutions that best suit their students’ and patrons’ connectivity needs. Even worse, excluding new construction from ECF funding will inevitably leave students in unserved and underserved areas behind for the duration of the pandemic, thwarting the goal of the legislation.

If the Commission does decide to exclude from funding “the construction of new networks,” ENA requests that the Commission make clear that the rule is not meant to exclude

² See, e.g., *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan for Our Future*, CC Docket No. 02-6, GN Docket No. 09-51, Sixth Report and Order, 25 FCC Rcd 18762, 18797 ¶ 80 (2010) (*Sixth Report and Order*) (noting that schools and libraries create their own technology plans and determine what equipment they require to implement those plans); *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Report and Order, 12 FCC Rcd 8776, ¶¶ 589-600 (1997) (determining that E-rate support for Internet access and internal connections should not be limited to telecommunications carriers); 47 U.S.C. § 254(h)(2), (h)(2)(A).

³ American Rescue Plan Act of 2021, § 7402 (heading).

the installation of facilities for dedicated wireless networks. These networks do not compete with or duplicate existing network facilities, can be installed quickly, and are an essential part of the student connectivity solution, especially in rural areas.

A. The Language of the American Rescue Plan Act Mandates ECF Eligibility for All Services and Equipment Currently Eligible for E-rate Funding, Including New Construction, Self-Provisioned Networks and Dark Fiber

The *Public Notice* seeks comment on “how to define ‘advanced telecommunications and information services’ for purposes of the [ECF].”⁴ But Congress explicitly stated that “advanced telecommunications and information services” has the same meaning for ECF that it has for E-rate in general. Accordingly, there is no support in section 7402 for defining that term differently for ECF than the Commission has already defined it for the E-rate program. Furthermore, narrowing the definition of “advanced telecommunications and information services” as the *Public Notice* proposes finds no support in section 7402. The Commission should therefore provide in its ECF rules that *all* services and equipment that are currently eligible for E-rate funding are also eligible for ECF funding, including dark fiber, newly constructed networks, and self-provisioned networks. To do otherwise would reject the competitive neutrality mandate of section 254(h)(2), and it would lead to students in unserved and underserved areas being left behind yet again.

First, the American Rescue Plan Act does not authorize the Commission to deviate from its existing interpretation of “advanced telecommunications and information services.” Section 7402 establishes ECF funding for “advanced telecommunications and information services,” defining “advanced telecommunications and information services” exactly as “such term is used

⁴ *Id.*

in section 254(h) of the Communications Act of 1934.”⁵ By referencing section 254(h) in section 7402, Congress made clear that “advanced telecommunications and information services” has the same meaning for ECF that it has for E-rate in general—including the interpretations of that phrase that the Commission has adopted during the past 25 years. Congress thus did not authorize the Commission to deviate from its existing interpretation of what the term “advanced telecommunications and information services” encompasses. That existing interpretation includes, for example, the Commission’s determinations that the self-provisioning of networks that are “routinely used” to provide advanced telecommunications and information services is eligible for E-rate funding,⁶ and that making dark fiber eligible for E-rate funding promotes access to advanced telecommunications and information services.⁷ The Commission’s interpretation of “advanced telecommunications and information services” also includes its expansion of E-rate eligibility to services and equipment required to deliver advanced telecommunications and information services to classrooms, as discussed in more detail below. Because Congress did not authorize the Commission to deviate from its existing interpretation of “advanced telecommunications and information services,” the Commission’s rules must allow ECF funding for all services and equipment that are currently eligible for E-rate funding.

Second, the Bureau’s proposed subset of eligible category one services ties “advanced telecommunications and information services” to “eligible equipment,” as that term is defined in

⁵ American Rescue Plan Act of 2021, § 7402.

⁶ *Modernizing the E-rate Program for Schools and Libraries; Connect America Fund*, WC Docket Nos. 13-184, 10-90, 29 FCC Rcd 15538, 11555-56 ¶ 44 & n.90 (2014) (*Second E-rate Modernization Order*); see also *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16715 ¶ 79 (2012) (*Healthcare Connect Fund Order*).

⁷ *Sixth Report and Order*, 25 FCC Rcd at 18769 ¶ 12.

section 7402, in a way that (1) is directly contrary to the express language of section 7402, (2) reads into section 7402 a limitation on E-rate eligibility that Congress could not have intended, and (3) does not logically support the exclusion of specific types of networks, as the *Public Notice* implies. Section 7402 establishes ECF funding “for the purchase during a COVID-19 emergency period of eligible equipment or advanced telecommunications and information services (or both).”⁸ Congress provided that the ECF will “reimburse 100 percent of the costs associated with the eligible equipment, advanced telecommunications and information services, or eligible equipment and advanced telecommunications and information services.”⁹ In spite of this language, the Bureau proposes to limit ECF eligibility for advanced telecommunications and information services to a “subset” of services currently available for category one E-rate support. Specifically, the Bureau proposes that eligible advanced telecommunications and information services “be limited to those that can be supported by and delivered with eligible equipment as defined in the American Rescue Plan.”¹⁰ But Congress did not envision or authorize any such limitation on eligibility. This is clear not only from the fact that Congress gave “advanced telecommunications and information services” the same meaning it has in section 254(h), but also from the fact that section 7402 states in two places that the ECF is intended to fund eligible equipment (as that term is defined in section 7402(d)(6)) *or* advanced telecommunications and information services (or both). Congress’s use of “or” prohibits the Commission from tying advanced telecommunications and information service eligibility to the

⁸ American Rescue Plan Act of 2021, § 7402(a).

⁹ *Id.* § 7402(b).

¹⁰ *Public Notice* at 7. Section 7402 defines “eligible equipment” as Wi-Fi hotspots; modems; routers; devices that combine a modem and a router; and connected devices (defined as laptop computers, tablets, or similar end-user devices). American Rescue Plan Act of 2021, § 7402(d)(6), (3).

presence of the eligible equipment identified in section 7402(d)(6). If Congress had intended such a limitation, it would not have used “or” in section 7402(a) and section 7402(b).

Furthermore, the proposed limitation on advanced telecommunications and information services in the *Public Notice* implies that in section 7402, Congress intended to limit ECF funding for equipment to the specific equipment listed in section 7402(d)(6). But Congress could not have intended this, because section 7402(d)(6) lists *only* equipment that is typically installed at the end-user’s location (Wi-Fi hotspots, modems, routers, devices that combine a modem and router, and “connected devices,” which are defined as laptop computers, tablets, and similar end-user devices). Congress had to specify that this end-user equipment is eligible for ECF funding because none of it is currently eligible for E-rate funding. So it is clear that Congress intended to *add* to the list of eligible services and equipment, but there is no evidence that Congress intended to *subtract* anything that is currently eligible for E-rate support. In fact, the opposite is true: as discussed above, Congress stated that “advanced telecommunications and information services” is to be defined the same way for the ECF as it is for E-rate. As interpreted by the Commission, “advanced telecommunications and information services” encompasses not only category one Internet access services, but also the internal connections that are supported by E-rate category two.¹¹ Congress had no need to identify services and equipment installed and provided on schools’ and libraries’ premises as eligible for ECF support

¹¹ See *Sixth Report and Order*, 25 FCC Rcd at 18769 ¶ 12; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 ¶¶ 450-453 (1997) (*Universal Service First Report and Order*).

because they are already eligible as services essential to delivering advanced telecommunications and information services to classrooms.¹²

Third, the *Public Notice* implies that tying the eligibility of advanced telecommunications and information services to the use of the eligible equipment defined in section 7402(d)(6) should result in the exclusion of dark fiber and newly constructed networks, including self-provisioned networks, from ECF funding.¹³ But it is unclear how the presence or absence of eligible equipment relates to the type of network providing connectivity, particularly given that the definition of eligible equipment in section 7402 focuses on equipment that would typically be installed at the customer's premises. A self-provisioned or dark fiber-based network can use modems and routers to deliver services to an end user, just as a service provided by a cable or telephone company can. As an example, a school district that has an existing self-provisioned wide area network (WAN) might purchase wireless equipment to extend the reach of that network to individual students through a dedicated wireless connection. The district-owned network would use a router at the end user's location to receive the wireless signal and connect the student's laptop or tablet to the Internet. In short, even if the Commission chose to adopt the proposal in the *Public Notice* to tie the eligibility of advanced telecommunications and information services to the use of eligible equipment as defined in section 7402(d)(6), that decision still would not support the exclusion of dark fiber and self-provisioned networks from ECF eligibility.

¹² See *Universal Service First Report and Order*, 12 FCC Rcd ¶ 453 (explaining that internal connections are necessary to deliver advanced telecommunications and information services into classrooms, as mandated by section 254(h)(2)(A)).

¹³ *Public Notice* at 7.

Fourth, section 254(h) directs the Commission to establish “competitively neutral” rules.¹⁴ Excluding dark fiber and self-provisioned networks would contravene this statutory mandate. Furthermore, nothing in section 7402 suggests that the Commission should abandon its longstanding principle that the E-rate program should be technology neutral.¹⁵ As noted above, the Commission has always declined to mandate specific technologies, maintaining that schools and libraries are in the best position to understand their own connectivity needs and make their own decisions accordingly. ENA believes that the Commission should extend its technological neutrality principle from E-rate to the ECF, and should not limit the options available to schools and libraries to meet their students’ and patrons’ connectivity needs.

Finally, limiting schools and libraries to using broadband facilities that are already deployed will inevitably leave many students behind for the duration of the pandemic, and will therefore undermine the purpose of the ECF. In its fact sheet on the recently introduced American Jobs Plan, the Biden Administration noted that “by one definition, more than 30 million Americans live in areas where there is no broadband infrastructure that provides minimally acceptable speeds.”¹⁶ Tribal areas and rural areas in particular lack broadband access.¹⁷ These Americans—and specifically, the students, teachers, and library patrons living in those unserved and underserved areas—simply will not have sufficient broadband service without the construction of new network facilities, and they will continue to be left behind, for

¹⁴ 47 U.S.C. § 254(h)(2).

¹⁵ *Id.*

¹⁶ *FACT SHEET: The American Jobs Plan* (Mar. 31, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>.

¹⁷ *Id.*; see also, e.g., *Emergency Petition for Waiver of the Commission’s Rules By the Navajo Nation*, CC Docket No. 02-6, at 2-4 (filed Apr. 27, 2020) (describing the Navajo Nation’s challenges facing the pandemic and the associated school closures with severely limited broadband access).

the duration of the pandemic and beyond. This outcome cannot be what Congress envisioned when it created the ECF.

B. The Commission Should Make Clear That the Deployment of Private LTE Networks Is Eligible for ECF Funding

If the Commission does decide to exclude the construction of new networks from ECF funding, despite the statutory and policy concerns discussed above, the Commission should make clear in its rules that the deployment of new private LTE networks constitutes installation, rather than new construction, and is therefore eligible for ECF funding. The installation of facilities is currently eligible for E-rate support when new services are initiated, and there is no principled reason to take a different approach with ECF. In addition, private LTE networks can facilitate cost-effective access to a school's WAN from off-campus location. These dedicated wireless networks can be uniquely capable of reaching unserved students, especially in rural areas, and are therefore crucial to closing the homework gap.

First, the *Public Notice* seeks comment on whether installation costs should be eligible for ECF support.¹⁸ As the Bureau noted, installation charges for equipment necessary to deliver advanced telecommunications and information services are currently eligible for E-rate funding.¹⁹ This has always been the case in the E-rate program.²⁰ Support for build-out of networks and facilities has likewise been eligible, either as an upfront charge or included in monthly recurring charges.²¹ The Commission should take the same approach in its ECF rules

¹⁸ *Public Notice* at 7 (“[S]hould 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?”).

¹⁹ *Id.* at 7 n.35 (citing 47 C.F.R. § 54.502(a)).

²⁰ *See Second E-rate Modernization Order*, 29 FCC Rcd at 15545-47 ¶¶ 17-21.

²¹ *See id.* at 15546-47 ¶ 20.

and allow funds to be used for installation costs, including for build-out or installation of network facilities to establish connectivity.²² As explained above, the list of eligible equipment in section 7402 is separate and distinct from the eligibility of advanced telecommunications and information services, so it has no bearing on whether installation costs for equipment necessary to deliver advanced telecommunications and information services should be eligible. In addition, as discussed above, if the Commission concludes that these installation costs are not eligible for ECF funding, it will be impossible in many cases for students, teachers and patrons to receive broadband access at all.

As the Commission considers whether to exclude new construction from ECF funding, ENA respectfully argues that newly installed WANs or WAN extensions—whether dedicated wireless or other technologies—do not duplicate or compete with existing telecommunications or cable networks. Whether it serves only school buildings or also serves students and teachers off campus, that WAN serves only the school district. As with any other WAN technology, a private LTE network is a dedicated network that serves only the school district that purchases or leases it. (In fact, private LTE services provide a cost-effective, quick way to expand a school district or library’s existing WAN.)

Second, private LTE networks can be the perfect solution to provide access to broadband services at home for students, teachers and patrons in both urban and rural areas. Private LTE networks leverage either licensed spectrum, unlicensed spectrum, or shared spectrum (such as Citizens Broadband Radio Service, or CBRS). Private LTE networks are non-public wireless networks based on cellular LTE technology. As private networks, they provide access to the school or library network with built-in security and controls. This gives network administrators

²² In addition, the Commission should allow charges for the initiation of services to be eligible.

tight control over what devices are allowed on the network. This is especially important in the school context where student data is confidential. A dedicated network can easily comply with the requirements of the Children’s Internet Protection Act (CIPA) because it provides access only to the school or library network, not the public Internet. Private LTE networks also offer excellent penetration, with the ability to reach through building walls and other obstacles that might block a Wi-Fi signal.

Recognizing that community anchor institutions must first bridge the connectivity gap in order to offer critical services to everyone, ENA has developed a network solution called ENA Beacon. With ENA Beacon, ENA designs a private LTE network to fit a community’s unique needs, oversees the installation and implementation process from start to finish, and provides ongoing monitoring and management of the LTE network. ENA Beacon offers a variety of end-user equipment options for optimal connectivity, which may include towers, radios, and other equipment. Dedicated wireless networks such as ENA Beacon are designed to meet the specific communications needs that the customer has identified, with no unnecessary features or over-engineering. This makes them cost-effective. In the specific case of remote learning, wireless networks that reach can reach many households in a specific geography simultaneously are likely to be a cost-effective approach—and possibly the most cost-effective approach—in urban areas, where there is significant density of students and teachers.²³ It can provide cost-effective “last-mile” connectivity in rural areas. And, importantly when facing an educational crisis such as the current one, dedicated wireless networks like ENA Beacon can be installed quickly, allowing schools and libraries to extend broadband connectivity into students’ homes

²³ By contrast, hotspots using existing cable or phone company facilities may be better suited for remote learning connectivity in suburbs, which are less densely populated and are likely to have more households that have Internet access.

within a short amount of time. At the same time, these wireless networks are more than just temporary solutions: they can be used for years to reduce the impact of the homework gap.²⁴

ENA understands that the Commission may not want to tie up ECF funding on long-term projects, such as the construction of long-distance fiber networks that would require a lengthy build-out process. This would be an appropriate limitation on ECF eligibility. But a school district or library system might need to provide connectivity that would take only a short time to install, or might seek ECF reimbursement for a new network purchased or self-provisioned during the past year, which is already providing service. Those scenarios should be treated differently, because in those cases the newly installed or constructed facilities are directly addressing the COVID-19 emergency. While expediency is key in an emergency such as the pandemic, ECF funding should not be limited to short-term solutions. That approach would not reach enough students and would miss an opportunity to expand student connectivity solutions permanently while also addressing the current crisis.

In short, depriving schools and libraries of connectivity options based on the technology used would undermine the goal of connecting as many students as possible while the country weathers the pandemic. If, however, the Commission decides to exclude new network construction from funding, it should make clear that this exclusion does not apply to the installation of private LTE networks and similar dedicated networks that can be installed quickly and that do not compete with existing residential market telecommunications or cable networks.

²⁴ See, e.g., Letter from Elaine Wynn, President, Nevada State Board of Education, to Chairman Pai, FCC, CC Docket No. 02-6 (filed Aug. 10, 2020), at 3-4 (Nevada Petition) (proposing to install fixed wireless hotspots on the roofs of buildings, and estimating that such installations could operate for up to eight years without substantial upgrades).

II. THE COMMISSION SHOULD DECLARE THAT REMOTE LEARNING CONSTITUTES AN “EDUCATIONAL PURPOSE” AND THAT COST ALLOCATION OF E-RATE-FUNDED SERVICES USED FOR REMOTE LEARNING IS NOT REQUIRED

In response to the Bureau’s *Remote Learning Public Notice*, ENA filed comments supporting the requests by SHLB and others that the Commission declare remote learning to be an “educational purpose,” as that term is used in section 254, so that services purchased to enable remote learning would be eligible for E-rate support and need not be cost-allocated out of funding requests, at least during the pandemic.²⁵ ENA respectfully reiterates its support for the requested declaration that remote learning is an educational purpose. This declaration is essential to ensure that schools and libraries can receive the full benefit of the ECF without potentially sacrificing E-rate support.

ENA respectfully emphasizes the importance of the requested declaration to the ECF program. Suppose a school district is providing off-campus service to teachers and students using a wireless network connected to the district’s WAN, and then uses the district’s broadband service to deliver traffic to and from the Internet. Traffic from those off-campus users traverses the district’s E-rate-funded WAN and Internet access services and must be cost-allocated under existing E-rate program rules. Thus, when a school district purchases services and equipment for remote learning using ECF funding, it will either have to keep those services completely separate from its E-rate-funded services, or it will have to cost-allocate out of its E-rate funding any traffic to or from the remote learning facilities. ENA does not believe that Congress envisioned

²⁵ See Comments of ENA Services, Inc., WC Docket No. 21-31 (filed Feb. 16, 2021); *Wireline Competition Bureau Seeks Comment on Petitions for Emergency Relief to Allow the Use of E-Rate Funds to Support Remote Learning During the COVID-19 Pandemic*, WC Docket No. 21-31, Public Notice, DA 21-98 (Wireline Comp. Bur. 2021) (*Remote Learning Public Notice*); Petition for Expedited Declaratory Ruling and Waivers filed by the Schools, Health & Libraries Broadband Coalition, et al., WC Docket No. 13-184 (filed Jan. 26, 2021) (SHLB Petition).

school districts and libraries having to sacrifice E-rate funding in order to receive ECF funding in this manner, or to have to assume the expense and complication of segregating their network facilities depending on whether the funding is coming from ECF or E-rate. To avoid this outcome, the Commission should grant the petitions requesting a declaration that remote learning is an educational purpose, and that the facilities used to enable remote learning are thus eligible for E-rate funding and need not be cost-allocated out of E-rate funding requests. At a minimum, the Commission should make clear that applications are not required to cost-allocate E-rate-funded services that may commingle with ECF-funded services, as in the scenario described above.

III. THE COMMISSION SHOULD PERMIT THE CONTINUED USE OF ECF-FUNDED EQUIPMENT AFTER THE COVID-19 EMERGENCY ENDS

The *Public Notice* seeks comment on how eligible equipment should be treated once the COVID-19 emergency period ends.²⁶ ENA urges the Commission to allow applicants that purchase equipment with ECF funding to continue using that equipment for remote learning once the pandemic is under control. It would not be an efficient use of federal funds to allow schools to purchase equipment or install network facilities for remote learning, then essentially prohibit the use of that equipment for that purpose once the current crisis subsides. In addition, even once the COVID-19 emergency period ends, school districts and libraries will likely still need to serve some students, staff or library patrons at home for purposes of quarantining and otherwise ensuring public health.²⁷

²⁶ *Public Notice* at 14.

²⁷ While the Commission does not have to make this decision to adopt rules for ECF in the short-term, ENA also urges the Commission to seek comment on and consider whether it is in the public interest to grant the requested declaratory ruling that remote learning is an educational purpose permanently, as discussed above, in order to ensure that ECF applicants can continue to use their ECF-funded equipment

IV. THE APPLICATION PROCESS SHOULD BE AS STREAMLINED AND APPLICANT-FRIENDLY AS POSSIBLE

The *Public Notice* seeks comment on the ECF funding application process.²⁸ ENA believes that the application process should be as streamlined as possible and should leverage the existing E-rate infrastructure as much as possible. Using the existing E-rate forms and procedures will make the application process easier for applicants, who are already familiar with those forms and procedures. Applicants should be allowed to choose either the BEAR or the SPI invoicing process, as is the case with ordinary E-rate funding.²⁹

Importantly, the Commission should allow applicants to apply for and obtain funding just as they do in the E-rate program and should not require applicants to pay for charges themselves and then seek ECF reimbursement. In the COVID-19 telehealth program, the Commission required beneficiary health care providers to pay for all charges upfront, and then seek reimbursement from the Commission.³⁰ But there are many schools and libraries that cannot afford to pay for services and equipment out of pocket, so the Commission should not take this approach in its ECF rules.

for remote learning after the pandemic emergency ends. Further, making that finding permanent will ensure ECF-funded equipment is not stranded once the pandemic emergency is over, by allowing schools and libraries to obtain E-rate funding for the category one services necessary to continue using that equipment.

²⁸ *Public Notice* at 12-13.

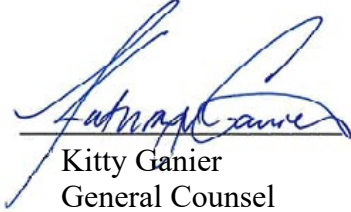
²⁹ In response to the *Remote Learning Public Notice*, some commenters argued that applicants should be required to use the BEAR invoicing process for remote learning services.

³⁰ *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket Nos. 18-213, 20-89, Report and Order, 35 FCC Rcd 3366, 3381 ¶ 29 (2019).

V. **CONCLUSION**

ENA appreciates the opportunity to comment on the Commission's implementation of the Emergency Connectivity Fund. Please let us know if there is any additional information we can provide.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kitty Ganier", is written over a horizontal line.

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