

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

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

**COMMENTS OF  
UNITED STATES CELLULAR CORPORATION**

United States Cellular Corporation (“U.S. Cellular”), by counsel, and pursuant to the Commission’s *Public Notice*,<sup>1</sup> hereby submits these Comments in the above-captioned proceeding. U.S. Cellular is the fourth largest facilities-based wireless carrier in the United States, providing mobile voice and broadband services in 21 states, located in regional clusters across the country.

**I. INTRODUCTION.**

In appropriating \$7.171 billion for emergency connectivity for our nation’s schools and libraries, Congress could not be more clear that immediate and substantial actions are needed to connect students and library patrons to broadband networks that are essential to meaningful participation in our society.<sup>2</sup> Perhaps most important, Congress has given the Commission latitude to fashion mechanisms that provide assistance to students and library patrons where

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<sup>1</sup> *Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic*, Public Notice, DA 21-317, WC Docket No. 21-93 (Mar. 16, 2021) (“*Public Notice*”).

<sup>2</sup> See American Rescue Plan Act, 2021, H.R. 1319, 117th Cong., tit. VII, § 7402 (2021) (enacted), available at <https://www.congress.gov/bill/117th-congress/house-bill/1319/text> (“Rescue Plan Act”) (establishing the Emergency Connectivity Fund).

they learn, including support for devices needed to access the Internet remotely. Connecting students and library patrons at home, or in any other location, is a central objective of the law. U.S. Cellular fully endorses the Commission’s efforts to implement the Rescue Plan Act, to launch the Emergency Connectivity Fund, and to make significant progress in closing the Homework Gap.

## II. COMMENTS

### A. The Commission Should Augment Existing E-Rate Contracts and Otherwise Track the Existing E-Rate Program.

By authorizing the Commission to support remote access products and services for schools and libraries eligible under Sections 254(h)(1)(B) and 254(h)(2) of the Communications Act of 1934, as amended (“Act”),<sup>3</sup> the statute extends and expands the E-Rate program.<sup>4</sup> The Commission seeks comment on what rules it should adopt to distribute funding most efficiently and effectively for the Emergency Connectivity Fund, mindful of its obligation to protect against waste, fraud, and abuse.<sup>5</sup>

U.S. Cellular offers several practical paths to achieve efficient and effective fund administration. First, through its current relationships with schools and libraries, located predominantly in rural markets, U.S. Cellular has direct knowledge of the fact that these institutions are struggling mightily to meet the demands of students and patrons. The remote

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<sup>3</sup> 47 U.S.C. §§ 254(h)(1)(B), 254(h)(2).

<sup>4</sup> See Section 7402(a) of the Rescue Plan Act. Indeed, Section 7402 is named “Funding for E-Rate Support for Emergency Educational Connections and Devices.”

<sup>5</sup> *Public Notice* at 3.

environment caused by the pandemic has created an immediate and dire need of funding for existing and additional devices and services needed to connect to the Internet. Accordingly, U.S. Cellular fully supports the Commission’s proposal to allow eligible schools and libraries currently in contract arrangements to seek reimbursement for, (1) the cost of eligible equipment and services purchased under their existing contracts, and (2) the purchase of additional equipment and services on the same or better terms, without having conducted a Commission-mandated competitive bidding process.<sup>6</sup> This includes of course, E-Rate eligible schools that have been using their own funds to facilitate remote learning due to the Commission’s current prohibition on the use of E-Rate funds for devices and services used to access the Internet beyond the school campus. This is the fastest and most efficient way in which to meet this crisis head on without delay typically associated with a formal bidding process.

Second, U.S. Cellular supports the opening of successive 30-day filing windows to allow eligible schools and libraries to apply for reimbursement for devices purchased between January 27, 2020, and June 30, 2021.<sup>7</sup> The first filing window should be for purchases made through the filing window date, and subsequent filing windows should be opened every six months for purchases made within each successive six-month period.

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<sup>6</sup> *Id.* at 10 (proposing “to allow eligible schools and libraries to seek reimbursement for the cost of eligible equipment and services purchased without having conducted a Commission-mandated competitive bidding process for purposes of the Emergency Connectivity Fund”).

<sup>7</sup> *Id.* at 12.

Third, U.S. Cellular supports the Commission’s proposal to require schools and libraries, rather than service providers, to submit invoices for reimbursement.<sup>8</sup> Direct reimbursement for purchases is efficient and presents no additional concerns regarding program waste. Schools and libraries have ample incentives not to jeopardize their continuing eligibility for E-Rate benefits. By certifying compliance with all applicable state, Tribal, and local procurement requirements, schools and libraries will provide the Commission with reasonable assurance that funds have been properly expended. Moreover, the Commission retains audit authority, an effective deterrent and enforcement mechanism.

Fourth, the Commission should adopt as streamlined a competitive bidding process as possible for schools and libraries currently out of contract.<sup>9</sup> The 2021 funding year application filing window closed on March 25, 2021, and therefore an abbreviated competitive bidding process to distribute funds provided by Congress, along the lines of what the Commission has proposed in the *Public Notice*, will best serve those facilities having immediate need.

If the Commission does choose an abbreviated competitive bidding process for new applicants, U.S. Cellular believes that, to the greatest extent possible, existing E-Rate procedures and forms should be leveraged to minimize program waste, maintain simplicity for participants and the FCC, and minimize the Commission’s costs in meeting requirements set forth in the statute.<sup>10</sup> Eligible schools and libraries, as well as service providers, are familiar

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<sup>8</sup> *Id.* at 13-14.

<sup>9</sup> *Id.* at 11.

<sup>10</sup> *Id.* at 13.

with bidding procedures, recordkeeping, and related administrative actions needed to meet the E-Rate program requirements. By maintaining the existing system, the Commission will reduce waste and assist the Universal Service Administrative Company in its task of effectively administering the program.

**B. The Commission Should Permit a Wide Variety of Devices to be Eligible for Reimbursement.**

Today, citizens access broadband through a wide variety of devices.<sup>11</sup> U.S. Cellular supports the notion that users should be permitted to choose the device that best suits their needs. While many people may prefer a laptop or tablet to access educational material, a person who prefers a large smartphone should not be prevented from selecting that device. This is especially so because neither U.S. Cellular nor the Commission can fully appreciate how individuals use various communications tools, and how their options for using these tools are rapidly expanding. For example, although a handset may not allow full qwerty keyboard typing, a Bluetooth qwerty keyboard can be purchased for as little as \$12.<sup>12</sup> Many basic Android devices are capable of casting/mirroring their image to a nearby television or other compatible screen. In addition, voice dictation capabilities on nearly every smartphone support robust functionality.

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<sup>11</sup> For example, U.S. Cellular offers at least 42 devices capable of accessing broadband networks, including various sized handsets, Mi-Fi devices, routers, and tablets.

<sup>12</sup> See, e.g., [Amazon.com: Carago Ultra-Slim Bluetooth Keyboard Compatible with iPad 10.2-inch/iPad Air/iPad 9.7-inch/iPad Pro/iPad Mini, iPhone and Other Bluetooth Enabled Devices Including iOS,Android, Windows \(Black\): Computers & Accessories.](#)

Accordingly, the Commission’s preliminary conclusion that smartphones generally “do not sufficiently allow students, school staff, and library patrons to meaningfully participate in remote learning activities,”<sup>13</sup> may inappropriately and unnecessarily narrow choices for those citizens preferring a smaller form handset, whether it be for education or reading material from a library. It may well be that demand for smartphones in the Emergency Connectivity Fund program turns out to be nominal. Nonetheless, the Commission would be well-served by not foreclosing the opportunity of students, school staff, and library patrons to choose what best suits their needs.

The Commission should also take into account the fact that Congress contemplated smartphones to be eligible for support from the Rescue Plan Act. When Congress created the Emergency Broadband Benefit Program in the 2021 Appropriations Act, it defined a connected device to mean “a laptop or desktop computer or a tablet.”<sup>14</sup> In the Rescue Plan Act, Congress defined a connected device to mean, “a laptop computer, tablet computer, *or similar end-user device* that is capable of connecting to advanced telecommunications and information services.”<sup>15</sup> In determining the meaning of “similar end-user device,” the legislative history reveals that Congress sought to provide students and library patrons with access, “through different technological solutions, including residential broadband service provided in different

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<sup>13</sup> *Public Notice* at 6 (proposing “not to include mobile phones (i.e., smartphones) as eligible connected devices”).

<sup>14</sup> See H.R. 133, Consolidated Appropriations Act, 2021 [Including Coronavirus Stimulus & Relief] at Section 904(a)(4), accessed at [Related Bills - H.R.133 - 116th Congress \(2019-2020\): Consolidated Appropriations Act, 2021 | Congress.gov | Library of Congress](#).

<sup>15</sup> Rescue Plan Act, § 7402(d)(3) (emphasis added).

forms, or through WiFi hotspots, *either incorporated into mobile phone[s] or provided on a standalone basis*, among other things.”<sup>16</sup>

Looking at the large array of devices in the marketplace, it is reasonable to conclude that a small tablet and a large smartphone can be fairly characterized as “similar end-user devices.” This is especially so because it is difficult to discern the two. Devices labeled “smartphone” and “tablet” can be found with each having diagonal screens of approximately 7 inches.<sup>17</sup> If one accepts the fact that the line between small tablets and large smartphones is now blurred, both in size and functionality, then this provides a compelling basis for the Commission to authorize reimbursement for smartphones.

Restricting smartphone access may also increase program cost. For example, in a household accessing library materials through a smartphone, the restriction may require the purchase of a new device with program funds. This can also increase costs for the user, as various cords and accessories may need to be purchased, which, in the case of low-income households can present a barrier. In addition, when Congress specified “Wi-Fi hotspots” as eligible equipment,<sup>18</sup> it did not limit the term to “stand-alone” or other similar devices, such as a “Mi-Fi” device. Accordingly, a smartphone that contains Wi-Fi hotspot functionality serves two purposes, which can efficiently reduce device costs for the program.

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<sup>16</sup> H.R. Rep. No. 117-7, at 306-07 (2021) (emphasis added).

<sup>17</sup> See, e.g., Amazon Fire 7 Tablet, accessed at, [Amazon.com: Fire 7 tablet \(7" display, 16 GB\) - Black: Kindle Store](https://www.amazon.com/dp/B079431888).

<sup>18</sup> Rescue Plan Act, § 7402(c)(6).

Finally, enabling a household to choose a mobile device has a significant public interest benefit – facilitating the greatest possible number of use cases. For example, in areas where a mobile connection is the only one at the home, or where a high-quality Wi-Fi connection is only available outside the home, a supported mobile device can deliver significant benefits that are not available with today’s E-Rate program, which restricts funds to products and services provided at a school campus. A student in such a situation could access broadband at home and throughout the community, either on a mobile or Wi-Fi connection. During this emergency period, the objective should be to deliver solutions to as many citizens as possible, as quickly as possible.

In sum, there is no apparent downside to the Commission’s permitting users to choose the device that best suits their needs, provided that the required functionalities are built into the device. Moreover, as U.S. Cellular has shown, Congress specifically contemplated mobile devices accessing program support. U.S. Cellular therefore urges the Commission to allow reimbursement for smartphones.

**C. Service Standards and Data Thresholds Should Reflect a Broad Range of Consumer Needs.**

The Commission seeks comment on whether it should impose minimum service standards, data thresholds, and related questions.<sup>19</sup> The Rescue Plan Act specifically funds “advanced telecommunications and information services (or both)” as set forth in Section 254(h) of the Act, and sets no minimum throughput requirements or data thresholds.<sup>20</sup>

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<sup>19</sup> *Public Notice* at 7.

<sup>20</sup> See Rescue Plan Act, §§ 7402(a), 7402(d).



Currently, neither the Act nor the Commission’s rules specify minimum throughput requirements or data thresholds. U.S. Cellular notes that the 2021 funding year eligible services list for Category One connections includes ISDN, DSL, and “Wireless (e.g., microwave).”<sup>21</sup>

Given the circumstances, an emergency requiring an immediate and broad-based policy response, the Commission should permit schools to choose the service that best suits their needs, from all available sources, especially when considering off-campus uses. For example, in some rural areas, where a fiber connection or other high-speed connection may be available at the schoolhouse door, a home just a few miles away may be limited to a relatively slow DSL connection. To the extent that fixed or mobile wireless services are available that provide a superior option for the household, it makes common sense for the Commission to make these services eligible.

If the Commission were to limit support from the Rescue Plan Act to connections achieving 25/3 Mbps, or to only fixed services, Internet access might be denied to many households seeking to engage in remote learning, especially those in rural areas with limited options. Given the generous support provided by Congress, carriers have an incentive to offer to schools and libraries the fastest network speeds that can be achieved, and both schools and consumers have an incentive to choose the fastest available speed and the best option from what may be limited choices in rural or remote areas.

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<sup>21</sup> *Modernizing the E-Rate Program for Schools and Libraries*, , Order, DA 20-1418, WC Docket No. 13-184 (WCB, Nov. 30, 2020), App. B, Eligible Services List for Funding Year 2021, Schools and Libraries Universal Service Support Mechanism, WC Docket No. 13-184, at 7-8.

Accordingly, U.S. Cellular urges the Commission not to constrain viable options for areas currently lacking 25/3 Mbps or greater speeds.

**III. CONCLUSION.**

U.S. Cellular thanks the Commission for the opportunity to present these comments and looks forward to participating in the Emergency Connectivity Fund.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

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