

April 5, 2021

Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

RE: Comments on Public Notice DA 21-317

Dear Commissioners:

ClientFirst appreciates the opportunity to present comments on Public Notice DA 21-317. We have reviewed the comments and requested feedback from over 20 schools, school districts, and library agencies we consult for in Illinois and California. The organizations represent a cross-section of district size, both urban and rural, and a variety of socio-economic status.

Comments

The comments are organized below the question from the Public Notice, including the page number within the Public Notice. We have not commented on all questions in the Public Notice, just ones that we or our client districts felt was necessary to comment on.

One overarching theme of our comments is the need to keep the reporting and compliance requirements flexible, so as not put schools and libraries through an inordinate burden to request this funding.

Here are the questions from the Public Notice with our comments:

1. We also seek comment on how to best measure the Commission's and USAC's performance in efficiently and effectively administering this Fund. Should the Commission adopt specific broadband adoption goals for students, school staff, and library patrons (Page 3)?
 - a. Comment: Due to the emergency nature of this funding, we request that no specific adoption goals be imposed on schools and libraries. They have been reacting throughout this process to bring benefit to their students. Adoption goals should be open-ended.
2. Connected devices are defined as laptop computers, tablet computers, or similar end-user devices that are capable of connecting to advanced telecommunications and information services.¹ We propose to use the same definitions for eligible equipment in the Commission's rules implementing section 7402 of the American Rescue Plan, and seek comment on doing so (Page 5).
 - a. Comment: We agree with this definition
3. Should the Commission provide any further guidance regarding what sorts of connected devices are eligible for reimbursement through the Emergency Connectivity Fund (Page 5)?
 - a. Comment: Device requirements should provide flexibility to allow specific end-user laptops/desktops for students taking STEAM or other classes remotely, as

those classes may have high-end technology requirements compared to regular student users.

4. Although not specifically identified, should desktop computers be eligible for funding as “similar end-user devices” that are capable of connecting to “advanced telecommunications and information services” (Page 5)?
 - a. Comment: Desktop computers should be included as an option, to increase flexibility of choices.
5. Recognizing that participating in remote learning requires a device that can support an array of learning technologies, including video conferencing platforms, we propose that a connected device supported through the Emergency Connectivity Fund be able to support video conferencing platforms and other software necessary to ensure full participation in remote learning activities (Pages 5 and 6).
 - a. Comment: We agree with this requirement.
6. We seek comment on excluding from funding dark fiber and the construction of new networks, including the construction of self-provisioned networks (Page 7).
 - a. Comment: With regard to rural connectivity, one of our districts has expressed an interest in working with vendors to construct an LTE network to service their rural population. Where there are no connectivity options, quick construction of new networks, or enhancing existing networks, may be the best way to reach underserved students.

 We presented on remote learning with a rural district, where a student was doing homework in a local tavern because it was the only building near their house that provided any type of wireless connectivity. Another student was working in an unheated attic throughout the winter because it was the only point in the house where a wireless hotspot could get a signal.
7. Should the Commission interpret “advanced telecommunications and information services” to include the equipment necessary to deliver these services to connected devices as eligible (Page 7)?
 - a. Comment: We agree with this interpretation.
8. Should installation costs, taxes, and fees be included as an allowable cost?
 - a. Comment: We agree with this position.
9. We also seek comment on whether the Commission should impose minimum service standards and data thresholds with respect to those services in order to consider them to be eligible advanced telecommunications and information services (Page 7).
 - a. Comment: We urge flexibility for schools and libraries to choose minimum standards and data thresholds based on their requirements.
10. Should the Commission impose any per-location limitation on Wi-Fi hotspots (Page 8)?
 - a. Comment: We suggest that the flexible approach would be not to restrict WiFi hotspots on a per-location basis.
11. To maximize available funds, we propose that the Commission require that schools document the student(s) and staff member served at each supported location and prohibit schools from providing more than one supported connection and more than one connected device to each student or staff member (Page 8).

- a. Comment: We do agree that Emergency Connectivity Funding should only pay for one of these devices per student. However, we believe that there may be exceptions to this rule. If a student is required to use a higher-end computer for a STEAM (or other) class they are enrolled in, the high-end computer may be in addition to their regular 1-to-1 laptop (see Comment 3). If this type of device is provided to a student for completing the STEAM class, the Emergency Connectivity Funding should only pay for one of device per student.
- 12. 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 (Page 9)?
 - a. Comment: Schools and libraries should be allowed to create Wi-Fi connectivity areas at other facilities that they do not own, including outdoor spaces. One of our library clients would like to create an outdoor Wi-Fi and kiosk area using the outdoor space adjacent to a city building. This type of connectivity should be allowed under this fund.
- 13. We seek comment on whether the Commission should require that equipment and services purchased with funding from the Emergency Connectivity Fund be primarily for educational purposes (Page 9).
 - a. Comment: This requirement will be difficult to enforce in the current emergency
- 14. As an initial matter, we seek comment on whether the Commission should reimburse for purchases of eligible equipment and services made by eligible schools and libraries since January 27, 2020. Do commenters interpret the American Rescue Plan as requiring the Commission to do so, subject to the Commission's authority to determine reasonable costs for eligible equipment and services (Page 10)?
 - a. Comment: We agree with the January 27, 2020 date.
- 15. We therefore propose 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. Instead, we propose that the Commission require schools and libraries seeking funding from the Emergency Connectivity Fund to certify that they have complied with all applicable state, Tribal, or local procurement requirements with respect to the contracts they used to purchase eligible equipment and services (Page 10).
 - a. Comment: We strongly suggest that the Commission follow this guideline. It will compensate organizations that took reasonable, pre-emptive steps to provide for their students and patrons.
- 16. In adopting such a process, should the Commission reduce to 14 days the time that an applicant must wait to enter into a contract with a service provider after posting a request for bids (Page 11)?
 - a. Comment: We agree with this recommendation as a reasonable way to continue the competitive bidding process.
- 17. Should the Commission consider accounting for other factors such as poverty, rurality, and/or broadband availability in the Emergency Connectivity Fund (Page 12)?
 - a. Comment: Poverty can be factored into prioritization if funds are limited.
- 18. Is 30 days an appropriate filing window length (Page 12)?
 - a. Comment: 45 days is a minimum length, including the 14-day bidding process.

19. Miami-Dade County Public Schools suggests retroactive reimbursement for device purchases but only prospective funding for services (Page 13).
 - a. Comment: We disagree with this position. Schools and libraries that took pre-emptive steps early in the pandemic to provide for their students should be compensated for both device and telecommunications costs.
20. Is having schools and libraries submit invoices and documentation an effective safeguard against the misuse of funds given that reimbursement is for 100% of the costs (Page 14)?
 - a. Comment: This is reasonable, similar to BEAR and SPI documentation.

Thank you for allowing organizations to comment on rules and procedures for the Emergency Connectivity Fund. If you have any questions, feel free to contact Craig Williams at 630.656.7366 or via email at cwilliams@clientfirstcg.com for additional information.

Sincerely,



Craig Williams, RCDD, NTS

Director

Infrastructure Consulting Services



Tom Jakobsen

Senior Partner

IT Infrastructure and Operations Practice Leader