

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 ) WC Docket No. 21-93  
CONNECTIVITY FUND )  
ASSISTANCE )

**COMMENTS OF  
THE CITIES OF LOS ANGELES, CALIFORNIA; CHICAGO, ILLINOIS; PORTLAND,  
OREGON; BOSTON, MASSACHUSETTS; WASHINGTON, D.C.; WITH  
MONTGOMERY COUNTY MARYLAND AND THE TEXAS COALITION OF CITIES  
FOR UTILITY ISSUES**

GERARD LAVERY LEDERER  
BEST & KRIEGER LLP  
1800 K Street N.W., Suite 725  
Washington, DC 20006  
Counsel for the Localities  
[Gerard.Lederer@BBKLaw.com](mailto:Gerard.Lederer@BBKLaw.com)

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## EXECUTIVE SUMMARY

Local Governments file these comments to affirmatively reply to the Commission's question of whether "there are other entities, not already eligible under the E-Rate program, that the Commission should make eligible for support through the Emergency Connectivity Fund." While programs such as local schools and libraries are eligible under E-Rate programs, Local Governments, and other similarly committed entities, should be made eligible for the Emergency Connection Fund ("ECF") as we have stood up connectivity programs, including providing equipment, in response to connectivity needs of eligible individuals and families during the pandemic. These are programs that mirror the intent and structure Congress directed the Commission to establish through the ECF. As this filing seeks to demonstrate, the only difference between our sponsored programs and the types of programs the ECF will support are that local, not federal funds, primarily support the programs. These local funds are disappearing. The benefits these programs have brought to eligible parties will also disappear unless the Commission makes such programs eligible recipients.

Local Governments further file in the hope that our experiences in seeking to close the digital divide through sponsored broadband access programs, bulk purchases of both access and equipment as well as digital literacy training and other online opportunities that can improve learning, health, work, and overall quality of life will prove helpful to the Commission as it seeks to best invest the billions in assistance that the American Rescue Plan Act makes possible. We also hope that the Commission's ECF program will be flexible enough that local governments, schools, and libraries might develop innovative means to bring educational opportunities to students, library patrons, and other individuals off-campus.

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MONTGOMERY COUNTY MARYLAND AND THE TEXAS COALITION OF CITIES  
FOR UTILITY ISSUES**

**I. INTRODUCTION**

Local Governments submit these comments in response to the Public Notice released on March 16, 2021,<sup>1</sup> seeking comment and suggestions on how best to implement the Emergency Connectivity Fund (“ECF”).<sup>2</sup> Local Governments file these comments primarily to affirmatively reply to the Federal Communication Commission’s (“FCC” or “Commission”) question of

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<sup>1</sup> Public Notice, *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 (March. 16, 2021) (“Notice”).

<sup>2</sup> 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> (“American Rescue Plan Act”). Section 7402 of the American Rescue Plan, establishing the Emergency Connectivity Fund. The ECF support will not be provided through contributions under Section 254(d) of the Communications Act of 1934. *Id.* § 7402(c)(4).

whether “there are other entities, not already eligible under the E-Rate program, that the Commission should make eligible for support through the Emergency Connectivity Fund.”<sup>3</sup> Local Government programs beyond schools and libraries, and other similarly committed entities, should be made eligible, as we have stood up connectivity programs, including providing equipment, in response to connectivity needs of eligible individuals and families during the pandemic. These programs mirror the intent and structure Congress directed the Commission to establish through the ECF. As this filing seeks to demonstrate, the only difference between our sponsored programs and the types of programs the ECF will support are that primarily local, not federal funds, support the programs. These local funds are disappearing, as will the benefits these programs have brought to eligible parties unless the Commission makes such programs eligible recipients.

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<sup>3</sup> Notice at 4.

The cities of Los Angeles, California;<sup>4</sup> Chicago, Illinois;<sup>5</sup> Portland, Oregon,<sup>6</sup> Boston, Massachusetts,<sup>7</sup> Washington, D.C.;<sup>8</sup> with Montgomery County, Maryland<sup>9</sup> and the Texas

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<sup>4</sup> The City of Los Angeles is proud to continually seek solutions to connect our most vulnerable residents to the online services and information they need to thrive. At the beginning of the COVID-19 pandemic, the City of Los Angeles launched its [GetConnectedLosAngeles.lacity.org](https://www.getconnectedlosangeles.lacity.org) site to provide information on low-cost and no-cost internet connectivity options for all Angelenos, especially for our students who were now in a distance learning environment. As the conditions of the pandemic kept Angelenos 'Safer at Home', the City began convening the LA Telecommunications and Digital Equity Forum, meeting frequently with all telecommunication providers on solutions to destroy the digital divide and to expedite the build out of 4G and 5G across Los Angeles including in areas previously digitally divided. Starry Internet moved quickly to provide 6 months of free broadband to residents in our public housing facilities, reaching 9,000 households as of December 31, 2020. In addition, the City launched the [Angeleno Connectivity Trust \(ACT\)](#) in partnership with the Mayor's Fund for Los Angeles and T-Mobile, to provide 18,000 WiFi hotspots to K-12 students experiencing homelessness, with a disability and/or those who have dropped out or are at risk of dropping out due to lack of connectivity. The City's FamilySource Centers, YouthSource Centers, LA Public Library and Community Based Organizations help to identify eligible students and provide wraparound services.

<sup>5</sup> Chicago is proud to be known as the city of broad shoulders, a global, diverse city home to 77 neighborhoods and the nation's first skyscraper, all of which the City proudly shares at <https://www.chicago.gov/city/en/about/facts.html>. For purposes of these comments, Chicago is most proud to be a connected community that seeks to ensure that all of its residents have the ability to be connect to affordable broadband services. In the middle of the COVID-19 pandemic (June 25, 2020), the City launched "Chicago Connected," a public-private partnership, that seeks to provide high speed internet for approximately 100,000 eligible Chicago Public Schools (CPS) families at no cost to them. The program provides internet to public school students for up to four years by directly paying for internet service for families that are most in need. Comcast, RCN, and T-Mobile are our participating providers. Eligibility is determined on an annual basis. A summary of Chicago Connected may be found online at <https://digitalbridgek12.org/toolkit/deploy/chicagoconnected/#:~:text=Lightfoot%20announced%20the%20launch%20of,their%20home%20for%20remote%20learning>.

<sup>6</sup> Portland's City Council unanimously adopted the Digital Equity Action Plan ("DEAP") on April 6, 2016. The DEAP outlines a series of operational and policy proposals for public and private agencies, along with nonprofits, in Portland/Multnomah County to advance the cause of digital equity. The DEAP's mission is to bridge the digital divide for excluded members of our community with affordable access, training and tools. More information and practical applications of the DEAP vision can be found at <https://www.portlandoregon.gov/oct/73863>.

<sup>7</sup> While Boston is one of the nation's oldest municipalities, it is a community that seeks to be on the cutting edge of science, education and digital inclusion. Boston has many firsts to its credit: the nation's first public park, first public or state school, and first subway system. In 1799, Boston established the first board of health and the first health department in the United States with Paul Revere named as the first health officer. Boston also celebrates what it believes is the

Coalition of Cities For Utility Issues<sup>10</sup> file these comments to thank the 117th Congress and President Biden for creating the \$7.171 billion ECF as part of the American Rescue Plan Act of 2021. Local Governments further offer our support, insights, and pledge of assistance to the FCC as it seeks to best develop and execute distribution of funding from the ECF to eligible schools and libraries and other eligible parties for the purchase of eligible equipment and

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first comprehensive digital inclusion program run by any municipality in the United States: Tech Goes Home. Tech Goes Home challenges deep digital inequity by empowering community members to access and use digital tools to overcome systemic barriers and advance lives. Simply put, Tech Goes Home makes available for those that qualify and complete our training program computers, internet access, and training. Boston’s goals are to ensure that students can do homework, adults can find jobs and manage finances, seniors can connect with loved ones, linguistic minorities can learn English remotely, and all can access telehealth. A copy of Tech Goes Home Annual Report is available online at [https://47ab9e76-c79f-45c8-8473-ff7df2a7cd56.filesusr.com/ugd/f01914\\_2a3f84485cf94608bb8900b53fb40864.pdf](https://47ab9e76-c79f-45c8-8473-ff7df2a7cd56.filesusr.com/ugd/f01914_2a3f84485cf94608bb8900b53fb40864.pdf).

<sup>8</sup> In Washington D.C., Mayor Bowser launched the \$3.3 million Internet for All initiative in September of 2020 to provide free internet access for up to 25,000 SNAP and TANF eligible families in our traditional and charter public schools as schools shifted classes online. The District dedicated funding from the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act and Governor’s Emergency Education Relief (GEER) Fund. The District seeks to provide connection services through DC-Net to eligible students library patrons, and other eligible individuals through the ECF.

<sup>9</sup> Montgomery County is proud of the efforts the community has made to ensure that none of our low income residents are left behind both during the Covid pandemic. These efforts have taken three distinct paths: sponsored school connection programs, public private partnerships that leverage municipal broadband, and digital equity outreach and educational efforts. An array of the low cost Internet offerings available to low income families in Montgomery County can be found at [https://montgomerycountymd.gov/obp/Resources/Files/documents/Montgomery%20County%20Low%20Income%20Broadband%20Chart%20\(2020-11\)](https://montgomerycountymd.gov/obp/Resources/Files/documents/Montgomery%20County%20Low%20Income%20Broadband%20Chart%20(2020-11)).

<sup>10</sup> The Texas Coalition of Cities For Utility Issues (“TCCFUI”) is a coalition of more than 50 Texas municipalities dedicated to protecting and supporting the interests of the citizens and cities of Texas with regard to utility issues. The Coalition is comprised of large municipalities and rural villages. TCCFUI monitors the activities of the United States Congress, the Texas Legislature, the Public Utility Commission of Texas, the Texas Railroad Commission, and the FCC on utility issues of importance to cities.

advanced telecommunications and information services for use by students, school staff, library patrons<sup>11</sup>, and other individuals at locations other than a school or library.<sup>12</sup>

Commenters file with the primary goal of highlighting what each of these participating governments have done and plan to do to connect eligible parties with parallel programs supported by local funds that we hope the Commission will make eligible for ECF funds. In short, we look to demonstrate that our local sponsored programs are consistent with Congress' vision at locations other than a school or library.<sup>13</sup>

Congress and the FCC are to be applauded for recognizing the heightened need for affordable broadband connections and the need for access devices that make the broadband connection functional. While the COVID pandemic has shone a spotlight on the need for access to affordable broadband, local governments have consistently expressed their concerns that the

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<sup>11</sup> It should come as no surprise to the Commission that libraries are very generous in their application process as to who can obtain a library card. Almost, if not all, residents of a community are entitled to be a library patron. Here is a link to the Chicago webpage that describes who is eligible for a card and how one might go about obtaining a library card both in person and on-line: [https://311.chicago.gov/s/article/Public-library-cards-frequently-asked-questions?language=en\\_US#:~:text=You'll%20need%20to%20show,two%20pieces%20of%20current%20ID](https://311.chicago.gov/s/article/Public-library-cards-frequently-asked-questions?language=en_US#:~:text=You'll%20need%20to%20show,two%20pieces%20of%20current%20ID).

<sup>12</sup> American Rescue Plan § 7402.

<sup>13</sup> *Id.* For instance, a recent City of Chicago ballot initiative found that 90 percent of Chicagoans were in support of the City's efforts to ensure broadband access in all community areas. Chicago Public Schools Press Release (rel. Dec. 4, 2020) available at <https://www.cps.edu/press-releases/chicago-continues-to-bridge-the-digital-divide-by-expanding-eligibility-for-no-cost-high-speed-internet-to-all-low-income-public-school-students-in-the-city/> (“CPS Press Release”)

digital divide exists.<sup>14</sup> And moreover, the digital divide exists in urban America, where broadband may be available, but for many it has not been affordable.<sup>15</sup>

Local Governments further file in the hope that our experiences in seeking to close the digital divide are illustrative of what the ECF should do. Providing support must be a three pronged attack. Providing connecting equipment and access is not enough. Digital literacy, or training school families and library patrons on how broadband works and how it can improve their lives must be a component of eligible expenses as the Commission seeks to best invest the billions in assistance that the Act makes possible.

## **II. EXISTING PROGRAMS, ESPECIALLY SPONSORED PROGRAMS, PROVIDING EMERGENCY CONNECTIONS SHOULD BE ELIGIBLE FOR ECF SUPPORT**

### **A. Bulk Purchases And Sponsored Programs That Are Consistent With The Goals Of The ECF Should Be Funded.**

Bulk purchases, sponsored programs, directly provided services, and locally provided services such as those that are outlined in this comment and that the Local Governments outlined in the Emergency Broadband Benefit proceeding should be made eligible.<sup>16</sup> As this filing seeks to demonstrate, the only difference between our sponsored programs and the types of programs the ECF will support are that primarily local, not federal, funds support the sponsored programs.

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<sup>14</sup> See Comments of NATOA in WC Docket No. 20-445 (filed Jan. 25, 2021) at 2 (“Local governments are uniquely situated to contribute to the success of the Program. The availability of affordable broadband for every citizen has long been a priority for local governments. For decades, local governments have worked to prevent redlining through cable franchise agreements and, more recently, efforts to ensure the benefits of 5-G services reach every resident.”)

<sup>15</sup> *Id.*

<sup>16</sup> Notice at 4; *see also* Notice at 9 (citing to Chicago’s experience) (“For example, some school districts have bulk purchase programs to provide free broadband service to students and their families. Would this proposed approach allow other school districts to establish similar programs?”)

The Commission should permit bulk purchasers of broadband services such as schools, public housing, and not-for-profit organizations to continue to make purchases for eligible households. Likewise, the Commission should embrace the practice of sponsored services. For instance, Chicago has both a bulk purchasing contract for hot spots with T-Mobile and sponsored service arrangements with Comcast and RCN, but the majority of the program is a sponsored service arrangement. Chicago Public Schools families sign up with Comcast or RCN to participate in the Chicago Connected program and are given a sponsor code that results in Chicago Connected covering the actual cost. Students experiencing homelessness, housing insecurity, or last mile wired service connectivity issues are alternatively given an active hot spot through Chicago's bulk purchase contract with T-Mobile. Boston Public Schools hold a bulk purchase contract with Comcast Internet Essentials and manage the voucher process and family connection directly, while for new immigrants, seniors and public housing residents, the City contracts with Tech Goes Home to be both the purchaser and the sponsor. Additionally, Boston has bulk purchase agreements with Verizon Wireless and AT&T for hotspots and tablets providing service to isolated seniors and new immigrants for English to Speakers of Other Languages "ESOL" course, as well as public school families in need.

For students and residents without stable housing, both Boston Public Schools and the City of Boston hold emergency bulk contracts with multiple wireless carriers and distribute the hotspots and tablets directly to the recipients.

Washington, D.C. has purchased Comcast and RCN services in bulk as part of sponsored programs for eligible households with school-aged children. Washington, D.C. also seeks to provide bulk connectivity services and devices to publicly-owned housing and shelters.

Bulk purchasing and sponsored services of broadband connections is the basis for tens, if not hundreds, of thousands of low-income households having broadband today, and with more funding the numbers would increase.<sup>17</sup> By making these programs ECF-eligible, the Commission could piggyback on existing relationships and successes.<sup>18</sup> Not only would such an act by the Commission make the transition seamless, it would also allow the program to benefit from the reduced rates these bulk purchases have been able to negotiate. For instance, should the Commission authorize Tech Goes Home to obtain ECF funding, the FCC could expand the reach of the program almost fivefold, for the administrative expenses and delays are removed and the access price is one-fifth of the amount authorized by Congress.

Finally, the fact is that Congress already contemplated a role for bulk purchasers that are also eligibility proxies. Since Congress provided that such entities could serve to verify the

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<sup>17</sup> An example of a bulk program or sponsored services can be seen in Los Angeles where in October of 2020, Mayor Eric Garcetti announced a new initiative to deliver six months of free Internet access to residents in four public housing communities across Los Angeles. The project is a partnership between the Mayor’s Office of Budget and Innovation, the Housing Authority of the City of Los Angeles (HACLA), Starry Internet, and Microsoft Corp. It will accelerate the availability of low-cost, high-quality broadband options in local public housing developments for nearly 3,600 units of housing and 9,000 residents. More information is available at <https://www.lamayor.org/mayor-garcetti-announces-free-internet-access-residents-four-public-housing-communities>.

<sup>18</sup> Local Governments embraced the distinctions and call for actions of the National Digital Inclusion Alliance (NDIA) in WC Docket No. 20-445. NDIA called on the Commission to take all reasonable steps to encourage providers to renegotiate local, COVID-era contracts for bulk purchases of internet service for low income K-12 families and other households in need. They explain the distinctions this way: “Referred to as sponsored agreements or single payer agreements, these contracts involve a community anchor institution (such as a city or school district) or a community-based organization agreeing to pay directly for hundreds, if not thousands of internet service accounts for a year or more, so that low-income constituents can afford to participate in distance learning, telemedicine, etc. in the absence of Federal assistance. With EBC subsidies available, at least temporarily, for those same constituents (and the same providers, notably Comcast), the scarce public and philanthropic dollars committed to those contracts -- often CARES Act funds -- ought to be repurposed; for example, to extend the terms of the contracts in question for additional months or increase the speed of service being provided.”

eligibility of a household for the Emergency Broadband Benefit Program.<sup>19</sup> Congress likely would not object to their assistance in rolling the program out or expanding the reach of the ECF.<sup>20</sup>

**B. All Emergency Broadband Benefit Providers Should Be Eligible to Offer ECF Supported Services.**

Local Governments suggest that all providers made eligible to receive support under the Emergency Broadband Benefit Program<sup>21</sup> should also be eligible partners for the ECF. The authority granted to the Commission to establish a provider’s eligibility for the Emergency Broadband Benefit Program as an existing eligible telecommunications carrier (“ETC”) or a test to be established by the Commission should be applied to the ECF.

**C. The Commission Should Explore Barring Providers That Qualify To Provide EBB Funded Support But Have Chosen Not To Offer EBB Funded Support From Participating In ECF Program**

As Local Governments were assembling these Comments, the FCC released the list of providers that have volunteered and filed certification materials for the Emergency Broadband

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<sup>19</sup> Consolidated Appropriations Act, 2021, H.R. 133, div. N, tit. IX § 904(b)(2).

<sup>20</sup> The FCC should allow bulk eligibility partnerships with school districts, public housing authorities, tribes and similar entities. The ECF could support quick access to large populations of eligible participants by allowing public housing authorities, tribal, and other low-income housing and similar providers to either be considered as eligible providers or partner with other ISP’s to ‘turn-on’ the internet service in every unit and then run contract management with the Housing Authority or other entity. This would remove all application barriers that often interfere with individual unit households registering for the program, it would support streamlined verification and eligibility tracking, it would limit the account management for ISPs, it would allow for housing authorities or other entities to centralize communications with tenants about the service and options one the ECF’s goals. The FCC had a similar provision for other types of providers for Lifeline broadband, which was put on hold during the last Administration.

<sup>21</sup> *Emergency Broadband Benefit Program*, WC Docket No. 20-445, Report and Order, FCC 21-29 (Feb. 25, 2021); *see also* Consolidated Appropriations Act, 2021, H.R. 133, div. N, tit. IX, § 904(a)(12), (d)(2).

Benefit Program.<sup>22</sup> While the statement references that it is but the first slate of Emergency Broadband Benefit Program providers, Local Governments are troubled that a number of large and national providers have not yet chosen to provide services under the Emergency Broadband Benefit Program. At least one leading trade press periodical reported that “[t]he list didn't include Frontier, Lumen, Verizon, Cincinnati Bell, TDS, Alaska Communications, GCI, T-Mobile, UScellular, Tracfone, Charter, Cox, Altice or Midco. It couldn't immediately be confirmed whether any of those companies' affiliates are participating. The companies didn't comment right away.”<sup>23</sup>

**D. The ECF Program Should Provide Symmetry For Support Among Schools, Libraries, And Other Government Programs**

Local Governments agree with the Commission’s tentative conclusion that funding should be available for equipment and services that are needed to provide the connectivity required to enable and support remote learning for students, school staff, and library patrons.<sup>24</sup> This tentative conclusion is consistent with Section 7402 of the Act. One could read the Notice as making school staff but not library staff eligible for connection support. Local Governments recommend that the Commission make clear that support is available to ensure the connectivity of library staff who are also working remotely in providing assistance to library patrons.

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<sup>22</sup> Statement, *FCC Announces First Slate Of Emergency Broadband Benefit Providers*, (April 1, 2021) available at <https://www.fcc.gov/document/fcc-announces-first-slate-emergency-broadband-benefit-providers>.

<sup>23</sup> Bulletin for April 1, 2021, Communications Daily Bulletin, WARREN COMMUNICATIONS NEWS (April 1, 2021).

<sup>24</sup> Notice at 2; *see also* American Rescue Plan § 7402(a)(1)-(2); 47 U.S.C. § 254(h)(1)(B), (h)(2); *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 (WCB 2021) (Notice seeking comment on several petitions for emergency relief from parties asking the Commission to permit the use of E-Rate funding to support remote learning during the COVID-19 pandemic) (“*Remote Learning Public Notice*”).

Likewise, to enable other government programs beyond schools and libraries to provide effective service and equipment to eligible individuals, staff of those government programs should also receive support.

**E. The ECF Program Should Make Funds Available For Digital Literacy And Training**

Local Governments further believe that our experience<sup>25</sup> reveals that funding should be made available for training school and library patrons on how to use the equipment. Boston’s “Tech Goes Home” has found that through training families and individuals students can do homework, adults can find jobs and manage finances, seniors can connect with loved ones, and all can lead healthier lives.<sup>26</sup> In Portland, the city discovered digital literacy programs, services and training tools already exist and are available, but those facts are not known by marginalized and vulnerable populations. Portland, therefore, took on the role of creating a searchable directory of digital inclusion assets such as training classes; free WiFi locations; free or low-cost computer resources; public computing centers; and tech support for those who were not aware of what was available, how to best use these resources, and how to connect to services.

Community Based Organizations (“CBOs”) can continue to interact with residents to help them with education, employment, voting, citizenship, housing, legal services, and health services while Portland supports their efforts with this directory of resources available for all to use.<sup>27</sup>

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<sup>25</sup> See City of Los Angeles, *et al.* Comments and Reply, WC Docket No. 21-31, City of Oakland Comments, WC Docket No. 21-31, National Association of Telecommunications Officers and Advisors (NATOA) Reply, WC Docket No. 21-31.

<sup>26</sup> In Boston, each family or individual who participates in Tech Goes Home receives 15 hours of live, interactive digital skills training, as well as equipment and Chromebook or iPad, and, if needed, 12 months of Internet services. A detailed description of the role training plays in educational programs can be found at <https://www.techgoeshome.org/>.

<sup>27</sup> More information and details regarding this effort may be found at <https://digitalinclusionnetwork.net/about> and <https://www.portlandoregon.gov/oct/article/765968>.

Local Governments therefore hope that the Commission will make clear that digital literacy and other training needs are eligible for reimbursement under the ECF.

**F. The Commission’s EBB Rules on Discounts Should Apply to ECF**

Local Governments supported the Commission’s rules on discounts implemented for the Emergency Broadband Benefits Program to avoid windfalls for the industry at the expense of the number of eligible households serviced. Local Governments request that the same rules apply to the ECF, namely:

- Providers should have to honor all existing discounts. Such discounts have proven to be sufficient compensation previously, and any savings preserved allow additional beneficiaries of the program.
- Eligible participants should have access to any existing discount as of the effective date of the program. Funds should be available as a credit at the end of the program or be permitted to be applied to purchase of equipment at the discretion of the participant.
- Bulk purchasing and pricing, especially for public housing, should be protected.

**III. THE COMMISSION SHOULD REQUIRE MINIMUM SPEEDS FASTER THAN 25/3 IN EXCHANGE FOR ECF FUNDS**

Local Governments respond in the negative as to whether the Commission’s current speed benchmark should be a minimum standard for ECF support.<sup>28</sup> In the Emergency Broadband Benefit docket, Local Governments were among the parties that challenged the Commission’s current benchmark of 25 Mbps downstream and 3 Mbps upstream because it is insufficient to adequately support remote learning needs.<sup>29</sup>

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<sup>28</sup> Notice at 8.

<sup>29</sup> See Reply Comments of Montgomery County, WC Docket No. 21-31, (rec. Feb 16, 2021) (“Montgomery County Replies”); Los Angeles Unified School District Comments, WC Docket

Local Governments believe that the Commission already has answered this question with its tentative conclusion in the notice that only platforms and equipment that are capable of serving on-line remote learning and library services are eligible for support. We produce here much of the research that Montgomery County, Maryland shared with the Commission in the EBB Docket.<sup>30</sup>

**A. The Need For Speed Varies Based On: Applications Being Employed, Number Of Users, And The Time Of Day**

Montgomery County engaged an engineering firm to conduct surveys on typical speed

	PEAK BANDWIDTH UTILIZATION TYPICAL FAMILY OF FOUR (DAYTIME)	DOWNLOAD / UPLOAD
x1 	Telework Video Conferencing	1.5 Mbps / 1.5 Mbps
x2 	Telelearning Remote Classroom	3.0 Mbps / 3.0 Mbps
x1 	Streaming Music / Video	2.0 Mbps / 0.1 Mbps
x10 	Home Security (Ring, etc.) and other household smart devices (Alexa, Cortana, etc.)	0.3 Mbps / 2.0 Mbps
	<b>TOTAL BANDWIDTH USE (rounded)</b>	<b>7 Mbps / 7 Mbps</b>

Figure 1 – Peak Bandwidth Utilization, Typical Family of Four (Daytime)

needs and to capture those insights in easy to understand graphic. But to understand the graphics that will follow, it is first important to understand that not all applications are the same when it comes to bandwidth needs. Some applications, such as video conferencing, streaming, and gaming take much more bandwidth than other common applications such as email, web surfing and audio transmissions. And while an application might seem to be the same on the surface, the broadband needs are not the same. Watching downloaded videos require much less bandwidth than watching live video stream.

No. 21-31, at 3 (rec. Feb. 12, 2021) (LAUSD Comments); *see also* Federal Communications Commission, *Broadband Speed Guide*, <https://www.fcc.gov/consumers/guides/broadband-speed-guide> (last visited Mar. 11, 2021) (reporting the recommended broadband speed for general student use and video conferencing).

<sup>30</sup> Montgomery County Replies.

In addition to appreciating the increased bandwidth that today's applications require, any program that seeks to meet residential needs must also take into consideration that in these days of work and study from home, it is common for there to be multiple activities occurring simultaneously that require more than just downstream capacity. Upload speeds for work and study from home applications are nearing symmetric levels to downstream requirements.

It is not uncommon for a single household to have multiple video conferencing activities occur in a typical day as more and more of Montgomery County's residents work from home, take classes from home, view entertainment online and have video visits such as telehealth appointments with doctors or job interviews. All of these various applications are driving the need for speed, and especially upload speeds. This estimate assumes that there is only one teleworker, no video conferencing at night, but more enhanced video streaming for the various family segments at night.

Based on these assumptions, this family would need at least 7 Mbps of upload speed, which would require speeds greater than the baseline of 3 Mbps upload capacity that the Commission currently requires. In the evening, this family would likely be using less upload speed because they are conducting less teleconferencing, but likely needs more download speed for streaming video. Evening broadband use by such a family might grow to 15 Mbps download.

Montgomery County's research into the types of speed that are required and at what time of the day this capacity is needed fall into the following categories:

- A family of four in the daytime (Figure 1);
- A family of four in the evening (Figure 2);
- A family of four operating a home-based business. (Figure 3)<sup>31</sup>

Daytime Internet upload speeds may be similar to a smaller family because many people in this household are not employed in jobs requiring daytime telework video conferencing. But these larger households may need much more download bandwidth in the evenings because experiences reflect that most in this category of

	<b>PEAK BANDWIDTH UTILIZATION TYPICAL FAMILY OF FOUR (EVENING)</b>	<b>DOWNLOAD / UPLOAD</b>
x1 	Online Video Gaming	2.0 Mbps / 1.0 Mbps
x2 	Streaming Video Applications (Netflix, Prime, etc.)	10 Mbps / 0.2 Mbps
x3 	Surfing Internet	3 Mbps / 1.0 Mbps
x10 	Home Security (Ring, etc.) and other household smart devices (Alexa, Cortana, etc.)	0.3 Mbps / 2.0 Mbps
	<b>TOTAL BANDWIDTH USE (rounded)</b>	<b>15 Mbps / 4 Mbps</b>

Figure 2 – Peak Bandwidth Utilization, Typical Family of Four (Evening)

<sup>31</sup> In each of these examples, Montgomery County assumes that there is an additional teleworker and two tele-learning students in the family.

household are not eligible for work from home type positions.

	PEAK BANDWIDTH UTILIZATION MULTI-GENERATIONAL FAMILY OF ELEVEN (EVENING)	DOWNLOAD / UPLOAD
x2 	Online Video Gaming	4.0 Mbps / 2.0 Mbps
x3 	Streaming Video Applications (Netflix, Prime, etc.)	15.0 Mbps / 0.3 Mbps
x3 	Surfing Internet	3.0 Mbps / 1.0 Mbps
x1 	Video Chat (Zoom, etc.)	1.5 Mbps / 1.5 Mbps
x10 	Home Security (Ring, etc.) and other household smart devices (Alexa, Cortana, etc.)	0.3 Mbps / 2.0 Mbps
	<b>TOTAL BANDWIDTH USE (rounded)</b>	<b>24 Mbps / 7 Mbps</b>

Figure 3 – Peak Bandwidth Utilization, Typical Family of Eleven (Evening)

Finally, a multi-generational family may consume more broadband than smaller households running small businesses. Montgomery County Public Schools (“MCPS”) reports some students living in households of eleven or more people. It is not uncommon for as many as seven members of the family to be using bandwidth simultaneously for activities such as schoolwork, online video gaming, streaming video applications, or browsing the Internet. This family would require at least 24 Mbps download and 7 Mbps upload.

### B. Upload Speeds Are Vitally Important

Moving one-third of our workforce and one-hundred percent of our public school children to bandwidth intensive video conferencing over a two week period has upended upstream broadband requirements. And as vaccinations and return to in-classroom learning grows, Montgomery County still anticipates that the workplace will be transformed, and that many households will still have teleworkers and remote learners for a long time to come.

Montgomery County associates itself with those commenting parties that ask the Commission to focus on speed of service as being integral to program success. While

Montgomery County agrees that the program must be technologically agnostic so that each eligible recipient can use the best form of broadband access for them,<sup>32</sup> upstream and downstream service speeds must be of primary consideration for provider eligibility. There was very little disagreement on this point and all seem to agree that 25 Mbps downstream/3 Mbps upstream is not adequate.

The Los Angeles Unified [School District] states that the standard of 25 Mbps downstream and 3 Mbps upstream is not adequate for video conferencing meetings on “Zoom, Webex and other tools critical for distance learning (particularly in households with multiple students and/or multiple families with students).”<sup>33</sup>

The City of Seattle echoed these same findings. “With households full of students and workers all needing to simultaneously use video conferencing and other interactivity during the day, an essential component of acceptable internet service levels is the upload speeds. We recommend a minimum service requirement of at least 5 Mbps upload speeds for any service eligible for EBBP subsidy.”<sup>34</sup>

Our research reveals that even a family of four will often require upload speeds of 7 Mbps during the day when home schooling and work from home efforts are being conducted simultaneously:

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<sup>32</sup> The City of Los Angeles employs a fixed wireless provider at its public housing – Starry Los Angeles Program, but partners with T-Mobile to provide 18,000 students with hotspots. More information on this arrangement is available at <https://www.lamayor.org/Connectivity>.

<sup>33</sup> LAUSD Comments, WC Docket 21-23, (rec. Feb. 12, 2021) at 2.

<sup>34</sup> City of Seattle, Washington *et al.* Comments, WC Docket 21-23, at 10, 11. The City and its educational partners go on to explain and document their practices of “providing families with wireless hotspots in addition to a wired home connection to help supplement the upload connectivity” but that having multiple providers and connections only adds to program complexity. Seattle therefore recommends that “[t]he EBBP ... be used as an opportunity...to incentivize ISPs to place a new focus on providing increased upload speeds.”

1. Family of four needs 7 Mbps/7 Mbps during the day (Figure 1);
2. Family of four needs 15 Mbps/4 Mbps evening (Figure 2);
3. Large multigenerational family needs 24 Mbps/7 Mbps at night (Figure 3);
4. Business being run from home needs 20 Mbps/17 Mbps (Figure 4).

	<b>PEAK BANDWIDTH UTILIZATION</b> HOME BUSINESS (DAYTIME)	DOWNLOAD / UPLOAD
x1 	Home Business Operations	10.0 Mbps / 10.0 Mbps
x1 	Telework Video Conferencing	1.5 Mbps / 1.5 Mbps
x1 	Streaming Video Applications (Netflix, Prime, etc.)	5.0 Mbps / 0.2 Mbps
x2 	Tele-Learning Remote Classroom	3.0 Mbps / 3.0 Mbps
x10 	Home Security (Ring, etc.) and other household smart devices (Alexa, Cortana, etc.)	0.3 Mbps / 2.0 Mbps
	<b>TOTAL BANDWIDTH USE</b> <b>(rounded)</b>	<b>20 Mbps</b> <b>/ 17 Mbps</b>

*Figure 4 – Peak Bandwidth Utilization, Home Business (Daytime)*

For these reasons, Local Governments agree with Montgomery County that minimum upload speed recommendation of 5 Mbps<sup>35</sup> to 10 Mbps are needed. Such upload speeds would

<sup>35</sup> City of Seattle, Washington *et. al* Comments, WC Docket 21-23, at 10, 11.

provide capacity to support growth and continuation of telework and remote learning. It is not unreasonable to anticipate that lower income households will want to grow their use of remote learning for community college and technical training courses, participation in video community meetings, and expand participation in the digital economy. The Commission should take this opportunity to review minimum broadband speeds and ensure that our subsidized broadband programs offer sufficient capacity to enable all households to equitably participate in the digital economy.

**C. Local Governments Request The Commission To Examine Ways to Pay Less for Speeds less than 25/3**

Local Governments recognize that the Act makes eligible any service that is faster than dial up so the FCC may be limited in what it can do to establish minimum speeds, but Local Governments request that speed thresholds serve to prioritize competitive offerings and that the Commission examine how it might seek to address the issue of lack of speed by limiting the size of the benefit available to the provider. Moreover, we note that the Commission states in the Notice that devices must be sufficiently robust to support video platforms for distance learning. Local Governments believe that the identical test should be employed for the service the device will be using. Local Governments would go further and call for the Commission to establish a speed of service that is sufficient to also support multiple, simultaneous video conferencing platforms for the benefit of households with more than two children in remote learning and caregivers/parents in remote work.

**IV. THE PROGRAM SHOULD ENSURE THAT EQUIPMENT IS AVAILABLE FOR REMOTE ACCESS FOR STUDENTS, LIBRARY PATRONS, AND RECIPIENTS OF SERVICE FROM OTHER GOVERNMENT PROGRAMS**

Local Governments agree with the Commission’s tentative conclusion that to be eligible for funding a device must be capable of supporting “video conferencing platforms and other

software necessary to ensure full participation in remote learning activities.”<sup>36</sup> We specifically endorse the following tentative conclusions reached by the Commission in the Notice.

**A. Devices That Cannot Support Minimum System Requirements, Should Not Be Eligible For Support**

Local Governments agree with the Commission’s tentative conclusion that devices that do not sufficiently allow students, school staff, and library patrons to meaningfully participate in remote learning activities should not qualify under the American Rescue Plan. As developed in greater detail below, devices must be Wi-Fi enabled and have both video and camera functionality to allow a user to participate in on-line training. Devices that cannot provide such functionality should not be made eligible.

Local Governments do not hold themselves out as to experts on what devices have such functionality and therefore do not offer opinions as to specific devices.

**B. Connected Devices Should Be Wi-Fi Enabled And Have Video And Camera Functions To Be Eligible For Support**

Local Government agree with the Commission’s tentative conclusion that connected devices should be Wi-Fi enabled and have video and camera functions to be eligible for support.<sup>37</sup> In the recently adopted Emergency Broadband Benefit Program Order, the Commission concluded that Congress explicitly declined to include mobile phones in its definition of a “tablet” and thus, the Commission could not include such devices as eligible

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<sup>36</sup> Notice at 5-6 (“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.”)

<sup>37</sup> Notice at 6.

under the program.<sup>38</sup> The record in that proceeding revealed strong support for the position that a minimum, connected devices be able to support video conferencing and camera functionality and online learning software.<sup>39</sup>

**C. Mobile Hotspots In School Buses And Bookmobiles Should Be Eligible For Support, But Not Be The Only Remote Hotspots Supported.**

Local Government agree with the Commission tentative conclusion that supported hotspots should be available on school buses and bookmobiles.<sup>40</sup> Local Governments request that the Commission make clear that these are not the only remote “hotspots” or remote “Wi-Fi” connections eligible for support.

**V. THE PROGRAM SHOULD INCORPORATE LESSONS LEARNED IN LOCAL GOVERNMENT SPONSORED PROGRAMS**

Local Governments fear that while large numbers of our constituents are the potential beneficiaries of ECF support through our schools, libraries, and sponsored programs,<sup>41</sup> that any burdensome certification process or limited outreach program will frustrate the goals of the program to bring everyone online. We therefore share with the Commission some of local

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<sup>38</sup> Emergency Broadband Benefit Program, WC Docket No. 20-445, Report and Order, FCC 21-29, at 40-41, paras. 79-80 (Feb. 25, 2021) (Emergency Broadband Benefit Program Order).

<sup>39</sup> *Id.* at 42, para. 82.

<sup>40</sup> Notice at 9 (“We propose that the Commission adopt rules to allow schools to use Wi-Fi hotspots on buses to provide broadband services to students and school staff who currently lack sufficient broadband access to fully engage in remote learning. We also propose that the Commission adopt rules to allow libraries to use Wi-Fi hotspots in bookmobiles to serve library patrons who currently lack sufficient broadband access.”)

<sup>41</sup> *See e.g.* Chicago Connected has had more than 50,000 students enrolled in the first 7 months of the program and is on track to reach 100,000 students by the end of the 2020-2021 school year. But those numbers pale when compared with estimates that as many as 235,000 children might be eligible and the pool of eligible students grew by 53,000 this year. *See* CPS Press Release.

governments' experiences in trying to connect the unconnected, including the challenge of ensuring that all potential beneficiaries are aware of the program.<sup>42</sup>

**A. Cost Is Not The Only Barrier To Connecting The Unconnected**

Local Governments, and our community partners, caution the Commission that it will be very challenging to connect the unconnected, even when cost is eliminated as a barrier.<sup>43</sup>

Challenges experienced in many of our digital divide programs reveal the following barriers to rolling out bulk purchases and sponsored services: (1) inaccurate contact information/difficult to reach; and (2) lack of trust for ISPs (another reason that we encourage the Commission to look for local partners that have built up relationships with the population the ECF seeks to serve). It is unrealistic for the Commission to believe that ISPs alone can find and connect the unconnected.

We hope that the Commission will use as a proxy any and all existing certifications that our schools, public housing organizations, and benefit organizations have already collected for the numerous federal benefit programs because Congress has identified these as qualifying criteria. For instance, the Commission should employ the United States Department of Agriculture's ("USDA") Community Eligibility Provisions.<sup>44</sup>

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<sup>42</sup> Local Governments will address this challenge in greater detail in Section VIII, *infra*.

<sup>43</sup> In an effort to connect the unconnected, the City of Los Angeles is working through FamilySource and YouthSource Centers, LA Public Library and Community Based organizations to identify eligible students for its Angeleno Connectivity Trust (ACT). ACT is providing 18,000 T-Mobile WiFi hotspot program. These organizations are well equipped to find students in our most vulnerable populations - students experiencing homelessness, with a disability, and who may have dropped out or at risk of dropping out due to lack of connectivity - who are eligible for the program.

<sup>44</sup> The Chicago Public Schools employs the United States Department of Agriculture's Community Eligibility Provisions in its sponsored programs and have not found it to result in any unjust enrichment or abuse of a benefit.

For example, Chicago Connected, through the Chicago Public Schools system, Comcast, RCN, T-Mobile and 35 CBOs,<sup>45</sup> conducted initial enrollment of participants by reaching out to eligible households of their students that otherwise qualify for:

- Free and reduced price lunch;<sup>46</sup>
- Medicaid qualifications;
- The Chicago Connected Community hardship index using the UIC Hardship Index<sup>47</sup>; or are part of a
- Special student populations such as diverse learners, English Learners and students in temporary living situations.<sup>48</sup>

By conducting robust outreach with community partners, Chicago Connected is able to overcome the challenge of an eligible party not being aware of the program and their eligibility. Moreover, Local Governments have come to understand that the outreach program needs to involve community partners that have great credibility and existing relations with the targeted audience. For example, based on participant survey data and evaluation of Chicago Connected

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<sup>45</sup> A list of the 35 community-based organizations partnering in sign-ups and increasing digital literacy can be found at <https://cps.edu/chicagoconnected>.

<sup>46</sup> Following initial enrollment efforts, Chicago Connected currently relies on free and reduced price lunch status to determine eligibility.

<sup>47</sup> For more information on the Hardship Index, please visit <https://greatcities.uic.edu/2019/12/13/fact-sheet-chicago-community-area-economic-hardship-index-2017/>.

<sup>48</sup> Chicago Connected has served as a model for other cities and school districts across the country, with more than 20 cities reaching out for more information on how the program is structured and operated. Notably, the City of Philadelphia recently announced a similar effort, PHLConnectED, to connect 35,000 of its students with internet services and devices. Chicago's Public Schools stands ready to share their experiences with the Commission as to just how important the group certification plays not only in Chicago Connected broadband program, but in bringing multiple benefits to Chicago households with school aged children.

to date, the number one obstacle to program participation is successful outreach and clear, understandable program details that reach eligible families. Figure 5 below, from Boston's Tech Goes Home, provides a visual on the level of outreach and partnering that such a program must have in order to bring benefits to the eligible community.

The story in Portland, Oregon is very similar. In 2014, a small group of community stakeholders met to consider how to foster increased digital inclusion in our community. This small group bloomed into Portland's Digital Inclusion Network (DIN), a coalition of community organizations interested in raising awareness about digital equity barriers and developing solutions to bridging the digital divide. Relying on Portland's Digital Equity Action Plan framework, the DIN continues to lead a path forward for public agencies, businesses, and community nonprofits to work together in a more efficient way. The DIN is comprised of public, private, and nonprofit organizations working to raise awareness about digital equity barriers and developing solutions to bridging the digital divide.<sup>49</sup>

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<sup>49</sup> More information can be found at <https://digitalinclusionnetwork.net/>. The partners are identified by contribution categories: WiFi Access, Internet Service Provider, Technology Classes, Technology Help, Public Computers and Low Cost Computers.



rural America have access to broadband, efforts to steer the bulk of funding to rural America would not be in keeping with the goals of the ECF.

### **1. Build in Warning of Funds Exhaustion and Continuity Strategies**

Local Governments are concerned with what happens when the ECF's funds are exhausted and encourages the Commission to include safeguards to try and reduce the impact of the lost service. At the very least, Local Governments encourage the Commission to institute a robust notification requirement on government entities, nonprofit partners, and any eligible provider. Just as multiple communication channels will be needed to communicate the availability of low-cost offers, those same channels will be required to communicate the end of the program, or the transition to alternative support.

The Commission might consider requiring as an eligibility requirement that any provider that has a low-cost program be required to conduct outreach and automatically convert any ECF customer to the provider's low-cost program.

### **2. Make Prior Funding in Sponsored Programs Eligible for Reimbursement**

Section 7402 of the American Rescue Plan defines the COVID-19 emergency period as beginning on January 27, 2020,<sup>51</sup> and ending on the June 30 that first occurs after the date that is one year after the Secretary of Health and Human Services determines that a public health emergency no longer exists.<sup>52</sup> Moreover, as reflected in the Notice, "the American Rescue Plan directs the Commission to reimburse 100% of the costs associated with the purchase of eligible

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<sup>51</sup> See American Rescue Plan § 7402(d)(5)(A). January 27, 2020 is the date the Secretary of Health and Human Services determined that a public health emergency exists as a result of COVID-19 pursuant to section 319 of the Public Health Service Act. 47 U.S.C. § 247d.

<sup>52</sup> American Rescue Plan § 7402(d)(5)(B); see also 47 U.S.C. § 247d.

equipment and/or advanced telecommunications and information services”<sup>53</sup> during the emergency period. The only limitation that the American Rescue Plan imposes is that the amounts be reasonable.<sup>54</sup>

Given this freedom, Local Governments suggest that the Commission consider making eligible for reimbursement programs, such as those outlined herein, that paralleled the E-Rate program. The great benefit of the ECF is that we are no longer geographically limited to the school or library campus.

**C. The Commission Must Be Sensitive Not To Exclude School Aged Families And Library Patrons Who Are Homeless**

Local Governments request that the Commission explore ways to serve those who traditionally are not providers’ customers, such as the homeless population. For instance, Local Governments request that the Commission ensure that homeless individuals and families, including those who might be in a family shelter, domestic violence shelters or other temporary shelters, as well as those who do not reside in shelters, have access to the benefits of the ECF.

In expanding the reach of E-Rate through the ECF, consistent with Congressional directives, the Commission should be flexible to ensure that the subsidy is available to residents in temporary housing and who are not housed. Creative thinking leads to solutions. For instance, Chicago Connected serves the homeless population by distributing wireless hotspots. Boston provides tablets to residents both in transitional housing and also to those who are experiencing housing instability, which the City recognizes does not reduce one’s need for access to broadband connectivity.

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<sup>53</sup> Notice at 2.

<sup>54</sup> *Id.*

## **VI. THE BENEFITS OF ECF INVESTMENTS SHOULD NOT CEASE SIMPLY BECAUSE PANDEMIC IS OVER**

The Commission seeks “comment on the treatment of equipment purchased through the Emergency Connectivity Fund during and after the COVID-19 emergency period.”<sup>55</sup> Local Governments believe that existing E-Rate rules provide more than enough guidance in this area with the expectation that equipment can now be used at locations other than schools and libraries. Beyond that, Local Governments believe that the Commission should be guided by the public interest and reality. Local Governments offer the following answer to the Commission’s specific questions

1. Schools and libraries should be permitted to use eligible equipment for any purpose that the school or library considers appropriate both during the pandemic and after it has passed. There is no public policy purpose in offering restrictive purposes for use of the equipment during or after the emergency has passed.

2. The Commission should not prohibit the sale, resale, or transfer of the purchased equipment for anything of value despite the current E-Rate program rules so long as any such proceed or value be employed for educational or library purposes. This position is based both on public policy and reality. It would likely cost more to claw back investments just because the pandemic has been defeated, but as importantly, the value may be *de minimis*. For as the Notice notes, that there is a “... relatively short lifespan of most computers and communications

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<sup>55</sup> Notice at 14.

equipment....”<sup>56</sup> On the other hand, if there is a useful life for the equipment, what harm is there to the nation to permit that useful life to continue?

## **VII. PARTNERING IS THE ONLY WAY TO SUCCEED AND THE WHEEL DOES NOT CONTINUALLY NEED TO BE REINVENTED**

Portland’s digital divide experience makes clear that program elements such as digital literacy programs, services and training tools already exist and are available, but those facts were not known by Portland’s partnering community-based organizations (CBO) and the marginalized and vulnerable populations. Portland, therefore, took on the role of creating a searchable directory of digital inclusion assets such as training classes, free WiFi locations, free or low-cost computer resources, public computing centers, and tech support for those that were not aware of what was available, how to best use these resources, and how to connect to services. CBOs can continue to interact with residents to help them with education, employment, voting, citizenship, housing, legal and health services while Portland supports their efforts with this directory of resources available for all to use.<sup>57</sup>

The Portland partnering experience is one that is repeated in every one of the commenting communities, and we would assume that such success through partnering has been the experience throughout the nation.<sup>58</sup>

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<sup>56</sup> *Id.*

<sup>57</sup> More information and details regarding this effort may be found at <https://digitalinclusionnetwork.net/about> and <https://www.portlandoregon.gov/oct/article/765968>.

<sup>58</sup> The City of Los Angeles in partnership with the California Emerging Technology Fund and EveryoneOn is helping Angelenos find options for low-cost internet services, access to computers, and digital literacy services. The webpage allows an individual to search for services by entering one’s zip code. Visit <https://getconnectedlosangeles.lacity.org/> to see the wide array of services available. But as discussed more in Section C, these types of tools only work if a recipient is aware of the portal and has access to it. That is why Los Angeles and others are looking to alternative messaging strategies.

## **VIII. THE COMMISSION MUST BE AWARE THAT SIMPLY CREATING A PROGRAM IS NOT ENOUGH IF BENEFICIARIES ARE NOT AWARE OF IT**

Communities across the nation have sought to roll out low-income broadband access programs, and the greatest challenge faced by all has been 1) ensuring that eligible parties are aware of the programs existence and 2) having those eligible parties register for the benefit. Local Governments therefore applaud and adopt the insights shared with the Commission by a collection of Public Interest groups. The FCC must appreciate that this is a marketing challenge as much as it anything and that in local governments and PEG access programming providers across the nation, the Commission has ready and willing partners.

The FCC can ensure eligible individuals are notified by allocating a portion of the administrative funds to marketing campaigns through a diverse set of media outlets targeting all eligible participants and minority audiences. The groups recommended working with state and local agencies, governments, and non-profit organizations that have assisted with or provided pandemic relief, encouraging them to pass information along to ensure potential qualifying candidates receive notification of the emergency broadband relief program.<sup>59</sup>

## **IX. CONCLUSION**

Congress and the FCC are to be applauded for acknowledging and funding efforts to close the digital divide. Local Governments hopes that as the Commission stands up the ECF that it will be guided by our suggestions and accept our offers of partnerships.

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<sup>59</sup> See *Ex Parte Letter* of Public Knowledge, Free Press, Georgetown Law Institute for Technology Law & Policy, Next Century Cities, Open Technology Institute, Benton Institute for Broadband & Society, National Digital Inclusion Alliance, A Learned Hand, LLC, National Consumer Law Center, The Leadership Conference on Civil and Human Rights, Joint Center, Media Justice, Libraries Without Borders WC Docket 21-23, (filed Jan. 11, 2021).

Respectfully submitted,

/s/ Gerard Lavery Lederer  
Gerard Lavery Lederer  
BEST & KRIEGER LLP  
(202) 370-5304; Cell: (202) 664-4621  
1800 K Street N.W., Suite 725  
Washington, DC 20006

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Counsel for the Local Governments