E-Rate Central

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Winston E. Himsworth

April 11, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Ex Parte Submission Regarding FCC Form 470 Pulldown Menus
          CC Docket No. 02-6 and WC Docket No. 13-184

Dear Ms. Dortch,

E-Rate Central, as the designated state E-rate coordinator for New York, supports the recent filings initiated by the Ohio ITCs' March 16th *ex parte* notice concerning the mid-window changes to the FY 2018 FCC Form 470 pulldown menus for Category 1. The menu changes made last August, combined with inconsistent and belated guidance provided by USAC over the remainder of the competitive bidding window, created extensive confusion among the applicant community — ourselves included. **This is a problem that needs to be solved now.** Relief is needed as a part of the FY 2018 application review process to avoid penalizing applicants who, in good faith, tried to bid and apply for Internet access and transport services. Changes need to be made to the FY 2019 Form 470 pulldown menus before July 1, 2018, to avoid similar applicant and service provider confusion in the coming procurement/application cycle.

As a member of both organizations, E-Rate Central strongly supports the *ex parte* positions taken by the State E-Rate Coordinators' Alliance (filed March 19, 2018) and the Schools, Health & Libraries Broadband Coalition (filed April 9, 2018). Most specifically, we concur with SHLB's "preferred approach" of reinstituting a single description of bundled Internet access and transport. As indicated in the Ohio ITCs' original *ex parte* notice, reestablishing the historic description is the best way to avoid applicant confusion and uncertainty as to the underlying technology used to provide an applicant's Internet service. It also serves to further the FCC's commitment to competitive neutrality by promoting bids by all Internet providers regardless of their technology platforms.

If the FCC persists in making a distinction between fiber and non-fiber facilities, SHLB's "alternative approach" offers a significant Form 470 improvement, albeit more complicated, for those applicants knowingly seeking fiber-based Internet access services.

On a longer-term basis — and to whatever extent possible for FY 2019 — E-Rate Central recommends that the FCC consider more closely aligning the Form 470 menu with the Eligible Services List ("ESL") for both Category 1 and Category 2. This would help applicants more clearly match their eligible service needs with their Form 470 procurement requests.

Attached is a comparison of the product and service descriptions as listed in the current Form 470 menus and in the ESL for FY 2018.

The disparity between the Form 470 and the ESL is most striking for Category 1. The Form 470 lists basic subcategories of service, whereas the ESL contains only a mixed list of specific transmission services (e.g., DSL) or transmission technologies (e.g., cable modem). Internet access itself is mentioned only in the introductory sentence. Ideally, the transmission services and/or technologies would be organized by Form 470 subcategories (even if this means duplicating some entries under each appropriate subcategory).

A few other suggestions for ESL/Form 470 clarification:

- Define the acronyms (e.g., ISP, UPS, WAP) in the Form 470 menu to match the full names in the ESL.

- Either combine Cabling with Antennas, Connector, and Related Components in the Form 470 menu or breakout Cabling as a separate bullet item in the ESL.

- Add Category 2 eligible Software to the Form 470 menu.

We urge the Commission to return to the historically simple Category 1 Form 470 menu (SHLB's preferred approach), and to consider ways to better align the Form 470 with the ESL.

Sincerely,

Winston E. Himsworth
Executive Director

Attachment: Comparison of Product and Service Descriptions

Comparison of Product and Service Descriptions

Form 470 Menus	FY 2018 ESL Lists
Category One Requests	**Data Transmission Services and Internet Access**
Leased Lit Fiber Internet Access & Transport Bundled Transport Only – No ISP Service Included Internet Access: ISP Service Only Leased Dark Fiber and Leased Lit Fiber Self-Provisioned Networks and Services Provided Over Third Party Networks Cellular Data Plan/Air Card Service Voice Service (Analog, Digital, Interconnected VOIP, etc.) Cellular Voice Other	Digital transmission services and Internet access are eligible in Category One. These services include: • Asynchronous Transfer Mode (ATM) • Broadband over Power Lines • Cable Modem • Digital Subscriber Line (DSL) • DS-1 (T-1), DS-3 (T-3), and Fractional T-1 or T-3 • Ethernet • Integrated Services Digital Network (ISDN) • Leased Lit Fiber • Leased Dark Fiber (including dark fiber indefeasible rights of use (IRUs) for a set term) • Self-Provisioned Broadband Networks • Frame Relay • Multi-Protocol Label Switching (MPLS) • OC-1, OC-3, OC-12, OC-n • Satellite Service • Switched Multimegabit Data Service • Telephone dial-up • Wireless services (e.g., microwave)
Category Two Requests	**Eligible Broadband Internal Connections**
Antennas, Connectors, and Related Components Cabling Caching Firewall Service and Components Racks Router Switches UPS/Battery Backup WAP Wireless Controller	• Access points used in a local area network (LAN) or wireless local area network (WLAN) environment (such as wireless access points) • Antennas, cabling, connectors, and related components used for internal broadband connections • Caching • Firewall services and components separate from basic firewall protection provided as a standard component of a vendor's Internet access service. • Switches • Routers • Racks • Uninterruptible Power Supply (UPS)/Battery Backup • Wireless controller systems • Software supporting the components on this list used to distribute high-speed broadband throughout school buildings and libraries