



April 18, 2018

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Ex Parte Submission**

Modernizing the E-Rate Program for Schools and Libraries – WC Docket No. 13-184  
Schools and Libraries Universal Support Mechanism – CC Docket No. 02-6

Dear Secretary Dortch:

As the CEO of an organization that assists more than 300 schools and library E-rate applicants each year, I write to share a few brief comments about the FCC Form 470, which, as you know, initiates the competitive bidding process.

As an initial matter, because the changes to the FCC Form 470 for funding year 2018 were made without the benefit of a comment process or even prior notice to applicants, it is not clear why the revisions were made in the first place, and we respectfully ask the Commission to share the rationale for its changes.

We also believe the Commission should identify any future changes to its forms and seek comment on them before revising them. The comments the Commission is receiving from Ohio Information Technology Center, SECA, the Schools, Health & Libraries Broadband Coalition (SHLB), CSM, Funds for Learning, Kellogg & Sovereign and others regarding the funding year 2018 FCC Form 470 and changes that may be made to the form in future funding years demonstrate that the Commission would benefit from input from interested parties, regardless of whether the Commission believes it is legally obligated to seek comment.

With respect to the FCC Form 470 for funding year 2019, we believe the Commission should consider having applicants select the amount of bandwidth they need through any contemplated length of a contract. Instead of asking applicant to identify a desired transport medium, we believe a better option would be for the form to ask applicants to identify their bandwidth requirements such as 1.54 – 10Mbps, 10 – 100Mbps, 100Mbps – 1Gig, 1 – 10Gig, etc. If the applicant does have a preference for a specific medium, they may still specify that in the associated RFP/Bid. For the more than 300 applicants Infinity represents, for the most part, the applicant has no preference on the transmission medium, they just want the bandwidth they require for their specific needs **at the lowest price!** And, we assume, that's all the service provider is looking for – what bandwidth to supply.

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Allowing applicants to request bandwidth speeds would eliminate the confusion over which transport medium applicants should select or whether multiple selections are necessary. And it would eliminate potential solutions that “fall through the cracks” such as a DSL service that is fed via fiber or high-speed services fed via microwave or satellite. For example, in the case of an applicant who only wants a DSL service, it would be assumed the delivery method would be copper or cable modem. However, many service providers would use fiber to provide DSL service but the applicant would have selected the incorrect transport medium if it then did not select fiber. Once the Applicant contracts for the bandwidth required, they really have little say or knowledge, in many cases, if the service is then delivered via copper, fiber, microwave, satellite or other transmission medium – nor do they care. Or, because an Applicant wants 1Gig of service, they select the fiber option but it receives or could have received competitive quotes from microwave or satellite service providers.

One of the comments we have heard from USAC since the inception of the E-rate program is, “be specific in your request for services. Don’t provide a laundry list” Currently, the only way to avoid a denial of funding for not correctly identifying the services desired is to check all of the transport options they think MAY occur. We believe applicants will be more accurate in selecting appropriate services if all they have to do is select the bandwidth they need, not the transmission medium.

We also believe this issue needs to be addressed as soon as possible for funding year 2019. Many applicants are already planning for upcoming funding year 2019 projects and we are scheduled to file these Year 2019 Form 470’s as soon after July 1<sup>st</sup> as possible since we have long procurement cycles.

We also agree with the March 16, 2018 ex parte filed by the Ohio Information Technology Centers and the April 9, 2018 ex parte filed by SHLB that the options listed on the FCC Form 470 during the 2018 funding year were difficult and challenging to understand, and for that reason, there should be a “hold harmless” solution for the funding year 2018 filings.

Respectfully submitted,

*Fred Brakeman (ES)*

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