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April 21, 2021

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street N.E.
Washington, DC 20554

Re: Establishing Emergency Connectivity Fund to Close the Homework Gap,
WC Docket No. 21-93

Dear Secretary Dortch:

On April 19, 2021, McKenzie Schnell and the undersigned, as counsel for a collection of local governments and local government associations, held a telephone conference with Austin Bonner, Legal Advisor to Commissioner Starks. The subject of the call was the Emergency Connectivity Fund to Close the Homework Gap Program (ECF) and the rules implementing the program that are the subject of the above captioned docket.

A list of the local governments and the local government associations¹ present in the meeting, and the professional staff representing each were:

Community/Association	Staff Professional
Los Angeles, CA	Jeanne Holm, Deputy Mayor City of Los Angeles, Budget and Innovation
Chicago, IL	Jared Policicchio, Assistant Corporation Counsel Lauren Burdette, Office of the Mayor
Boston, MA	Michael Lynch, Director Mayor's Office of Broadband & Cable
Washington, DC	Deb Matties, General Counsel Office of Chief Technology Officer

¹ The City of Portland, OR is a member of the Coalition that filed in the proceeding, but was not able to join the call.



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Community/Association	Staff Professional
Montgomery County, MD	Mitsuko Herrera, Special Assistant for Planning, Policy and Special Projects to the Chief Broadband and Chief Information Officers
Dallas, TX / Texas Coalition of Cities for Utility Issues	Donald Knight, Senior Assistant City Attorney City of Dallas Chair, TCCFUI
Philadelphia, PA	Maari Porter, Deputy Chief of Staff Policy & Strategic Initiatives Juliet Fink Yates, Ed.M Digital Inclusion Fellow Office of Innovation & Technology
National Association of Telecommunications Officers and Advisors	Nancy Werner, General Counsel
National League of Cities	Angelina Panettieri, Legislative Director Information Technology and Communications Federal Advocacy
Unites States Conference of Mayors	Kevin McCarty, Assistant Executive Director

The conversation tracked the comments filed by the Local Governments² and the City of Philadelphia³ with each point demonstrated by an example by one of the government entities;

I. Local Governments Efforts to Destroy the Digital Divide in the Age of Covid

The cities of Los Angeles, Chicago, and Philadelphia outlined efforts they have undertaken to bring broadband and digital literacy to their citizens and their hopes to continue these services after the pandemic. One of the primary lessons that each of the municipalities participating have discovered is that educational opportunities cannot be limited to schools and libraries. Increasingly, education and broadband access are commonly provided at access centers located in public housing and recreation centers - locations that Congress clearly intended to be eligible for ECF support.

² See 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, WC Docket No. 21-93 (fil. April 5, 2021) (“Local Governments Comments”).

³ See Comments of the City of Philadelphia, WC Docket No. 21-93 (fil. April 5, 2021).



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II. Broadband Services Provided and Providers Must be Eligible under ECF

Nancy Werner of NATOA shared that Congress in enacting the American Rescue Plan sought to expand the traditional educational locations found in Section 254(h)(2) to include locations and services outlined in Local Governments' Comments. Don Knight of Dallas then shared that in Texas schools are separate government entities, but libraries are operated by the municipalities and as such, rules are needed that do not make collaboration difficult between these entities.

III. Local Government Supports Programs to Prevent Duplication of Funds

Gerard Lederer, on behalf of the coalition, made clear that Local Governments support the Commission's efforts to ban duplication of funding in an effort to ensure that funds meet the needs of as many Americans as possible. Local Governments simply ask that the Commission understand the complexity of federal funding in programs such as public housing and recreation centers and ensure that any ban on comingling of funds does not cripple the ability of Local Governments to stand up new access centers in such locations. Further, the group requested that municipal government not be subject to any limitations not applied to others.

IV. Commission Should Retain Maximum Flexibility at Local Level

Los Angeles' Jeanne Holm and Washington, D.C.'s Deb Matties outlined the breadth of their communities' educational efforts and their respective future plans. They associated themselves with commenters in the record that called on the Commission to preserve the greatest possible flexibility in the use of ECF funds to include construction and training. Both communities further demonstrated that the multiple assets that local governments can bring to a challenge, rather than any specific department, could bring to meeting the challenge of destroying the digital divide.

V. The Commission Must Recognize the Presence of Multiple Users in a Household and Establish Upload Speeds to Meet Those Needs

Mitsuko Herrera of Montgomery County shared that the County has conducted research into the speeds of services required to meet current needs. While the County's findings are mirrored by other commenters in the record, often the research fails to acknowledge that there are typically multiple broadband users simultaneously online. One such example of multiple users would be families with multiple students. Montgomery County's research further reveals that while the Commission's mandated downstream speeds are typically adequate, upload speeds are not. Montgomery County research reveals that current interactive learning needs require at least 7 megabits symmetrical during the day.



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VI. Library ECF Support Should be Based on Size of Community Served Not Square Footage of Library

Mike Lynch of Boston shared that the American Rescue Plan sought to ensure that ECF funding be available outside of schools and libraries, yet the funding formula for library support is being limited by the footprint of a community's libraries. Since funding seeks to make services available to library patrons outside of the library, the size of a community or the number of its library patrons, not the square footage of the library, should be the standard for funding.

VII. Wireless Devices Need to be Tetherable to Support Multiple Applications and Usable Screens

Lynch further explained that Local Governments have not reached a consensus on the issue of whether smart phones should be eligible for ECF support, but that at a minimum wireless devices that are made eligible for support must have the capacity to tether to other devices. Therefore, if a smart phone can both be in service and support a connection for other devices, it should be eligible for support. The Commission should examine whether a smart phone that can only be used by a single user and does not support other devices ought to be eligible for support.

VIII. Commission Should Examine How to Promote Availability of Equipment

A number of the jurisdictions shared that while many providers have enlisted in the EBB and other sponsored programs to provide service, they are not universally offering connection devices. Local Governments did not have a proposal to address this issue, but wanted to share that it was an issue that needed to be addressed by the Commission.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being electronically submitted in the record of these proceedings and provided to the Commission participants. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

Gerard Lavery Lederer
of BEST BEST & KRIEGER LLP

cc. Austin Bonner (by email)