

**Before the  
Federal Communications Commission  
Washington, DC 20054**

**In the Matter of:**

**The Emergency Connectivity Fund for  
Educational Connections and Devices to  
Address the Homework Gap during the  
Pandemic**

)  
)  
)  
)  
)

**WC Docket No. 21-93**

**Reply Comments of the American Library Association**

ALA appreciates this opportunity to provide further comment on two issues we introduced in our initial comments in this proceeding. First, we expand on the mechanics of a library budget to disburse available funding. Second, we focus on steps the Commission can take to ensure the administration and application process of the Emergency Connectivity Fund (ECF) is straightforward for applicants so that funds are distributed quickly, and no applicants are discouraged from applying. Addressing both issues will ensure strong library participation and thus contribute to the overall success of the ECF program.

Our members are keenly aware of how critical the connectivity services that the ECF program will enable are for their patrons. It has been over a year since state and local health measures first required library buildings to close to the public. Since that time, libraries have adapted their services to continue to connect their communities, often prioritizing those patrons most in need and where the pandemic exacerbated the long-standing digital divide. These libraries are poised to put ECF funding to work immediately. By adopting a budget process and the administrative recommendations outlined below, the Commission can maximize the effectiveness of the ECF

program by minimizing complexity and ensuring predictability for applicants. Specifically, we recommend the Commission:

- I. Adopt a funding formula based on library service area population to provide library applicants with a budget that includes a floor for small applicants. A budget allows flexibility for applicants to apply funds retroactively or prospectively and determine the most cost-effective technologies necessary for local connectivity solutions.
- II. Leverage the E-rate Productivity Center (EPC) with slight modifications to administer the application process and reduce the required forms and procedures required for applicants. Application and administration complexity in the E-rate program has resulted in a program that often requires a consultant to navigate it, especially for under-resourced applicants. Appropriate modifications to EPC for the ECF program will help minimize any issues for applicants.

We see no need to elaborate on our initial comments to give applicants maximum flexibility related to eligible equipment, services, and locations. We note that most of the education and public interest commenters also urge the Commission to provide flexibility for applicants to determine which services and equipment are best suited to address local connectivity gaps. Further, many commenters also encourage the Commission to allow flexibility for eligible locations, indicating that students and families may need to connect at locations in addition to their home. The record is clear on these issues.

**I. The Commission should adopt a budget formula to disburse ECF funds equitably for all applicants and allow applicants flexibility to determine local connectivity solutions.**

In ALA's initial comments, we introduced the idea of allocating a specific amount of funding that would be available to applicants so they would know with certainty they would receive funding and thus plan accordingly. We acknowledge the challenges in determining an equitable and expeditious means to distribute finite funding. We do not come to this recommendation lightly, but we urge the Commission to disburse ECF funds following a budget process as it does through category 2 in the E-rate program. We note that we are not alone coming to this conclusion as the record is replete with comments also calling on the Commission to disburse

funding via an applicant budget.<sup>1</sup> While we agree in principle with these commenters, we disagree with the proposals to use the current category 2 square foot formula for libraries, and we elaborate on our position below.

A budget removes many concerns that would introduce complexity into the ECF program. For example, a budget precludes the need for most, if not all, considerations for reasonable costs for services and equipment, and it would eliminate the need for the Commission to determine how to prioritize funding if demand exceeded the \$7.17 billion in the fund. Applicants would also be able to determine whether to use allocated funding retroactively or prospectively during any funding window. If the Commission opens more than one filing window because not all the funds are expended in the first (or subsequent windows), a budget approach would also allow applicants to determine when and for how much to apply for up to their allotted budget.<sup>2</sup> Finally, a budget as we propose below would help ensure that available funding is spread equitably across large, often urban, applicants and small, often rural, applicants.

ALA recommends establishing a budget for libraries that is based on service area population. These data are collected by each state library agency and reported to the Institute of Museum and Library Services (IMLS) annually.<sup>3</sup> Because services and equipment are intended for use by library patrons at locations other than at the library, using service area population much more accurately reflects the ECF program's intent than the in-library building square foot metric used for category 2 budgets.

We recognize that it is important to accommodate the needs of rural and high-poverty areas and recommend the Commission introduce an additional amount to those budgets similarly to what currently exists in the E-rate program. We also urge the Commission to provide additional funding to tribal libraries (and schools) that are themselves most often struggling with lack of

---

<sup>1</sup> See for example, comments of Funds for Learning <https://ecfsapi.fcc.gov/file/1040665377537/Comments%20of%20Funds%20For%20Learning.pdf>, SECA <https://ecfsapi.fcc.gov/file/10406167954207/SECA%2021-93%2021-31%20Comments%20as%20filed.pdf>, and CoSN.

<sup>2</sup> In category 2, applicants do not have to expend their budgets in any given application window and a similar process could be established for the ECF program.

<sup>3</sup> See [https://www.ims.gov/sites/default/files/2018\\_pls\\_data\\_file\\_documentation.pdf](https://www.ims.gov/sites/default/files/2018_pls_data_file_documentation.pdf).

resources to provide services to their communities and whose communities are the most in need of connectivity and devices to use it.

#### Budget formula by service population of the library

IMLS collects service area population data for all public libraries from state library agencies (SLAs), which is readily accessible on the IMLS website. The data are collected at the administrative (i.e., “system”) entity level, not at the library branch level. We suggest the library budget formula be based on the following data from the IMLS data set<sup>4</sup>:

- The total number of library “systems” (administrative entities) which is 9,261
- The total unduplicated population of the legal service area which is 316,005,224 (Unduplicated Population of Legal Service Area (POPU\_UND))
- The total number of library “outlets” (individual units) of 17,478 to establish a funding floor for small applicants

SLAs do not universally collect and report on data for tribal libraries and so the IMLS dataset is not inclusive of all potential tribal library applicants.<sup>5</sup> For tribal libraries, we recommend the library be able to use the number of tribally enrolled citizens instead of service area population. This number is collected and maintained by tribal governments and is also more representative of the population served by a tribal library than its service area.<sup>6</sup>

We make several assumptions to come to this funding formula. First, we based our calculations on the devices specifically listed as eligible in the statute.<sup>7</sup> While libraries are and will continue to loan hotspots and devices, as we noted in our previous filings, libraries are also connecting unconnected patrons through use of TV white spaces and boosting Wi-Fi signals, among other

---

<sup>4</sup> See <https://www.imls.gov/research-evaluation/data-collection/public-libraries-survey>.

<sup>5</sup> This reflects the issue of eligibility for tribal libraries because of the definition of library that hinges on eligibility for Library Services and Technology Act funds from the SLA and not all tribal libraries are eligible for those funds.

<sup>6</sup> ALA comes to this conclusion after consulting with the American Indian Library Association and the Association of Tribal Archives, Libraries, and Museums which are the national organizations which represent U.S. tribal libraries.

<sup>7</sup> Notice, Appendix A, p. 21 <https://docs.fcc.gov/public/attachments/DA-21-317A1.pdf>.

solutions.<sup>8</sup> We assume the Commission will allow these technologies to also be eligible, thus enabling more libraries to use their budgets for this type of equipment and connectivity.

Second, we make a conservative estimate that 75% of library systems (6,946 systems) will apply for ECF program funds. Using USAC E-rate data, ALA knows that 49% of library systems nationwide now apply for E-rate funding, individually or through consortium applications. We believe 75% is a reasonable estimate given that this program enables libraries to respond directly to an urgent need, the range of eligible equipment, and the retroactive and prospective 100% reimbursements. However, much depends on whether CIPA applies and how straightforward the application process will be since most of the increased numbers will come from smaller and rural libraries who now do not apply because the process is too onerous.

To provide a proxy for potential costs for services and equipment, we propose the following model:

- Library systems covering 88% of the unduplicated population of the library's legal service area will apply for ECF program funds. This number is: 277,780,871.
- We take the 277,780,871 and divide it by 1,000 which represents 1 hotspot per 1,000 population served. This number is: 277,781.
- We take 277,781 hotspots x \$60/month x 36/months. This cost is: \$600,006,960. This is the cost of the hotspot device with an unlimited data plan. (A single hotspot for 36 months is \$2,160.)

We compute the cost of 277,781 tablets (one for each hotspot) at \$300/each. This cost is \$83,334,300. Like category 2, we suggest the Commission establish a floor to accommodate libraries with small population service areas that is calculated at the individual outlet level. We recommend the Commission adopt \$10,000 as the floor. While the floor is calculated at the outlet level, library systems (i.e., administrative entities) should be able to allocate resources according to which branch needs them. Using this model, we recommend adopting \$3.00 per capita for libraries and using a floor of \$10,000.

---

<sup>8</sup> See for example, reply comments of the Pottsboro Area Library that describe several approaches this small library took to connect local students. [https://ecfsapi.fcc.gov/file/10419008453737/PottsboroLibraryFCC\\_Comments.pdf](https://ecfsapi.fcc.gov/file/10419008453737/PottsboroLibraryFCC_Comments.pdf).

The device costs and estimate on appropriate ratios of devices per population are derived from discussions ALA has had with the library community and providers of hotspots. For example, the \$60/month for a hotspot and data plan comes directly from libraries that now have such plans from several different providers. The \$300/device is a reasonable middle-point on the cost of such devices the Commission itself documents in its Notice (p. 11). We reiterate that this is a proxy and expect libraries to request reimbursement for other eligible costs, too.

## **II. Ensuring a straightforward application process and administrative oversight**

ALA's perspective on the whether the ECF program is a success is highly dependent on how easily libraries are able to participate and ultimately connect those patrons who are unconnected, thus contributing to closing the homework and broader connectivity gaps. We appreciate the merit in leveraging the E-rate program as the starting point for establishing the processes for the ECF. However, we urge the Commission to also leverage the opportunity to improve on that system and address some of the issues that have made it difficult for libraries to participate in the E-rate program to reduce barriers to participating in the ECF program.

### Leverage the E-rate Productivity Center with modifications

As stated above, about half of public libraries typically participate in the E-rate program and therefore have a profile in the E-rate Productivity Center (EPC). We fully expect an additional 25% of libraries to apply for ECF funding, for example, newly eligible tribal libraries. These libraries will need an administrative window to set up a profile, including establishing an FCC Registration Number. The Commission should allow additional time for these libraries to establish a profile and consider opening an administrative window for new applicants as soon as feasible or institute a longer application window for all applicants.

The ECF platform should be built to easily accommodate billed entities not currently in EPC, whether or not a library participates in the regular E-Rate program. Eligible library entities may purchase equipment or off-campus connectivity under a different billed entity than the one under which the library purchases internet access or equipment in the E-Rate program. The administrative framework and financial responsibilities vary widely among libraries. Entities including, but not limited to, the library, library system, city, county, or tribal government,

Friends of the Library, or library foundation may pay for equipment or services for the library and have done so during the pandemic. As a result of these variations, for retroactive reimbursements (if not also prospective purchases), these entities would be the “billed entity” for ECF funds. In order to correctly reimburse the library which may be the ECF applicant but not the billed entity, the ECF application portal should allow flexibility and accommodate multiple billed entities (parent entities) for eligible libraries (child entities). If constraints in the current EPC system will not allow for these changes, we ask for a sensible workaround, such as a narrative box, to allow a library to document the billed entity and its relationship to the eligible library entity. We also ask that as part of the ECF application review process that USAC work with libraries to document and resolve these variations rather than using them as a justification to deny the application.

For libraries who purchased qualifying equipment or services from a vendor who does not currently have a Service Provider Invoice Number (SPIN), we suggest that the library should be able to request direct reimbursement without requiring the vendor get a SPIN number.

#### Adapt E-rate application forms to expedite the ECF application and review process

The ECF application process should take every opportunity to combine forms and eliminate unneeded steps. In addition to ALA, initial comments by EdLiNC and SECA, among others, support state and local competitive bidding requirements as sufficient to guard against waste, fraud, and abuse.<sup>9</sup> By relying on state and local procurement processes, posting a Form 470 should not be a required part of the ECF application process. To further streamline the administrative process, the application (Form 471) could also include the reimbursement request (Form 472) for previous qualifying purchases. If application documentation includes invoices to verify pricing, this presents an opportunity to combine review and reimbursement into one step. ALA asserts the Children’s Internet Protection Act (CIPA) is out of scope for ECF, and therefore the Form 486 could also be eliminated from the application process. These suggestions would

---

<sup>9</sup> See SECA’s comments <https://ecfsapi.fcc.gov/file/10406167954207/SECA%2021-93%2021-31%20Comments%20as%20filed.pdf> and EdLiNC’s comments <https://ecfsapi.fcc.gov/file/104052008201166/EdLiNC%20Comments%20on%20HG%20PN.pdf>.

simplify the application process and allow for a streamlined review process so funds are quickly and efficiently disbursed.

Finally, ALA urges the Commission to allow sufficient time and provide funding as needed for USAC to engage libraries and schools in additional education, outreach, and user experience testing for the new ECF program. The Commission and USAC regularly communicate with stakeholder groups, and we encourage them to engage with these groups to ensure the resulting ECF educational materials and application processes are as successful as possible to enable library and school applicants to work toward closing the homework and connectivity gaps.

In conclusion, there is strong support in the record for the Commission to take a budget approach to disburse the funding equitably across all applicants. ALA affirms this position and urges the Commission to adopt a population-based formula for libraries. We also encourage the Commission to make the application process straightforward to ensure even the smallest and least resourced applicants will participate in the ECF program. We know closing the homework and connectivity gap is an all-hands-on deck matter, and the nation's libraries stand ready to assist.

Respectfully submitted by,

/s/ Marijke Visser  
Senior Policy Advocate, ALA

/s/ Robert Bocher  
Senior Fellow, ALA Public Policy and Advocacy Office

/s/ Alan Inouye  
Director of Public Policy, ALA