

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
Possible Revision or Elimination of Rules: ) CB Docket No. BO 16-251; DA 16-792  
Subpart F—Universal Service Support for )  
Schools and Libraries )

**COMMENTS OF THE  
AMERICAN LIBRARY ASSOCIATION  
May 4, 2017**

The American Library Association (ALA) is the largest library association in the world, with more than 57,000 members. ALA has provided leadership for over 140 years in connection with the development, promotion, and improvement of library and information services and the profession of librarianship.

We appreciate this opportunity to comment on the above referenced rules for the E-rate program. E-rate is a critical program that helps ensure our libraries have the broadband connectivity they need to provide adequate and affordable internet access to their patrons. With support from the program virtually 100% of our nation’s 16,500 public libraries offer free broadband internet access and 99% offer wireless access to allow patrons with their own devices to connect and use the internet.

More specifically, in this proceeding the Commission asks for input on Subpart F on the E-rate rules regulations implementing section 254 of the Communications Act of 1934. We submit these comments on the following E-rate issues subject to this review:

\* \* \* \*

**Section number and subject under review:**

- 54.502(a)-(c), *Eligible services*.

ALA will reserve any comments on specific eligible services in this proceeding but will respond, if needed, during the public comment period that precedes release of the annual Eligible Service List. However, as referenced in this section, the Category Two allocation process established in the Modernization process expires after the July 1, 2019 funding year and reverts back to the “2

in 5” rule absent Commission action. To ensure that applicants are able to continue applying for Category Two funding without interruption in the 2020 funding year, we suggest the Commission open a proceeding seeking comments on the Category Two budget. This should be done with an ample public comment period and allow adequate time for USAC to update any necessary guidance or online processes prior to the start of the 2020 application period. The Commission could also seek input on this as part of the 2018 Eligible Service List public notice.

**Section number and subject under review:**

- *54.514, Payment for discounted services.*

Section 54.514 requires E-rate eligible service providers to give libraries and schools the option each funding year to either: (1) Pay the discounted price; or (2) pay the full price and then receive reimbursement through the Billed Entity Applicant Reimbursement (BEAR) process. We very much agree with giving applicants, rather than service providers, the ability to choose which payment method to use. However, paying the discounted price is only feasible when applicants receive their Funding Commitment Decision Letters (FCDLs) at least several weeks before the July 1 service start date. But with so many applications still pending as of July 1 we sympathize with providers who claim that, from a business perspective, they cannot offer discounts on the price of a service when the service has not yet been approved. To make discounts on bills a more realistic option, applicants must be funded before July 1. USAC has been working on this issue for many years but unfortunately has made little progress. Lack of progress notwithstanding, we encourage the Commission to continue working with USAC and the applicant community to seek ways to expedite the application review and approval process.

**Section number and subject under review:**

- *54.516, Auditing and inspections.*

ALA certainly supports efforts to guard against waste, fraud, and abuse in the E-rate program. In this regard, we understand that the extension of record retention from 5 years to 10 years was done to enable litigation under the False Claims Act. However, considering the added burden this places on applicants (e.g., changes in personnel, management of many more electronic files, etc.) we question whether this extension is necessary. Thus we ask: How many E-rate related legal actions have occurred since the program’s inception that could not be properly adjudicated because the 5 year record retention was inadequate? If this has been an issue, then we support the retention extension to 10 years. But if there is no indication the 5 year retention has been an issue we support reverting to the 5 year retention rule.

**Section number and subject under review:**

- *54.520, Children's Internet Protection Act certifications required from recipients of discounts under the federal universal service support mechanism for schools and libraries.*

ALA supports the current rules which are consistent with Congress’s intent and provide libraries and schools with needed flexibility to determine the best way to comply with CIPA’s requirements that meets local standards. This flexibility is especially important from the

perspective of CIPA's filtering requirement because it allows compliance procedures and processes to change commensurate with advances in technology.

Respectfully submitted,



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