



May 6, 2021

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic, WC Docket No. 21-93
Addressing the Homework Gap through the E-Rate Program, WC Docket No. 21-31
Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184
Ex Parte Submission

Dear Secretary Dortch:

The State E-rate Coordinators' Alliance conducted online virtual meetings with members of the FCC staff on May 4 and May 5, 2021 to discuss the draft Emergency Connectivity Fund Order. *See* Public Notice DA 21-500 released April 30, 2021. [ECF Draft Order](#). We discussed the positions and recommendations reflected in the ex parte submission of the "Remote Learning Coalition" filed May 5, 2021. *See* [Remote Learning Coalition May 5 Ex Parte](#). A one-page summary of these recommendations is enclosed.

We met with Carolyn Roddy, Office of Commissioner Simington on May 3, 2021. We met with the following on May 4, 2021: Austin Bonner and Lexi Cafasso, Office of Commissioner Starks; Travis Litman and Ramesh Nagarajan, Office of Acting Chairwoman Rosenworcel; and, Danielle Thumann, Office of Commissioner Carr. We also met with the following members of the Wireline Competition Bureau on May 4, 2021: Kris Monteith, Lisa Hone, Ryan Palmer, Molly O'Connor, Kate Dumouchel, Gabriela Gross, David Zesiger and Joseph Schlingbaum.

The undersigned was joined by SECA members Robert Bocher, Pam Jacobs and Julie Tritt Schell in the meetings.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Debra M. Kriete".

Debra M. Kriete, Esq., Chair
State E-Rate Coordinators' Alliance
cc: FCC staff in attendance

Enclosures

cc: FCC representatives in attendance



SECA Recommendations Regarding Draft ECF Order

1. Paragraph 79: Retroactive period should begin March 1, 2020 and not July 1, 2020 to ensure that ALL pandemic-related eligible purchases made when schools were forced to close and were required to move to remote learning will be reimbursed.
 - Ideally, the window would be combined to cover the entire period of March 1, 2020 through June 30, 2022. We filed in support of the entire reimbursement being addressed in one window so as to not tilt the funding toward retrospective rather than prospective funding.
 - This includes any network construction that occurred during this timeframe where applicants can prove that no commercially available broadband service was available.
 - These applicants still deserve reimbursements, just like what happens in the traditional E-rate program. It does not matter that their fiscal year 2020 books closed. This happens each year when applicants use the BEAR process. The fiscal year closes and then the reimbursements are received in a subsequent fiscal year. While some applicants may have been able to use other COVID relief funding for these purchases (March – June 2020), other may not have been able to and should be able to have the same opportunity as other applicants to obtain payment from ECF.
2. Paragraph 87: If demand exceeds available funding, a pro-ration method of distributing funding should be done instead of relying on the discount matrix. This will ensure that all applicants receive a portion of the funds.
3. Paragraph 92 Allow applicants to submit Form 472 BEARs to obtain funding using proof of purchase or proof of “vendor order”. This will alleviate the problem for applicants that cannot “upfront” the funds and wait for reimbursement and is necessitated by lack of SPI option. A quick post-disbursement “verification” could be done at conclusion of funding year to ensure that equipment or services were acquired and fully paid to the vendor.
4. Paragraph 77: Concern about requiring applicants to certify need - that a student or library patron did not have devices or Internet. At a minimum:
 - a. There should be a **presumption** that all low-income students needed school-provided devices and internet services.
 - b. Schools may also request reimbursement of devices and internet services provided to non-low-income students that they identified as needing the devices and services. This should be a pre-funding self-certification on the form 471.
 - c. For post-funding reviews, no specific documentation is required (such as a survey) but rather a reasonable explanation of how the applicant chose the non-low income student recipients of devices and internet services paid for by the school.
5. Paragraph 79: If there is only one retroactive window, allow equipment orders **placed by** April 30, 2021 to be included in the retroactive window, **not** just equipment that was ordered and received by April 30, 2021.
6. Paragraph 38: Include permission to use E-rate-funded internet for off campus in this order.
 - a. This should be done as a limited pilot during the pandemic period to see how many schools are able to leverage their E-rate funded internet to help provide connectivity for remote learning.
 - b. Some schools rely on their E-rate funded internet to comply with CIPA on school owned devices that are used off-campus.
 - c. It is wasteful and inefficient to not allow for off campus internet usage if the internet is available and already is being supported through the traditional E-rate program.
7. Should the Commission choose to limit the overall amount of funding applicants can receive, SECA continues to support its original proposal of \$100 per urban student and \$150 per rural student to create a budget cap formula.