

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

In the Matter of)	
)	RM-11841
Modernizing the E-Rate Program for Schools and Libraries)	WC Docket No. 13-184
)	WC Docket No. 10-90
Connect America Fund)	
)	CC Docket No. 02-6
Schools and Libraries Universal Service Support Mechanism)	

COMMENTS OF THE CONCERNED RURAL CARRIERS

Colorado Valley Telephone Cooperative, Inc. (“Colorado Valley”), Public Service Communications, Inc. (“Public Service”), Sandhill Telephone Cooperative, Inc. (“Sandhill”), Santa Rosa Telephone Cooperative, Inc. (“Santa Rosa”), and Taylor Telecom (“Taylor”) (collectively, the “Concerned Rural Carriers”), by their counsel, hereby submit these comments to urge the Federal Communications Commission (the “FCC” or “Commission”) to initiate a Notice of Proposed Rulemaking proceeding in response to the Petition for Rulemaking filed by Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc. and Totelcom Communications, LLC (collectively, the “Texas Carriers”) on May 22, 2019, and to express support for the Texas Carriers’ proposals to prevent or discourage overbuilding of federally-funded fiber networks with Universal Service Fund (“USF”) Schools and Libraries Program (“E-Rate”) monies.¹ The Texas Carriers’ Petition, pursuant to Section 1.401² of the FCC’s Rules,

¹ Petition for Rulemaking of Central Texas Telephone Cooperative, Inc. et al., RM-11841; CC Docket No. 02-6; WC Docket No. 13-184 (filed May 22, 2019) (“Texas Carriers’ Petition”).

² 47 C.F.R. § 1.401.

seeks the modification of certain Commission rules to put safeguards in place in order to discourage overbuilding existing fiber networks, particularly fiber networks that have been constructed with USF support.³

Colorado Valley, Santa Rosa and Taylor Telcom are rural telephone cooperatives serving parts of Texas who are aware of or have directly witnessed the overbuilding in the state as described in the Texas Carriers' Petition. Additionally, Public Service, a wireless, wireline, broadband and cable service provider serving west-central Georgia, and Sandhill, a rural telephone cooperative serving South Carolina, are also aware of or have witnessed such overbuilding occurring in their respective states, proving that this is a widespread issue that calls for immediate Commission attention. Therefore, the Concerned Rural Carriers support the Petition and, accordingly, request that the Commission initiate a Notice of Proposed Rulemaking on the matters contained in the Petition as soon as possible to prevent further waste in the USF program and to ensure that more E-Rate funds are available for projects seeking to serve rural schools and libraries that do not currently have access to broadband services.

I. DISCUSSION

The Concerned Rural Carriers have experienced or have knowledge of many of the same overbuilding issues described by the Texas Carriers in their respective service territories and the surrounding areas.⁴ E-Rate funds have been used to overbuild existing fiber networks that were also at least partially constructed with USF support, resulting in a reduction in funds available to rural schools and libraries that are most in need of broadband service. For these reasons, the Concerned Rural Carriers fully support Commission action to prohibit or discourage such

³ Texas Carriers' Petition, p. 1.

⁴ *Id.*, p. 2.

activity that undermines the purpose of the E-Rate program. Specifically, the Concerned Rural Carriers support the Texas Carriers' proposals to amend the rules, 47 CFR 54.502 and 47 CFR 54.503, to provide a process by which E-Rate applicants can notify existing providers of proposed special construction projects seeking new fiber builds and the opportunity to negotiate, in good faith, to lease existing USF supported networks.⁵ By providing a 60-day challenge period for existing providers to "demonstrate that its existing network facilities are capable of connecting via fiber the school or library in question" and a subsequent 120-day good faith negotiation period, the Commission will proactively avoid any further overbuilding and in turn, will be able to allocate those funds to schools and libraries that truly lack broadband access.

The Concerned Rural Carriers are also open to alternative options intended to discourage overbuilding existing fiber networks with E-Rate funds. The Concerned Rural Carriers believe that the Commission's initiation of a rulemaking proceeding to address the issues described herein is the most effective way to accomplish the goals outlined in the Texas Carriers' Petition. The Commission should initiate such a proceeding immediately, before more critical USF monies are wasted or diverted from schools and libraries with no connectivity at all.

II. CONCLUSION

The Concerned Rural Carriers support the E-Rate program and the value that the program's assistance provides to schools and libraries throughout rural America. The Concerned Rural Carriers echo the Texas Carriers' concerns about the misuse of E-Rate funds to overbuild existing networks that have been previously constructed using federal funds. Such overbuilding is wasteful and an inefficient use of E-Rate funds and more importantly, it diminishes the amount of funds available to connect schools and libraries that lack fiber broadband connection. For the

⁵ *Id.*, p. 4.

reasons set forth above, the Commission should promptly initiate a Notice of Proposed Rulemaking to consider the modification of certain E-Rate rules in order to encourage the most productive use of E-Rate funds while still fulfilling the purpose of the program to facilitate increased broadband to the nation's schools and libraries.

Respectfully submitted,

THE CONCERNED RURAL CARRIERS

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