

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

In the Matter of	)	
Restoring Internet Freedom	)	
NOTICE OF PROPOSED RULEMAKING	)	WC Docket No. 17-108
Adopted: May 18, 2017	)	FCC 17-60
Comment Date: July 17, 2017	)	Released: May 23, 2017
Schools and Libraries Universal Service Support Mechanism	)	Reply Comment Date: August 16, 2017

**COMMENTS OF**

**MIAMI-DADE COUNTY PUBLIC SCHOOLS**

**REGARDING THE NOTICE OF PROPOSED RULEMAKING**

**AND**

**FURTHER NOTICE OF PROPOSED RULEMAKING**

**THE SCHOOLS AND LIBRARIES**

**UNIVERSAL SERVICE SUPPORT MECHANISM**

## Summary and Introduction

Miami-Dade County Public Schools (M-DCPS) submits these reply comments in response to the Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), released on May 23, 2017.<sup>1</sup> In this Notice, the Federal Communications Commission (FCC) seeks comment on whether to, “...continue to apply utility-style regulation to the Internet ...”<sup>2</sup> / or “...a return to the successful bipartisan framework that created the free and open Internet and, for almost twenty years, saw it flourish”<sup>3</sup>

The Commission, through this NPRM, proposes “*Ending Public-Utility Regulation of the Internet*” – “...while recommending to “Reinstate the Information Service Classification of Broadband Internet Access Service ... as an information service based on a number of factors...”<sup>4</sup>

M-DCPS welcomes the opportunity to file substantive comments, especially in the area of the effects of “LIFELINE” (para. 68 / page 24) / following the NPRM proposal“ to maintain support for broadband in the Lifeline program after reclassification.

M-DCPS also welcomes the opportunity to file substantive comments in the area of No Paid Prioritization Rule (see para. 84, page 29). The Commission, through this NPRM seeks comment on the continued need for the “*No Paid Prioritization Rule*” (AKA “fast lanes” practices) and whether or not these “harm consumers, competition, and innovation as well as create disincentives to promote broadband deployment.” and whether the Commission has the authority to retain it.<sup>5</sup>

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<sup>1</sup> See Notice of Proposed Rulemaking & Further Notice of Proposed Rulemaking rel’d May 23, 2017, FCC 17-60.

<sup>2</sup> See page 2, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – INTRODUCTION Para. 3.

<sup>3</sup> See page 2, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – INTRODUCTION Para. 5.

<sup>4</sup> See page 8, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – INTRODUCTION Para. 23 – 25.

<sup>5</sup> See page 24, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – SECTION C.

As well, para.113 addresses other [possible] costs that are not directly the result of decreased investment in network.<sup>6</sup> As noted, “...maintaining current policies may prevent new business models or new products and services from being viable and ultimately delivering value to society.” *The Commission seeks comment on such costs and how we may incorporate them into our analysis.* The Commission, through the notification stated in *APPENDIX A “Proposed Rules”*<sup>7</sup>

## **PART 8: PROTECTING AND PROMOTING THE OPEN INTERNET**

1. Repeal and reserve Section 8.11.

The Commission, through the notification stated in APPENDIX B “Initial Regulatory Flexibility Analysis”<sup>8</sup> has indicated that,

**“The Notice sets forth the following three main proposals”:**

1. **Returning broadband Internet access service to its previously-settled classification as an information service.**
2. **Restoring the definition of “public switched telephone network” to its original meaning.**
3. **Eliminating the Internet conduct standard.**

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6 See page 29, para. 85. Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – SECTION IV. A LIGHT-TOUCH REGULATORY FRAMEWORK / “Need for the NO PAID PRIORITIZATION RULE”

7 See page 37, para. 113. Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017 – SECTION IV. A LIGHT-TOUCH REGULATORY FRAMEWORK / Section C “Cost Benefit Analysis”

8 See APPENDIX A / Proposed Rules Page 40 – PART 8. Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017.

9 See APPENDIX B / Page 41, “Initial Regulatory Flexibility Analysis” , Section A. “Need for, and Objectives of, the Proposed Rules, #3 / Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking (NPRM), WC Docket No. 17-108 / FCC 17-60, released May 23, 2017.

In essence, The FACT SHEET<sup>9</sup> released by the FCC on April 27, 2017, outlines

**“WHAT THE NPRM WOULD DO”**

- Propose to reinstate the information service classification of broadband Internet Access service and return to the light-touch regulatory framework first established on a bipartisan basis during the Clinton Administration.
- Propose to reinstate the determination that mobile broadband Internet Access service is not a commercial mobile service and in conjunction revisit the elements of the *Title II Order* that modified or reinterpreted key terms in section 332 of the Communications Act and our implementing rules.
- Propose to return authority to the Federal Trade Commission to police the privacy practices of Internet service providers.
- Propose to eliminate the vague Internet conduct standard.
- Seek comment on whether to keep, modify, or eliminate the bright-line rules set forth in the *Title II Order*.
- Propose to re-evaluate the Commission’s enforcement regime to analyze whether *ex ante* regulatory intervention in the market is necessary.
- Propose to conduct a cost-benefit analysis as part of this proceeding.

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10. FACT SHEET / Restoring Internet Freedom. Notice of Proposed Rulemaking – WC Docket No. 17-108.  
“This document is being released as part of a ‘permit-but-disclose’ proceeding.”

## **NPRM RESPONSES BY MIAMI-DADE COUNTY PUBLIC SCHOOLS**

### **ENDING PUBLIC-UTILITY REGULATIONS OF THE INTERNET**

#### **NPRM, ¶68 - LIFELINE.**

M-DCPS notes that the NPRM seeks comments on whether the Commission should maintain support for broadband in the Lifeline program after reclassification. **M-DCPS basically is leaning in favor of supporting broadband in the Lifeline program after reclassification.** M-DCPS will provide additional supporting details by the Reply Comment Date of August 16, 2017.

### **NEED FOR THE “NO PAID PRIORITIZATION” RULE**

#### **NPRM, ¶84- AKA ‘FAST LANES’.**

Proposed Rule

#### **PART 8: PROTECTING AND PROMOTING THE OPEN INTERNET**

1. Repeal and reserve Section 8.11.

As such, *M-DCPS will likely come down on the side of repealing and reversing Section 8.11.*

M-DCPS has consistently endorsed the position of a broad education coalition, and opposing paid prioritization, considering that, on its merit, public education needs are critical and should not become second-class needs to commercial services – such that, in effect, by not protecting and promoting the open Internet, we would create a ‘slow lane’ by default.

## RESTORING PUBLIC SWITCHED NETWORK.

### NPRM, ¶APPENDIX A / s 20.3 Definitions – SWITCHED NETWORKS

Specifically, “*Any common carrier switched network, whether by wire or radio, including local exchange carriers, interexchange carriers, and mobile service providers, that use the North American Numbering Plan in connection with the provision of switched services.*”

In the *Universal Service Transformation Order*, the Commission recognized that “[s]ection 254 grants the Commission the authority to support not only voice telephone service but also the facilities over which it is offered ... and allows us to ... require carriers receiving federal universal service support (AKA E-rate funding) to invest in modern broadband-capable networks. Accordingly, as the Commission did in the *Universal Service Transformation Order*, we propose requiring Lifeline carriers to use Lifeline support ‘for the provision, maintenance, and upgrading’ of broadband services and facilities capable of providing supported services... where the FCC seeks comment on this proposal.”<sup>10</sup>

As such, M-DCPS believes that The Commission, more specifically - through this NPRM - solicits comments on three main proposals as identified In Appendix B just mentioned above (see page 3 of this document). Specifically, #2 “Restoring the definition of public switched telephone network” is in itself an invitation to further clarify ‘switched telephone networks’ – and its intertwined definition of Voice Services / an opportunity that M-DCPS will respectfully address as part of this NPRM response. (Ssee APPENDIX “A” Page 40, S 20.3 Definition: Public Switched Telephone Network [as eligible components within the Eligible Services List]) and thus also include the viability of returning Voice Services as also an Eligible Service within the ESL of the E-rate program.

M-DCPS notes that our likely position on the subject of “Public Switched Telephone Network would be as CONDITIONAL SUPPORT, so long as VOICE SERVICES are returned and identified as ELIGIBLE SERVICES in the E-rate program’s ESL.

M-DCPS strongly believes that returning VOICE SERVICES as an ELIBIBLE SERVICE is a necessary step, particularly when considering Public Switched Telephone Networks to its previous definition.

## **RESTORING VOICE TELEPHONE SERVICES**

### **NPRM, ¶APPENDIX A / s 20.3 Definitions – VOICE TELEPHONE SERVICES**

M-DCPS respectfully reminds the FCC that, *In the Universal Service Transformation Order, the Commission recognized that, “Section 254 grants the Commission the authority to support not only voice telephony service.”* As such then, and to ensure that one of its goals of improving the Schools and Libraries - and the E-rate program in general, is to **strengthen the program structure through a reform of its funding guidelines, including a return to include costs associated with VOICE SERVICES into the Eligible Services List (ESL).**

## **Conclusion**

We are at the threshold of the electronic classroom, where every student will have a laptop computer, much as students before this generation had books in a backpack, except they are now capable of accessing any information instantly and without boundaries. How the Internet itself, therefore, is regulated or restricted – **or not** – has a direct impact in the way we will successfully use this tool to educate our students.