

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of:)	
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Petition for Rulemaking of Central Texas)	RM-11841
Telephone Cooperative, Inc., Peoples Telephone)	CC Docket No. 02-6
Cooperative, Inc. and Totalcom Communications to)	WC Docket No. 13-184
Prohibit Use of E-rate Funds To Build Fiber)	
Networks In Areas Where Federally)	
Supported Fiber Networks Already Exist)	

Reply Comments of E-rate Partners, LLC

E-rate Partners, LLC is an consultant located in New York. We work with E-rate applicants in several states ranging from single schools to large consortia. We respectfully submit these reply comments to express our agreement with the comments submitted by the entities listed below in opposition to the Petition of the Texas Carriers.¹ We also oppose the Texas Carriers' Petition.

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| • American Library Association ("ALA") | • The School Superintendents |
| • The Benton Foundation | Association ("AASA") and the Association of |
| • CVIN d.b.a. Vast Networks | Educational Service Agencies ("AESA") |
| • EducationSuperHighway | • Schools, Health & Libraries Broadband |
| • INCOMPAS — The Internet and competitive | Coalition ("SHLB") et al |
| networks association | • State E-Rate Coordinators' Alliance ("SECA") |
| • Infinity Communications & Consulting | • Uniti Fiber |
| • New America's Open Technology | |
| Institute et al | |

Special construction options have been critical in bringing high-speed fiber networks to applicants enabling the most cost-effective network solutions. By successfully leveraging E-rate funds for special construction projects, applicants we work with have been able to deliver higher speed Internet access to

¹ Wireline Competition Bureau Public Notice issued May 30, 2019, DA 19-493; Petition for Rulemaking of Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc. and Totalcom Communications, LLC ("Texas Carrier's Petition").

their classrooms while reducing costs. The comments referenced above convincingly detail the many reasons for rejecting this Petition with facts, figures, and references to existing rules. We would like to take this opportunity to voice our support of these comments and to briefly highlight several key points. We submit that the measures proposed in the Petition would limit competitive bidding, violate the competitive bidding process, potentially raise costs, delay funding for applicants, and increase the administrative burden for all entities involved.

1. The Petition limits competitive bidding instead of encouraging it.
Competitive bidding has always been a central tenet of the E-rate program. The Petitioners urge the Commission to “adopt rules that prohibit the use of universal service funds for special construction of fiber networks that overbuild existing fiber networks.” The existence of a fiber network does not guarantee its cost effectiveness. Denial of new fiber networks on the grounds that there’s an existing fiber network does not invite competition. This could result in higher prices for broadband networks in underserved areas or inhibit the buildout of networks which could leverage cost-competitive networks. This would be detrimental to potential future builds of networks, particularly in rural areas, from a cost perspective.
2. The Petition violates the existing competitive bidding process.
Applicants for special construction projects already need to go through a rigorous bid process and application review process in order to receive funding. Existing rules governing the bid process ensure competitive pricing for service providers responding to RFPs. Applicants considering dark fiber or self-provisioned fiber must issue an RFP, must request bids for multiple types of solutions, must respond to detailed review questions, etc. These existing measures are all in place to ensure that applicants are selecting the most cost-effective solution. Additionally, all service providers must be treated equally, and the bidding process must be fair and open. The Petition requests a 60-day challenge period followed by a 120-day negotiation period. This provides competitive advantage to incumbent service providers. Allowing service providers additional options for bidding would provide unfair advantage to certain providers. In many cases, this type of process would also violate local and/or state procurement laws. All potential bidders should be required to follow the same rules, and they should be required to follow the bidding requirements set forth in the original RFP.
3. The Petition results in delays in funding and adds unnecessary, additional administrative overhead.
Adding additional administrative overhead to the process will create unnecessary delays in E-rate processing and confusion. The proposed challenge and negotiation periods would add significant funding delays to the already extended application/review process for special construction applications. Installation of new fiber would be virtually impossible within the intended funding year. In addition to increasing administrative costs, this could encourage applicants to select incumbent providers to possibly avoid some of these delays and to be able to install or update their networks in a timely fashion.

The E-rate program has always promoted competitive bidding with an even playing field for all bidders. This encourages the most cost-effective solutions which is advantageous for both applicants and the E-rate program. We therefore request that the Petition be rejected.

Respectfully submitted,



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