

Mark Gordon
Governor



Gordon Knopp
State Chief
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Department of
Enterprise Technology Services

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Notice of Proposed Rulemaking

**Universal Service Contribution
Methodology**

FCC 19-46

WC Docket No. 06-122

**COMMENTS OF THE WYOMING DEPARTMENT OF ENTERPRISE TECHNOLOGY
SERVICES OPPOSING PROPOSED UNIVERSAL SERVICE FUND CAP CHANGES**

The State of Wyoming serves over 91,500 students in 364 public schools. The Wyoming Department of Enterprise Technology Services (ETS) provides support to all 48 school districts, with 85% small schools or schools in rural areas. ETS opposes the Federal Communications Commission's ("FCC") proposal to establish a single spending cap over the four unique Universal Service Fund ("USF") programs and to merge the E-rate and Rural Health Care program caps. These proposed administrative changes will not facilitate greater broadband access, promote operational efficiencies, or otherwise serve the public interest.

ETS staff supports school districts that are working to promote equitable access to digital learning, including encouraging local and regional efforts to expand school and home access to high capacity broadband. ETS works to provide advice and support to local education leaders,

policymakers, and network staff to help deliver seamless digital learning experiences to their students at school and at home. This support includes helping school districts take full advantage of the vitally important USF *Schools and Libraries Program* (“E-rate”) for delivering the high capacity broadband access required for contemporary teaching and learning.¹

Since 2014, the State of Wyoming has allocated over \$42 Million to upgrade broadband connections across the state. While also utilizing nearly \$20 Million of E-Rate funds, over 400 schools are now connected to high-speed broadband. However, the work is not yet complete. In July 2019, ETS began the next phase to bring broadband to under/unconnected schools.

Sufficient E-rate funding must be available to help school districts address remaining broadband shortfalls. For this reason, and the reasons described below, ETS strongly encourages the FCC to forgo establishing an aggregate cap on the Universal Service Fund’s four programs and not merge the existing program-level caps for the E-rate and Rural Health Care programs as proposed by the above-captioned proceeding.²

CONGRESS ESTABLISHED DISTINCT USF PROGRAMS FOR A PURPOSE AND ESTABLISHING A SINGLE USF CAP WOULD FRUSTRATE CONGRESS’S INTENT

The Commission’s proposal in this rulemaking proposes to replace Congress’s judgment that “specific, predictable and sufficient” support is needed for each of the USF programs. Establishing an aggregate USF cap and a statutorily-baseless system for measuring the relative value of the four USF programs would frustrate Congress’s intent and the programs’ vitally important and unique high-need consumer focus areas.

¹ See e.g., *The Broadband Imperative II: Equitable Access for Learning*, State Educational Technology Directors Association (September 2016).

² Federal Communications Commission, Note of Proposed Rule Making re Universal Service Fund Contribution Methodology, FCC 19-46; WC Docket No. 06-122, Federal Register p. 27571, June 13, 2019.

In the last unconnected and under-connected areas in the State of Wyoming, a consolidated approach to bringing broadband to the community would be logical. However current processes and rules in place effectively promote a siloed approach where schools are connected with one program, libraries/healthcare under another and even still, the digital divide to the home continues. If the FCC were to promote coordinated, cost allocated processes and procedures, all the distinct program would still be responsible for their fair share and see the benefits.

COMBINING THE E-RATE AND RURAL HEALTH CARE PROGRAM CAPS COULD SLOW SCHOOLS' PROGRESS TOWARD THE MODERNIZATION ORDER'S CONNECTIVITY GOALS

The FCC'S proposal to establish a single budgetary cap for the E-rate and Rural Health Care programs could divert needed broadband resources away from students. Sharing resources between these two unique programs could result in less available E-rate funding during a critical funding year unless there was consolidated process focus. Rural Health Care Program demand has “risen over the past three years with a sharp increase in demand in FY2017...”³ Although E-rate demand did not meet the program's cap in the most recent funding year, schools' broadband needs remain significant. A more inclusive option would be to redirect more funding to the Category two fund and provide more resources to schools for internal connections.

CONCLUSION

ETS appreciates the significant efforts of the FCC to modernize E-Rate and support schools. E-Rate is an incredible program that, even with its “bumps”/challenges, has connected

³ *Universal Service Administrative Company 2018 Annual Report*, p.7. Viewed online at www.usac.org.

students to the world beyond the four walls of their classroom. ETS looks forward to continuing to work with the FCC and other states to connect all students.

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "Gordon Knopp", is positioned above the printed name.

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