

Chairman Ajit Pai  
Federal Communications Commission  
445 12th Street SW,   
Washington, DC 20554

August 20, 2019

Dear Chairman Pai,

I am writing today in response to the Federal Communications Commission’s (FCC) Public Notice which, among other things, considers changes to the Universal Service Fund (USF) programs, including E-Rate. Before delving into my response to the proposed changes, I want to thank the FCC for its continued support for the E-Rate program and for the critical programmatic and policy changes the commission adopted in 2014. The E-Rate program provides critical discounts to assist schools (like mine) to obtain affordable telecommunications and internet access.

Albemarle County Public Schools (ACPS) is an urban\rural mix with 13,981 students reported for the E-RATE fund year 2019. Our disadvantaged population is 4,124 students or 29.5% of the total student population. We have 25 E-RATE qualified school entities (schools) registered with the E-RATE program, 9 of which are classified as urban and 16 as rural. Our overall filing status is rural.

The E-RATE Category-1 program provides 60 percent of our WAN and Internet connectivity service costs contributing over $184,000 annually to our School Division, not including our Fiber Build Project. The E-RATE Category-2 program has provided $970,000 towards purchases of $1,620,000 for replacement of connection hardware (switches and wireless access points) which had exceeded its useful lifecycle.

This year ACPS is utilizing Category-1 E-RATE funding to build out a fiber network to service it’s primary and secondary schools with high speed fiber optic connections between all schools in the division and to its internet connection points. The Fund Year 2019 fiber project cost is $3,649,380 of which we anticipate $2,554,566 to be funded by the E-RATE program.

The E-Rate program, and the broader USF program, is a program succeeding in its mission. As the FCC moves forward with this public notice, it is prudent to remain focused on the fact that E-Rate is a program that works. Any changes to the E-Rate program should be focused on expanding a successful program that has yet to reach its full potential and ensuring the FCC remains a good steward of the changes adopted 2014, allowing those changes to progress and play out as intended. Changes to the E-Rate program and the broader USF program must be focused on bolstering and strengthening the original intent of the underlying programmatic statute, expanding equitable access to connectivity in multiple areas, through all four USF programs (E-Rate, Rural Health Care, Lifeline, and Connect America Fund).

The organizing theme of the proposed rule is a focus on a funding cap for the USF program, including pairing E-Rate under a funding cap with Rural Health Care. E-Rate played a critical role is the rapid and significant expansion of connectivity in schools, and I am concerned that the proposed rule will unnecessarily pit two important priorities—connectivity in schools with rural health care—against each other, resulting in an arbitrary funding pressure that not only disregards and dismisses the original intent of the statute creating all four USF programs, but also stands to undermine and threaten the great progress of E-Rate.

I am opposed to the rule as drafted. The proposed rule conflicts with the original legislative intent of the underlying 1996 Telecommunications Act, which was explicit in its creation of two separate and distinct programs for schools/libraries and rural health care providers. The proposed rule unnecessarily pits schools/libraries against rural hospitals/clinics, creating a false race to the bottom under which both programs and the communities they support lose. The proposed rule will likely immobilize E-Rate funding and expand confusion among beneficiaries. Specific to E-Rate and schools, where school system leaders have a responsibility to balance their budget annually, the idea that the E-Rate funding would be hamstrung and lack certainty in availability will certainly impact how districts plan to continue (or discontinue, should funding not be certain or reliable) their effort to build out connectivity to meet the learning needs of their students.

The goal of the E-Rate program is simple: equitable access to affordable connectivity. While the overwhelming majority of schools and libraries are connected, the ongoing conversation about connectivity and E-Rate must continue to support and protect the shift from establishing connectivity to ensuring adequate connectivity (specifically, access to high-speed broadband). A massive overhaul of the E-Rate program without considering its initial purpose—one that has yet to be fully recognized—is poor policy. The FCC must support continuation of an E-Rate program that remains focused on expanding the E-Rate program from simple connectivity to expanded connectivity.

The E-RATE Category 2 Program provided ACPS $970,000 towards purchases of 1,620,000 for replacement of legacy and outdated connection hardware (switches and wireless access points) which had exceeded its useful lifecycle. Without E-RATE funding these critical components may not have occurred in as timely a manner and could have negatively impacted connectivity for our students. Because the nature of this equipment requires that it be maintained and replaced on regular cycles, having the E-RATE Category 2 Program continue to be funded and renewed in alignment with procurement cycles is paramount to our ability to effectively plan replacement cycles in such a way that does not negatively impact instruction.

The Fiber Buildout is the most efficient and cost-effective manner to meet the future bandwidth requirements for each school in our Division. This year ACPS is utilizing Category-1 E-RATE funding to build out a fiber network to service its primary and secondary schools with high speed fiber optic connections between all schools in the division and to its internet connection points. E-Rate fund Year 2019 fiber project cost will be $3,649,380 of which we anticipate $2,554,566 to be funded by the E-RATE program.

ACPS is paying for the fiber project with 20 percent local funds and 10 percent from our state technology grant to leverage a matching 10 percent E-RATE funding commitment. This increases the overall E-RATE funding for this project to 70 percent.

Without E-RATE funding the Fiber Buildout Project was restricted to the availability of local funds and construction may have been delayed for years. This would have negatively impacted the rural schools to a greater extent.

In closing, I reiterate my district’s continued, strong support for and reliance upon the E-Rate program for being able to access and afford the high-speed connectivity that is so central to our students’ learning. Thank you for considering these comments.

Sincerely,

<insert signature>  
<insert name>