

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

In the Matter of)	
)	
Modernizing the E-Rate Program for)	WC Docket No. 13-184
Schools and Libraries)	

REPLY COMMENTS OF KELLOGG & SOVEREIGN® CONSULTING, LLC

Proposed Improvements to the FCC Form 470 Drop-Down Menu (DA 19-986)

Kellogg & Sovereign® Consulting, LLC (KSLLC) submits these reply comments in response to the Commission's public notice released on October 1, 2019 (WC Docket No. 13-184) seeking comments on the Universal Service Administrative Company's (USAC) drop-down menu options for the FCC Form 470.

1. Purpose of the FCC Form 470

In conversations regarding this public notice, a comment was made regarding the original purpose of the FCC Form 470. The Form 470 was designed to ensure that the applicant was in compliance with the competitive bidding requirement. There was quite a bit of discussion in the early development of the E-Rate program as to whether it was even necessary for the program to require the FCC Form 470 since the applicants had their own state and local procurement rules. The Form 470 was never intended to replace the applicant's competitive bidding forms including Requests for Proposal, Requests for Information, Requests for Quote, Requests for Sealed Competitive Bid Proposals, and all the procurement documents that may be required by an applicants' local, state and federal procurement rules.

It is important in the review of the FCC Form 470 drop downs to understand why they were developed in the first place. The drop downs in the FCC Form 470 online version in USAC's E-Rate Productivity

Center (EPC) were created as a tool for applicants to select from drop downs aligned to the Eligible Services List. They were intended to ease the administrative burden for applicants, so they didn't have to type out each item in a text field. With the drop downs, the applicant could select from E-Rate eligible items presented in a simple to use format. If they needed to provide further explanations, they could provide details in the narrative text box in the online form as well as include a comprehensive RFP or similar document as an attachment to the form. Once the drop downs were developed, an added benefit was that service providers could then utilize the data in a uniform format for filtering Form 470's to locate bidding opportunities in alignment with the service providers' products and services. The final benefit of the Form 470 drop downs was this also helped the USAC reviewers who could see on the Form 470 a consistent match to the eligible services list and allow them to confirm that items listed on the FCC Form 471 were properly previously requested on the Form 470.

An unintended consequence of the Form 470 drop downs was that the USAC reviewers began to deny applications if the Form 470 drop downs were not properly utilized and did not have a clear match between the drop downs selected on the Form 470 and the products and services requested for discount on the Form 471. Even if the applicant had further explained their needs in the narrative section of the Form 470 or included an RFP that detailed their needs, some denials were issued because the correct drop down or group of drop downs were not selected. The FCC recognized the confusion to the applicant created by the Form 470 drop down and previously granted relief in certain circumstances for applicants who did not select the correct drop downs. We respectfully encourage the Commission to broaden and make permanent the relief to applicants who are doing their best to properly complete the FCC Form 470. If the applicant has chosen services on the Form 470 from the drop downs or selected services using the proposed guided flow chart approach, as long as they provided information in the narrative and/or RFP that clarifies their requests, they should not be denied funding for the services requested. Certainly, this is not to say that the applicants do not need to follow the competitive bidding rules including properly comparing bids for leased lit and dark fiber, self-provisioned networks and third-party networks, etc. The point we are trying to make is that as long as the applicant has properly requested the information by utilizing the drop downs to the best of their ability and properly requesting the services in the narrative and RFP, they should not be denied funding if they didn't perfectly select all of the drop downs expected by the program reviewers.

The reason we believe the relief should be broadened is that technology is constantly changing. The forms are helpful but should not limit an applicant's ability to request E-Rate funding for E-Rate eligible goods and services.

The following examples show why we are recommending that the Form 470 drop downs or responses to the guided flow chart should not create a denial for the applicant if they don't answer the items perfectly.

Example 1: Network switches – transceivers and modules. The technology required to connect a network switch to a fiber circuit is commonly called a “SFP”. Wikipedia definition: “The small form-factor pluggable (SFP) is a compact, hot-pluggable network interface module used for both telecommunication and data communications applications.”¹ On the FCC Form 471 for FY2019, the Form 471 choices were either a module or a transceiver. If the item is both which drop down should be selected? If modules and transceivers are added to the Form 470 drop down, and an applicant requests a transceiver on their 470, but files as a module on the Form 471, will their application be denied?

Example 2: Wireless Access Points – licensing and software support. When wireless access points were first used by schools and libraries, you purchased a “dumb” wireless access point that was connected to the switch by a network cable and were done with your project. As technology has evolved, manufacturers added wireless controllers as a physical appliance and most recently have moved the controllers to the cloud as virtual controllers. You can even buy access points today that have built in controllers in each device so there is no separate controller required. Additionally, over time, right to use licenses have been added so that a wireless access point won't operate without a current license. If an applicant who is not a network engineer wants to request wireless access points for their school district, how will they know to ask for Manufacturer recommended software support services (software downloads and fixes) as well as operating licenses? How should they properly request a wireless controller? According to current guidelines, the applicant should ask for Internal Connections for the WAP (note that the item is abbreviated on the Form 470 so you may not necessarily know what this means as an applicant), Internal Connections for the wireless controller, Internal Connections for the operating license for the WAP, Internal Connections for the operating license for the wireless controller, and Basic maintenance of Internal Connections for the WAP and wireless controller to cover the software downloads and fixes. Additionally, if they need cabling for the WAP and controller, they should remember to request cabling since even though they are “wireless” they are connected to the network with a cable. Because you cannot explain on the drop down what the maintenance is for, the applicant needs to include in the narrative an explanation of the type of maintenance they are looking for as well as explain that the second “Internal Connections – WAP and Internal Connections – Wireless Controller” is for the operating or right-of-use license. In this example, if the applicant only selected Internal Connections – WAP and Internal Connections – Wireless Controller, they would be later denied funding for the software support services because they did not select basic maintenance of internal connections and possibly be denied funding for the operating license if they did not enter a second line on the Form 470 for Internal Connections, and denied funding for any cabling required because they did not select cabling on the drop downs.

The above two examples show how simple requests are actually very complicated on the technology side. Since technology will continue to evolve, requiring the applicants to perfectly select the drop downs on the Form 470, no matter how much guidance is provided on the form, will continue to be problematic.

¹ https://en.wikipedia.org/wiki/Small_form-factor_pluggable_transceiver (last visited 11/15/2019)

2. Guided flow chart approach provided along with drop downs for efficient form completion

KSLLC is supportive of the comments submitted by SECA2 regarding providing a guided flow chart for applicants in completing the FCC Form 470. The flow chart approach is more intuitive and guides the applicant user in an informative process in properly completing the form.

Previous versions of the FCC Form 471 offered both a flow chart approach for applicants who wanted step by step assistance in completing the form along with a straightforward option for applicants who were familiar with the form requirements including consultants who completed the form on behalf of applicants. KSLLC recommends that providing both a guided version of the Form 470 as well as a simple drop-down page for more-sophisticated users to complete would be “the best of both worlds.” As a consulting firm, KSLLC is very familiar with the form and how the drop downs are utilized currently. For the consulting firms and sophisticated applicant users, the current drop downs are not a problem. In fact, they allow us to quickly select the items the applicant is bidding for in a logical way that aligns with the Eligible Services List. We are concerned that although very helpful, a flow chart process will slow down the data entry process on the Form 470 and increase the time required to complete the form. As a consultant user, we have a few items we would like to change but in general the existing drop-down process works very well.

In our opinion, the reason to update the FCC Form 470 drop downs on the USAC E-Rate Productivity Center (EPC) is to aid the applicant who is not working on the USAC site on a regular basis and who may not be attending all of USAC’s trainings, attending E-Rate meetings, reading the USAC news briefs and participating in E-Rate conversations on a regular basis. The applicant who completes their FCC Form 470 no more often than once a year may not be aware of the various “gotcha’s” in not properly selecting the correct drop down or group of drop downs on the FCC Form 470. For these applicants, the SECA guided flow chart is an excellent solution. It provides the applicant with an easy to understand format that allows them to make clear and informed selections as they work through the flow chart decision points. The guided flow chart process also provides the applicant with explanations of the services and helps them make decisions on properly grouping requests in alignment with the FCC’s bidding requirements.

² <https://www.fcc.gov/ecfs/filing/103137806983>

If the guided flow chart method is adopted, the following items are areas we believe should be accommodated:

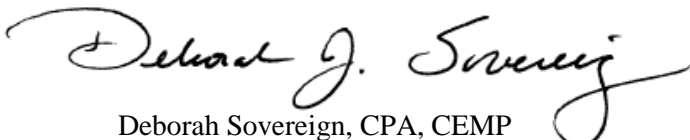
1. A drop-down version for sophisticated users should be retained as this allows for an efficient and easy to use format that reduces the administrative burden in completing the form online.
2. It is critical that the guided flow chart allows an applicant to request more than one technical option in cases where either the applicant is seeking a technology-neutral request or the applicant's local or state procurement rules requires a technology-neutral request.
3. The flow chart needs to provide for more than one option when an applicant is seeking more than one product or service. The current Form 470 allows one drop down to cover more than one quantity. For Internet Access, as an example, an applicant may be seeking services for a DSL connection at the Vo-Ag building as well as a fiber connection to their network operations center. With the current drop-down approach, the applicant can select one or more of the service types on the same Form 470 and show that they are seeking 1 qty of "Internet Access and Transport Bundled (Non-Fiber)" service and 1 qty of "Leased Lit Fiber (with or without Internet Access)" on the same application. If, in the same example, they are seeking any type of technology available, they could request 2 qty of "Internet Access and Transport Bundled (Non-Fiber)" and 2 qty "Leased Lit Fiber (with or without Internet Access)" on the application and then explain in the narrative and/or RFP that they have a total of 2 connections they are seeking bids for.

CONCLUSION

KSLLC sincerely appreciates the opportunity to submit reply comments. The E-Rate program continues to be a valuable source of funding for our nation's schools and libraries and we appreciate the time dedicated to improving the program.

Respectfully submitted,

KELLOGG & SOVEREIGN® CONSULTING, LLC



Deborah Sovereign, CPA, CEMP
1101 Stadium Drive, Ada, OK 74820
(580) 332-1444
dsovereign@kelloggllc.com