

**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
EDUCATION NETWORKS OF AMERICA, INC.**

Education Networks of America, Inc. (ENA) respectfully submits these reply comments in response to the Commission’s Public Notice seeking comment on improving the FCC Form 470 drop-down menu.¹ ENA agrees that the Form 470 drop-down menu can be improved and thanks the Wireline Competition Bureau and the Office of Managing Director for soliciting comments.

ENA delivers high-capacity and future-ready connectivity, communication, cloud, security, and software services to K–12 schools, higher education institutions, and libraries across the nation. ENA serves 1 out of every 14 public school students in America. As a service provider that focuses on serving E-rate-eligible entities, ENA respectfully offers its own perspective.

As an initial matter, ENA agrees with the Commission and with initial comments that there are improvements that will make the Form 470 drop-down menu more user-friendly, both for applicants and for service providers. As commenters and the Commission itself have recognized, the Form 470 drop-down menu options have been confusing for the past few years,

¹ *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Public Notice, DA 19-986 (rel. Oct. 1, 2019) (*Public Notice*).

so ENA sees no benefit to retaining the current menu options.² ENA agrees that the Commission must be careful as it makes changes so that applicants' confusion is not exacerbated.³

As such, ENA believes the Commission should consider the applicant's ease of understanding as the most important criterion when developing the menu. In ENA's experience, too often applicants make errors at the beginning of the process that create a domino effect through the entire process. The drop-down options and explanations must be as simple as possible, to prevent applicants from making easily avoided mistakes and therefore missing out on E-rate funding. While some proposals might make ENA's job easier by requiring the applicants to provide more detailed information about the services they are requesting, ENA would rather ask additional questions as allowed during the competitive bidding process than risk its customers losing their funding. With this in mind, ENA respectfully asks the Commission to consider the following recommendations for the FCC Form 470 drop-down menu.

I. THE COMMISSION SHOULD RETAIN THE ABILITY FOR APPLICANTS TO SELECT ONE OPTION THAT WOULD INCLUDE BOTH INTERNET ACCESS AND WAN CONNECTIVITY

ENA's experience as a service provider is consistent with CenturyLink's: applicants tend to confuse Internet access and WAN connectivity, leaving service providers guessing.⁴

However, ENA worries that if the drop-down menu is revised to require an up-front choice

² See CenturyLink Comments at 1; Linn Benton Lincoln ESD Comments at 2; State E-rate Coordinators' Alliance (SECA) Comments at 3; Letter from Kris Anne Monteith, Chief, Wireline Competition Bureau and Mark Stephens, Director, Office of the Managing Director, FCC, to Radha Sekar, CEO, USAC, DA 19-985 (Oct. 1, 2019) (*October 1, 2019 FCC Form 470 Guidance Letter*); Letter from Kris Anne Monteith, Chief, Wireline Competition Bureau and Mark Stephens, Director, Office of the Managing Director, FCC, to Radha Sekar, CEO, USAC, DA 18-444 (May 1, 2018) (*May 1, 2018 FCC Form 470 Guidance Letter*).

³ *Public Notice* at 2.

⁴ *Id.* at 2.

between these two services, as CenturyLink proposes, that would increase the chances that an applicant checks only one when it should have checked both. The Commission’s proposal also appears to require applicants to choose “Transport Service with Internet Access” and “Transport Only” separately, although it is not clear what service would be included in each category.⁵ It is possible the Commission intends the category of “Transport Service with Internet Access” to include both Internet Access and WAN circuits while “Transport Service Only” may be referring to WAN-only circuits. Without further definitions, it is difficult to tell. ENA therefore is concerned these categories will also be confusing to applicants.⁶

Currently, applicants only have to select “leased lit fiber” and they can receive bids for both Internet access and WAN circuits. Accordingly, ENA believes that applicants should continue to be able to choose both Internet access and WAN connectivity in a single selection, rather than have to select both items separately. There are multiple ways the Commission could achieve this goal. First, the Commission could adopt its proposal to add a “managed end-to-end services” category (identifying the desired bandwidth) if the Commission retains the separate Transport Service with Internet Access/Transport Only categories.⁷ Alternatively, ENA recommends adding a tier above the Internet access selection and WAN selection that allows the applicant to choose both Internet Access and WAN connectivity. Importantly, though, where an applicant selects both Internet access and WAN connectivity, that applicant should be allowed to award one or the other or both. Further details about which service is desired would be considered “informational only” to assist vendors in developing their bids and would not be used

⁵ *Public Notice* at Appendix A.

⁶ ENA is also concerned about the proposed categories because the Commission’s proposal for Transport Service with Internet Access apparently would include fiber bids, after USAC has spent three years telling applicants that is not the correct category for fiber.

⁷ *Public Notice* at 3.

to deny funding to an applicant. Further, if the applicant awards contracts for both, it should be allowed to select a different service provider for each service, as it can currently.

II. MIBS SHOULD REMAIN A STAND-ALONE CATEGORY IN THE CATEGORY 2 DROP-DOWN MENU

ENA encourages the Commission to take the approach suggested in its potential menu options for Category Two services and keep managed internal broadband services (MIBS) as a stand-alone category in the drop-down menu.⁸ Contrary to other proposals, it is vital that MIBS be treated the same in the menu regardless of whether the applicant is seeking new internal connections or services on existing internal connections.⁹ For example, in SECA's recommended flowchart, MIBS is the first menu choice for existing internal connections, but for new internal connections MIBS is not selected until a "check all that may apply" menu at the very end of the flowchart.¹⁰ Treating MIBS differently for new and existing internal connections is a recipe for applicant confusion: a school district seeking new internal connections could easily forget to check the box at the end of the flowchart. It is also essential that providers be able to search for "MIBS," and it is not clear that searching would be possible under SECA's proposed approach for new internal connections. Accordingly, while ENA appreciates SECA's thoughtful approach to revising the FCC Form 470, ENA recommends that the Commission retain its current approach with respect to MIBS and keep it a stand-alone category for all Category 2 services, both existing and new.

⁸ *Public Notice* at Appendix B & Appendix D.

⁹ SECA Comments at 12-13 & Appendix 2.

¹⁰ *Id.* at Appendix 2.

Additionally, ENA supports SECA's addition of "licenses" as a standard component for each equipment type.¹¹ ENA believes SECA's approach will help ensure applicants do not accidentally omit this service from their Forms 470.

III. "INTERNET ACCESS: ISP SERVICE ONLY" SHOULD BE REMOVED FROM THE CATEGORY 1 DROP-DOWN MENU

ENA agrees with EducationSuperHighway that the "Internet Access: ISP Service Only" option in the current Category 1 drop-down menu is a frequent source of confusion for applicants and should be eliminated.¹² As EducationSuperHighway correctly points out, applicants do not always realize that they need both Internet access *and* transport, except in the unusual circumstance that the applicant already owns a transport circuit.¹³ In fact, ENA has decided not to bid on some of those Forms 470, given that the application was likely to be denied for the actual service the applicant was trying to seek bids for. In those rare cases where the applicant actually wants Internet access without transport, the applicant can explain its needs in the narrative section of the Form 470 or in an RFP. Accordingly, ENA endorses EducationSuperHighway's recommendation that the Commission eliminate the "Internet Access: ISP Service Only" option from the drop-down menu in favor of a single option for Internet access with or without transport.

¹¹ SECA Comments at 12, 13.

¹² EducationSuperHighway Comments at 2-3; *see also* October 1, 2019 FCC Form 470 Guidance Letter at 2 (addressing applicant confusion over the "ISP Service Only" option).

¹³ EducationSuperHighway Comments at 3.

IV. APPLICANTS SHOULD HAVE FLEXIBILITY WITH RESPECT TO FIBER VS. NON-FIBER SERVICES

The *Public Notice* sought comment on whether the FCC Form 470 drop-down menu should differentiate between fiber and non-fiber services.¹⁴ ENA believes that applicants should be encouraged, but not required, to select options that include multiple types of technology. Accordingly, ENA urges the Commission not to force applicants to choose between fiber and non-fiber services in the drop-down menu. Many applicants assume they need fiber, but it may be more cost-effective to serve a specific location, for example, using coaxial cable or a wireless solution. If the applicant has only selected a fiber option, the service provider must bid and use fiber in order to comply with current E-rate rules. The Commission should continue to allow applicants to choose the services they want to purchase, as it has done for the history of the program.¹⁵

V. OTHER ISSUES

USTelecom suggests in its comments that the drop-down menu should allow applicants to indicate the exact eligible entities and locations for which service is being sought.¹⁶ ENA believes that it is helpful for applicants to include as much information as possible on the FCC Form 470, so vendors can respond to bids. ENA's concern with USTelecom's proposal, however, is that if an applicant forgot to include a specific site on the Form 470, that omission could result in reduced funding. In addition, often bids—especially large bids—allow for connections to new sites during the term of the contract. USTelecom's proposal to require site addresses on the FCC Form 470 could undermine that flexibility. Each year there is an EPC

¹⁴ *Public Notice* at 3.

¹⁵ See *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 9002 at ¶ 481 (1997).

¹⁶ USTelecom Comments at 2-4.

Administrative Window period in which applicants can update entity profile information. This Administrative Window typically closes prior to the Form 471 window opening thereby limiting applicants ability to update entity profile information. If USTelecom’s proposal were adopted, would an applicant be able to add new sites or make corrections in order to file their 470? Further, the address information USAC has on file may be outdated or otherwise incorrect. In short, while USTelecom’s proposal would be very helpful for service providers, ENA fears that it would create hazards for applicants that could jeopardize funding and limit their flexibility.

SECA suggests in its comments that certain Category 1 services (including leased lit fiber and dark fiber) should include an “embedded requirement” that the applicant upload a request for proposal.¹⁷ ENA believes that requiring applicants to upload an RFP for any specific service is unnecessarily burdensome for applicants and contrary to the Commission’s rules. To the extent that the FCC Form 470 itself lacks information that would be helpful to the service provider, the service provider can always ask questions of the applicant during the competitive bidding process.

ENA recommends that where possible, the Commission identify the previous options wherever it changes the drop-down menu—by using designations such as, for example, “formerly leased lit fiber” or similar. This will help stakeholders follow changes and make the correct choices on the menu. ENA also suggests that the Commission direct USAC to post the possible options on its website along with clear instructions and definitions approved by the Commission. That way, applicants can review the flow chart options and instructions prior to trying to complete their Forms 470 in USAC’s system.

¹⁷ SECA Comments at 9, 10.

Once the Commission decides on a revised approach to the drop-down menu, as SECA suggested, applicants and other stakeholders should be given an opportunity to review the updated menu/flowchart and provide feedback.¹⁸ This will help ensure that the revisions to the menu actually alleviate the current areas of confusion and difficulty.

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In conclusion, ENA thanks the Commission for asking these important questions and appreciates the opportunity to respond. ENA believes that the record developed in response to the *Public Notice* will help the Commission ensure that the FCC Form 470 drop-down menu enhances the competitive bidding process and makes the E-rate application process easier for schools and libraries, and for service providers as well.

Respectfully submitted,



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¹⁸ SECA Comments at 5.