

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Modernizing the E-rate Program for)	WC Docket No. 13-184
Schools and Libraries)	
)	
Wireline Competition Bureau and Office)	
of the Managing Director Seek Comment)	
on Improving FCC Form 470 Drop-Down)	
Menu)	
)	

REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these reply comments in response to the public notice seeking comment on the proposed changes to the drop-down menu for the E-rate program’s FCC Form 470.¹ We appreciate the opportunity to comment on proposed changes before they are enacted and support changes that will make the form more easily understandable and navigable by E-rate program participants. We generally support the changes proposed by the State E-rate Coordinators’ Alliance (SECA), particularly the suggestion to include “or greater” after an applicants’ estimated quantity of services requested.²

As stated in the *Public Notice*, the purpose of this exercise is to minimize applicant confusion and reduce administrative burdens on program participants.³ Helpful changes to the E-rate Form 470 should also reduce administrative burdens for USAC and the Commission, as applicants are less likely to make mistakes triggering funding denials and appeals of these denials if the form is clearer.

¹ *Wireline Competition Bureau and Office of the Managing Director Seek Comment on Improving FCC Form 470 Drop-Down Menu*, WC Docket No. 13-184, Public Notice, DA 19-986 (WCB and OMD, Oct. 1, 2019) (*Public Notice*).

² Initial Comments of the State E-rate Coordinators’ Alliance Regarding Improvements to the FCC Form 470 Drop-Down Menu in Response to Public Notice DA 19-196, WC Docket No. 13-184, at 10, 12, Appendices 1 and 2 (Oct. 31, 2019) (SECA Comments).

³ *Public Notice*, DA 19-986, 1.

One way to achieve this goal is to adopt the spirit of SECA’s proposal to include the words “or greater” after the amount of bandwidth or other service quantities requested by applicants. As SECA notes in its comments, the existence of a maximum service quantity range in the current Form 470 “has become a point of failure for applicants in their bids when they opt to purchase a service that may be greater than their maximum range.”⁴ However, simply adding “or greater” would make competitive bidding much more difficult because different bidders could take different approaches in responding making it impossible to evaluate the cost effectiveness of bids. NCTA proposes that the Commission change the description of the drop-down minimum and maximum service levels to “minimum needs” and “maximum to allow growth over the full term of the 470.” Further, USAC’s E-rate Productivity Center (EPC) should include guidance that informs applicants that they will not be able to choose bandwidths above the specified maximum unless they post a new Form 470. This way it would be clearer that applicants should address future needs and ensure apples to apples comparison of competitive bid pricing.

We also support SECA’s proposal to match the terms used in the E-rate Eligible Services List (ESL) with those used on the Form 470.⁵ As SECA comments, “Using the same language in the Form 470 as set forth in the ESL to identify the eligible services and products will greatly improve the user experience and eliminate the current confusion arising from the use of different terms of art to describe services and products in the ESL compared to the Form 470.”⁶

One change that we would recommend from SECA’s proposed terminology is to avoid using the term “bundled” when describing the situation where applicants seek to purchase both

⁴ *Id.* at 10.

⁵ SECA Comments at 2.

⁶ *Id.*

Internet access and data transmission service.⁷ The term “bundled” suggests that the two services are packaged and billed together and this may not be the manner in which all service providers choose to offer the services. In that case, if the service provider bills the E-rate applicant via separate line items for the two services, this could result in a denial of funding because USAC may not consider the two services to be “bundled” as required on the form. Instead, the term “bundled” should be eliminated and the category should be listed as “Internet Access with Data Transmission Service.”

Another clarification to SECA’s submission would be to eliminate the term “modem” from the list of transmission services in the Internet access with data transmission service category.⁸ A cable modem is a piece of equipment, not a transmission medium. Instead, the list should state: “Internet delivered via any type of data transmission service (fiber or non-fiber such as coaxial cable, DSL, copper, satellite and wireless).”

We appreciate this effort to clarify the FCC Form 470 and support steps to simplify the E-rate program for applicants, providers, and administrators.

Respectfully submitted,

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November 15, 2019

⁷ *Id.* at 6, 8, Appendix 1.

⁸ *Id.* at 8, Appendix 1.