

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

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

**REPLY COMMENTS OF THE
AMERICAN LIBRARY ASSOCIATION**

INTRODUCTION AND SUMMARY

The American Library Association (ALA), representing 57,000 members from some of the very smallest rural libraries to many of the nation’s largest urban libraries, continues to appreciate the Commission’s diligence in its ongoing review and modernization of the E-rate program. Along with a number of commenters, we are hopeful the program changes adopted in the July Order will show measurable positive impact immediately in 2015 and continue to in subsequent funding years.

At this moment, we are at the pivotal crossroad described at the Commission meeting in July 2013 when the modernization efforts were initiated. Given that the Commission recognizes that “many rural schools and the vast majority of libraries lack physical infrastructure necessary to meet [the goals],”¹ the modernization process cannot be considered a success unless the Commission takes steps consistent with those recommended in ALA’s initial comments to the further notice in this proceeding.

The Commission should address the fiber gap and the affordability gap for all libraries seeking to receive the broadband capacity they need in order to be able to adequately serve students and their communities. Additionally, the Commission should address the clear funding gap.² Neglecting the funding gap will prevent the Commission from successfully closing the broadband gap.

Only with the appropriate rulings here will the nation’s libraries have the infrastructure they need to fulfill *The E’s of Libraries*TM, and thus ensure that their communities thrive today and for generations to come.

¹ <http://www.fcc.gov/blog/moving-forward-data-driven-e-rate-modernization-process>.

² See, for example, the American Association of School Administrators; the Chicago Public Schools, Chicago Public Library, and City of Chicago; the Mayor of the City of Los Angeles; Mayors of Boston, New York City, and Portland (OR); the National Education Association; and the Urban Libraries Council comments to the Further Notice of Proposed Rulemaking.

THE FIBER GAP

ALA's comments on the lack of affordable high-capacity broadband for the majority of the nation's libraries are painfully clear. As we noted in our initial comments, the preceding year has not seen a marked improvement in the percentage of libraries that are at the 100 Mbps and 1 gigabit goals (now 10.7%, up from 9.1% two years ago). Over half of all libraries report speeds of 10 Mbps or less—for rural libraries this increases to about 70 percent. While a higher proportion of urban libraries are above 10 Mbps, about one-third still report speeds of 10 Mbps or less. In addition, urban libraries must accommodate an average of 41 library computers plus a significant number of patron-owned devices. The stress on the networks of these libraries can slow online traffic to a crawl in the busiest afterschool hours and has caused some libraries to limit services they provide their patrons. This scenario must be reversed and can be if the Commission takes meaningful action in the next rulemaking.

Libraries, the quintessential multi-user environment, are acutely aware that 10 Mbps is quickly overwhelmed, and we are pleased to have the Commission recognize this fact as well, in Chairman Wheeler's remarks on the future of broadband competition.³ A full two-thirds of all libraries report a desire to increase their current broadband speeds. With the appropriate rulings here, the Commission can make sure that libraries on tribal lands, in rural America, and in urban centers all are able to fulfill their role as the on-ramp to opportunity.⁴ Otherwise, our communities throughout so many regions of the country will be left behind.

With respect to fiber connections, which ALA (and virtually everyone else) has maintained is the optimal technology (although we recognize that there are areas in the country where a fiber connection may not be feasible today), the bottom line is this: the majority of libraries do not currently have a fiber connection. While rural libraries are *far less likely* than their urban counterparts to have a fiber connection, a significant number of urban libraries still report they do not have a fiber connection.⁵ Given the library capacity goals of 100 Mbps and 1 Gbps, this significant fiber gap means those goals are unlikely to be met unless this gap is addressed.

The primary inhibitors that prevent libraries from subscribing to the higher speeds they need remain availability and affordability. Regardless of which factor may be the case for a given library, the end result is that the library is simply not served in a way that meets the needs of its community. "Underservice" is the crux of the problem here, and the Commission needs to address it if it is going to meet its goals and, more importantly, ensure that our communities are not left on the outside looking in.

³ Prepared Remarks of FCC Chairman Tom Wheeler "The Facts and Future of Broadband Competition" 1776 Headquarters, Washington, D.C. September 4, 2014. Available http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0904/DOC-329161A1.pdf.

⁴ See Chairman Wheeler's blog posts noting the role of the Acoma Learning Center on the Acoma Pueblo (NM) and of the Free Library of Philadelphia. Available <http://www.fcc.gov/blog/new-opportunities-new-mexico-s-indian-country> and <http://www.fcc.gov/blog/talking-tech-cradle-liberty> respectively.

⁵ Results from 2013 Digital Inclusion Survey. Available <http://digitalinclusion.umd.edu/sites/default/files/uploads/2013DigitalInclusionNationalReport.pdf>. Figure 7.

Availability and Affordability

We reiterate our request that the Commission simplify or otherwise modify its rules related to eligible special construction so that the E-rate program is not only fully universal, it is also fully equitable (i.e., dealing fairly and equally with all concerned).⁶ For example, there are multiple possible interpretations of the amortization rules for special construction. We believe that this lack of certainty has prevented applicants and service providers from entering into projects that require last mile construction—which is already eligible. A second barrier to equitable access to high-capacity broadband relates to the unequal treatment of dark and lit fiber. As ALA has stated on many prior occasions, where the library shows that dark fiber is the most cost effective solution, taking into account total cost of ownership as well as a long-term view, it should be allowed to choose a dark fiber solution.

In addition, because of the well-documented affordability gap, we urge the Commission to consider ways that it can ensure that prices for high-capacity services are affordable at the onset of a project, during the initial construction, and for a reasonable time after completion of the project. Of course, the fund must be fully resourced to accommodate proportionally higher cost for services as libraries and schools scale toward the gigabit goals.

Competition

Closely linked to the lack of available fiber (or equivalent technology) is a lack of competition, particularly in rural areas. We are encouraged by Chairman Wheeler's strong support of competition as the catalyst for deployment and innovation.⁷ We also recognize the need for innovative technologies that will provide communities high-capacity broadband solutions where fiber is not an option today so that the drive for gigabit speeds does not leave these communities even further behind.

EducationSuperHighway states that the E-rate program must either enable and support existing service providers to extend their networks or absent that, the Commission must enable new entrants to build fiber networks, or for the applicants to provision their own fiber.⁸ We would add that in order to ensure that funds are used most efficiently, that E-rate rules that require applicants to select the most cost effective solution remain a core tenet of the program.

Firm funding

Generally, we agree with the Nebraska State Office of the Chief Information Officer (OCIO) comments, which encourage the Commission to focus on “helping underconnected entities to achieve affordable, scalable transport infrastructure.”⁹ The Nebraska State OCIO also states one of the key underlying issues succinctly, “If the Commission wishes to increase the broadband capacity of schools and libraries both inside and outside the building walls, then an increase in the E-rate cap will be necessary to meet future funding demands.”¹⁰ The Commission must

⁶ See <http://www.merriam-webster.com/dictionary/equitable>.

⁷ Prepared remarks of FCC Chairman Tom Wheeler “The Facts and Future of Broadband Competition” 1776 Headquarters, Washington, D.C. September 4, 2014. Available http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0904/DOC-329161A1.pdf.

⁸ Comments of EducationSuperHighway. Available <http://apps.fcc.gov/ecfs/document/view?id=7522686772>.

⁹ Comments of the Nebraska State OCIO. Available <http://apps.fcc.gov/ecfs/document/view?id=7522675792>.

¹⁰ Ibid.

determine the funds necessary to close current gaps by applying the data already submitted in the record; through the Commission's fiber map; the data gathering by several stakeholders which we understand will be submitted on the record in the next few weeks; and the sheer fact that demand estimates overwhelm the available funding year after year.

ALA encourages the Commission to take on these issues simultaneously and immediately. Time is certainly of the essence here.

CONCLUSION

This last phase of the E-rate modernization proceeding is the most critical for the Commission to get right. The combination of addressing the fiber gap for libraries and schools with fully funding the program to close this gap will bring the E-rate program back in line with its role in supporting universal service. We urge the Commission to bring its modernization efforts to a successful conclusion through specific actions to close the fiber gap and fully fund the program for today's and tomorrow's capacity goals.

Respectfully submitted,



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