

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 Utah Education Network to  
Petitions for Reconsideration or Clarification to  
Report and Order Released on July 23, 2014; FCC Order 14-99**

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Utah Education Network (UEN) is encouraged by and appreciative of the growing support from E-rate stakeholders for ours and others' Petitions for Reconsideration in this proceeding. We believe the record now overwhelmingly supports our concern over the matter of the newly adopted urban and rural definitions prescribed by the FCC in the July Modernization Order and as clarified in the October 10, 2014 Erratum<sup>1</sup>. In light of the growing record of support and stakeholder concurrence, and to fulfill our public interest duty to this issue in this proceeding, we submit these reply comments in the hope that we may further aid FCC deliberations and decision making. Below we provide a reasonable alternative proposal for the urban-rural classification methodology that we respectfully request the FCC to consider.

We are convinced that the FCC should consider inclusion of urban clusters with populations below 25,000 in the definition of rural for purposes of the E-rate program. Analysis of census bureau data cited in the July Order that we and other colleagues have undertaken, along with comparison of that data to other recognized and reasonable measures of rural-ness<sup>2</sup>, supports this alternative approach to urban-rural classifications. Twenty-seven of twenty-nine (93%) of Utah urban clusters shown in census bureau data are under 25,000 population. The remaining two

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<sup>1</sup> WC Docket 13-184, On July 23, 2014, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (E-rate Modernization Order and FNPRM), FCC 14-99, in the above captioned proceeding. This Erratum amends the E-rate Modernization Order and FNPRM as indicated below: at #29-b, "In the fourth sentence, replace "2010 Census" with "2010 decennial census," add "for urbanized areas and 2,500 to 50,000 for urban clusters..."

<sup>2</sup> UEN Original Petition for Reconsideration, September 15, 2014 at III, "UEN is submitting a map produced by the Utah Automated Geographic Reference Center (AGRC) that demonstrates the significant challenges faced by Utah's rural residents. The map is based on metrics derived from the USDA's Community Connect Program for rurality (population) and economic need (median household income to state median income)."

urban cluster areas with populations above 25,000, (Cedar City and Tooele, UT), are reasonably classified as urban if the proposed alternative urban-rural classification methodology is adopted. Adopting the proposed alternative restores essential program support to those truly rural areas that are the most challenging to serve, and served primarily by the many small independent rural telecommunications carriers that UEN and our school and library stakeholders depend upon for high speed broadband services and Internet Access.

UEN also wishes to add our support for and agreement with the requests submitted by SECA and the West Virginia Department of Education regarding reclassification of DID numbers as being ineligible for E-rate discounts.<sup>3</sup> UEN agrees that all “Telephone Service Components” should be subject to the voice service phase down of eligibility over the next five years, rather than making these items fully ineligible beginning in FY 2015. Charges for these “Telephone Service Components” and the commensurate reduction in program demand are relatively modest and their exclusion from eligibility in 2015 will only add extraordinary complexities (costs) to the program without appreciably aiding on its own the FCC’s goals of E-rate Modernization. Forcing applicants and reviewers to identify and extract these modest charges from their phone bills will also undermine the Administrator’s efforts to fund applications in a timely manner, further offsetting any potential savings to the program resulting from their exclusion from eligibility.

We fully support and commend the FCC’s resolve to move E-rate towards a broadband focused program, but we also understand from applicant feedback that we’ve obtained during our own E-rate training activities that applicants are already feeling overwhelmed by the numerous changes that they must adjust to for the FY 2015 year. By aligning eligibility of “Telephone Service Components” for FY 2015 with the five-year voice support phase out plan, the FCC can achieve immediate and meaningful simplification of the program for FY 2015 and remove one of the most troublesome burdens that both applicants and reviewers are facing for their first year experience of E-rate Modernization. Of course this will also provide relief to all parties during all subsequent years for which applicants retain any discount eligibility for voice services.

Utah Education Network respectfully requests that the Federal Communications

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<sup>3</sup> State E-rate Coordinators’ Alliance Petition for Reconsideration or Clarification (September 18, 2014), at II, “Direct Inward Dial Numbers Should Be Included As Part of Eligible Voice Services That Are Subject To Phase-Out, Rather Than Be Deemed Ineligible As A Telephone Service Component in FY 2015.”

Commission adopt an Order consistent with our recommendations and those for which we offer support as described above.

Respectfully Submitted:

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