

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

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

Reply to the West Virginia Department of Education Petition for Reconsideration or Clarification
Regarding Report and Order Released on July 23, 2014; FCC Order 14-99

Pursuant to section 1.429 of the rules of the Federal Communications Commission (FCC)¹, the West Virginia Department of Education seeks clarification, or to the extent necessary, reconsideration of three issues arising from FCC Order 14-99, the Report and Order released on July 23, 2014 (“E-rate Reform Order”)².

The West Virginia Department of Education is appreciative of the support from filers and feels fortified in our positions stated in our earlier Petition for Reconsideration. The purpose of this reply is to clarify the original West Virginia Petition for Reconsideration or Clarification and the data submitted relating to the statewide impact of the changes proposed by the FCC.

During the initial filing of West Virginia’s Petition for Reconsideration, the West Virginia Rural/Urban designation calculations were run in a dataset that included *all entities* in each district. Based on recent guidance from USAC in a Newsbrief dated September 26th published after the Petition’s filing, and the West Virginia Department of Education (WVDE) has modified the dataset to reflect the guidance that “NIFs [(non-instructional facilities)] are not included in the calculation.” It is critical to note that the districts that became Urban that were cited in the initial petition filing *remained*

¹ 47 C.F.R. § 1.429.

² Modernizing the E-rate Program for Schools and Libraries, Report and Order, and Further Notice of Proposed Rulemaking, FCC 14-99 (rel. July 23, 2014) (Order).

³ USAC Schools and Libraries Program Newsbrief. “Relation of urban or rural status to discount calculations” <http://www.usac.org/sl/tools/news-briefs/preview.aspx?id=566>. Sept 26, 2014 (accessed 10/10/2014)

Urban, despite removal of their non-instructional entities. The only impact this change had was on the statewide impact. Originally, we cited that West Virginia went from being 36% urban to 68% urban. With the removal of non-instructional facilities, this statewide percentage impact changed to 47%. While it does represent a slight decrease, the fact remains that a significant portion of the state will now be considered urban and the impact will still be significantly felt in West Virginia.

West Virginia specifically cites data brought forth by the State E-rate Coordinators Alliance regarding the large percentage of areas that are part of smaller urban clusters versus the larger areas. This data is in support of our initial concern that the urban cluster data, proposed by the FCC for use in determining urban status for E-rate discount purposes, contained subsets that were not representative of a truly urbanized area.

The West Virginia subset shows, in the Appendix of this document, that 91% of the sites that would be given the urban status are from the smaller group of census data. Only 3 of the 34 cluster cities have populations greater than 25,000 people. The majority of urban cluster sites, 91%, in West Virginia are between approximately 2,500 and 25,000. Within that subset of data, 85% are at or below around a population of 10,000. We believe that this data demonstrates that the application of urban status to these small areas would negatively impact these small cities and counties wherein they lie for the purposes of application of E-rate discounts.

The West Virginia Department of Education respectfully requests that the Federal Communications Commission adopt an Order consistent with our recommendations within our Petition for Reconsideration, Reply Comments and those that we support above.

Respectfully submitted,

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November 3, 2014

Appendix: West Virginia Urban Cluster Census Data

West Virginia Summary Data

	Total Urban Clusters	<u>SMALL</u> Urban Cluster (2,500 - 24,999)	<u>LARGE</u> Urban Cluster (25,000 - 49,999)	% small	% large
WV	34	31	3	91%	9%

West Virginia Large Urban Cluster Sites

NAME	PRIMARY STATE	ADD'L STATE	Total Population in Urban Cluster	CATEGORY
Bluefield, WV--VA	WV	VA	44,092	UC - large
Clarksburg, WV	WV		43,988	UC - large
Fairmont, WV	WV		33,409	UC - large
WV Count				3

West Virginia Small Urban Cluster Sites

UACE	NAME	STATE	<i>Multiple states?</i>	Primary State Population in Cluster	Total Population in Urban Cluster	CATEGORY
15600	Charles Town--Ranson, WV	WV			21,019	UC - small
26875	Elkins, WV	WV			11,061	UC - small
50986	Logan, WV	WV			10,747	UC - small
11161	Buckhannon, WV	WV			8,731	UC - small
44803	Keyser, WV--MD	WV	yes	6,801	7,040	UC - small

UACE	NAME	STATE	<i>Multiple states?</i>	Primary State Population in Cluster	Total Population in Urban Cluster	CATEGORY
49285	Lewisburg, WV	WV			6,959	UC - small
62623	New Martinsville, WV--OH	WV	<i>yes</i>	<i>5,794</i>	6,138	UC - small
34111	Grafton, WV	WV			5,923	UC - small
94321	Weston, WV	WV			5,077	UC - small
81496	Shepherdstown, WV--MD	WV	<i>yes</i>	<i>3,461</i>	4,856	UC - small
58664	Montgomery, WV	WV			4,689	UC - small
53173	Madison, WV	WV			4,579	UC - small
77905	St. Marys, WV--OH	WV	<i>yes</i>	<i>3,463</i>	4,315	UC - small
75178	Ripley, WV	WV			4,193	UC - small
73504	Ravenswood, WV	WV			4,150	UC - small
95428	Williamson, WV--KY	WV	<i>yes</i>	<i>2,754</i>	3,425	UC - small
33612	Glenville, WV	WV			3,415	UC - small
85627	Summersville, WV	WV			3,369	UC - small
45343	Kingwood, WV	WV			3,201	UC - small
93646	Welch, WV	WV			3,098	UC - small
83656	Spencer, WV	WV			2,986	UC - small
82279	Sissonville, WV	WV			2,888	UC - small
58992	Moorefield, WV	WV			2,732	UC - small
69103	Philippi, WV	WV			2,700	UC - small
66754	Paden City, WV	WV			2,682	UC - small

UACE	NAME	STATE	<i>Multiple states?</i>	Primary State Population in Cluster	Total Population in Urban Cluster	CATEGORY
94969	White Sulphur Springs, WV	WV			2,674	UC - small
64594	Oceana, WV	WV			2,645	UC - small
39160	Hinton, WV	WV			2,635	UC - small
01198	Alderson, WV	WV			2,632	UC - small
81002	Shannondale, WV	WV			2,577	UC - small
68995	Petersburg, WV	WV			2,545	UC - small