



February 16, 2015

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Second Report and Order and Order on Reconsideration, WC Docket 13-184, WC Docket No. 10-90

Petition of Reconsideration

Dear Ms Dortch,

I have been discussing with a number of colleagues a conflict that the FCC has with the release of its two Orders regarding E-rate Modernization. Many of my colleagues including myself have decades of experience as frontline administrators in public schools. We have had the direct responsibility to provide for the education, public health, and public safety of students, staff, and the general public that takes place within the school buildings and on school grounds. They have requested that I be the lead author of this Petition of Reconsideration.

We are concerned that the conflict the FCC has created will compromise current administrator's ability to provide for the education, public health, and public safety of students, staff, and the general public that takes place within school buildings and on school grounds. The areas of concern involve the elimination of data plans and air cards for mobile devices and the phasedown of all local/long distance and cellular voice services.

The following outlines our concerns.

We were gratified to see the FCC recognized

"section 254(c)(1)(A) requires the Commission, in designating supported services to consider the extent to which services "are essential to education, public health, or public safety."(47 U.S.C. § 254(c)(1)(A). and Federal Communications Commission. (2014). *Report and Order and Further Notice of Proposed Rulemaking (WC Docket No. 13-184, Para. 73, July 23, 2014)*. Washington, DC.

On the other hand we were dismayed that the FCC would consider cost-effectiveness for the use for data plans and air cards for mobile devices as the primary factor through comparison of costs for a WLAN deployment.

"In response to Verizon's request for clarification, we offer additional guidance on the proper cost-effectiveness test for data plans and air cards for mobile devices. When purchasing any E-rate eligible service, applicants are required to carefully consider all bids and select the most cost-effective service offering, and must consider price to be the primary factor. In the *E-rate Modernization Order*, we took the opportunity to discuss the limited circumstances under which we would find data plans or air cards for mobile devices to be cost effective. We explained that it is generally more

cost-effective for schools and libraries to purchase a fixed broadband connection to the building and a WLAN capable of providing connectivity to multiple devices throughout the building. However, we recognized that there are circumstances, such as library bookmobiles or very small schools and libraries with high connectivity costs, where individual data plans or air cards for mobile devices may be the most cost-effective solution.⁴⁰⁹ We then provided an example of how applicants could demonstrate the cost-effectiveness of data plans or air cards for mobile devices through comparison of the costs for a WLAN deployment.” (Federal Communications Commission. (2014). *Second Report and Order and Order on Reconsideration (WC Docket No. 13-184, WC Docket No. 10-90, Para. 156, December 19, 2014)*. Washington, DC.

It concerns us that the FCC would limit E-rate support of data plans and air cards through a cost comparison rather than allowing for supporting these devices as a service essential to education, public health, and public safety of students, staff, and the general public that takes place within school building and on school grounds. Consider the simple example of a fire in a school building. The likelihood of the WLAN equipment remaining functioning and uncompromised by the combination of the fire and the fire suppression efforts is low. However, nearby cellular towers would remain unaffected by this emergency and the ability of a principal to use his cell phone to both call for assistance and email fellow district administrators for assistance would be a lifesaving necessity. I'm sure we can all also imagine the need for equipment that is not on the premise of a building under assault by an active shooter. I would like to point out that the FCC's own advice in severe weather (posted on the FCC website under "Preparedness, Response and Recovery; How to communicate during a severe weather emergency) recommends the use of cellular service, voice, texting, and data usage. Why would you limit the use of tools you as a commission recommend? As one school official states, “Connectivity through the mobile phones is critical to the safety and security within our district as well as other school districts across the state and nation. Taking this highly effective tool away would compromise the safety of our children and staff.” (Email from Rodger Smith, Executive Director of Operations MSD Lawrence Township, 2014, February 9). He further states, “Numerous times in a school shooting where the communication devices failed, texting remained a solid communication technique and the device used was the cell phone.”

We understand the FCC’s desire to maximize the cost effectiveness of the services that receive E-Rate funding and acknowledge that in everyday use, cellular data service looks very much like accessing WiFi networks within a school building. It would seem reasonable to compare the cost effectiveness of the two services if you do not consider the implications of various emergency situations. However, we believe section 254(c)(1)(A) is applicable and the FCC is charged to consider these emergency situations.

By this same standard, we ask why the Federal Communications Commission has also decided to eliminate (through a phase down) support for voice service. (Federal Communications Commission. (2014). *Second Report and Order and Order on Reconsideration (WC Docket No. 13-184, WC Docket No. 10-90, Para. 149, December 19, 2014)*. Washington, DC. The recent emphasis on internet access is very important for our students’ growing educational needs, but in an emergency, there is still a need for telephone land lines and cellular lines along with data plans and texting as the initial line of communication with emergency responders. We have provided two exhibits from a school corporation for the Commissioner’s consideration. In Exhibit A (2014 IASBO) we encourage the Commissioners to give special attention to slide 6, 7, and 16. These slides provide evidence that tools that have been historically supported by E-Rate are still needed for public safety and education. In Exhibit B (Safety and Security Presentation) we encourage the Commissioners to give special consideration to slide 7. This slide demonstrates how local schools are using mobile apps to link local agencies in maintaining public safety at local schools. We believe these presentations are replicated across the nation and we would encourage the Commissioners to take time and review the practices of their

own local school districts as to how the school district addresses the increase threats regarding school violence, suicide, and bullying and how the use of mobile devices including texting are needed for communication and coordination among multiple governmental agencies in addressing these threats

The Second Modernization Order approved in December 2014 raised the E-Rate budget well in excess of the projected cost savings of phasing down support for voice services. In addition, the Commission rolled over a significant amount of unused funds from previous funding years. We now ask, "Why eliminate support for these valuable communication tools in a program that has just received such an increase of funding?"

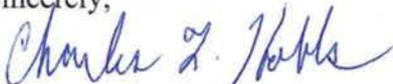
In summary, we respectfully request the FCC to reconsider its position and allow for E-rate support of services that "are essential to education, public health, *or* public safety." My colleagues and I specifically encourage the FCC to limit the phasedown of local and long distance telephone service and cellular voice service since these too "are essential to education, public health, *or* public safety." We request the Commissioners to limit the phasedown of voice services to a floor of 40% support and maintain the 20% support for those applicants at that discount level, not total phasedown for all program applicants. We further request the Commission not eliminate the use of data plans, air cards, and texting for mobile devices and support these devices at the 40% discount level and maintain the 20% support for those applicants at that discount level.

We do not believe that one school administrator can be found that would support the FCC's decision to eliminate support these critical services with E-rate funding. My colleagues and I further believe if the FCC adopts our request it would create a win/win scenario where the Commission supports both its duty for education, public health, and public safety and also achieves its goals as found in the 2014 Modernization Order.

Should you have further questions about the information contained within this letter, please do not hesitate to contact me at charlie@adtecerate.com.

Thank you for your consideration.

Sincerely,



Charles F. Hobbs, PhD
President

Enclosures: Rodger Smith Email 2 9 2014 Re FCC Modernization Order
Exhibit A 2014 IASBO PowerPoint
Exhibit B Safety and Security Presentation PowerPoint

Colleagues: Michael Jamerson, Director of Technology, Bartholomew Consolidated School Corporation
Mary Jensen, Director of Technology, School City of East Chicago
Bret Lewis, Retired Superintendent, South Montgomery Community School Corporation
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