



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

In the Matter of

Schools and Libraries Universal Service Support Mechanism
WC Docket No. 13-184
CC Docket No. 02-6

**Wireline Competition Bureau Seeks Comment on FY2016 Draft Eligible Services
List for Schools and Libraries Universal Service Program**
(DA 15-615 Released May 21st, 2015)

COMMENTS

Submitted June 22nd, 2015

CRW Consulting currently provides E-rate Consulting Services to over 240 school districts in 8 states. CRW has provided applicant training and turn-key E-rate services for 15 years to the applicant community.

CRW Concerns about Duplicative Services

CRW is concerned that USAC and the FCC may be taking an overly-rigid approach to the duplicative services rule¹ concerning Internet access services. Recently CRW has received PIA questions questioning the validity of multiple connections to the Internet. We have heard that 2015 funding for an entire state is being delayed because of funding requests for multiple connections to the Internet by both individual applicants and a state-run network.

Multiple connections to the Internet have been explicitly allowed by USAC in the past, and USAC has even identified these types of connections as “not duplicative” in previous versions of the Eligible Service List. From 2006 through 2014 the language in the Eligible Service List about multiple connections to the internet has been remarkably consistent, every ESL during that

¹ Second Report and Order, FCC 03-101, adopted 4/23/2003, page 8 paragraph 22: *Duplicative services are services that deliver the same functionality to the same population in the same location during the same period of time.*

time period states: ***Services that provide necessary bandwidth requirements, such as multiple T-1 lines, when appropriate for the population served and the services to be received are not duplicative***². Older versions of the ESL stated that the bandwidth requested should be consistent with the applicant's technology plan.

As part of the 2010 Eligible Services List USAC, for the first time, added the following language about redundant and backup connections: *Failover products or services are not eligible. Any stand-alone products or services that are only utilized when the primary fails are not eligible.*³ CRW agrees with this standard and we believe it should continue to be USAC policy. Applicants should be aware that if a connection is not necessary to meet the bandwidth requirements of the applicant, and is only necessary as a failover, that connection is not eligible for funding.

Allowing multiple connections to the Internet that is appropriate for an applicant's needs is also consistent with FCC Orders. In the Macomb Order the Commission explicitly recognized that multiple connections to the Internet are allowable, provided they meet the applicant's needs. The Commission stated: *We do not find fault with Macomb's ISD's request for multiple T3 lines, provided that the services are needed.*⁴ As part of the Macomb order, the FCC directed USAC to fund multiple connections to the Internet (albeit at lower pricing that would justify a cost-effective purchase): *"Therefore, we find that in this particular case, Macomb ISD should be entitled to E-rate funding for its Internet connections..."*⁵ In this instance, the Commission did reduce the amount of funding for the second and third connections to a level that was cost-effective based upon the competitive bidding process for Macomb, but the Commission did not rule that multiple connections were ineligible and in fact ordered USAC to fund those second and third connections.

If the FCC makes the assumption that **any** secondary connection to the Internet serving the same population and same location as the first connection are duplicative and thus not eligible (regardless of the bandwidth needs of the applicant) those assumptions can lead to impractical and illogical decisions from USAC. Take a hypothetical need for an incremental increase in bandwidth for an applicant. Assume an applicant has 300 Mb of Internet access and will need 500 Mb for the next year. If the applicant awards a contract to the most cost effective bidder for a 200 Mb connection to supplement their existing 300 Mb connection and that winning service provider is a different company than the provider of the 300 Mb connection, USAC would make the incorrect assumption that funding for one of the connections is duplicative and thus must be denied.

² 2014 Eligible Services List, page 21; 2013 ESL page 22; 2012 ESL page 24; 2011 ESL page 23; 2010 ESL page 23; 2009 ESL page 22; 2008 ESL page 22; 2007 ESL page 20; 2006 ESL page 60

³ 2010 ESL, page 23

⁴ Requests for Review by Macomb Intermediate School District Technology Consortium, FCC 07-64, adopted 4/19/2007, Paragraph 8

⁵ Ibid, Para. 9

We urge the FCC and USAC to provide clear guidance in the 2016 Eligible Services List concerning multiple funding requests for Internet access provided in the two bullet points below:

1. Redundant and failover connections to the Internet are not eligible and will not be funded.
2. Multiple connections to the Internet serving the same location are eligible if they are actively in use during the funding year and are based upon the needs of the applicant.

Respectfully Submitted,
CRW Consulting

/s/
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Owner