

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

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

Reply Comments
On behalf of
State E-rate Coordinators' Alliance
Concerning Digital Literacy Training

The State E-rate Coordinators' Alliance respectfully submits these comments in response to the Commission's Report and Order and Further Notice of Proposed Rulemaking released February 6, 2012 designated DA 10-1248, in part seeking comment on a proposal to establish a digital literacy training program.¹

¹ SECA accomplishes its work through the resources of its 98 individual members who provide statewide E-rate coordination activities in 46 states and 2 U.S. territories. Representatives of SECA typically have daily interactions with E-rate applicants to provide assistance concerning all aspects of the program. SECA provides face-to face E-Rate training for applicants and service providers. As state E-rate coordinators, members serve as intermediaries between the applicant and service provider communities, the Administrator, and the Federal Communications Commission (FCC or Commission). SECA members typically provide more than 1300 hours of E-rate training workshops annually to E-rate applicants and service providers. In addition to the formal training hours, SECA members spend thousands of hours offering daily E-rate assistance to individual applicants through calls and e-mails. We do not have any administrative staff and rely full time on our members' volunteer activities.

Further, several members of SECA work for and apply for E-rate on behalf of large, statewide networks and consortia that further Congress' and the FCC's goals of providing universal access to modern telecommunications services to schools and libraries across the nation.

SECA strongly encourages the FCC to focus on funding of current universal service initiatives and not expand to digital training literacy. Our members certainly agree that digital literacy training is important to ensure that all citizens can participate meaningfully in a digital world. Since the inception of E-rate, schools across the country have drawn from their own budget resources as part of the local resources needed to make effective use of E-rate funding to provide staff technology training. Many states have established digital curriculum standards that have been incorporated into students' education. We do not feel, however, that universal service funds should be used for this purpose.

The FY 2012 E-rate demand has ballooned with an increase of more than 20% over FY 2011 levels. The amount by which demand exceeds available funding threatens to preclude the funding of any Priority 2 applications in FY 2012; and further, possibly threatens to impede the ability for all Priority 1 telecommunications and Internet access service applications to be funded -- if not in FY 2012 -- then in FY 2013. Adding an additional category of services into the E-rate program simply does not make sense at this time considering how oversubscribed the program already is.

The Schools and Libraries Division just does not have the capacity to take on the processing of digital literacy applications which is evidenced by the fact that Funding Year 2011 applications are still being processed – 14 months after they were submitted. Adding to their burden will reduce their efficiency in the processing of all applications to the detriment of E-rate beneficiaries and service providers. If additional resources are available to be allocated to the SLD, these resources should be used to ensure that every applicant has received its Funding Commitment Decisions Letter by July 1 of the E-rate funding year.

Some commenters have suggested referring the program oversight to an outside third party organization which SECA believes would be an even costlier venture that will lead to duplication of resources and efforts. If a digital literacy program is going to move forward, then it should be administered as part of the existing Low Income Program administration rather than create a new administrator and reinvent the wheel.

In addition to their roles as State E-rate trainers and coordinators, most SECA members also provide the following services to the program: technology plan approval; applicant verification assistance to the Administrator's Program Integrity Assurance (PIA) Division; verification to the Administrator of applicable state laws confirming eligibility of certain applicant groups; contact of last resort to applicants by the Administrator; and verification point for free/reduced lunch numbers for applicants. Hence, SECA members are thoroughly familiar with E-Rate regulations, policies and outreach at virtually all levels of the program.

Adding any kind of training to the group of supported services is not consistent with the FCC's established interpretation of the universal service statute. The access contemplated in Section 254(h)(1)(B) or (h)2 does *not* contemplate any kind of training such as digital literacy training. The conference committee report explained:

The ability of K-12 classrooms, libraries and rural health care providers to obtain access to advanced telecommunications services is critical to ensuring that these services are available on a universal basis. The provisions of subsection (h) will help open new worlds of knowledge, learning and education to all Americans—rich and poor, rural and urban. They are intended, for example, to provide the ability to browse library collections, review the collections of museums, or find new information on the treatment of an illness, to Americans everywhere via schools and libraries. This universal access will assure that no one is barred from benefiting from the power of the Information Age.

...

New subsection (h)(1)(B) requires that any telecommunications carrier shall, upon a bona fide request, provide services for educational purposes included in the definition of universal service under new subsection (c)(3) for elementary and secondary schools and libraries at rates that are less than the amounts charged for similar services to other parties, and are necessary to ensure affordable access to and use of such telecommunications services.

New subsection (h)(2) requires the Commission to establish rules to enhance the availability of advanced telecommunications and information services to public institutional telecommunications users. For example, the Commission could determine that telecommunications and information services that constitute universal service for classrooms and libraries shall include dedicated data links and the ability to obtain access to educational materials, research information, statistics, information on Government services, reports developed by Federal, State, and local governments, and information services which can be carried over the Internet.²

The access described in the Conference Committee report focused on advanced telecommunications and information services being made available to schools and libraries – not making those services available to low income individuals such as the intended mission of the digital learning training.

The digital literacy training proposal seems to be rooted the Pew Research Center's finding

² Conference Committee Report on Telecommunications Act of 1996, Report No. 104-458 (January 31, 1996) at pp. 132-133. Similarly the Senate Commerce Committee Report on S. 652 contains no language that would suggest that training would be considered part of the definition of "access" to advanced services.

that low income users do not embrace digital technology because they do not know how to use it. Economic concerns and relevance are also important barriers cited in the Pew study. Indeed, just today – May 1, 2012 -- the FCC announced a “Broadband Adoption Lifeline Pilot Program” to gather high quality data to guide long-term efforts to increase broadband adoption among low-income Americans and to test best practices “around issues of cost, digital literacy and relevancy.”³ This approach seems to be most logical to first proceed with before deciding whether it is necessary or appropriate to commit any additional universal service resources toward digital literacy. The FCC should survey other existing available digital literacy resources to see how they can best be leveraged rather than allocating precious universal service dollars in this manner.

While in the FNPRM the FCC asked whether the same rationale and theory that governed the inclusion of internal connections within the E-rate program could be applied to digital literacy, SECA submits the answer is negative. First, the digital literacy FNPRM discusses this initiative in the context of a low income initiative and not an E-rate initiative. The statutory section on which the FCC relied in deeming internal connections to be an eligible E-rate service is specific to the E-rate program and does not extend to the low income programs. Second, since the inception of E-rate, end-user training and salary costs of any kind have been specifically deemed ineligible for E-rate support and are considered the type of services for which beneficiaries needed to rely on their own resources to implement.⁴

If digital literacy training costs are now deemed to be eligible for E-rate there is no boundary that can be established to preclude other kinds of training and salary costs (and perhaps even end user device costs) from becoming eligible for E-rate. Once this expansion occurs, especially given the already constrained E-rate resources, there is no telling how dramatically E-rate demand will increase. Adding these ancillary kinds of services into the mix will threaten the ability of the program to achieve its core mission of making affordable telecommunications and Internet access service available to all schools and libraries.

For all of these reasons, the State E-rate Coordinators’ Alliance respectfully opposes the use of universal service funds for digital literacy training, and opposes the inclusion of any such initiative within the administrative oversight responsibility of the Schools and Libraries Division or

³ “FCC Launches Competition to Identify the Best Ways to Increase Broadband Adoption Among Low-Income Americans,” New Release (April 30, 2012).

⁴ May 8, 1997 Universal Service Order at ¶ 497.

an outside organization.

Respectfully submitted,

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