



EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Department for Libraries & Archives

Steven L. Beshear
Governor

PO Box 537
300 Coffee Tree Road
Frankfort, KY 40602-0537
(502) 564-8300
Fax: (502) 564-5773
<http://kdla.ky.gov>

Thomas O. Zawacki
Secretary

Wayne Onkst
State Librarian

11/04/2013

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

Re: Modernizing the E-rate Program for Schools and Libraries WC Docket No. 13-184

Dear Secretary Dortch:

The E-rate Program provides critical support for digital learning and public access to online information through America's libraries. For this reason, the Kentucky Department for Libraries & Archives (KDLA) supports the comments of the American Library Association (ALA) on Modernizing the E-rate Program for Schools and Libraries. As our most important priority, we ask the Federal Communications Commission (FCC) to move quickly to increase E-rate funding to jumpstart and sustain high-capacity broadband connections in our libraries and schools so that we may meet the pressing information and learning demands of our communities.

KDLA actively supports public library service in all 120 counties in the Commonwealth of Kentucky. These public libraries serve the state's population of 4.37 million residents. More than three-fourths of the state's libraries participate in the E-rate program. KDLA provides assistance and training to directors, staff and trustees of the 91 Kentucky library applicants to ensure they benefit from the E-rate program and comply with program rules.

America's 16,417 public libraries serve more than 77 million computer users each year, yet only half of these multi-user outlets offer internet speeds above the FCC's home broadband recommendation of 4 Mbps. Through these internet connections, libraries support the education, employment and e-government resources and services all increasingly moving to "the cloud" and often only available in an online environment.

In a recent Pew Internet Project survey, 70 percent of parents reported their child visited a public library in the past 12 months. Of these, 77 percent of children ages 12-17 went to the library to do school work; this is true of a majority of all children. Together schools and libraries ensure learners have access to technology-enabled and personalized educational opportunities during the school day—and beyond. We know learning continues after the last school bell rings.

Kentucky's public libraries support and enhance learning for students of all ages through public access computing, digital literacy training, library collections, and partnerships with local school systems, Adult Education offices, colleges, universities and other community partners. Students and other customers benefit greatly from E-rate support for broadband and digital learning at their local public library. E-rate is the engine that drives many of the services that foster critical thinking, collaboration, and innovation among our students and all library customers.

Libraries also serve non-traditional students—whether home-schooled, pursuing their General Equivalency Degree, participating in distance learning, or gaining new technology skills to advance work readiness. Libraries are uniquely situated to support 21st century education and lifelong learning because they provide internet access to all residents in the communities they serve.

74.4% of Kentucky libraries offer the only no-fee computer and internet access in their communities.¹ A recent study by the University of Kentucky found that only 18 of the state's 120 counties are nationally competitive in terms of broadband availability and adoption.² In addition to providing a vital conduit to the Internet, many libraries are offering formal and informal training to their customers. In conjunction with a recent BTOP grant, 46 public library sub-recipients delivered formal computer training to 16,190 people, and provided 37,308 hours of informal computer assistance to 129,507 people in their communities. 78% of sub-recipients increased their connectivity during the project.

E-rate has provided crucial financial support for connecting our libraries and communities to a wealth of internet-enabled resources and services. But to ensure our students have the edge they will need to compete in today's and tomorrow's global economy, our libraries and schools must move from basic—often inadequate connectivity—to 21st century broadband. Thus KDLA supports the Commission's first goal of the E-rate program to focus on high-capacity and affordable broadband connectivity.

If we are to meet the challenge of connecting our nation's students and learners to high-capacity broadband in the next five years as proposed by President Obama in June, we need to use the E-rate authority to quickly allocate additional temporary funding to support the deployment of "future-proof" fiber broadband capacity to libraries and schools. The "ConnectUS" proposal laid out by the ALA would address one-time deployment costs to establish the state-of-the-art networks needed to bolster bandwidth at affordable costs for many years into the future. Additionally, the Faster Internet Networks for All Libraries (FINAL) program would incent low-bandwidth libraries to take advantage of existing high-capacity broadband and thus "fast track" innovative services to their communities.³

KDLA supports both of these proposals to catalyze needed broadband improvements. In Kentucky, less than 4 percent of public libraries currently offer their communities' internet speeds of 100 Mbps or higher, and the same percentage reported speeds at 1.5 Mbps or below. 45% of Kentucky public libraries report

¹ See Public Funding & Library Technology Access Survey, State Summary Data p. 62, *available at* http://www.ala.org/research/sites/ala.org.research/files/content/initiatives/plftas/2011_2012/plftas12_statetables.pdf (last visited November 4, 2013).

² See The Internet in Kentucky: Life in the Slow Lane, *available at* <http://cber.uky.edu/Downloads/CBER%20Issue%20Brief%209%20BB%20in%20KY.pdf> (last visited November 8, 2013).

³ See Comments of the American Library Association in Response to Notice of Proposed Rulemaking to Modernize the E-rate Program, *available at* <http://apps.fcc.gov/ecfs/document/view?id=7520944024> (last visited November 8, 2013).

connection speeds of 10 Mbps or lower. Action is urgently needed to ensure that Kentuckians and all Americans have access to broadband speeds that support their needs.

At the same time it is also important to streamline the program so that it is more accessible to all libraries and thus may benefit more communities. Even with the support of our state library e-rate coordinators, program complexity is the top reason libraries choose not to participate in the program. We cannot afford to leave these libraries behind and thus implore the Commission to implement the E-rate streamlining suggestions outlined in ALA's comments. In Kentucky, participation in the E-rate program increased by 47% with the addition of a state Technology Consultant in February 2011.

To support these E-rate goals, we support the initial comments filed by the ALA, and we want to focus particular attention to the following recommendations:

Ensure Affordable Access to 21st Century Broadband

- Increase E-rate funding to jumpstart and sustain high-capacity broadband connections that support digital learning and economic development through libraries and schools. The current cap on the program consistently falls far short of meeting demand. To address this we support a two-pronged approach: 1). New temporary funding to support the build-out of high-capacity broadband networks and provide increased support for libraries with the lowest levels of broadband capacity. 2). A permanent increase in the funding cap is needed and justified to address the ongoing costs of sustaining increased broadband connectivity.
- Provide additional E-rate discounts for remote rural libraries that often confront the greatest broadband costs and availability challenges.
- In cooperation with the library community, the FCC should develop scalable bandwidth targets and benchmarks for measuring progress against these goals. ALA recommends looking to newly developed public access technology benchmarks⁴ and the National Broadband Plan⁵ to inform these targets for libraries. We also suggest FCC targets must allow for significant local differences, including community size and current broadband options. We oppose rigid mandates or burdensome metrics.
- Lower barriers to deployment of dark and lit fiber and ownership of wide area networks when they are shown to be the most cost-effective ways to deliver high-capacity broadband to libraries and schools. Libraries and schools should be able to determine the most cost-effective technology solution within reasonable return on investment (ROI) timeframes.
- Enforce the Commission's Lowest Corresponding Price (LCP) rule. For example, a LCP review should be generated whenever a provider's bid for broadband services is above a certain threshold.

Streamline Administration of the E-rate Program

- Speed the application review process. One of the most frustrating aspects of the E-rate program is that many applicants are not notified by the Universal Service Administrative Company (USAC) of their funding status by the July 1 start of the funding year.
- Replace E-rate program procurement rules with those of the applicable locality or state. The E-rate program is unnecessarily proscriptive when it comes to procurement policies. Kentucky public libraries are already in compliance with strict procurement rules, and were cited by the state Auditor's Office as models of transparency and accountability in a 2012 report.⁶ If the Commission

⁴ Edge benchmarks available at <http://www.libraryedge.org/benchmarksv1>. Benchmark 9.2 recommends that each public Internet user is allocated at least 500 Kbps upload and 1 Mbps download of network bandwidth capacity.

⁵ The National Broadband Plan, developed by the FCC, is available at <http://www.broadband.gov/plan/>.

⁶ See Adam H. Edelen, Auditor of Public Accounts, Ghost Government: A Report on Special Districts in Kentucky pp. 47-48, available at <http://apps.auditor.ky.gov/public/theregistry/2012GhostGovernmentSpecialDistrictsReport.pdf> (last visited September 13, 2013).

does not want to defer to state or local procurement rules, we suggest a \$5,000 de minimus funding request for exemption.

- Allow applicants to receive their E-rate funds directly from USAC. Eliminating providers serving as a funding “middle man” will streamline the process and be beneficial to both applicants and providers.
- Allow applicants to file an “evergreen” Form 471 for multi-year contracts.

As the Commission considers cost-effectiveness and how to best focus the E-rate program on high-capacity broadband, we urge you to phase in any changes in currently eligible services. Many of our libraries—particularly those with the leanest of budgets—rely on services that are now E-rate eligible, like Plain Old Telephone Service (POTS). The Commission should phase-out the elimination of any E-rate eligible services over a sufficient time to enable libraries to adjust their budgets to pay the full cost of any eliminated services.

Nearly one quarter of Kentucky public libraries’ current E-rate commitments support POTS. In FY2012, the total amount committed to the state’s public libraries was \$1,065,217.94, with \$233,501.97 earmarked for POTS. Voice services remain essential for communications and public safety. Kentucky public libraries face economic difficulties and a scarcity of resources. Eliminating support for voice service without a gradual phase-out process would present a significant hardship to the state’s public libraries.

Our nation’s libraries represent an investment in lifelong learning and Internet access for all—especially for the 42 percent of Kentuckians who lack home broadband access.⁷ The E-rate Program is the engine powering much of our work to ensure no one is excluded from digital opportunity. KDLA and libraries across Kentucky stand ready to fulfill our nation’s Universal Service goals through a future-focused and robust E-rate 2.0. Thank you for the opportunity to comment and for your consideration of our recommendations.

Respectfully submitted,



Charlene E. Davis
State Library Services Division Director
Field Services Division Acting Director
Kentucky Department for Libraries and Archives

⁷ See Kentucky Office of Broadband Outreach and Development Overview - July 2013 *available at* <http://finance.ky.gov/initiatives/Broadband/Pages/Reports.aspx> (last visited November 4, 2013).