

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

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

**COMMENTS OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these comments in response to the *Public Notice*<sup>2</sup> released by the Federal Communications Commission (“Commission”) on April 18, 2014 in the above-captioned proceeding. The *Public Notice* seeks comment on a petition filed by the Institute of Museum and Library Services (“IMLS”) seeking access to certain Form 471 data submitted by applicants for Universal Service Fund (“USF”) Schools and Libraries (“E-rate”) program funding.

To be clear, NTCA does not oppose release of the data or use of such data in the aggregate, subject to the conditions outlined and agreed to by IMLS in its petition. Instead, NTCA herein cautions that the data requested by IMLS could, inadvertently, be used to draw inaccurate conclusions if reviewers of the data fail to take proper account of what the data do and do not represent. In short, substantial caution should be taken in considering how the data might inform any decisions with respect to E-rate modernization given the limitations of those data.

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<sup>1</sup> NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers (“RLECs”). All of NTCA’s members are full service local exchange carriers and broadband providers, and many provide wireless, video, satellite, and/or long distance services as well.

<sup>2</sup> Notice of Request for Access to FCC Form 471 Item 21s and FRN-Level Data Regarding the Predominant Service Requested by E-rate Applicants, WC Docket No. 13-184, Public Notice, DA 14-522 (rel. Apr. 18, 2014) (“*Public Notice*”).

As stated in the IMLS letter, the mission of IMLS is to “identify national needs and trends in libraries and museums and to measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs.”<sup>3</sup> IMLS seeks the data at issue here in furtherance of that objective. However, the data collected via Form 471, viewed on its own, provides a very narrow data set: a narrative description of the service for which E-rate applicants seek funding and the rate charged by the service provider. It does not provide, for example, data that allow for a complete picture of the various options for E-rate eligible services available to applicants or the quality and type of network infrastructure accessible to applicants. For example, sample Item 21 forms are provided on the Universal Service Administrative Company (“USAC”) website for illustrative purposes.<sup>4</sup> The example entitled “Internet Access service”<sup>5</sup> provides only a narrative description of the service ordered and the cost. Noticeably absent is any indication of the capacity of the Internet connection purchased, much less additional options for connectivity that may have been available to the applicant, the prices for those offerings, or the technologies by which any alternative services might be delivered.

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<sup>3</sup> Letter from Carlos A. Manjarrez, Director, Office of Planning, Research and Evaluation, Institute of Museum and Library Services, to Julie Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 13-184 (fil. Apr. 14, 2014) (“IMLS Letter”).

<sup>4</sup> See, <http://www.usac.org/sl/applicants/step04/item-21.aspx>

<sup>5</sup> Attached hereto as Exhibit A.

As NTCA has repeatedly stated,<sup>6</sup> and as the record compiled in response to both a recently released Public Notice<sup>7</sup> and the *E-rate Modernization NPRM* released in September 2013<sup>8</sup> makes clear, schools and libraries all across the nation face varying challenges to obtaining access to, and making a full use of, high-capacity broadband connections. These challenges include obtaining access to a high-capacity connection to “the school or library building,” as well as obtaining adequate funding for the internal connections necessary to enable educators to take full advantage of their broadband connection, along with obtaining access to affordable connections. Addressing these needs where they exist, and avoiding a needless waste of resources that can result from directing funds to “solve” the wrong “problem,” requires the FCC to carefully target E-rate resources to where they are needed the most. A condition precedent to this effort is an accurate assessment of the state of broadband availability for schools and libraries.

Thus, Form 471 data viewed in isolation, if not understood and used for what it is (a very narrow data set that provides scant subscription information and nothing more), could paint an inaccurate picture of the challenges facing schools and libraries as they seek to more fully embrace digital learning and fulfill the goals of the ConnectEd initiative. While NTCA commends IMLS for seeking to more fully understand the communications needs of libraries and museums, there has been all too often in E-rate and other debates a tendency to conflate

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<sup>6</sup> Comments of NTCA and WTA, WC Docket No. 13-184 (fil. Sep. 16, 2013), pp. 6-18; Comments of NTCA, WC Docket No. 13-184 (fil. Apr. 7, 2014), p. 3; Reply comments of NTCA, WC Docket No. 13-184 (fil. Apr. 21, 2014), pp. 3-6.

<sup>7</sup> Wireline Competition Bureau Seeks Focused Comment on E-Rate Modernization, WC Docket No. 13-184, Public Notice, DA 14-308 (rel. Mar. 6, 2014) (“Public Notice”).

<sup>8</sup> Modernizing the E-Rate Program for Schools and Libraries, Notice of Proposed Rulemaking, WC Docket No. 13-184, FCC 13-100 (rel. July 23, 2013) (“*E-rate Modernization NPRM*”).

subscription with availability or non-subscription with unavailability. For example, a narrative description of the type of service purchased by a school or library and the price paid provides no insight as to whether the connection even meets that institution's connectivity needs (as it may be less than the institution's needs in terms of capacity but may be the only option available). Similarly, a narrative description of a library's purchase of a 5 Mbps connection, absent other relevant data, could provide the mistaken implication that such a connection was all that was truly available, when in fact a higher-capacity connection was available yet deemed unnecessary by library officials. In short, when reported in the aggregate and if careful account is not taken of scope, Item 21 data could provide an incomplete view of the state of broadband availability to libraries, when a more complete data set would provide a more complete picture that better informs policymakers as to the choices that must be made as to where to direct limited E-rate resources going forward.

NTCA therefore urges the Commission to provide explicit clarity as to what Form 471 Item 21 data represent and the limits of such data to the extent the Commission decides to grant the IMLS petition. It is specifically important to note that such data provide an incomplete picture of the state of communications services availability for schools and libraries, so that stakeholders do not lose sight of the need to gather more robust data capturing the full gamut of service capabilities available to institutions. Solving the varying challenges that individual schools and libraries face in terms of obtaining access to the communications services they need to meet their educational missions (be that insufficient internal connections, a connection in the first place, or an affordable connection), requires a more robust accounting of the unique need that each individual school or library has in the first instance with accurate data that presents a complete picture of where E-rate resources are most needed today. An incomplete or inaccurate

picture of the needs of schools and libraries and the availability of the necessary infrastructure to meet those needs risks sidetracking the E-rate modernization debate.

Respectfully Submitted,



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