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May 12, 2014

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: Notice of Ex Parte Meeting on May 5, 2014, WC Docket No. 13-184

Dear Ms. Dortch:

On Monday, May 5, 2014, at 1:15pm, SuAnn Witt, State E-rate Coordinator, Nebraska Department of Education; Diane Wolfe, Director of Distance Learning, Educational Service Unit2 (Fremont, NE); and Tom Rolfes, Education I.T. Manager, Nebraska State Office of the CIO; met with FCC staff Michael Steffen, Jonathan Chambers, Charles Eberle, and Mark Walker on the first floor of the FCC Building.

We shared a packet of printed materials that provided more details and factual information about (http://www.nitc.nebraska.gov/nnag/meetings/documents/Documents/FCC_briefingpacket_2014.pdf):

- Network Nebraska-Education
- Digital Education
- E-rate Modernization

We discussed the positions set forth in the Nebraska Office of the Chief Information Officer NPRM comments submitted April 8, 2014 and Public Notice comments submitted April 21, 2014; and answered questions from the FCC staff.

We reiterated the following *italicized* points concerning E-rate Modernization:

- A. Focus the one-time \$2 billion of E-rate funding on new high bandwidth connections for schools and libraries and the internal wireless infrastructure;
 1. *We recommend that before any one-time, E-rate funding is disbursed, that circuit data be gathered to determine which schools and libraries are underserved for scalable high bandwidth connections to the school and library premises, and prioritize the funding to those schools and libraries that are in greatest need of faster connections;*
 2. *The Commission will encounter a significant pent-up demand for high density wireless infrastructure from schools and libraries below the 90% discount level. We recommend that the Commission require a site survey or pre-engineering study be conducted before any school or library applies for, and gets funded by, Priority 2 funding.*

- B. Reduce the list of eligible equipment under Priority 2 funding to those devices that are absolutely essential to delivering Internet and other digital resources to the classroom;
1. *With some flexibility for architectural and radio antennae integration, we recommend that the eligible services list for Priority 2 equipment in schools and library BUILDINGS be limited to the following:*
 - i. *Routers, switches, or firewall appliances, up to one per building;*
 - ii. *Wireless Access Points, up to one per classroom, one or more per common area, and one per XXX square feet of library space;*
 - iii. *Internal Cabling to interconnect classrooms and Wireless Access Points, up to X cabling drops per classroom or library room;*
 - iv. *The software to manage the edge devices and wireless access points.*
 2. *Statewide networks have demonstrated an incredible ability to lower costs, increase network efficiency, and provide technical expertise to all education and library entities that are part of statewide networks. For those statewide NETWORKS that file as consortia, we recommend Priority 2 funding support for the following:*
 - i. *Core routers and/or switches;*
 - ii. *Dark fiber infrastructure such as Dense Wave Division Multiplexers, amplifiers, filters, load balancers, bandwidth splitters.*
 3. *Statewide networks can improve network efficiency by deploying enterprise network management services but these devices are not required for basic data transport:*
 - i. *Intrusion Prevention System hardware;*
 - ii. *Firewalls;*
 - iii. *Traffic Shaping hardware;*
 - iv. *Filtering;*
 - v. *Caching servers.*
- It is incredibly important for the Commission to clearly delineate the types and numbers of eligible equipment to control the amount of funding approved for Priority 2 requests so that schools and libraries can reach a minimum equitable standard of supported connectivity.*
- C. Implement the “1 in X years” rotating eligibility model for Priority 2 funding, beginning with the 89% discount level in 2016-17, and continuing until all schools and libraries that want to be funded have been funded, and then restart the Priority 2 funding rotation at the 90% discount level;
1. *We recommend that schools and libraries be required to adhere to the eligible internal connections list, conduct a site survey followed by competitive bidding, submit a detailed project plan and budget, and then using a carryover funding approach, would have up to three years to expend and be reimbursed from their allocated Priority 2 funds.*
- D. Not consider any form of formula-based, per-building or per-applicant distributions or annual allotment models;
1. *Formula-based, per-building, or per-student distributions do not work when it comes to extremely small, rural schools, even with a generous rurality factor.*
 2. *Page 26 of the Information packet provided the largest and smallest Nebraska school district examples:*
 - i. *Omaha Public Schools; 48,525 students; 35,653 F/R; Cost per student pre-Erate \$41.40; Cost per student post-Erate \$7.19*

ii. *Elba Public Schools; 69 students; 42 F/R; Cost per student pre-Erate \$289.55; Cost per student post-Erate \$57.91.*

E. Create a new applicant category called “Network Consortium”, eligible for a +5% discount (not to exceed 90%) that includes large-scale or statewide network consortia that comply with the following criteria;

1. *Legitimizes its creation or existence through specific statutes, policies, resolutions, or executive orders by the state in which it resides (i.e. Department of Education, State level legislation, Gubernatorial order, etc...);*
2. *Documents individual entity participation with a Letter of Agency, Memorandum of Agreement; Memorandum of Understanding; Service Level Agreement; or equivalent document;*
3. *Maintains some level of governance or sponsorship such as a board, council, advisory body, state agency, intermediate service agency, or university;*
4. *Performs network design and network management functions such as help desk, troubleshooting, filtering, traffic shaping, intrusion prevention, etc...*
5. *Facilitates development and implementation of network standards that raise the level of network security, integrity, and reciprocity;*
6. *Performs large-scale procurement resulting in state master contracts or master agreements for equipment, Wide Area Network circuits, statewide backbone circuits, Internet access, or other E-rate eligible services;*
7. *Involves enough entities (e.g. dozens or hundreds) to achieve economies of scale and lower costs in the competitive procurement, contracting of services, and consortium filing for E-rate eligible services;*
8. *Employs intelligent networking, Intranet routing, carrier co-location centers, network aggregation points, public and private data centers and commercial peering services to take full advantage of faster transport and reduce dependence on commodity Internet.*

F. Modify the Form 471 Item 21 Attachment to collect specific cost and bandwidth data for Priority 1 services from each eligible participant;

1. *Circuit technology type (e.g. copper, fiber, fixed wireless, etc...)*
2. *Contracted capacity of the circuit (e.g. 100Mbps, 1,000Mbps, etc...)*
3. *Current bandwidth purchase (e.g. 80Mbps, 750Mbps, etc...)*
4. *Current monthly recurring cost (e.g. \$550/month, etc...)*
5. *Current cost in \$/Mbps/month (e.g. \$2.50/Mbps/month)*
6. *Name of provider*
7. *SPIN of provider*
8. *Circuit origination location by street address, city, state, zip +4*
9. *Circuit termination location by street address, city, state, zip +4*

G. Consider the Nebraska OCIO Demonstration Project proposal for possible implementation.

1. *The Nebraska OCIO proposes that the Commission implement a nationwide, 3-year demonstration project to incentivize school districts to connect public libraries to their district wide area networks (WANs) through any digital transmission service available (e.g. leased lit fiber, dark fiber, Ethernet over copper, fixed wireless, microwave, etc...) and to further consider the sharing of Internet, technical support and filtering services with public libraries. The school district and library would then qualify for*

a +5% mini-consortium discount, not to exceed 90%. The E-rate program cost of this financial incentive offered to the mini-consortium would be offset by the savings in the replacement of the library circuit and the elimination of the need for separate Internet access at the library. It should be noted that this demonstration project could operate in “reverse”—a fiber-connected library could interconnect a non-broadband school into its wide area network and be eligible for the heightened discount. The pre- and post-project measure of high bandwidth library connections would be compared to decide a cessation or continuation of this special demonstration project.

Respectfully submitted on behalf of the schools and libraries of Nebraska,

/s/ Thomas S. Rolfes 

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