URBAN
LIBRARIES
COUNCIL

INSPIRING LIBRARIES.
TRANSFORMING COMMUNITIES.

June 27, 2014

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Communication, WC Docket No. 13-184

Dear Mr. Chairman and Commissioners:

On behalf of the Urban Libraries Council ("ULC"), we write to express our consternation over the draft order reforming the E-Rate program that we understand is being circulated at the Commission. Because the Order is a non-public draft, we recognize that the concerns we highlight below may be misplaced. Nevertheless, the widespread reports about the funding reforms contained in the order have caused us to send this letter.

We support strongly the interests of schools in reforming the E-Rate program. When Congress established the E-Rate by amendment to the 1996 Telecommunications Act, it did not authorize the Commission to engage in zero-sum balancing of the interests of schools and libraries. Instead, the Commission's duty is to provide "advanced" services to both schools and libraries. Under the statute, these twin duties are additive and not to be traded off against each other.

Given that libraries and schools have similar missions to advance education and serve their communities, the program reform goals of both should be aligned. We agree with Commissioner Rosenworcel's well-stated contentions that the Commission should increase the size of funding for "advanced" services in schools.

However, this letter concerns how the reforms contemplated by the Commission will impact public libraries. The United States has the finest public library system in the world, numbering 9,000 systems in 17,000 buildings. These libraries are by far the most important free public Internet access locations in civil society. They serve all the students in the country, who go to libraries after school hours, on weekends, and on vacations. By allocating funds to reform the E-Rate so as to provide "advanced" services to all libraries, in addition to the funds required to provide "advanced" services to schools, the Commission will be meeting its complementary and additional obligation as set forth by Congress in 1996.

The reforms contemplated in the draft order may not produce “advanced” services for libraries for at least three reasons.

First, the draft order wisely proposes to allocate funds for schools on a per-student basis. It limits these funds at $150 per student for five years, and that amount may not be sufficient. But measuring need based on people is salutary. After all, people, not buildings, need Internet access.

We ask that the Commission apply the same people-based measurement for funding advanced services in libraries. We understand that instead the draft order contemplates a cap that is based on the number of square feet in a library building. This approach can lead to widely disparate and inappropriate results. For example, a cramped, crowded and critically important library would receive less funding than a spacious and little-used library. It would be administratively quite easy for any library to report the number of people who come in and out every day. That user metric would be effectively the same as funding schools according to the number of students and teachers. We think that applying the same measurement to both sorts of critical institutions would be a superior methodology.

Second, we understand that the draft order places an inappropriate burden on libraries serving low-income populations by significantly increasing the amount of money they need to provide to apply for E-Rate funding. Specifically, the order doubles the amount of contribution required by the lowest income communities. Particularly in an era of swelling income inequality, this treatment of low-income communities is inappropriate. The order should also change the prejudicial practice of defining library service areas so broadly that low-income communities around any particular library are assumed to have higher incomes because they are included for definitional purposes with adjacent higher income communities.

Third, the order reportedly declines to fund any of the pilot projects proposed by various library stakeholders. It is disappointing that the Commission has not found that any of these projects have merit. We hope you will reconsider this conclusion.

To ensure that the Commission conducts a transparent reform of the E-rate program, we also request that it consider publicly releasing the draft order so that all E-rate stakeholders can examine its details. We do compliment the Commission on its evident commitment to fix what is broken in the E-rate program and to implement fixes in time for funding the next relevant school year.

We hope that you will consider revising the Order to accommodate the concerns we have identified. We are eager to meet with each of you to discuss these issues further.

Respectfully submitted,

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