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July 2, 2014

Via ECFS

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

Re: Notice of Ex Parte Presentation, Wireline Competition Bureau Seeks Focused Comment on E-Rate Modernization; WC Docket No. 13-184

Dear Ms. Dortch:

On July 2, 2014, Sara Kuehnle, Dentons US LLP, and I, on behalf of Southern Communications Services, Inc., d/b/a SouthernLINC Wireless ("SouthernLINC Wireless"), spoke with Daniel Alvarez, Legal Advisor to Chairman Wheeler via telephone to discuss the impact that the E-rate Modernization Proposal (the "Proposal"), if adopted, would have on rural schools. During the conversation, we emphasized the importance of simplifying the E-rate program in a competitively- and technologically-neutral way that preserves school autonomy and enables the FCC to achieve the goals that Congress mandated for the program.

While the Communications Act of 1934, as amended, (the "Act") seeks generally to foster competition in a technologically- and competitively-neutral manner,¹ Congress explicitly required the FCC to adopt competitively neutral rules to enhance access to advanced telecommunications and information services:

The Commission shall establish competitively neutral rules . . . to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms, health care providers, and libraries. . .²

Based on the requirements of the Act, the Commission concluded that "[u]niversal service support mechanisms and rules should be competitively neutral ... [and] neither unfairly advantage nor disadvantage one provider over another, **and neither unfairly favor nor disfavor one technology over another.**"³ The Commission found that technological neutrality would "foster the development of competition and benefit certain providers, including wireless, cable, and small businesses, that may have

¹ 47 U.S.C. § 254(h)(2) *et. seq.*

² 47 U.S.C. § 254(h)(2). *See also* 47 U.S.C. § 254(b)(7) (mandating that the FCC be guided by "such other principles as [it] determine[s] to be] necessary and appropriate for the protection of the public interest, convenience, and necessity and [...] consistent with [the Act].").

³ *In the Matter of Federal-State Joint Board on Universal Service*, First Report and Order, FCC 97-157, CC Docket No. 96-45, 12 FCC Rcd 8776, ¶ 47 (1997) (emphasis added).

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been excluded from participation in universal service mechanisms if we had interpreted ... eligibility criteria so as to favor particular technologies."⁴ Accordingly, the Commission concluded that "universal service support should not be biased toward any particular technologies."⁵

We understand that the FCC is currently considering options for reform that would, as a practical matter, streamline the application procedure for wireline broadband services but require additional steps by applicants for wireless broadband services. We also understand that the FCC is considering whether to limit support to services that exceed a minimum potential download speed, and that the speed would make support unavailable for many wireless services today. We respectfully urge the Commission to reject these proposals because they reflect bad policies that would harm rural schools, and they are inconsistent with the Act.

As an initial matter, comparing advertised download speeds for cable or fiber with mobile broadband services makes no sense. For a wide variety of reasons, the actual download speeds that students in schools will experience when using Wi-Fi with wireline will be far less than the advertised download speed for associated wireline broadband services. Indeed, it is easy to imagine that individual students could experience speeds of 2-5 Mbps even if the advertised download speed for the associated broadband service is 100 Mbps. Under these circumstances, preventing schools from selecting wireless broadband services, which can, in some cases, provide a comparable experience for students, merely because they cannot claim to provide 100 Mbps download speeds would be a mistake. Not only would this sort of requirement prevent individual schools from choosing the best service to meet their needs, it would make it even more difficult for wireless providers to upgrade services in rural areas by placing a discriminatory thumb on the scale of competition in favor of wireline services. As such, the proposals being considered would not only make for bad policy, but they would be fundamentally inconsistent with Congress's goals for E-rate, the Communications Act of 1934, as amended (the "Act"), and the Commission's guiding regulations.

Discriminating among technologies and imposing arbitrary download speed requirements would also defeat the Commission's stated purposes of streamlining the application procedure, making the program more efficient, and facilitating the deployment of wireline and wireless broadband services to rural schools and libraries. Nothing since Congress mandated, and the Commission embraced, technological and competitive neutrality for universal service and the E-rate program has changed in a way that could justify favoring wireline broadband and eliminating the autonomy of rural schools and libraries to choose the technology solution that best serves their individual needs. For this reason, SouthernLINC Wireless respectfully requests that the Commission reject any reform that would discriminate against wireless broadband services or reduce the ability of rural schools and libraries to choose the technology that best meets their needs.

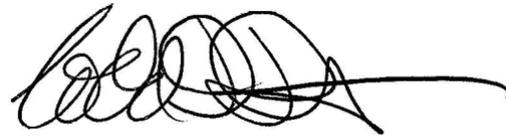
Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being filed *via* ECFS for inclusion in the public record for the above-referenced proceeding. Please contact the undersigned if you have any questions or need additional information.

⁴ *Id.* at ¶ 49.

⁵ *Id.*

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Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Todd D. Daubert
Counsel for SouthernLINC Wireless

cc: Daniel Alvarez