SECA
STATE E-RATE COORDINATORS ALLIANCE

July 7, 2014

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: WC Docket No. 13-384, Modernizing the E-rate Program for Schools and Libraries

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, and Commissioner O'Reilly:

In our letter submitted on Thursday, July 3, 2014 we mentioned that we are very pleased that one of the items in the proposed E-rate reform order is the elimination of the mandatory technology plan requirement for both Category 1 or Category 2 services and equipment. We wanted to take this opportunity to expand upon our rationale particularly in light of recent letters from other stakeholders that may be advocating for the retention and expansion of this requirement.

SECA members believe that technology planning serves a useful function if integrated into the delivery of technology services. There is no reason, however, for this requirement to continue to be federally mandated. States should be left to decide how best to implement technology planning for their schools and libraries. For example, some states now have eliminated a separate technology plan and instead recognize technology as one additional critical aspect of comprehensive planning for schools. Other states have opted to discontinue a mandated requirement while still others continue to require technology planning. By establishing a separate E-rate technology plan requirement, the FCC has created a meaningless hoop for applicants to jump through to no end. When the planning process is only required for E-rate, the document is relegated to the role of a perfunctory requirement that has little value to the applicant.   Requiring a written, approved plan as a federal requirement is counterproductive and unnecessarily complicates the E-rate process without adding any safeguards.

There are a host of reasons why the requirement should be eliminated.

First, the original premise of the requirement was moot almost from the beginning. The E-rate program was originally conceptualized to be a self-certification program. The technology plan requirement was an adjunct to the self-certified application to ensure that the requests for discounts were bona requests for services that would be used for educational purposes.[1]   It was the means of confirming that the schools and libraries would request only those services and equipment that they needed.

We all know that the self-certification aspect of the program never materialized. Indeed, there is extensive pre-funding commitment review as well as post-commitment audits to ensure compliance with all regulations. The PIA and auditing procedures surely investigate whether an applicant has adequate resources to use the services and equipment for which funding has been requested, which was the original purpose of the technology plan requirement.

Second, the requirement became a weapon used to deny genuine and authentic funding requests because of applicants' unknowing and inadvertent failure to meet each and every subpart of the SLD detailed procedures.   Following the FCC's May 8, 1997 Order, the technology plan requirement exploded. Detailed procedures were announced by SLD prescribing the specific elements that were required to be included in each

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[1] 47 U.S.C. §254(h)(1)(B). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Recommended Decision*, 12 FCC Rcd 87, 394-395 (1996); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776 (1997), as corrected by *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Erratum, FCC 97-157 (rel. June 4, 1997) at ¶574.

technology plan. If applicants did not follow them precisely, and accidentally omitted an element, they experienced funding denials for ministerial violations.

For example, the requirements stated that the applicant must have written a new technology plan that covers all 12 months of the upcoming funding year prior to posting a Form 470 request for services and had to save documentation of the plan creation on or before the Form 470 posting date. If the applicant could not produce this documentation, they were subject to funding denials or post-commitment funding rescissions. Similarly, if a particular service or equipment component was not explicitly listed in the technology plan, even if the purchase was consistent with the goals of the plan, the applicant could be subject to denial or funding rescission.

Third, when the FCC first adopted this recommendation, the agency took note that development and independent approval of technology plans were already required for other technology programs.   Since then, other federal programs that required technology plan creation and independent approvals were discontinued along with any administrative funds to state departments of education to support this function. Thus, the federal E-rate technology plan requirement became an unfunded mandate that states were required to meet in order to enable their applicants to be able to participate in E-rate.

Fourth, for states that wish to impose a technology plan requirement on their schools and libraries, SECA believes they should have the right to do so at the state level but they should not insist on imposition of this requirement via E-rate. The states' technology plan requirement should be completely independent of E-rate requirement and must not be subject to any E-rate review such as PIA review or post-commitment audits and potential funding denials and/or rescissions.

Fifth, one of the primary goals of E-rate 2.0 is program simplification. Repealing the technology plan requirement is one of the very few measures we have heard that will make the program easier for applicants. By retaining, and certain expanding, the technology plan requirement, the Commission will be undoing one focused area of program simplification.

For these myriad of reasons, SECA encourages the FCC to eliminate the mandatory federal technology plan requirement for E-rate applicants. This recommendation is consistent with the program goal of simplification and streamlining and will not sacrifice any measures to protect against waste, fraud and abuse.

Respectfully submitted,

/s/Gary Rawson
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