



3636 16th Street N.W. Suite B-366, Washington, D.C. 20010
Phone: 202-332-0500 Fax: 202-332-7511 Web: <http://mmtconline.org>

July 7, 2014

Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Modernizing the E-rate Program for Schools and Libraries; Wireline Competition Bureau Seeks Focused Comment on E-Rate Modernization, WC Docket No. 13-184

Dear Chairman Wheeler:

The Minority Media and Telecommunications Council and the Rainbow PUSH Coalition (collectively "MMTC et al.") respectfully urge the Federal Communications Commission ("FCC") to avoid providing E-rate support for libraries in urban and low-income areas based on their square footage, and avoid penalizing urban and low-income schools that have lower enrollment than larger, more affluent suburban campuses by imposing across-the-board per-student funding caps. MMTC et al. have previously expressed their conviction that the FCC should make equitable access to E-rate funds for low-income schools a priority in its policy-making,¹ noting that the E-rate program "was specifically designed to target poor schools and rural schools."²

The cost of providing internal broadband connectivity is a function of both building size and the number of users, as well as other factors such as architectural impediments and interference from nearby networks. The FCC should therefore resist the temptation to adopt a flawed and overly simplistic metric for allocating E-rate funds that will arbitrarily deprive urban and low-income students and library patrons of access to high speed, high capacity broadband.

The eligibility of public libraries for E-rate support should be determined based on **need**, not the square footage of their buildings. Urban libraries are generally smaller and more heavily used than their suburban counterparts, and would be seriously and disproportionately impacted by a size-based limitation on E-rate support for the provision of Wi-Fi of \$1.00 per square foot. The message communicated by a number of urban libraries that have recently

¹ See Amended Comments of the Minority Media and Telecommunications Council, the Rainbow PUSH Coalition, and the League of United Latin American Citizens, WC Docket No. 13-184 at 18-19 (filed Sept. 17, 2013) ("Amended Comments"); Comments of the Minority Media and Telecommunications Council, the Rainbow PUSH Coalition, and the League of United Latin American Citizens, WC Docket No. 13-184 at 9-12 (filed Apr. 7, 2014).

² Amended Comments at 18-19, citing Statement of Commissioner Pai, *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100 at 173 (rel. July 23, 2013).

filed comments in this proceeding,³ as well as the Urban Libraries Council, is clear: allocating E-Rate funding based on a limited metric such as square footage “would be grossly unfair to the millions of patrons of the nation’s urban libraries,” many of whom are “disproportionately low-income, unemployed or underemployed.”⁴

The Commission should also reject any proposal to base E-rate funding for schools on the number of enrolled students, as such a metric would favor large suburban institutions over their urban counterparts. In considering a per-student cap of \$150 dollars of support for internal connections for every five year E-rate funding cycle, the FCC incorrectly relies on the premise that all schools have the same needs but simply vary by the number of students served. As the Commission is aware, this is not the case, and smaller urban schools serving fewer students than their suburban counterparts face significant challenges in meeting their students’ broadband needs. These challenges would be exacerbated by limiting E-rate funding based solely on student enrollment.

MMTC et al. recognize that the FCC faces serious challenges in reforming the E-rate program to meet the ambitious goal of connecting 99 percent of all students to high speed broadband capacity in no more than five years. But the way to achieve that goal is not to settle for a one-size fits all solution that fails to take into account the unique and critical needs of urban and low-income schools and libraries. Rather than implementing policies that will only reinforce the current inequitable access to broadband, the FCC should allocate targeted funds for low-income urban and rural schools to install, or expand, internal connections to all classrooms. This solution would recognize the need to “future proof” these institutions and allow them to continue to provide their students with powerful connectivity even as class sizes grow, new technologies emerge, or E-rate subsidies wane.

As acting Chairwoman Clyburn noted in 2013, “broadband has the potential to be the great equalizer.”⁵ However, the promise offered by increasing the availability of high speed, high capacity broadband will only be realized if the FCC adopts policies that ensure that urban and low-income schools and libraries receive E-rate support that allows them to match the speed and capacity available in wealthier communities, rather than allowing the most under-resourced areas to fall further behind.

Respectfully submitted,

³ See, e.g., Letter from Tim Kambitsch, Executive Director, Dayton Metro Library, to Tom Wheeler, Chairman, Federal Communications Commission, WC Docket No. 13-184 (filed July 7, 2014); Letter from Jon Worona, Manager of Technology and Innovation, The San Jose Public Library, to Tom Wheeler, Chairman, Federal Communications Commission, WC Docket No. 13-184 (filed July 7, 2014); Letter from Melinda S. Cervantes, Executive Director, Pima County Public Library, to Tom Wheeler, Chairman, Federal Communications Commission, WC Docket No. 13-184 (filed July 7, 2014).

⁴ Letter from John M. Beahn, Counsel to Urban Libraries Council, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 13-184 at 1 (filed July 7, 2014).

⁵ Prepared Remarks of Acting Chairwoman Mignon L. Clyburn, “Connected in the Digital Age: Improving American Education Through Technology,” Annenberg Retreat at Sunnylands (Sept. 10, 2013), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-323218A1.pdf.

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