Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
Modernizing the E-rate Program for Schools and Libraries	)	WC Docket No. 13-184

COMMENTS OF THE URBAN LIBRARIES COUNCIL

Dated: September 15, 2014

SUMMARY

The E-rate program's tremendous successes in ensuring the availability of broadband services have wrought new demands on public libraries, especially for robust and scalable internal wireless broadband connectivity within their facilities. Because they serve nearly two-thirds of all library WiFi users, the FCC must ensure that urban libraries are able to meet these increasing demands for high-speed internal networks. In particular, the Commission must revisit the budget allocation method it adopted for library internal networks in the *Modernization Order*. A recent study commissioned by ULC confirms that this square footage metric would be highly inequitable to the nation's urban libraries. The FCC must review this important research and revise its budget allocation methodology to create an E-rate system that serves the individual needs of all libraries, no matter their size or location.

The Commission must also ensure that schools and libraries have the funding necessary to keep pace with the tremendous changes in connectivity demand and infrastructure; changes that a resource-constrained E-Rate has struggled to address. It is unquestioned that the original budget designs of the E-rate program no longer serve the 21st century needs of schools and libraries. The FCC must act quickly to implement a significant and permanent increase in E-rate funding to allow all schools and libraries to meet the needs of students and communities in today's networked world. In conjunction with this funding increase, the Commission must also redefine the premise of the eligible services list to ensure that it supports the equipment and services necessary to drive broadband adoption in communities across the country. A broader ESL that includes equipment and services used every day by libraries will enable schools and libraries to offer additional broadband services and technologies to their communities.

Lastly, the Commission can ensure that libraries have access to the E-rate funds they need by assisting them in complying with the Children's Internet Protection Act ("CIPA"), which has become a significant impediment for many libraries. The Commission should give library systems the flexibility they need in deciding how to comply with the CIPA filtering requirements, including whether to filter only library-owned or managed devices as the statute requires. Libraries should also be allowed to meet the CIPA requirements through local means other than filtering.

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The Urban Libraries Council ("ULC") provides its initial comments pursuant to the Report and Order and Further Notice of Proposed Rulemaking issued on July 23, 2014 in the above-captioned proceeding seeking further comment on several issues of critical importance to reforming the E-rate program.[1] ULC also hereby provides its reply comments to the proposed Eligible Services List in response to the recent *ESL Public Notice*.[2]

I. THE E-RATE PROGRAM MUST ADEQUATELY SUPPORT ALL LIBRARIES

A. Urban Libraries Serve a Unique Role Across the Country

The FCC's current process of modernizing the E-rate program has served as a stimulus to the community of public libraries' thinking about the digital future of all communities. Throughout this proceeding, a wide variety of library groups and systems have highlighted the

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1 *See In re Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-99 ("*Modernization Order*") (rel. July 23, 2014).

2 *See* Wireline Competition Bureau Seeks Comment on Draft Eligible Services List for Schools and Libraries Universal Service Program, Public Notice, DA 14-1130 ("*ESL Public Notice*") (rel. August 4, 2014).

important broadband role that libraries play in their communities across the country.[3] The E-rate program has transformed public libraries into the most important and often only free public Internet access point in many communities around the country.[4] From fostering employment searches, to fulfilling educational needs to accessing governmental services, libraries of all sizes—small and rural, mid-size suburban, and the largest urban libraries—empower individuals to use broadband services each day to better their lives and their communities. The broadband services provided by libraries, however, are wholly dependent on scalable, high-capacity internal and external broadband systems and infrastructure. Because public libraries are a separate and distinct set of civic institutions to which the FCC has the authority and duty to provide advanced telecommunications services and infrastructure through the E-rate program, library groups have stood together to support the Commission's efforts to address the full spate of barriers all libraries have encountered in providing broadband services in their communities.

ULC's advocacy in this proceeding has focused on highlighting the unique challenges faced by urban libraries across the country. Urban libraries are serving more people, providing more information, adding more programs and offering more connectivity than ever before. While there are approximately 400 urban library systems in the country, they account for 63 percent of all library visitors. These visitors tend to be lower-income or disadvantaged individuals who rely on their local urban library for essential services they are not able to access in any other place. By providing free broadband connectivity to these individuals, urban libraries

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3 *See, e.g.*, Prepared Remarks of Chairman Tom Wheeler, National Digital Learning Day at 2. (Feb. 5, 2014) (noting that libraries have become "the community on-ramp to the world of information" for a vast swath of Americans).

4 *See Public Libraries and Access*, Information Policy & Access Center, http://plinternetsurvey.org/sites/default/files/publications/CommunityAccessBrief2012.pdf (last visited Sept. 8, 2014) (noting that public libraries have become the number one Internet access point for many Americans).

serve as a key component in the social safety net and are on the front lines of confronting inequality in broadband access and digital literacy.[5] In many areas, urban libraries are the only means to access online jobs, educational opportunities, health information, and government and community services.[6]

One reason urban libraries have become so important is that many of their community members do not have home Internet access and face numerous obstacles in obtaining it. A 2013 Pew Research Center survey reported that only 70 percent of Americans have broadband access at home.[7] In short, the so-called "digital divide" remains persistent. Among U.S. households with annual income below $30,000, 46 percent have no broadband access at home. These statistics confirm that without the free broadband connectivity provided by public libraries, many lower-income and disadvantaged individuals would not be able to participate in today's networked society.

Because they serve nearly two-thirds of all library visitors, especially many who have no other place to access certain services, the FCC must take special care to ensure that urban libraries are able to meet the increasing demands placed on them.

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5 *See In re Inquiry Concerning the Deployment of Advanced Telecommunications capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, As Amended by the Broadband Data Improvement Act*, FCC 12-90, 27 FCC Rcd 10342 at ¶ 122 (2011) (noting that broadband adoption at home by low-income and minorities lagged significantly behind other groups of Americans).

6 *See American Library Association, U.S. Public Libraries Weather the Storm* at 2 (noting that more than 62 percent of libraries report that they are "the only provider of free public computer and Internet access" in their communities).

7 Kathryn Zickuhr & Aaron Smith, *Home Broadband 2013*, PEW RESEARCH CENTER'S INTERNET AND AMERICAN LIFE PROJECT (Aug. 26, 2013), http://www.pewinternet.org/2013/08/26/home-broadband-2013/.

B. The E-rate Budget Allocation Method for Internal Connections Should Account for the Differences Among All Libraries

As ULC and many other library systems have noted in this proceeding, the technology needs of libraries are focusing more and more on providing robust and scalable internal wireless broadband connectivity within their facilities. To help libraries fund these internal networks, the *Modernization Order* adopted an ostensibly simple metric to fund library internal connections. ULC and a number of its member systems raised significant concerns with this funding metric, believing that large urban library systems would not receive sufficient funding for their internal connections.[8] In adopting the $2.30 funding budget, however, the Commission stated that it was implementing a simple, predictable and sufficient internal connections funding budget for all libraries—whatever size and wherever located.[9]

In response to the *Modernization Order's* request for additional comment on the Commission's approach in calculating libraries' internal connection funding needs, ULC recently commissioned a study to determine if the $2.30/square foot reimbursement metric for public libraries would be equitable across urban, suburban, town and rural systems.[10] The resounding conclusion of this study is that the square footage metric would be highly inequitable to the nation's urban libraries. This study is based on data collected by the Institute of Museum and Library Services on public libraries. This data was examined by a Stanford University researcher who came to the following conclusions:

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8 *See, e.g.*, Letter from the Urban Libraries Council to Marlene Dortch, Secretary, FCC, WC Docket No. 13-184 (filed July 7, 2014).

9 *See Modernization Order at* ¶98.

10 ULC recently filed this study in this proceeding. *See* Letter from the Urban Libraries Council to Marlene Dortch, Secretary, FCC, WC Docket No. 13-184 (filed September 12. 2014).

(i) 295 urban library systems serve the majority of the WiFi users in the United States. These 5 percent of all libraries support 63 percent of the WiFi user base.

(ii) For urban and other larger library systems (in the top 5 percent by usage or by size), the square footage did not increase in a rate proportional to users—unlike rural, town and most suburban systems.

(iii) For these libraries, the size of the library by square footage was the worst predictor of WiFi costs.

(iv) Any proposed E-rate budget allocation method for internal connections must account for the fact that urban libraries are vastly different than rural, town and suburban systems.

These findings illustrate that any funding allocation method the Commission adopts must address the costs, needs and usage of all libraries, including the largest library systems (either by size or by usage level). In particular, any budget allocation method must be reviewed closely because it will differently affect urban libraries as they are unlike other libraries in terms of their size and number of patrons. Any funding metric that does not account for the unique nature of larger library systems, therefore, will adversely affect cities and the majority of public library broadband users in the country. ULC urges the FCC to review this important research in detail to better understand not just the needs of the largest public library systems, but the needs of all public libraries—urban, suburban, towns and rural communities.

This study also confirms that while the $2.30 funding metric may provide simplicity and sufficient funding for some library systems, it is grossly unfair to urban libraries and may be unfair to libraries in other communities. Use of this funding metric will result in widely disparate and inappropriate results. For example, a small branch in a high-density, low-income urban system will serve more people per square foot than other types of communities. Further, a crowded and critically important urban library will receive less funding than a spacious, uncrowded library in an affluent area. A square footage metric also ignores factors most relevant

to WiFi performance, including the number and density of users at one time, interference from adjacent environments and architectural or structural impediments. It is particularly bewildering that the FCC decided to adopt a metric that would significantly discriminate against urban library systems when such systems account for nearly two-thirds of all library visitors, many of whom are disproportionately low-income, disadvantaged, unemployed or underemployed.

ULC's intense focus on ensuring that any internal connections budget allocation method remains fair to urban libraries arises from the fact that the dominant modern use case for library Internet access has become internal high-speed WiFi connectivity provided to end user devices. Indeed, nearly all urban library systems have seen their internal WiFi usage skyrocket in recent years. As libraries have moved towards greater library-lent or user-brought mobile devices (e.g., laptops, tablets, smartphones and other devices), the number of users, the types of devices and the services consumed have contributed to a 10-20 fold increase in bandwidth demand.

To meet this skyrocketing demand, ULC urges the FCC to create an E-rate system that serves the individual needs of all libraries, no matter their size or location. Because there are a limited number of large urban libraries in the country, it should not be an arduous exercise for the Commission to identify a budget allocation method that best serves their needs. One method would be to base funding on library visitors. It would be administratively easy for libraries to track and report the number of individuals who access their buildings on a daily basis. This would be effectively the same as funding schools according to the number of students and teachers. Applying the same metric for libraries as applies to schools would ensure that E-rate funding is allocated on a non-discriminatory and consistent basis across schools and libraries. In addition, one of the primary benefits of basing the amount of funds on the number of individuals visiting a building is that the available funding will increase as the visitors to a specific

building—and the demands placed on the building's internal systems—increases. Under the current square footage metric, E-rate funds available for a library's internal connections would not increase even if the library encountered a significant increase in demand for internal connectivity as a result of more visitors coming to the library to use the free Internet access.

Alternatively, the Commission could significantly increase the $2.30 cap for urban libraries. Based on extensive input from its member systems, ULC previously advocated a $4.00 per square foot funding amount.[11] This amount is consistent with the costs incurred by ULC members for recent WiFi deployments and would ensure that urban libraries receive the funding necessary to deploy internal networks that meet the needs of their communities. ULC has recently supplemented the data it previously collected from its members systems to identify their component and system costs for deploying and providing WiFi services. This data confirms that the appropriate funding amount should be set at approximately $4.00/square foot. This funding amount would reflect the actual costs that urban libraries incur in deploying and providing robust WiFi networks that meet the needs of their communities. It would also allow libraries to expand the services that they provide in their communities.

ULC appreciates the Commission's attempt to address the long-standing shortfall for libraries in receiving funding for internal connections. In reviewing whether to adopt a different allocation metric for libraries, however, ULC urges the Commission to implement a flexible plan that accounts for the unique characteristics and local needs of <u>all</u> libraries—especially urban

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[11] *See, e.g.*, Letter from Jon Worona, Manager of Technology and Innovation, San Jose Public Library, to Chairman Wheeler et al., WC Docket No. 13-184 (filed July 3, 2014); Letter from Jim Loter, Director, Information Technology, Seattle Public Library, to Chairman Wheeler et al., WC Docket No. 13-184 (filed July 1, 2014), Letter from Sam Rubin, Special Assistant to the President, New York Public Library, to Jonathan Chambers, Chief, Office of Strategic Planning and Policy Analysis, FCC, WC Docket No. 13-184 (filed July 9, 2014) (proposed internal connection upgrades for Bronx Library Center and the Mid-Manhattan Library average $4 per square foot).

libraries serving the majority of all library visitors. Failure to implement a funding allocation method fair to urban libraries will mean that millions of library WiFi users will not receive the services that they need.

C. The FCC Must Allocate Significant Additional Funds for the E-rate Program to Ensure that Schools and Libraries—Especially Urban Libraries—Can Serve Their Communities

In launching this proceeding, the FCC identified a number of key objectives it wanted to achieve through modernization of the E-rate program.[12] While the *Modernization Order* accomplished a number of these goals, there is much work to be done. In particular, the E-rate program requires significant additional resources to ensure that schools and libraries can keep pace with the tremendous changes in connectivity demand and infrastructure; changes that a resource-constrained E-Rate has struggled to address. The original designers of the E-rate program could not have envisioned the significant role that broadband services would play in today's society.[13] In voting to commence this proceeding, Commissioner Clyburn herself acknowledged this fact by noting that "today's cutting-edge educational tools and learning platforms were not part of the landscape when the Commission first implemented this Congressional directive."[14] It is not surprising, therefore, that the original budget designs of the E-rate program no longer serve the needs of schools and libraries.

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12 *See Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, 28 FCC Rcd 11304 (2013).

13 *See* Comments of the American Library Association at 6-10 (filed Sept. 16, 2013); Comments of the Schools, Health & Libraries Coalition at 2-3 (filed Sept. 16, 2013).

14 *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, Statement of Commissioner Mignon Clyburn, 28 FCC Rcd 11304, 11379.

The FCC must refocus the E-rate from a program that funds basic connectivity to a program that ensures sufficient capacity in all school and library facilities.[15] Any serious reform of the E-rate program must recognize the significant and ongoing investments that need to be made to ensure that U.S. students and library patrons have the connectivity necessary for long-term educational and economic success. Significant additional E-rate funding would allow all libraries—especially urban libraries—to realign themselves to meet the needs of individuals and communities in today's networked world. The library platform has evolved to a "library as a service" ("LaaS") model. This model relies on significant broadband connectivity provided to every library location across the country. Within library facilities, abundant wireless broadband connectivity is now necessary to allow library- or patron-owned devices to access content from within the library's own collections, from a national content platform, or anywhere in the cloud.

A significant and permanent funding increase is necessary to remedy the sizeable funding disparity that has existed in the E-rate program for many years. It is now unquestioned that public libraries have not received a proportion of E-rate funding that parallels the proportion of public library buildings compared to school buildings.[16] Public libraries operate in approximately 17,000 buildings, whereas schools receiving E-rate funding appear to operate in about 100,000 buildings. Roughly speaking, therefore, public libraries should have received

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15 As Senator John D. Rockefeller, one of the principal supporters of the E-rate program, recently noted, "basic Internet connectivity is no longer sufficient to meet our 21st century educational needs." *See* Press Release, Democratic Press Office, "Rockefeller Says E-rate Should Expand to Connect more Students to High-Speed Broadband," Press Release (June 6, 2013), *available at* http://www.commerce.senate.gov/public/index.cfm?p=PressReleases&ContentRecord_id=5cb24ad3-281e-4abd-acd0-afb699008e3e&ContentType_id=77eb43da-aa94-497d-a73f-5c951ff72372&Group_id=4b968841-f3e8-49da-a529-7b18e32fd69d.

16 For itself, USAC estimates that libraries have obtained less than 5%, or a little more than $100 million a year, from the E-Rate program to connect approximately 17,000 buildings and interior spaces. *See* UNIVERSAL SERVICE ADMINISTRATIVE COMPANY, *2013 Annual Report* 44 (2013), http://usac.org/_res/documents/about/pdf/annual-reports/usac-annual-report-2013.pdf (USAC reports that libraries receive 4.93% of funding under applicant type library).

one-sixth of allocated funds during the 17-year history of the E-rate. If, for example, the E-rate had been indexed for inflation, as it should have been from inception, then schools would be drawing about $3.4 billion a year, and libraries would be receiving about $560 million, for a total of about $3.96 billion a year. Instead, public libraries have been receiving only about $60-70 million a year. The cumulative shortfall since the beginning of the E-rate now totals about $4 billion.

A significant and permanent increase in E-rate funding would also ensure that E-rate funds revert to their historical percentage of all funds distributed by the Universal Service Administrative Company ("USAC"). Between 2000-2002, E-rate commitments averaged approximately 42 percent of all disbursed USAC funding. However, E-rate's share of USAC disbursements dropped significantly in subsequent years and averaged only 26 percent of all USAC disbursements between 2010-2012. During this timeframe, E-rate did not undergo a significant funding increase while disbursements for the high-cost program nearly doubled and the low-income program rose 400 percent. As it has with other programs, the FCC should ensure that E-rate funding is commensurate with its importance to individuals and communities across the country.

It is predictable and regrettable that the results of this funding shortfall are visible in every public library in the country: (1) very few have 1 Gbps bandwidth to the building; (2) perhaps none have the minimally adequate 5 Mbps downlink WiFi per user at critical times; (3) few have adequate desktop computers for their user base; and, (4) only a very few can afford the high cost of digital information. A significant and permanent increase in E-rate funds is necessary to remedy this situation to ensure that public libraries become fertile grounds for

innovation and digital learning and remain trusted free public Internet access points for the more than 100 million Americans who annually use libraries for such access.

II. THE FCC NEEDS TO REDEFINE THE PREMISE OF THE ELIGIBLE SERVICES LIST TO FOCUS ON BROADBAND ADOPTION

A. The Proposed ESL Reflects an Exceedingly Narrow View of the E-rate Program

The proposed Eligible Services List ("ESL") is a positive step forward and includes a number of systems and network elements that are necessary to provide broadband connectivity in the nation's schools and libraries.[17] However, the E-rate program is about much more than simply providing broadband connectivity to schools and libraries; it is also about driving broadband adoption in communities across the country. The FCC must ensure that communities not only have access to broadband services, but that individuals in these communities have the necessary broadband capacity, the support and the training to use broadband technology to better their communities. As a very limited list of elements and services, the proposed ESL neglects the whole fabric of services and capacities that are necessary to make broadband services work in all communities. In the end, the president's broadly defined goals for the use of broadband services in schools and libraries demand that the Commission broaden its view of the types of infrastructure and services that should be supported.

[17] *See ESL Public Notice* at p.3.

B. The Commission Must Significantly Broaden the Equipment and Services Supported by the E-rate Program

The ESL does not include a number of components and services necessary to enable robust, secure and reliable high-speed broadband connectivity in the nation's schools and libraries. ULC outlines below a number of additional network components and related services that must be supported by the E-rate program. Many of these components and services are needed to reset the baseline for school and library communications technology services and to drive broadband adoption across the country.

First, the Commission must recognize the LaaS model and fund the equipment and services related to this model. For instance, the ESL should include the equipment components used in connection with mobile library services. These mobile services include bookmobiles, traveling labs and library "hotspots," which have become an essential component of the LaaS model and library community services. The New York Public Library and Chicago Public Library have launched programs that provide take-home Internet access (WiFi "hotspots") and digital training for residents in neighborhoods where digital access is low. The Denver Public Library has implemented a "DPL Connect" program, which is a pedal-powered bookmobile/ book bike that is also a WiFi hotspot. This program is designed to make the Internet more accessible to community members. These programs greatly benefit the residents of inner city communities, many of whom are unable to travel to their local library because of transportation challenges or disabilities. The ESL should include the components necessary to provide those mobile services, including mobile routers, management systems and backhaul solutions.

The E-rate program should also support the purchase of end user devices by libraries. The entire premise of including libraries in the E-rate program was to provide these critically important anchor institutions the funding they need to offer services that community residents

may not otherwise be able to access on their own. The Commission must understand that many individuals in lower-income communities are unable to afford the end user devices necessary to access broadband connectivity. While the price of a laptop, tablet or smartphone may not seem extreme for some, many lower-income and disadvantaged individuals cannot afford the costs of these devices. For these underserved individuals, library-provided devices serve as their primary gateway to the Internet. Indeed, many libraries have dedicated significant funds to the purchase of "loaner' devices that library patrons use while inside a library. These loaner devices allow patrons to experience broadband services and Internet content in ways they would not be able to on their own. Because of funding challenges, however, many libraries are increasingly unable to purchase devices for use by end users.[18] Providing funds to ensure basic connectivity to library buildings is no longer sufficient to meet the needs of those originally intended to benefit from E-rate program funding. E-rate funds should now be used to ensure that individuals within those buildings have the devices necessary to access broadband content and the Internet.

Because of their importance to local communities, the E-rate program must ensure that school and library networks remain functional and operational at all times. One of the key methods by which network administrators ensure that their networks remain operational at all times is to install additional or alternate network devices, equipment and mediums within their network infrastructure. These redundant systems ensure network availability in case of a network device or path failure and unavailability. Given the extraordinary time, effort and costs associated with unplanned outages, redundant systems have become commonplace in school and library broadband networks and systems. The E-rate program must recognize the importance of

[18] *See The New Normal: Annual Library Budgets Survey 2012* at 3 (noting that "most libraries have still not recovered" from the massive cuts inflicted since the financial crisis of 2008).

redundant elements and systems and support the most important redundant devices to ensure that supported networks and systems remain functional—especially in times of emergencies.

The E-rate program must also support state-of-the-art systems and software to ensure that school and library networks are protected against a broad array of potential intrusions and security breaches. As the Commission is well aware, network intrusions and data security have become a major concern for all network and IT administrators in both the public and private sectors. The Commission should take the advice of chief technology officers from schools and libraries across the country, who recognize the importance of network security services and widely endorse the use of software and network system monitoring capabilities to ensure secure and efficient network operations.

Other network components and systems that the E-rate program should support include the following:

(i) Caching. ULC agrees with the Commission's decision to include caching as a supported service.[19] Because each applicant's network and capacity needs vary, ULC recommends that the FCC broadly define the caching services supported by the E-rate program to include all necessary software and hardware.

(ii) Electrical services required to support network or computing devices. The failure to support certain electrical cabling services results in delays in delivering technology solutions to library patrons. As a result, ULC requests that the ESL include electrical services and related cabling as supported network components.

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[19] *See ESL Public Notice* at p.2

(iii) Asset management software. While the E-rate funds the purchase of a significant number of physical network infrastructure assets, it does not fund the asset management software necessary for schools and libraries to track and manage that equipment. Most asset management processes remain manual and cumbersome and can result in lost or misplaced items. Support for asset management software would result in the more efficient and effective purchasing and management of E-rate funded equipment.

Finally, the ESL should include a number of vital services necessary for high-capacity broadband services and adoption. While the FCC already funds installation services for broadband equipment and elements, the E-rate should support services contracts for training, outreach and support. Support for one-time project costs related to these services would empower schools and libraries to further drive broadband adoption in their communities. These support services include help desk systems and services, and educational technology training for librarians.

III. THE COMMISSION MUST ASSIST LIBRARIES IN COMPLYING WITH CIPA

A. The CIPA Filtering Requirements Prevent a Large Number of Libraries From Accessing E-rate Funds

One of the primary impediments that many libraries face in accessing sufficient E-rate funds are the filtering requirements imposed by the Children's Internet Protection Act ("CIPA"). Many of ULC's members have deployed filtering solutions in compliance with CIPA, but a sizeable number have chosen not to implement filtering. In accordance with the CIPA requirements, these systems forego E-rate funding. These systems strongly believe that any filtering requirement infringes on the intellectual freedoms of libraries, conflicts with their local

governance of libraries and is contrary to their central mission of making information freely available to their communities.

B. The Plain Language of the Statute Does Not Apply to End User Devices

CIPA specifically requires that each school and library certify that it is enforcing the statutory requirements and implementing appropriate measures with respect to "any of its computers with Internet access."[20] The plain language of the statute makes clear that it applies only to computers or other devices that are owned by the specific school or library. ULC respectfully submits that the language cannot be read any other way, and is meant to exclude a device brought into a library facility by a member of the public that is not owned or controlled by the library itself.

Requiring libraries to implement a filtering solution for devices brought into a library facility is not only contrary to the specific provisions of the statute, but presents challenges for smaller library systems due to the cost of current filtering solutions. The cost of these systems can exceed $5,000 for the hardware at an individual location, with an additional annual cost of nearly $2,000. As the number of Internet-capable devices brought into libraries continues to grow, smaller library systems are facing increasing costs for filtering solutions. For some systems, these costs could ultimately force them to forgo filtering altogether.

From a policy perspective, filtering requirements should not be imposed on personally-owned devices because in many ULC systems the devices are brought into the library by individuals who do not have Internet connectivity at home. Excluding personally-owned devices from the filtering requirements would free libraries to seek E-rate funding for the costs of

[20] 47 U.S.C. § 254(h)(6)(B)(i).

broadband connectivity and other services needed to support those devices. While systems should be given the flexibility to decide whether to seek such funding, those systems opting for funding would have to properly allocate (and certify) "personal-device-only" resources to ensure that funding requests are only used to support personally-owned devices. ULC members have reviewed their systems and determined that they would be able to allocate costs in this manner. Finally, the Commission should permit those schools and libraries who believe they can meet the safeguards required by CIPA through means other than filtering to adopt local solutions.

IV. CONCLUSION

ULC commends the Commission for requesting additional comment on issues of critical importance to urban libraries. ULC respectfully submits that flexible reforms, a broader view of the E-rate program and a significant and permanent increase in funding will sustain the program going forward.

Respectfully submitted,

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