

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

In the Matter of )  
 )  
Addressing the Homework Gap Through the ) WC Docket No. 21-31  
E-rate Program )

**COMMENTS  
OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these comments in response to the Public Notice released by the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau on February 1, 2021 in the above-captioned proceeding.<sup>2</sup> The Public Notice seeks comment on several petitions for emergency relief (the “*E-rate Petitions*”), each requesting waivers of certain of the Commission’s Universal Service Fund (“USF”) Schools and Libraries (“E-rate”) program rules in order to facilitate students’ access to broadband services for the purposes of remote learning.<sup>3</sup> The *E-rate Petitions* are intended to respond to the unprecedented nature of the Covid-19 pandemic and resulting school closures that have forced millions of students all across the nation to attend school from home via a broadband connection. This crisis has only highlighted the urgent need to address concerns

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<sup>1</sup> NTCA represents approximately 850 rural local exchange carriers (“RLECs”). All of NTCA’s members are voice and broadband providers, and many of its members provide wireless, video, and other competitive services to their communities.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on Petitions for Emergency Relief To Allow for The Use of E-rate Funds to Support Remote Learning During the Covid-19 Pandemic*, WC Docket No. 21-31, Public Notice, DA 21-98 (rel. February 1, 2021) (“Public Notice”).

<sup>3</sup> *Id.*, Appendix A.

that students without access to broadband at home will be left behind, exacerbating the tragic effect of the pandemic on so many Americans.

NTCA supports the use of E-rate funds during the pandemic to facilitate remote-learning as requested by the *E-rate Petitions*, proposing herein only a single, surgical amendment to the relief requested for the limited purposes of ensuring effective coordination among the Commission's universal service programs. Specifically, the Commission should preclude the use of E-rate funds for the deployment of networks or delivery of hotspots to serve any location that is shown in the Universal Service Administrative Company ("USAC") High Cost Universal Broadband ("HUBB") portal as already served leveraging High-Cost USF support. These already-served locations should remain fully eligible for E-rate support to the extent such funds are needed to help the student's family at that location pay for service using such existing connections, but additional uses of E-rate support for remote learning that would result in two USF-supported broadband connections to the same location should be disallowed.

As a threshold matter, NTCA supports the use of E-rate funds to ensure that every student has access to the broadband connection they need to participate fully in remote learning in the midst of the current national emergency. The *E-rate Petitions*, if granted, would leverage the highly successful E-rate mechanism that has brought broadband connections and other communications services to millions of schools and libraries to tackle and hopefully overcome new pandemic-induced challenges during this emergency. As the Commission well knows, Covid-19 pandemic-induced school closures have forced millions of students and their families to transition to an entirely new method of learning. Rural areas have not been spared, with students in the areas served by NTCA's RLEC members forced to embrace remote learning on an unprecedented scale; even those schools that have returned to some form of physical

instruction must be prepared for the contingency of returning to remote learning in the event of outbreaks within a given classroom or school. Unfortunately, even before the current pandemic, far too many students lacked reliable access (or any access at all), forcing students and parents to “crib off” of public Wi-Fi just to get assignments (if even that were an option). While some school districts have been able to tap into reserve funds as a “bandaid”<sup>4</sup> during the Covid-19 pandemic and school closures, untold numbers of students across the country have fallen behind their connected peers.

RLECs have responded to the Covid-19 pandemic in a manner typical of their commitment to their rural communities. This is in keeping with RLECs’ commitment to serving their deeply rural communities<sup>5</sup> – and the schools and libraries more specifically that serve these communities – with connections that equal or surpass the broadband services available in many urban areas.<sup>6</sup> NTCA members work and live in the rural communities they serve, and send their children and grandchildren to the very same schools that have faced closures and struggles with the transition to remote learning. It is in the spirit of leveraging both RLECs’ commitment to

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<sup>4</sup> See Los Angeles Unified School District, WC 21-31 (fil. Apr. 3, 2020).

<sup>5</sup> NTCA, *Broadband/Internet Availability Survey Report*, December 2020 (finding that “[o]n average, seven in 10 (69.9%) serviceable locations are served by fiber to the home (FTTH) in 2020” and that on average, respondents indicated that 45.1% of their customer base can receive maximum downstream speeds of greater than/equal to 1 Gig), available at: <https://www.ntca.org/sites/default/files/documents/2020-12/2020%20Broadband%20Survey%20Report.pdf>.

<sup>6</sup> In 2018, NTCA surveyed its members and found that (1) the vast majority of primary/secondary schools are connected to respondents’ networks via fiber (82.4%) while 89.9% of primary/secondary schools in respondents’ service areas can receive service of 25 Mbps or greater; (2) public libraries are connected to the network via fiber with the second-highest frequency, at 73.7%, with 83.9% being able to receive service of 25 Mbps or greater; and (3) respondents report in 2018 that the maximum broadband speed they make available to anchor institutions in their area is 1,233 Mbps (mean), and that the average broadband speed purchased by these institutions is 196 Mbps. NTCA–The Rural Broadband Association, *2018 Broadband/Internet Availability Survey Report*, p. 10; available at: [https://www.ntca.org/sites/default/files/documents/2018-12/2018%20Broadband%20Survey%20Report\\_FINAL.pdf](https://www.ntca.org/sites/default/files/documents/2018-12/2018%20Broadband%20Survey%20Report_FINAL.pdf)

rural America and their success in making high-quality networks available to residential as well as anchor intuition communities that NTCA supports Commission action to permit E-Rate-funded services and equipment to be used off-campus to enable remote learning as a response to the pandemic.

In terms of responding to the pandemic via the relief requested by the *E-rate Petitions*, one vital step the Commission can take is to leverage existing High-Cost supported connections that are already available to students in their homes. As the Commission well knows, the High-Cost USF program has been highly successful in RLEC service areas, as support recipients have leveraged these funds to deliver high-quality broadband service pursuant to network deployment obligations attached to the receipt of support. Leveraging these already-existing USF-supported connections should be part of the response to this pandemic. Specifically, as part of a grant of the *E-rate Petitions*, the Commission should ensure that already-served locations that are connected via a High-Cost USF-supported network are not eligible to use E-rate funding specifically for new facilities deployment, “hotspots,” or similar access. Instead, in these instances, E-rate funds should be available and used instead to help the student families at the locations in question obtain support to purchase services on the already-existing network.

Utilizing existing connections is critical – to the extent E-rate support is used for a redundant connection, limited program funds that could have gone to another student would be wasted on the funding of two USF-supported connections to the same location. Given the critical importance of both programs and the complementary roles they play, the High-Cost and E-rate programs must not turn into competing initiatives to enable access in rural communities. Indeed, it makes little sense to supply two USF-supported connections to rural locations where, absent support, no provider can make a business case to extend even one.

Thus, even as NTCA strongly supports grant of the relief requested in the *E-rate Petitions* during the pendency of the current national emergency, the Commission should also preclude the use of E-rate funds for the deployment of networks or delivery of hotspots to serve any location that is shown in the HUBB portal as already served leveraging High-Cost USF support. These already-served locations should remain fully eligible for E-rate support to the extent such funds are needed to help the student’s family at that location pay for service using such existing connections, but additional uses of E-rate support for remote learning that would result in two USF-supported broadband connections to the same location should be disallowed.

As a further suggestion to help facilitate the necessary coordination for these complementary uses of E-rate funding, the Commission could look to models such as the “Bridge to Broadband”<sup>7</sup> program. Under this program, organizations such as NTCA have partnered with “Digital Bridge K-12,” an initiative overseen by the national nonprofit Education SuperHighway, to help rural broadband providers and school districts across the country work together to make sure that every student lacking an Internet connection at home gets one and that every student who already has an Internet connection at home can afford to make use of it. Programs such as this and similar initiatives undertaken in various cities, counties, and states offer an effective framework for identifying precisely what it means to say students “lack access at home” and crafting solutions that solve the specific access challenge presented at a given location.

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<sup>7</sup> *Promoting Student Use of Home Connectivity, Join NTCA in Helping School Systems Connect More Students at Home*, available at: <https://www.ntca.org/member-services/business-solutions/partner-programs/digital-bridge>.

For the reasons as set forth above, the Commission should grant the relief requested in the *E-rate Petitions*, subject to the limited recommendation set forth herein.

Respectfully submitted,

**NTCA–The Rural Broadband Association**

By: /s/ Michael R. Romano  
Michael R. Romano  
Brian J. Ford  
4121 Wilson Boulevard, Suite 1000  
Arlington, VA 22203