

**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)

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

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments in connection with the Public Notice released by the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau on February 1, 2021 in the above-captioned proceeding.² 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 learning³ during the current Covid-19 pandemic. The record supports the use of E-rate resources to facilitate remote learning specifically during this crisis, and NTCA urges the Commission to grant the *E-rate Petitions* subject to certain safeguards to ensure the best possible use of such funds to reach and keep connected as many students as possible.

¹ NTCA represents approximately 850 rural local exchange carriers. 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.

² *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. Feb. 1, 2021) (“Public Notice”).

³ *Id.*, Appendix A.

NTCA is joined by numerous parties representing service providers and network operators,⁴ as well as entities in the education space,⁵ in supporting swift Commission action to authorize the use of E-rate funds to facilitate students' ability to attend school remotely as the Covid-19 pandemic continues to keep so many at home. The record compiled in response to the Public Notice makes clear that Commission action would enhance and expand remote learning opportunities in the face of pandemic-induced school closures. Far too many students cannot participate in such online learning platforms, and Commission action as requested by the *E-rate Petitions* can enable the use of E-rate program resources to tackle this emergency need.

Thus, as nearly every party responding to the Public Notice supports, the Commission should issue a declaratory ruling that would allow for the use of E-Rate-funded services off-campus, for the purposes of facilitating access to remote learning, for the duration of the pandemic. As the SHLB, et al. Petition requests,⁶ this would apply to schools and libraries and would apply for Funding Years 2020 and 2021. To expedite the flow of support for remote learning, NTCA, like several other parties, urges the Commission to immediately open a supplemental remote-learning filing window to process E-rate beneficiaries' requests for

⁴ See, e.g., Comments ACA Connects – America's Communications Association, WC Docket No. 21-31 (fil. Feb. 16, 2021); Comments of NCTA – The Internet & Television Association ("NCTA"), WC Docket No. 21-31 (fil. Feb. 16, 2021); Comments of Competitive Carriers Association, WC Docket No. 21-31 (fil. Feb. 16, 2021).

⁵ See, e.g., Comments of the Common Sense Media, WC Docket No. 21-31 (fil. Feb. 16, 2021); Comments of the Education and Library Networks Coalition ("EdLiNC"), WC Docket No. 21-31 (fil. Feb. 16, 2021); Comments of the State E-rate Coordinators' Alliance, WC Docket No. 21-31 (fil. Feb. 16, 2021).

⁶ Petition for Expedited Declaratory Ruling and Waivers filed by the Schools, Health & Libraries Broadband Coalition, et al., WC Docket No. 13-184 (fil. Jan. 26, 2021), p. 16.

funding.⁷ This would be consistent with the Commission opening a second funding-year filing window in September 2020.⁸

With respect to the supplemental filing window, the Commission should require schools seeking support to facilitate a student’s remote learning to identify, on Form 470, the location (student’s home address) in need of service for that purpose and enable providers to respond if they can meet that need. This would enable providers with existing facilities in place to meet the student’s need the ability to quickly do so. In addition, identification of the student’s actual home address (as opposed to mere identification of the school/school district seeking E-rate support for remote learning) is important for other reasons. NTCA members have reported instances in which an E-rate Form 470 has been posted without identifying the specific school building locations within a larger school district or consortium in need of a connection. As a result, small, local providers have been left without the information necessary to adequately respond to requests for service – in some cases, existing facilities that could have met part of the district’s or consortium’s needs were not utilized. In some cases, E-rate support for “self-provisioning” has made a duplicative connection available to an individual school/school building. Identification of a student’s actual home address will ensure that E-rate support is not used in a similar manner here.

Indeed, with this need to properly target E-rate support, and even as the record supports swift action to enable remote learning, there is support as well for thoughtful action, with an eye

⁷ Comments of Funds For Learning, WC Docket No. 21-31 (fil. Feb. 16, 2021), p. 14; EdLiNC, p. 2; Comments of the Council of the Great City Schools, WC Docket No. 21-31 (fil. Feb. 16, 2021), p. 2; E-Rate Management Professionals Association, WC Docket No. 21-31 (fil. Feb. 16, 2021), p. 6.

⁸ EdLiNC, p. 8.

toward ensuring that support is used as efficiently as possible. Beyond the steps proposed above with respect to a supplemental filing window, the Commission should specifically 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.⁹ To be clear, NTCA supports these already-served locations remaining fully eligible for E-rate support to help the student’s family at that location pay for service using the existing connection that was previously deployed leveraging High Cost USF support. However, any use of E-rate support for remote learning that would result in two USF-supported broadband connections – whether via a “hotspot” or new facilities deployment funded by E-rate – to the same location should be disallowed. In the rural areas served by NTCA members, no provider can make a business case to extend even one broadband connection to a location in absence of some support – with this being the case, it makes little sense to supply *two* USF-supported connections to rural locations particularly when the E-rate support that would enable this duplicative connection could have helped another student down the road or in a neighboring state (and when that E-rate support for the redundant network would expire once the pandemic is over by the terms of the petitions).

It should also be noted that the use of E-rate support for new facilities deployment (i.e., “self-provisioned” networks as opposed to distributed “hotspots” or similar access) is likely ill-suited to addressing the emergency circumstances at issue here and in which schools and students find themselves due to the pandemic. As it relates to self-provisioned networks, Verizon correctly points to the time involved in actually deploying such networks, in contrast to

⁹ Comments of NTCA, WC Docket No. 21-31 (fil. Feb. 16, 2021), p. 4.

using already available connections.¹⁰ The “large up-front spending”¹¹ and the fact that “any support provided for self-provisioning would more rapidly deplete the available funds and thus reduce the number of students that could obtain broadband during the emergency”¹² further call into question whether self-provisioning of networks by schools using E-rate funds will respond to students’ urgent pandemic-induced needs. To be sure, where a school/school district faces a “total unavailability” scenario – one in which no provider has or will step up – pandemic or not, the Commission’s E-rate rules should not stand in the way of doing what is needed to connect a truly unserved student. That said, considering the emergency circumstances underlying the request at issue herein, the leveraging of any existing connection that can meet a student’s need and do so immediately¹³ –particularly with the time involved in new facilities deployment – seems to be the most direct path toward addressing the urgent need for students’ access to remote learning.

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.

¹⁰ Verizon, p. 13.

¹¹ *Id.*

¹² *Id.*

¹³ See NCTA, pp. 9-10; Comments of Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc., and Totalcom Communications, LLC, WC Docket No. 21-31 (fil. Feb. 16, 2021).

Respectfully submitted,

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