

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**In the Matter of:**

Comments on Petitions Regarding     ) CC Docket No. 02-6;  
Off-Campus Use Of Existing E-rate    ) WC Docket 10-90;  
Supported Connectivity                 ) WC Docket No. 13-184

**COMMENTS OF THE AMERICAN LIBRARY ASSOCIATION  
IN RESPONSE TO PETITIONS REGARDING OFF-CAMPUS USE OF  
EXISTING E-RATE SUPPORTED CONNECTIVITY**

The American Library Association (ALA) is the world’s oldest and largest library association—representing over 57,000 members. We have commented on many FCC’s proceedings impacting the E-rate program and appreciate the opportunity to comment on the issue of off-campus use of existing E-rate supported connectivity. From a broader perspective we also take this opportunity in our final comment below to encourage the Commission to consider a more structured way to address future petitions that impact the E-rate program.

We share petitioners’ concerns that lack of home Internet access impedes educational opportunity certainly and that this is an issue that merits action across public and private entities.<sup>1</sup> When these students leave school each day they are dependent on outside locations—like their local public library—to obtain Internet access to complete their homework assignments. While such access is obviously helpful, it is not always available or convenient and should not be viewed as a permanent answer to the “Homework Gap.” Students in this gap are behind the learning curve of their peers who do have Internet access at home. The ALA and libraries support home broadband adoption to address this concern, including through our

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<sup>1</sup> The 2015 Pew Research Center data on “Households With School-Age Children That Do Not Have Broadband Access” indicates that approximately 17% of such households do not have access. See <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>.

advocacy during the recent Lifeline modernization proceeding.<sup>2</sup> The two petitions filed with the Commission are attempts to address the Homework Gap and, indirectly, leverage the E-rate program to help do this.<sup>3</sup>

The ALA offers qualified support for the petitioners in their efforts to address the Homework Gap, assuming that, (1) any Commission action is limited to these two cases (not a blanket waiver), and (2) that no E-rate funding will be used. In addition, we respectfully propose that information be collected from these two projects to inform a further public comment period on any broader adoption of cost-allocation exemptions related to off-campus educational use of E-rate supported networks.

The following are several more specific comments on each petition.

*Petition from the Microsoft Corporation and other parties.*

In the initial summary (p. i) the petitioners ask if the use of TV White Spaces (TVWS) is an eligible networking technology to extend Internet access to neighboring student households. Also, regarding the eligibility and use of TVWS, page 4 of the petition states, “The Eligible Services List simply does not contemplate this scenario.” We do not think there is an issue with the use of TVWS and believe this technology is plainly eligible. To support our position, page 2 of the 2017 E-rate Eligible Services List states that “digital transmission services” are eligible and it specifically lists “wireless services” as an example. TV White Spaces uses a specific segment of the frequency spectrum and is thus a “wireless service.”<sup>4</sup> Rather than TV White Spaces being an issue, we think the primary issue this petition presents is more focused on the

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<sup>2</sup> See the Lifeline comments filed on August 31, 2015, which state on p. 3, that ALA “Encourages the Commission to aggressively address the homework gap for families with school-age children....” See <https://ecfsapi.fcc.gov/file/60001223331.pdf>.

<sup>3</sup> See Joint Petition For Clarification Or, In The Alternative, Waiver filed by Microsoft Corporation, et al., WC Docket No. 13-184, submitted June 7, 2016. And Petition for Waiver on behalf of Boulder Valley School District by Samuelson-Glushko Technology Law & Policy Clinic (TLPC), WC Docket No. 13-184, submitted June May 16, 2016.

<sup>4</sup> To declare that TVWS are not an eligible wireless service means the Commission would be parsing out different segments of the frequency spectrum with some being E-rate eligible and others not. We cannot imagine why it would want to do this and it contradicts the longstanding position of the Commission to be technology neutral.

current requirement that E-rate funds be used at an eligible location, namely a library or school. Home use is not currently an eligible location.

The petitioners indicate that the pilot program will cost in the range of \$1.1 to \$1.4 million for all sixteen schools that are part of the program. Thus the cost on a per-school basis ranges from \$68,750 to \$87,500.<sup>5</sup> If this petition (or the Boulder Valley petition) is approved, we ask the Commission to require the petitioners and all parties involved to keep meticulous records on the costs for all facets of the project<sup>6</sup> and report such costs to the Commission as part of a comprehensive project evaluation.<sup>7</sup> The Commission should in turn make this information public so stakeholders may learn from such a pilot.

*Petition from the Boulder Valley School District.*

The petitioner states that granting their request for a waiver of the cost allocation rule (47 C.F.R. §54.504(e)) will, “Benefit many communities that may seek to implement innovative solutions to bridge the digital divide for students.”<sup>8</sup> The ALA supports this specific waiver request, but does not support a blanket waiver of the cost allocation rule which will then apply to any E-rate eligible library or school nationwide. This support is based on our recommendation to the Commission that the petitioner be required to undertake a thorough evaluation of their project. The results of such an evaluation will—hopefully—then give the Commission the information it needs to make an informed decision on whether to extend a waiver to this type of connectivity to other applicants. We assume the Commission will issue a public comment period before extending this type of off campus use of E-rate enabled networks.

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<sup>5</sup> See Microsoft petition, footnote 30, p. 13. This funding is not from the E-rate.

<sup>6</sup> On the issue of costs, we note this comment from the January 2015 report from the Delaware Libraries White Space Pilot Update. “The entry cost is prohibitive and needs time to adjust to a marketable number.” See <http://lib.de.us/files/2015/01/Delaware-Libraries-White-Space-Pilot-Update-Jan-2015.pdf>.

<sup>7</sup> The petitioners acknowledge they will collect various data to use as part of a program evaluation.

<sup>8</sup> See Boulder Valley petition, page 1.

In conclusion, we offer qualified support for a narrow approval of the two petitions to learn how these efforts address the needs of learners who lack home broadband access by leveraging the idle capacity that schools have during non-instructional hours.

Let us also take this opportunity to ask the Commission to consider taking a more holistic approach to petitions like the above two. For example, we know the issue of Wi-Fi access by students on buses is being widely discussed and petitions on this issue have already been filed with the Commission. And there likely will be other petitions filed seeking other uses that impact the E-rate program, either directly or indirectly. Thus we think a more structured approach to address these petitions will be useful. One way do this is to synchronize the timeframe to file such petitions with the timeframe for filing comments on the E-rate's Eligible Services List.

Thank you for the opportunity to comment on the above two petitions.

Respectfully submitted,



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