

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

In the Matters of)	
)	
Modernizing the E-rate Program for Schools and Libraries)	WC Docket No. 13-184
)	
Connect America Fund)	WC Docket No. 10-90
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	

COMMENTS OF EDUCATION NETWORKS OF AMERICA, INC.

Education Networks of America, Inc. (ENA) respectfully submits these reply comments in response to the Wireline Competition Bureau’s request for comments on petitions separately filed by the Boulder Valley School District and Microsoft Corporation regarding off-campus use of E-rate-supported services.¹ ENA agrees with the majority of commenters, and especially with the comments of the Schools, Health, & Libraries Broadband Coalition (the SHLB Coalition), that the Bureau should grant these petitions in order to help close the “homework gap” between students who have access to broadband outside of school and those who do not. Affirming that the E-rate rules permit off-campus use of E-rate supported services, in the manner proposed by the petitioners, would advance the program’s goals and help vulnerable students with no additional cost to the program.

¹ *Wireline Competition Bureau Seeks Comment on Petitions Regarding Off-Campus Use of Existing E-Rate Supported Connectivity*, CC Docket No. 02-6, WC Docket Nos. 10-90, 13-184, Public Notice, DA 16-1051 (Wireline Comp. Bur. rel. Sept. 19, 2016).

The initial comments were strongly supportive of the petitions, with only six out of 45 commenters opposing them.² ENA believes that the supporting comments offer the more convincing policy and legal arguments. In these reply comments, ENA offers its own perspective in response to some of the issues raised in the initial comments.

As a K-12 Service Provider, ENA Sees How Schools Struggle to Bridge the Homework Gap. ENA provides E-rate-supported managed services to schools and libraries across the country. As a provider that focuses on serving K-12 schools, ENA sees firsthand the difficulties schools face in trying to ensure that *all* of their students have access to the reliable and sufficient technology they need to succeed. The consequences of the homework gap are well-documented and have been expertly described by other commenters.³ Ensuring that students have robust Internet access while they are at school still leaves them vulnerable to falling behind if they lack the technological resources required to complete their homework once the school day is over. ENA believes that the Commission should consider any measures consistent with its rules that will help bridge that gap, including those that the petitioners propose.

In addition, ENA wishes to stress to the Commission that the homework gap also diminishes the learning experience *in the classroom*. Because public schools must offer all students within a given school or district the same opportunities regardless of family resources, educators are unable to take full advantage of the benefits of technology to help students learn when not all of those students have access to broadband at home. ENA has observed that schools either invest less in technology when they cannot ensure that all of their students would

² Only ITTA, NTCA, T-Mobile, US Telecom, WISPA, and WTA argued that the petitions should be denied.

³ See, e.g., EveryoneOn Comments at 3-4; Public Interest Organizations Comments at 4-6; Sharyland ISD Comments at 3.

be able to use it, or they spend more than they need to in order to ensure that technological solutions will work for all their students. When some of their students lack Internet access at home, schools are unable to adopt initiatives providing a device to access the Internet to each student or, alternatively, they must require such devices to be used by students only at school. Either way, students do not fully benefit from the educational advancements such technology offers. As another example, if a teacher wanted to have students watch a video at home for discussion the next day in class, he could not do so if not all students had access to the Internet outside of school. So instead, the teacher would have to show the video during precious classroom time, leaving less time for discussion or further exploration of the topic. In short, while the students who lack broadband access at home have the most to gain from closing the homework gap, expanding home access to broadband will improve the classroom experience for *all* students.

E-rate Supported Network Facilities Have Ample Capacity for Off-Campus Use. Once purchased, the Internet access services that ENA provides to schools are available for round-the-clock use. It is not possible for the services to be “turned down” after normal school hours of operation, even though they typically are not as heavily utilized at that time. We believe that this is true for other Internet service providers as well. Accordingly, off-campus use of E-rate-supported networks after hours would not impede normal use of those networks by the schools and would generate no additional costs either for the users of these networks or for the Universal Service Fund.

The Petitioners’ Proposals Would Extend CIPA-Compliant Internet Access. As the petitioners noted, their proposed off-campus use of E-rate-supported services would have the additional advantage of increasing students’ access to broadband facilities that are compliant

with the Children’s Internet Protection Act (CIPA).⁴ The Commission should support any initiative that expands access to CIPA-compliant bandwidth by school-aged children. The fact that the Internet access provided under the petitioners’ proposals would be CIPA-compliant makes it that much more likely to be used for educational purposes at the students’ homes.

As a further benefit, the likelihood that inappropriate activity by any user is lessened if the access is through the school-filtered service. This should be a value to the local school district supplying the computers and assigning the homework and to the Commission with its goals to provide service to the education community.

Granting the Petitions Would Encourage Innovation and Advance the Goals of the E-rate Program. Closing the digital divide is a nonpartisan issue. Both Republicans and Democrats recognize how wrong it is that some Americans are simply left behind because they lack access to broadband.⁵ Access to broadband is now essential to help students prepare for career and college success after they graduate from high school.

ENA agrees with the commenters who note that the Commission’s E-rate rules and policies should promote local decision-making and give schools as much flexibility as possible to develop solutions tailored to their own specific needs.⁶ The Commission should strive to

⁴ Microsoft Petition at 10.

⁵ See, e.g., Remarks of Commissioner Ajit Pai at the Brandery, “A Digital Empowerment Agenda,” Sept. 13, 2016, <https://www.fcc.gov/document/commissioner-pais-digital-empowerment-agenda> (“[T]here’s virtually no limit to what Americans who are disconnected today could achieve tomorrow if they were participants in, rather than spectators of, the digital economy.”); *Modernizing the E-rate Program for Schools and Libraries*; *Connect America Fund*, WC Docket Nos. 13-184, 10-90, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538 (2014), Statement of Commissioner Jessica Rosenworcel (“[N]ot only are students who lack [broadband] access at home struggling to keep up, their lack of access is holding our education system back. It means too many young people will go through school without fully developing the skills that give them a fair shot in the digital age.”).

⁶ See Benton Foundation Comments at 5-7.

facilitate innovative local programs to bridge the homework gap. Right now, though, rather than encouraging innovation, the E-rate rules are stifling it: school districts are afraid that if they try new things to address the homework gap, they will run afoul of the rules and lose funding.⁷ The Commission should clarify its rules to the extent necessary to eliminate this chilling effect.

These two petitions offer the Commission an opportunity to take a meaningful step toward closing the digital divide with absolutely no downside: granting the petitions would encourage school districts to innovate in addressing the homework gap and would create no additional costs to the Fund.

ENA agrees with the SHLB Coalition's analysis of the Commission's rules and orders, and its conclusion that the off-campus uses of E-rate supported services proposed in the petitions are permissible under the Commission's rules.⁸ To the extent that there is any uncertainty about what the rules allow, the Commission should grant the petitions and remove that uncertainty. ENA agrees with the commenters who argue that, because there is no additional cost to the Fund, the potential benefits of permitting such uses outweigh any possible harms.⁹

⁷ See, e.g., SECA Comments at 2.

⁸ SHLB Coalition Comments at 7.

⁹ See Benton Foundation Comments at 7.

In conclusion, ENA urges the Commission to grant these two petitions. Giving school districts the flexibility to try new technology solutions, such as those proposed by the petitioners, would promote local decision making and innovation and would support the goals of the E-rate program, without creating any additional cost to the Fund.

Respectfully submitted,

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