

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

In the Matter of:

Petitions Regarding)	CC Docket No. 02-06
Off-Campus Use of Existing E-rate)	WC Docket No. 10-90
Supported Connectivity)	WC Docket No. 13-184

**REPLY COMMENTS OF FUNDS FOR LEARNING, LLC
on
Petitions Regarding Off-Campus Use of Existing E-rate Supported Connectivity**

“... we still face the challenge of having far too many students struggling to keep up with schoolwork because they do not have access to the Internet at home.”¹
- FCC Chairman Wheeler

“The Homework Gap is the cruelest part of the digital divide. But it is within our power to bridge it, help kids get their schoolwork done and expand Internet access. We should go for it.”²
- FCC Commissioner Rosenworcel

The time to bridge the Homework Gap is now. Now is not the time to kick the can down the road. Determining how to take advantage of E-rate support to help students access the Internet at home is not a new issue. The Commission has been examining and talking about it for years. Indeed, in 2011, the Commission even went so far as to fund a pilot project called Learning on the Go/ E-rate Deployed Ubiquitously to explore the possibility of using E-rate-supported mobile Internet access for precisely this purpose. Now, the Commission has the opportunity to act. Via one relatively simple, across-the-board waiver of the program’s cost allocation rules -- and at no cost to the E-rate program -- the Commission can help bring high speed Internet access at home to millions of America’s students who today do not enjoy the significant, educational benefits of that access.

As we have already noted, the cost allocation waiver being proposed in this matter, if applied broadly, can

¹ http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1129/DOC-342351A1.pdf, Letter from Chairman Wheeler to Senator Udall dated November 17, 2016.

² <http://www.miamiherald.com/opinion/op-ed/article4300806.html>, cited by the Commission in its Lifeline Modernization Order -- *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order* https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-71A1.pdf (rel June 22, 2015) at n.19.

easily open up the Internet to large numbers of low-income students in their homes because of how close E-rate supported networks are to where they live.³ What's more, this can be achieved easily and quickly because of how incredibly simple this solution actually is.

It goes without saying of course that students do not reside on the wrong side of the digital divide by choice. This is a terrible inequity in our country that needs be addressed and remedied to the fullest extent possible as soon as possible. Fortunately, the regulatory vehicle necessary to move these students across the divide is already gassed up and ready to go. Thus it would be nothing short of cruel to have to inform these students that they are going to have to continue getting by without Internet access at home for a couple of more years -- at least -- while the Commission continues to gather data and deliberate. We urge the Commission to address this pressing problem with the true sense of urgency it deserves.

A Limited, Cost Allocation Waiver and Trial Period is Unnecessary and Unwarranted

It is evident to us that the petitioners have proposed a cost-free, straightforward and scalable solution to a very serious problem, one that needs to be addressed right away. That is why we oppose the heavily scaled-back, experimental pilot project that SECA has proposed in its place.⁴

SECA states that it supports the petitions for waivers of the off-campus cost allocation rule, but (1) only on a defined trial basis; (2) only for schools covered by the petitions; (3) only for a small percentage of students covered by the petitions; and (4) only "as means for the Commission to explore and encourage technological and practical solutions to the "homework gap" problem."⁵ Consequently, this is what SECA recommends:

"SECA recommends that the Commission waive its cost-allocation rule with respect to the trials proposed by Boulder Valley and Microsoft conditioned upon (a) a limitation on the extent of off-campus usage, (b) a defined trial period, and (c) public reporting of trial results. In doing so, the Commission might also establish interim criteria under which 10-20 other applicants might propose alternative off-campus trials. As a part of a longer-term solution, SECA suggests that the Commission initiate a Notice of Inquiry seeking additional ideas and proposals for addressing the "homework gap" problem on a nationwide basis within or outside the scope of E-rate." [SECA Comments at p.4]

SECA's recommendation is obviously well thought out and raises some very important issues, but there are, in our opinion, three critical flaws in it: (1) it is based, for the most part, on a faulty premise; (2) it addresses phantom problems that would not materialize unless the premise was true; (3) it touches only

³ See <https://www.fundsforlearning.com/blog/2016/11/e-rate-can-help-close-homework-gap>

⁴ <https://www.fundsforlearning.com/docs/2016/11/SECA%20Comments%20110316.pdf> (SECA Comments)

⁵ SECA Comments at pp. 1 and 4.

the tiniest fraction of students, who do not have Internet access at home, leaving the pressing problem of the Homework Gap as wide as ever and unresolved for many, many years to come.

SECA's premise is this:

Our conjecture — something that could be tested in the petitioners' trials — is that per student basis use of at-home Internet capacity could be significantly higher than in school use. If correct, this suggests that the number of students given after-hour access to school Internet facilities must be limited in order to meet the explicit assumption in both petitions that such use would not increase a school's E-rate costs. [SECA Comments at p.2]

To the best of our knowledge, no one but SECA has questioned the petitioners' assertion about network usage after hours not resulting in any additional costs to the E-rate program. SECA is speculating that the petitioners may have overlooked how much usage there actually might be after hours, and, if it is as high as SECA imagines, that there will be extra costs associated with it. If it is that high, the only way to keep school day and after school day usage in equilibrium, SECA says, will be to limit the number of students who can access the school's network after hours. After speculating about the possibility of E-rate costs increasing as a result of students accessing school networks after hours, SECA proceeds, in our opinion, to make the entire matter much more complicated than it is or needs to be by suggesting to the Commission that it involve itself in regulating student usage:

"For trial purposes, the Commission may wish to limit off-campus use to a lower percentage — say 10% — of the student base. Such a limitation would imply a means for identifying the most "needy" students in terms of their geographic or economic access to commercial Internet access services — a determination probably best made by the school administrators." [SECA Comments at p.3]

While we applaud SECA for the thoughtfulness of its analysis and taking the time to identify and address these important issues, we simply cannot accept its rationale for adding more, complicated E-rate regulations and for taking an incremental, go-slow, experimental approach to this very serious problem. So long as schools continue to match the speed of their network connections to their needs during school hours, there is literally no way that allowing students to use their E-rate supported connectivity during non-school hours could possibly cost them, and therefore the E-rate program, any more money.

SECA's analysis begins by speculating that "per student basis use of at-home Internet capacity could be significantly higher than in school use." For a variety of reasons, that is highly unlikely. For starters, the cost allocation waiver's purpose is not to get every student online from home, but rather, to get a subset of the student population online — namely, those students who, because of the economic condition of the households in which they live, have no connectivity or substandard connectivity at home. Consequently,

not every student is going to be using the network after school.

For argument's sake, though, let's assume that SECA's premise is correct. Let's assume further that the students, who use the school's network after hours, will put more pressure on network capacity than the students, teachers, administrators, and other school staff combined, who use the network during the day. This scenario would not result in additional cost to the E-rate program, but rather, in a poorer user experience for the students who are trying to connect to the network from home. To address this, schools may need safeguards to ensure that their networks are not overburdened, but that is about all.

SECA's concern about extra cost is misplaced for two other reasons: (1) E-rate rules prohibit applicants from applying for discounts on more bandwidth than they can reasonably use from eligible locations (school property) for educational purposes; and (2) applicants must certify that they have adhered to this requirement. The Commission could also require schools to certify that none of their funding requests include extra costs for providing Internet access to their students at home.

Broad Implementation Will Not Create an Unfair Administrative Burden on Schools

SECA also cautions that letting students use school networks from home to access the Internet after school will burden schools with more administrative tasks. What is being proposed is a completely voluntary opportunity. Just like welcoming the community into schools after hours to access the Internet is now, it would be up to each school to decide -- for itself -- whether it made sense to take on this project. We work with schools across the country, and we know that many will jump at this incredible opportunity and accept whatever administrative tasks come with it.

We Urge the Commission to "Go For It" Now

A pilot program, also called a feasibility study or experimental trial, is a small-scale, short-term experiment that helps an organization learn how a large-scale project might work in practice. Before issuing its Community Use rules, the Commission saw no need to do any kind of testing in advance. What the Commission is considering here is exactly the same as what it considered there, except that the argument for not doing a pilot, trial, or any other kind of testing in advance here is even more compelling. Here, the beneficiaries will not be adult members of the community, but rather, the students who actually attend the schools that opt to participate.

A "test" will take valuable time, which today's students, high school students in particular, simply do not have. A "test" would take years to complete. Therefore, on behalf of every student in our nation today -- who does not have the benefit of broadband Internet access from home -- I say, please, go for it now.

Respectfully submitted,

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December 5, 2016