



The Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Submission

Modernizing the E-rate Program for Schools and Libraries -- WC Docket No. 13-184
Schools and Libraries Universal Service Support Mechanism -- CC Docket No. 02-6

Dear Ms. Dortch:

The State E-rate Coordinators' Alliance ("SECA") fully supports the March 8, 2019 *ex parte* letter submitted by Funds for Learning, LLC ("FFL") requesting relief for applicants that filed a Form 470 application for an Internet option that did not also include transport. FFL's analysis and *ex parte* notice provide data from FY 2019 that shows that applicants unfortunately selected the wrong Internet service option on their Form 470 despite their best efforts to comply with the administrator's guidance. We respectfully request the Commission to again direct the administrator to not deny funding for FY 2019 Internet funding requests as long as the applicant requested one of the service choices for Internet on their underlying Form 470 application.

A similar problem arose in FY 2018 due to confusion over the definitions of the various types of services on the Form 470 drop-down. The Commission intervened and issued a letter on May 1, 2018 directing the administrator not to deny applications for applicants that did not request the precise 470 drop-down choice that corresponded to the Internet service requested on their Form 470 applications. Unfortunately, because the Form 470 drop-down options were not changed in a manner to make their intent clearer, the same concern has arisen again in FY 2019.

FFL's analysis of the FY 2019 Form 470 applications shows that as many as 8.5 percent of applicants, or 1,073 different applicants requested bids for Internet without any transport circuit. These applicants filed a Form 470 seeking bids for a single service request: "Internet Access – ISP Service Only (No Transport Circuit included)." Unfortunately, many applicants did not understand the definition of this service on the FCC Form 470.

Typically, the only applicants that purchase Internet separately from the transport circuit are large purchasers of Internet and they contract separately for the transport circuit and receive dedicated Internet access service -- school districts, library systems, state and regional wide area network applicants. Yet, the highest percentage of the 1,073 applicants that filed a Form 470 with the single Internet only service option are individual schools and libraries – the applicants that are least likely to purchase Internet separately from a transport circuit.

The disconnect between the form guidance and applicants' selection of the Internet only choice stems, we believe, from the use of "transport" in connection with Internet. Applicants do not understand the nuanced use of "transport" when describing Internet only service. This is

completely understandable given that Internet service bills that bundle transport with Internet do not describe the service in this manner or itemize these components separately. The bill will simply say “Internet” and the applicant just knows that they pay for the service and receive it at their school or library. They do not understand that technically the service has a transport component in addition to the Internet component. Further, applicants may think that “ISP only” — which means “Internet Service Provider only,” not “Internet Service only” — would naturally include transport as a part of that provider’s service.

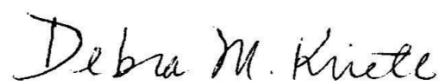
The recent request for waiver submitted on behalf of the Wayne Library Authority, a small library system in rural Pennsylvania, illustrates this confusion.¹ The library intentionally selected the Internet access only option on their Form 470, believing that this accurately described its service need.

In response to the concerns raised last year with the Form 470 drop-downs, the form was modified only slightly to include the words “with or without Internet Access” in parenthesis after the Leased Lit Fiber drop-down. Unfortunately, this addition was not sufficient in fixing the confusing Form 470 drop-downs. As a result, hundreds of applicants may again be faced with denials.

Provided that an applicant included one service request for either *Internet Access & Transport Bundled, Leased Lit Fiber, or Internet Access: ISP Service Only* on their establishing FCC Form 470, the applicant should be able to rely on this Form 470 to support an Internet access service funding request on their Form 471 application. These applicants tried in good faith to comply with the competitive bidding requirement by posting their Form 470s and selecting Internet, albeit making the “wrong” choice. We hope the FCC agrees that these applicants should not be penalized with a funding denial for this reason and should be viewed as complying with the Commission’s competitive bidding requirement.

For FY 2020, we strongly urge the FCC to make meaningful changes to the Form 470 drop-down options, using plain, non-technical language to describe the available choices. We very much would like to work with the Commission on what those drop-downs should be.

Respectfully Submitted by:



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¹ <https://www.fcc.gov/ecfs/filing/103292761827064>