

**Before the  
Federal Communications Commission  
Washington, DC 20054**

**In the Matter of:**

<b>E-Rate Program Amortization Requirement</b>	)	<b>WC Docket No. 19-2</b>
(Modernizing the E-Rate Program for	)	<b>WC Docket No. 13-184</b>
Schools and Libraries)	)	

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**Reply Comments of the  
Wisconsin Department of Public Instruction**  
(Filed April 1, 2019)

The Wisconsin Department of Public Instruction (WIDPI, department) is the state’s education and library agency. The department has statutory oversight for our state’s 421 public school districts and 384 public libraries. We have provided E-rate support to our state’s schools and libraries since the program’s inception. At the national level, our staff are active in the State E-rate Coordinators’ Alliance (SECA) and the American Library Association’s E-rate Task Force.

Our department has commented on many E-rate rulemaking notices back to the start of the program in 1996. We appreciate the opportunity to submit these Reply Comments related to the Commission’s January 2019 Public Notice on the E-rate Amortization rule.

We strongly support the permanent elimination of the amortization rule. As the Commission correctly noted in its Notice, there has been no “drain” on the fund the five years since the rule’s

temporary suspension.<sup>1</sup> In addition to the Commission’s own background information on this issue, we call attention to the comments filed by the State E-Rate Coordinators’ Alliance.<sup>2</sup> SECA’s detailed comments provide additional statistical analysis documenting how concerns about large, special construction projects over the \$500,000 amortization threshold simply are not an issue.

We also are in general agreement with the comments filed by the American Library Association that, “In the nearly two decades since the Amortization Order was adopted many libraries have used E-rate and other funding sources to replace their legacy copper connections with fiber-optic connectivity.”<sup>3</sup> In other words, with many libraries (and schools) already having fiber there are simply fewer of them to make any future E-rate requests for fiber connectivity.<sup>4</sup> And as a result, there likely will be less demand in the future for large fiber construction projects compared to fifteen or twenty years ago.

Wisconsin is one of twenty-four states that have met the requirements for the ten percent added E-rate match for infrastructure projects.<sup>5</sup> While we have not yet applied for this added funding, if the amortization rule is re-imposed it will likely result in additional budget issues and logistical complexities for our remaining schools and libraries that still lack fiber connectivity.

Of interest we note that comments from NTCA<sup>6</sup> support permanent removal of the amortization rule. However, on pages 4-7 of its comments it asks that under certain circumstances the Commission remove the ability of schools and libraries to use E-rate funds to build and own their

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<sup>1</sup> See the first paragraph in the E-Rate Program Amortization Requirement Notice, January 31, 2019 (<https://ecfsapi.fcc.gov/file/013159366085/FCC-19-5A1.pdf>).

<sup>2</sup> See comments filed by the State E-rate Coordinators’ Alliance, March 14, 2019 (<https://ecfsapi.fcc.gov/file/103140390005904/SECA%20NRC%20Amortization%20Comments.pdf>).

<sup>3</sup> See comments filed by the American Library Association, March 18, 2019 (<https://ecfsapi.fcc.gov/file/10318128235947/ALA%20comments%20E-Rate%20Program%20Amortization%20Requirement%2003182019.pdf>).

<sup>4</sup> Our state of Wisconsin is a good example of this. We estimate that in 2000 less than 10% of our state’s public libraries had fiber connectivity. As of January 2019, the number of libraries with fiber is above 98% (and 99% of our public schools have fiber).

<sup>5</sup> See the USAC Schools and Libraries Division website at <https://www.usac.org/sl/applicants/beforeyoubegin/state-matching-provision.aspx>.

<sup>6</sup> See comments filed by NTCA, March 18, 2019 ([https://ecfsapi.fcc.gov/file/1031871287238/03.18.19\\_NTCA\\_Comments\\_re-E-Rate\\_Amortization\\_NPRM\\_Docket\\_19-2\\_and\\_13-184.pdf](https://ecfsapi.fcc.gov/file/1031871287238/03.18.19_NTCA_Comments_re-E-Rate_Amortization_NPRM_Docket_19-2_and_13-184.pdf)).

own fiber (i.e., self-construction).<sup>7</sup> We oppose this request for two reasons. First, NTCA's request is out of the scope of this Notice and we believe such a request requires a separate public notice. Second—and more importantly—NTCA basically made this same request in comments it filed during the E-rate Modernization process.<sup>8</sup> The Commission then cited these NTCA comments in its 2014 Second E-rate Modernization Order.<sup>9</sup> In the Second Order the Commission allowed E-rate funding of self-construction projects under certain conditions. We see no reason to change these conditions or to re-open this subject. We believe all options must be available to solving any continuing broadband access and affordability issues in our schools and libraries. We must eliminate the digital divide that exists for all students and citizens in the state and nation.

In summary, we agree with the many parties who have already filed comments stating their support for permanently removing the E-rate's amortization rule. Thank you very much for reviewing our Reply Comments and we look forward to the Commission's decision on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt J. Kiefer". The signature is fluid and cursive, with the first name "Kurt" being the most prominent.

Kurt J. Kiefer  
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<sup>7</sup> Allowing this was included in paragraphs 43-54 in the Second E-rate Modernization Report and Order released December 19, 2014 ([https://apps.fcc.gov/edocs\\_public/attachmatch/FCC-14-189A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-189A1.pdf)).

<sup>8</sup> See Letter from Michael R. Romano, Counsel for NTCA, to Marlene H. Dortch, Secretary, FCC, Nov. 21, 2014 (<https://ecfsapi.fcc.gov/file/60000987601.pdf>).

<sup>9</sup> See specifically footnotes 99, 100 and 109 and the associated narrative in the Second E-rate Modernization Order.