

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

In the Matter of:

Modernizing the E-rate Program for)
Schools and Libraries: Improving the) **WC Docket No. 13-184**
FCC Form 470 Drop-Down Menu)

Reply Comments of the American Library Association

The American Library Association (ALA) is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all. ALA represents the nation's 120,000 libraries, which includes 16,557 public libraries. We appreciate the opportunity to submit these reply comments on the Form 470 drop-down issues.

The FCC's Form 470 drop down options have caused some confusion and uncertainty for applicants and service providers for the past several years and they have been the subject of various filings with the Commission from both ALA and other organizations during this time.¹ As a result of these issues, the Commission provided guidance to USAC for both the 2018 and 2019 E-rate funding years to hold applicants harmless in certain instances if they selected a Form 470 drop-down option that ultimately did not reflect the service selected on their Form 471.² This guidance, however, is not a long-term solution for applicants. We hope this Notice to revise the

¹ See ALA Ex Parte letter filed March 29, 2018. See also the Schools, Health & Libraries Broadband Coalition (SHLB) Ex Parte letter filed April 9, 2018. Both letters address issues with the Form 470 drop-down options and their impact on applicants' Form 471 submissions.

² See the May 1, 2018, Letter Providing Guidance to USAC on E-rate Competitive Bidding Rules for FY 2018. See also the October 1, 2019, Letter Concerning Application of E-rate Competitive Bidding Rules for FY 2019.

Form 470 will correct the issues associated with the current version of the form and, by making the process clearer, will result in more libraries submitting successful applications.

Concerns with the second criterion: “Technology Neutral and Adaptable”

The Commission asks if the four criteria listed on page two of the Notice should serve as the framework in which to develop the 470 drop-down choices. We think three of the four are appropriate but find that the “Technology Neutral” segment of the second criterion is confusing and cannot be met in practice. For example, the simple fact that applicants must select an option from the drop-down list compromises the criterion to be “Technology Neutral”. (See our more detailed comments immediately below related to this issue and fiber drop-downs.) However, the explanatory language in this section appears to define “Technology Neutral” as an attempt to provide applicants with the widest possible number of options. This is clearly stated in the first sentence that says, “The drop-down menu choices should account for the myriad variations of service that applicants may request.”³ Taking this sentence at face value, we think the clearer and more accurate terminology to use for this criterion is: “Applicant Choice.”

Another concern we have is that “Technology Neutral” may be interpreted as meaning applicants cannot state what type of broadband connectivity they currently have. This is obviously an issue for the many libraries and schools nationwide that already have fiber. A recent report by the EducationSuperHighway (ESH) indicates that 99% of the nation’s public schools already have fiber connectivity.⁴ The percentage of libraries with fiber is not this high but regardless of how many have fiber our position is clear: Any library or school with leased lit fiber (or that is seeking it) should be able to select this as a drop-down option near the start of the 470 application process. Requiring applicants to remain silent on their fiber connectivity because of a rigid, unrealistic interpretation of “Technology Neutrality” means that applicants will likely receive responses for non-fiber transport. In this instance, non-fiber responses would waste service providers’ time in preparing the responses and applicants’ time in evaluating responses that will never result in contracts for the non-fiber services.

³ Notice of Proposed Rulemaking, DA 19-986, WC Docket No. 13-184 (Notice). Released October 1, 2019.

⁴ See the State Ranking statistics on the percentage, by state, of the schools that have fiber (https://stateofthestates.educationsuperhighway.org/state_ranking.html). Released October 2019.

Support for the “Guided Approach”

In general, we support the more “guided approach” the Commission states in its Notice and that is reflected in Appendix C flowchart. We think this approach will be easier for applicants to understand and result in fewer errors in completing the form. We also appreciate attempts by the Commission to simplify the Form 470 drop down options for Category 1 services. However, we are concerned that the more simplified list in the Notice’s Appendices A and C may go too far in relation to fiber connectivity.⁵ The Notice seeks comments on this when it states, “Should fiber and non-fiber services fall under different menu options, or should the same menu option encompass fiber and non-fiber services?”⁶ As a more specific follow-up to our position articulated above, we believe that leased lit fiber and non-fiber services should be *two separate* Transport Service drop-down options.

Based on the Commission’s proposed drop-downs—that lack a specific leased lit fiber option—if an applicant has leased lit fiber how or where on the Form 470 would they indicate this? We do not think placing this critical fact in a Form 470 text box is a good solution because some—and perhaps many—applicants will not know they should do this. But they are far more likely to see a specific drop-down for leased lit fiber. The need for this option is clearly stated in the initial comments filed by the State E-rate Coordinators’ Alliance (SECA).⁷ We think SECA’s detailed comments on this issue and rationales for a separate leased fiber drop-down option are compelling. We will not repeat SECA’s justifications here but strongly encourage the Commission to carefully review their comments and recommendations. In addition, comments filed by the EducationSuperHighway support a Form 470 drop-down option for applicants to indicate that they have, or want to have, fiber connectivity. In their “Additional Options” table on p. 3-4 they say a drop-down should “Enable districts to provide preference to fiber.”⁸ CenturyLink’s comments also support a fiber option. In their flow chart on p. 5 they note that

⁵ We assume the pairing of “Leased Dark Fiber and Leased Lit Fiber” appears in the proposed Form 470 drop-down because it is required by regulations, specifically, C.F.R. §54.503(c)(iii)(C)(v).

⁶ Notice, page 3.

⁷ See comments filed by the State E-rate Coordinators’ Alliance (SECA), specifically pages 7- 8. Filed October 31, 2019.

⁸ See comments filed by the EducationSuperHighway (ESH), pages 3-4. Filed October 31, 2019. ALA confirmed with ESH that this fiber option should appear as part of a drop-down menu and not simply stated in the narrative of the Form 470.

applicants are to “Select Preferred Transport Type for Internet” and then they have the options to select either fiber transport or non-fiber transport.⁹

Category Two

For E-rate’s Category Two (C2) Form 470 application process, we support many of the suggested changes proposed by SECA.¹⁰ For example, SECA recommends applicants choose between two specific options at the start of the C2 application process: (1) applicants seeking funding for new equipment and the related maintenance, and (2) applicants seeking licenses, or maintenance on existing hardware. We think this distinction, along with the other suggestions SECA makes to streamline the C2 application process, will prevent funding denials and invoicing mistakes that are costly for applicants and time-consuming for both applicants and service providers. Implementing these changes is another step forward in program simplicity; the third goal of the E-rate Modernization process.

* * * *

In conclusion, we offer the above comments which we think will result in a better Form 470 experience for applicants. We look forward to the Commission’s decisions on this issue.

Respectfully submitted,

/s/ Marijke Visser
Associate Director of Public Policy and Senior Policy Advocate, ALA

/s/ Ellen Satterwhite
Fellow, ALA Office for Information Technology Policy

/s/ Alan Inouye
Director of Public Policy, ALA

⁹ See comments by the CenturyLink. Filed October 31, 2019.

¹⁰ SECA comments, pages 11-14.