



March 17, 2020

Chairman Ajit Pai
Commissioner Mike O’Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel
Commissioner Geoffrey Starks
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Dear Mr. Chairman and Commissioners:

The coronavirus is threatening education and health care delivery across the U.S. According to Education Week, 38 states and several large school districts have already announced plans to close K-12 schools, affecting over 2/3 of the nation’s students.¹ State officials often encourage the use of online instruction, but approximately 7 million students are unable to take online classes because they do not have broadband at home.² If schools, libraries, universities and other aggregation centers remain closed for a significant period of time, extending low-cost broadband to the home becomes a paramount national concern. In addition, the accelerating spread of the virus is threatening to overwhelm health care resources and, while current social distancing initiatives may “flatten the curve” of infection numbers, doing so will also prolong the crisis. The need to expedite solutions to bring affordable broadband to everyone in the United States is urgent.

We applaud the Federal Communications Commission (FCC) for obtaining commitments from the private sector companies not to disconnect broadband consumers.³ This action is enormously helpful to preserve connectivity for those who already have it. But the FCC can and should do more.

The FCC has an essential role to play in promoting “educational equity” – ensuring that **all** students can access online instruction over affordable broadband connections at home. But this is more than just a challenge for education and students. Under the

¹<https://www.edweek.org/ew/section/multimedia/map-coronavirus-and-school-closures.html>. In the same report, Education Week cites data from the National Center for Education Statistics that there are 98,277 public schools in the U.S. and almost 50.8 million public school students nationwide.

² <https://www.ntia.doc.gov/blog/2018/digital-divide-among-school-age-children-narrows-millions-still-lack-internet-connections>.

³ <https://www.fcc.gov/document/chairman-pai-launches-keep-americans-connected-pledge>.

Communications Act, the FCC is responsible for ensuring **all** Americans have access to affordable communications. Section 254 of the Communications Act grants the FCC plenary authority over the Universal Service Fund (USF) to accomplish this goal. We thus urge the Commission to use its existing authority to leverage the broadband services and networks available to community anchor institutions to speed the availability and lower the costs of broadband Internet access to the home for all Americans.

Here are some specific ideas that we believe can help – we look forward to working with all of you to move forward on these solutions.

Immediate Actions: The Commission should take the following actions in the next week:

1. Extend the Filing Window for Rural Health Care Applicants and Reduce Administrative Burdens for FY2020: SHLB has already asked for the Rural Health Care (RHC) application window to be extended to June 30.⁴ The spread of the virus has made such an extension even more critical. Many of the people trying to extend medical care to those in need are the same people responsible for filling out RHC applications – they do not have the time to do both. The FCC has already extended the filing window for E-rate applicants (for which we are grateful) and we urge the Commission to extend the RHC filing window to June 30 as well. This will free up health care providers to focus their energies on providing telemedicine solutions and to assist patients. In addition, we ask the Commission to postpone the effective date of the new definition of “similar services” until FY 2021 so that rural healthcare providers do not have to identify new urban rates for only FY 2020.⁵
2. Clarify that schools and libraries can allow their Wi-Fi networks to be shared with the community without losing E-rate funding: Some schools and libraries do not allow their Wi-Fi signals to be used outside of the school or library buildings because they fear that they will be required to cost-allocate out a portion of their capacity. Other schools and libraries are reluctant to allow their networks to be used for backhaul for the same reason. The FCC should clarify that schools and libraries will not lose their E-rate funding by opening their networks for supplemental use by others around the school or library buildings, whether for Wi-Fi or for backhaul. The Sixth Report and Order⁶ in the E-rate proceeding adopted in 2010 already permits schools and libraries to allow non-educational use after school hours. This idea does not require any additional funding, and it also does not require the FCC to issue a waiver because the existing broadband at the school or library already meets the “primarily for educational use” requirement. The FCC simply needs to issue a statement that such

⁴ <https://ecfsapi.fcc.gov/file/1022786033750/FY2020%20Filing%20Window%20Extension%20Request%20-%20Final.pdf>.

⁵ USAC will perform this function for FY 2021.

⁶ Sixth Report and Order, FCC 10-175, para. 22, available at <https://www.fcc.gov/general/universal-service-schools-libraries>.

supplemental uses of the school or library's existing bandwidth is allowed.⁷ This one simple clarification of existing law could significantly help people obtain broadband at home.

3. Allow schools, libraries and healthcare providers to increase their broadband capacity immediately: As schools implement online learning solutions for their students and teachers, the increased traffic may put a strain on schools' broadband networks. They may need to increase bandwidth until this crisis is resolved. This is equally true for healthcare providers that may need to ramp up capacity immediately to handle the surge in patients suffering from the illness. Healthcare providers could not have anticipated the bandwidth demands of a global coronavirus pandemic when ordering service during the Funding Year 2019 window, but they are now seeing sharp increases in demand for their services nevertheless. They require bandwidth increases immediately, not at the start of Funding Year 2020. The FCC should allow schools, libraries and healthcare providers to increase their existing Internet capacity to meet demand without requesting a service substitution.
4. Waive the E-rate and RHC Gift Rules: The FCC should temporarily waive the E-rate and RHC gift rules to allow schools, libraries and healthcare providers to accept increased Internet bandwidth from their ISPs, and donations of hot spots and software applications from commercial and non-commercial service providers. Schools and libraries could then distribute these hot spots to students so that they could access wireless Internet access at home and in other community areas. The current gift rules have exceptions for charitable donations, and we request the Commission clarify that such donations are considered "charitable contributions" during the pandemic emergency even if they increase demand for the donor's services.⁸
5. Extend E-Rate Deadlines for FY2019 and FY2020: SHLB commends the FCC for extending the Form 471 filing deadline in the E-rate program and asks the FCC to extend additional deadlines for both applicants and service providers for the 2019 and 2020 Funding Years (FY).
 - a. The most immediate deadline is the installation of fiber networks for FY 2019, which is June 30, 2020. With widespread school and city offices closing for lengthy periods of time (often to disinfect the premises), service providers may not be allowed on the premises and may experience significant challenges in meeting this deadline. In addition, with the closure of offices, service providers will likely experience significant delays in obtaining pole and right of way permits which will, in turn, delay network installation. The FCC

⁷ Opening school and library WiFi to public use is especially important with Starbucks, McDonald's and Chick-Fil-A eliminating dine-in options, which makes it more difficult for students to sit and do homework using the store's Wi-Fi. <https://www.cnn.com/2020/03/12/business/starbucks-limit-seating-coronavirus/index.html> and <https://losangeles.cbslocal.com/2020/03/16/coronavirus-mcdonalds-chick-fil-a-drive-thru/>.

⁸ <https://docs.fcc.gov/public/attachments/DA-10-2355A1.pdf> at paras. 10-11.

- should either direct USAC to extend these deadlines without requiring the showing of a reason for the extension in order to speed the grant of the requests, or the FCC should issue a blanket one-year waiver of the July 1st installation deadline for new installations this year.⁹
- b. Because of this delay in transitioning to the new service provider, E-rate applicants will be forced to extend existing agreements with their current providers. The impact is likely two-fold: 1) applicants may not realize they need to include funding for their current provider in their FY 2020 Forms 471; and 2) existing providers may try to require applicants to pay inflated month-to-month pricing after their contracts expire. The Commission should allow E-rate applicants to extend service under their existing contracts with their service providers at the same rate, and service providers should continue to receive the same amount of support for providing such service, until the new service is installed.
 - c. For FY 2020, the FCC should allow for automatic extensions of State Master Agreements that applicants participate in for purposes of receiving E-rate funding.
 - d. If Program Integrity Assurance (PIA) personnel cannot get in contact with an applicant because the library/school is closed, PIA should then defer any further action on the application until the library/school is open again. This is similar to the current summer contact deferral program used mainly by schools. PIA staff should not deny any application because the applicant has not responded to a PIA inquiry in a timely fashion during this crisis.
6. Encourage ISPs to Expand Affordable Broadband Offerings to Low-income People: The FCC should call upon **all** Internet Service Providers to develop and/or augment their offerings of low-cost broadband service to the consumers at home. While some broadband providers have such programs, others do not. The FCC could, for instance, obtain commitments from commercial and non-commercial ISPs to promote awareness of these programs, to extend the availability of existing programs for a longer period of time, and to open eligibility to more users.
7. Encourage broadband providers to open their Wi-Fi routers for use by any residential users. Charter/Spectrum¹⁰ and Comcast/Xfinity¹¹ have already agreed to open their public facing Wi-Fi hot spots for community use at no charge during this crisis. The Commission should encourage all providers to do the same, so that consumers who do not have broadband at home can access these public Wi-Fi services.

⁹ While E-rate participants are allowed to ask for an extension from USAC, then a waiver of the installation deadline, these waivers are considered on a case-by-case basis and often take time and resources to pursue. The FCC can remove this obstacle by granting a one-year extension for all June 30, 2020 deadlines.

¹⁰ <https://www.multichannel.com/news/charter-opening-wi-fi-hotspots-in-face-of-covid-19>.

¹¹ <https://www.xfinity.com/mobile/support/article/xfinity-mobile-wifi-hotspots>.

Intermediate Actions: The Commission could take these steps in the next month:

8. Hot Spot Lending Programs: The FCC could make emergency funding available from the Universal Service Fund for hot spot lending programs operated by schools, libraries and other community organizations in areas where schools and libraries close. Several urban and rural libraries have already implemented such programs and they can be set up quickly. The technology is widely available, there are several providers that offer such services, and guidelines are widely available with advice about how to set up such programs. The Commission can make such funding available from the greater Universal Service Fund and does not have to attribute this funding to any of the existing programs. In fact, it is best for the Commission to establish this program separate and apart from the E-rate rules and regulations to speed service to market. For instance, the Commission could allow schools, libraries and other community organizations to purchase and distribute these hot spots right away according to certain FCC guidelines and allow these organizations to seek reimbursement from the Commission afterwards.¹²
9. Extension of E-rate Networks: The FCC could grant the Petitions of the Boulder Valley School District and Microsoft/Virginia schools to allow broadband extensions to the home from schools and libraries. E-rate would not pay for these extensions, but schools would be permitted to allow these extensions without losing E-rate money (no cost allocation would be required). The comments filed in support of these Petitions (including SHLB Coalition's comments¹³) show that permitting such extensions does not violate the statutory language as long as the broadband capacity provided to the school or library is necessary for educational purposes.¹⁴
10. Connected Care: The FCC could expedite the adoption of a final Order funding the Connected Care proceeding to fund telemedicine solutions to the home. The FCC could authorize more funding than initially proposed, such as \$200M per year for three years.
11. Raise the RHC funding cap: The demand for RHC funding has already grown substantially over the past four years, and this demand is likely to increase even more due to the current crisis. The FCC should triple the funding cap – raising it from approximately \$600 M per year to \$1.8 B per year, to help America handle the need for rural health care as soon as possible.¹⁵ Over the past few years, some health care providers have dropped out of the RHC program or chosen not

¹² Several Senators have already asked for E-rate funding to be used for this purpose. See

¹³ <https://ecfsapi.fcc.gov/file/110350558670/SHLB%20et%20al%20Comments%20-%20Boulder-Msoft%20Petitions%20-%20Final.pdf>

¹⁴ This is also consistent with the Sixth Report and Order's directive to fully utilize government-supported services with no additional costs to the E-rate program. Para. 23.

¹⁵ The Commission should simultaneously triple the sub-cap currently in place for multi-year contracts and upfront expenditures.

to upgrade their bandwidth because they were not certain whether funding would be available. Raising the cap would remove this uncertainty. Health providers would be encouraged to increase their broadband capacity to meet the needs of their patients because they know there will be sufficient funding available.

12. Funding to expand WISP Service: The FCC could also consider providing supplemental funding for Wireless Internet Service Providers (WISPs) to deploy wireless broadband in unserved areas where schools are closed, if the WISP can demonstrate that it can do so within a few days' or weeks' time and more quickly than any other provider. The WISP service should meet the minimum broadband speed requirements of 25 Mbps (down) and 10 Mbps (up).

Extended Actions: The following steps may take longer to establish but may have the benefit of providing long-lasting solutions:

13. School Broadband Voucher Program: The FCC could work with the U.S. Department of Education and the Institute of Museum and Library Services (IMLS) to implement a trial voucher program to provide a subsidy to any service providers to make broadband at home affordable (with minimum data/bandwidth requirements). To qualify for the program, each family of a school-aged student would self-certify that they attend a Title I school that has been closed and that they do not currently have broadband service at home (with penalties for false certifications). The service provider would submit this authorization to a special department of the FCC that will reimburse the service providers for a certain dollar amount (perhaps \$50 per month per residential connection) to defray the cost of providing this service. The FCC would fund this subsidy from the Universal Service Fund only for as long as the school is closed. The broadband service eligible for such subsidy should be at the minimum broadband capacity of 25 Mbps(down) and 10 Mbps(up). The FCC could evaluate the trial quickly to determine whether it should be expanded.

- a. This idea could be coupled with a device subsidy program established by the State. Many students need tablets or laptops to be able to access the Internet at home. The FCC could subsidize the broadband connection if the State funds the purchase and distribution of devices.

14. EBS Window for Educational Organizations: The Commission could open a window for rural schools and education organizations to obtain rural EBS licenses, as requested by the SHLB Coalition and other parties in a Petition for Reconsideration filed in November of 2019.¹⁶ SHLB has demonstrated through our prior filings that educational organizations are likely to deploy EBS service

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<https://ecfsapi.fcc.gov/file/1125806013891/Joint%20Educational%20EBS%20Petition%20for%20Reconsideration.pdf>.

more quickly than the traditional commercial providers who already have unused spectrum in these rural markets.

15. TV White Spaces: The FCC could expedite approval of new technical rules to promote TV White Spaces use and availability. The FCC recently adopted a new Notice of Proposed Rulemaking on this topic.¹⁷ Allowing greater power levels for TV White Spaces, for instance, could encourage more schools, libraries and other anchor institutions to deploy antennas extending wireless broadband service to their communities (parks and residential areas).

Finally, the Commission may wish to establish a Covid-19 Working Group, which would include anchor institutions, public interest groups and industry, to work through these ideas. The SHLB Coalition would be pleased to assist in facilitating this work.

We look forward to working with you on these ideas.

Sincerely,



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¹⁷ <https://www.fcc.gov/document/fcc-proposes-updating-white-spaces-rules-expand-rural-connectivity-0>.