



August 3, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Schools to Receive FY 2020 E-rate Funding for Purchases of Additional Internet Bandwidth Needed for Educational Instruction during COVID-19 and Request for Extension of Gift Rule Suspension Order
Modernizing the E-rate Program for Schools and Libraries
WC Docket No. 13-184; Ex Parte Submission

Dear Chairman Pai:

The State E-rate Coordinators' Alliance (SECA) is writing to request the FCC's further assistance in addressing the urgent and emerging issues that E-rate applicants, and schools in particular, continue to face due to the COVID-19 pandemic. We greatly appreciate the FCC's efforts earlier this spring to grant relief to E-rate beneficiaries during COVID-19, to ensure these anchor institutions could receive their USF benefits, and to facilitate the continued provisions of vital educational services to students. Over the ensuing months, we have determined there are two key initiatives for which we seek your assistance today to provide continued regulatory support and relief to address the adverse impact of COVID-19.

Funding for Additional On-Campus Internet Connectivity in FY 2020

SECA requests additional relief for schools across the county that have had to increase their E-rate eligible, **on-campus Internet connectivity** to continue to be able to provide education during the pandemic. These costs have been incurred after they filed their FY 2020 Form 471 applications and therefore they have had to pay these additional charges without the benefit of E-rate funding.

The heightened reliance on distance learning instituted in response to COVID-19 requires considerably more Internet bandwidth on campus than traditional in-person instruction. Additional bandwidth is essential in order to be able stream content from schools to students located both on-campus as well as those that may be learning remotely. Also, many schools have moved to 1:1 student/computer ratio within school buildings in order to mitigate health and safety concerns by not having students share devices. This approach also adds significant demand for additional bandwidth.

These additional bandwidth requirements could not have been anticipated when schools initially competitively bid their Internet bandwidth needs, subsequently signed contracts and completed their Form 471 applications in the spring. Consequently, to date they have been unable to seek E-rate funding for these additional costs since the needs (and associated cost) were incurred after the E-rate filing deadline.

Due to the urgency of their needs to implement new models of learning, schools have been under intense pressure to act swiftly, and as such, many already have signed contract amendments or new contracts with service providers for additional internet bandwidth. In most cases these procurements have been done without the traditional competitive bidding protocols, which many states and schools have suspended to address the exigent circumstances facing these educational institutions. Still other schools currently are struggling to address this problem and must act immediately.

Under the current regulatory framework, we believe there are three possible ways to meet the needs of schools that must purchase additional Internet connectivity, through June 30, 2021.

1. Allow applicants to submit appeals to seek additional FY 2020 Internet connectivity funding to account for the bandwidth increases. It is recommended that the FCC empower USAC to process and approve such appeals. In the past, when the FCC has waived regulations and deadlines, it has directed USAC to implement the waiver of the deadlines. This would be a similar process. This option would enable applicants to either amend existing FRNs or to establish new FRNs for additional Internet services.

2. Provide a liberal waiver policy for late-submitted FY 2020 Form 471 applications that seek funding for Internet. This is similar to Option 1 but would require each affected applicant to submit a request for waiver of the E-rate deadline to the FCC and would require the FCC to review and process each waiver.

3. Open a special, one-time E-rate Form 471 filing window to permit applicants to submit new funding requests for the additional Internet bandwidth they need.

Regardless of which option is chosen, it is essential for the procedural requirements and regulations concerning competitive bidding and the E-rate filing deadline be waived. These include but may not be limited to:

- A. Waiver the requirement to post a new Form 470 and conduct a competitive bid process before signing the contract for additional bandwidth.

- B. Waive any requirement that a contract amendment must be explicitly mentioned in an establishing Form 470 and the original contract document.

- C. Waive any requirement that the bandwidth quantity increase must be supported by an establishing Form 470.

Although the scale and duration of this national emergency is unprecedented, E-rate relief for emergencies is grounded in precedent. Most recently, the FCC granted special relief to E-rate beneficiaries who suffered the impacts of hurricanes in FCC Order 17-139. We believe that this request is keeping with the FCC's tradition of implementing emergency provisions to meet the needs of E-rate beneficiaries in response to unforeseen events such as COVID-19.

Gift Rule Waiver Extension

SECA also requests that the FCC extend the gift rule suspension through June 30, 2021. In March, 2020 the FCC, through the Wireline Competition Bureau, issued Order DA-20-290 to institute a waiver of the gift rules through September 30, 2020 to allow E-rate beneficiaries to solicit and accept improved broadband connections or equipment for remote learning during the pandemic without violating FCC rules. The Order recognized that circumstances may warrant that the suspension of the gift rules be continued past the September 30 date.

We respectfully request that the gift rules continue to be suspended through June 30, 2021 to enable schools to continue to partner with service providers to meet the unprecedented needs to educate our nation's children during the pandemic. Currently there is a lack of certainty as to when the pandemic will be resolved and when the needs for these additional broadband services will recede. The nine-month extension will ensure that these arrangements can be continued without concern that the E-rate entities will be in violation of USF regulations. We hope that the Wireline Competition Bureau will agree.

We greatly appreciate the FCC's efforts to address the needs of E-rate beneficiaries during COVID-19. The FCC's willingness to hear the concerns facing schools and to promptly act to meet those concerns has been so beneficial, and on behalf the schools we serve, we thank you. We are available to answer any questions that you or the FCC staff may have.

Respectfully submitted,



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Chairperson

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