

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Promoting Fair and Open Competitive Bidding) WC Docket No. 21-455
in the E-Rate Program)
)

REPLY COMMENTS OF THE CITY OF BOSTON, MASSACHUSETTS

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EXECUTIVE SUMMARY

The City of Boston is grateful to Chairwoman Rosenworcel and the other Commissioners for their continued commitment to streamline the E-Rate program process with the goal of reducing waste, fraud, and abuse. Boston vigorously supports efforts to reduce waste, fraud, and abuse, but maintains—in what appears to be a universal lukewarm response—that the Commission’s proposal to establish a centralized portal for submitting competitive bids to provide services supported by the E-Rate program will not achieve any of those goals. Boston files these comments to align itself with parties that fear changing the system as proposed in the NPRM would be time-consuming and expensive for schools, libraries, as well as providers to implement and could unintentionally tilt the competitive playing field in favor of larger providers over smaller ones, without a demonstration that the competitive bidding process proposed is necessary.

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I. INTRODUCTION

The City of Boston’s Department of Innovation and Technology (DoIT) has been an E-Rate recipient since 2013. Today, the City has successfully bid to provide managed service delivery and ISP service to the City’s twenty-eight (28) libraries and 139 Boston public schools. Service is provided over Boston’s Optical Fiber Network (BoNet). BoNet had its birth in the cable franchises the City has granted to its three cable operators, but also includes fiber components that have been purchased in recent years. The City has designed and installed carrier class equipment and redundancy on the BoNet ring, including DWDM optical electronic gear from Nortel and Juniper routers.

The primary objective of the network is to meet the growing demand for connectivity while reducing the ever-increasing leased line costs by transitioning administrative, public safety and City services data traffic onto this new fiber optic network. Initially planned as a data network, the project was scaled for the incorporation of voice and video.

The City-owned fiber network saves money and increases the speed and capacity of city online services. DoIT pursued the franchise dark fiber and planned the network as an alternative

to leased lines for data and video traffic between various City locations and the core networks of the City including City Hall, schools, libraries, fire and police stations. The core network efficiently and effectively supports the next generation data, video, Internet and broadband requirements of the City. Today, BoNet serves 355 municipal locations with future plans to reach 370 municipal locations.

II. CONCERNS ARE BROAD BASED

Commenters, both large and small providers, as well as recipients, were almost universal in their praise for the Commission’s efforts to reduce waste, fraud, and abuse, but they were also equally united that the manner in which the Commission sought to achieve these goals, as outlined in the NPRM, would not achieve the desired result.¹ Boston files these Reply Comments to associate itself with these many supportive comments.

III. RISKS ASSOCIATED WITH NPRM OUTWEIGH THE BENEFITS

Boston joins with those commenters that fear changing the system, as proposed in the NPRM, would be time-consuming and expensive for schools, libraries, and providers to implement² and could unintentionally tilt the competitive playing field in favor of larger

¹ See e.g. Comments of Verizon (filed April 27, 2022); Comments of Schools, Health & Libraries Broadband (SHLB) Coalition (filed April 27, 2022); Comments of INCOMPAS (filed April 27, 2022); Comments of Council of Great City Schools (filed April 27, 2022). Boston is aware that Barry County Telephone Company *et al.* supported the NPRM, but even Barry County Telephone Company *et al.* appeared more interested in seeking notice of RFPs in their service area rather than a centralized bid review. See Comments of Barry County Telephone Company *et al.* (filed April 27, 2022) at 2-10.

² Comments of SHLB (filed April 27, 2022) at 11; Comments of State E-rate Coordinators Alliance (SECA) (filed April 27, 2022) at 4,7; Comments of the South Dakota Department of Education (filed April 27, 2022) at 4; Comments of WTA-Advocates for Rural Broadband (WTA) (filed April 27, 2022) at 3 (Because bidders must comply with state and local procurement requirements, the proposed bidding portal would necessitate school and library applicants having to “incur substantial legal and consulting fees” to navigate the process.)

providers over smaller ones,³ without a demonstration that the competitive bidding process proposed is necessary.⁴ As explained by the State E-Rate Coordinators Alliance “...the proposed bidding portal undoubtedly and unnecessarily will increase program complexity for stakeholders; will encourage the administrator to serve as a super-reviewer of each applicant’s competitive bidding process; [and] will delay issuance of funding commitment decision letters; and will not identify or weed out bidding improprieties....”⁵

IV. PROPOSED CHANGES ARE DISRUPTIVE AND NOT NECESSARY

Boston shares commenters’ concerns that the proposed changes in the NPRM would “unnecessarily disrupt the E-Rate provider selection process” to an extent that would “far outweigh” any potential benefits.⁶ The FCC already has sufficient safeguards in place — including requiring applicants to conduct a fair and open competitive bidding process that “ensure[s] that the applicant and the program receive the best value for funding.”⁷ Moreover, the Universal Service Administrative Company already has a “robust” audit process in place that acts as a compelling deterrent to fraud in the E-Rate program.⁸

³ INCOMPAS (filed April 27, 2022) at 5; SHLB (filed April 27, 2022) at 5 (“Smaller providers and applicants will be the least able to adapt to and absorb the cost of these new requirements”).

⁴ Comments of Verizon at (filed April 27, 2022) at 1 (Implementing the proposed bidding portal would “only add unwelcome complexity to what is an already extremely complex program, and could seriously burden and deter program participation, without significantly improving the current competitive bidding process.”)

⁵ Comments of SECA (filed April 27, 2022) at 2.

⁶ Comments of INCOMPAS (filed April 27, 2022) at 3. *See also* Comments of Verizon (filed April 27, 2022) at 1; Comments of WTA (filed April 27, 2022) at 1-2 (The proposed bidding portal would create “jurisdictional conflicts, time delays and other added costs and complications that will disrupt and discourage E-Rate participation without significantly strengthening program integrity, preventing improper payments, or reducing the risk of fraud, waste or abuse.”).

⁷ INCOMPAS (filed April 27, 2022) at 3.

⁸ *Id.* at 3-4.

V. CONCLUSION

Boston stands ready to support Commission efforts to address waste, fraud, and abuse in the E-Rate program. The record reveals concerns with the NPRM from providers, both small and large, as well as beneficiaries. Boston hopes that the Commission will heed these concerns and rethink moving forward with the proposals outlined in the NPRM.

Respectfully submitted,

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