Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

REPLY COMMENTS
OF
WTA – ADVOCATES FOR RURAL BROADBAND

WTA – Advocates for Rural Broadband ("WTA") hereby submits its reply comments in response to the Commission's *Notice of Proposed Rulemaking,* FCC 21-124, released December 16, 2021, in the captioned proceeding ("*NPRM*").

WTA, a national trade association that represents more than 360 rural telecommunications carriers ("Rural LECs"), continues to oppose the *NPRM* proposal that bid responses to FCC Form 470 be submitted through a new bid portal managed by the Universal Service Administrative Company ("USAC") rather than continuing to be sent directly to the actual applicants for Schools and Libraries ("E-Rate") program support. WTA remains convinced that such a new bid portal will entail 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.

However, WTA agrees with the Rural Companies[1] that other steps can and should be taken to eliminate the overbuilding of existing Universal Service Fund ("USF")-supported facilities and

[1] Comments of Barry County Telephone Company, Inc.; Central Texas Telephone Cooperative, Inc.; Peoples Telephone Cooperative, Inc.; Totelcom Communications, LLC; and Valley Telephone Cooperative, Inc. (the "Rural Companies"), WC Docket No. 21-455, dated April 27, 2022.

other waste, and to give smaller service providers effective and equitable notice and opportunities to participate in the E-Rate bidding process.

First, WTA agrees with the Rural Companies that E-Rate applicants should be required to file FCC Forms 470 and requests for proposals ("RFPs") in every zip code in which service is being requested (Comments of the Rural Companies, pp. 6-7). When regional consortia post region-wide RFPs under a single zip code as permitted by current E-Rate competitive bidding processes, many service providers (and particularly smaller service providers) serving portions of such regions that would otherwise bid on the projects do not receive notice of the RFPs. Even though they have facilities (and often facilities constructed and operated with USF and other federal support) that can provide some or all of the services subject to the RFPs, local service providers often are unaware of the RFP opportunities until it is too late to bid or participate in them or to organize an alternative consortium. WTA is aware of situations where Rural LECs and their local school districts have had long and successful E-Rate relationships with state-of-the art services and USF-supported fiber optic facilities in place only to learn after the fact that their arrangements had been superseded by regional E-Rate plans that had been negotiated and adopted months previously without their knowledge. The proposal of the Rural Companies that automatic notifications be required to be sent to service providers if an RFP has a zip code within their operating area is an effective way to stop existing local E-Rate service providers from being blindsided and frozen out of regional negotiations and arrangements.

Second, WTA agrees that USAC should be required to incorporate mapping technology to track which schools and libraries have existing high-speed fiber optic service. With this information in hand, the Commission should take all measures necessary to employ existing fiber facilities to provide E-Rate services and to prevent duplication of existing fiber networks. (Comments of the Rural Companies, pp. 8-9). WTA has long and consistently urged that where rural schools and libraries are currently served by high-speed broadband facilities built in whole or significant part with federal high-cost support or grant-loan dollars, it makes sense for the Commission to require state and regional consortia to make use of such existing facilities rather than overbuilding them, or at least to refuse to provide E-Rate funding for duplicative facilities.

Third, WTA agrees that the Commission should give service providers additional time to respond to RFPs that cover areas encompassing more than 50 square miles (Comments of Rural Companies, pp. 9-10). Rural LECs and other small service providers generally serve schools within their own rural service areas already, but are likely to need to partner with other local service providers to form a group bid in order to serve the entire area of an RFP. They are likely to need sufficient additional time (at least 30-to-60 days) to form such a group.

Fourth, WTA agrees that the Commission should implement an additional 60-day holding period with respect to RFPs that result in a selected bidder requiring special construction costs for new fiber builds (Comments of the Rural Companies, pp. 10-11). This additional period would give existing service providers the opportunity to demonstrate that their existing network facilities are already capable of providing high-speed fiber optic broadband services to the schools and libraries subject to the RFPs.

Finally, WTA agrees that the Commission should require applicants seeking special construction costs to provide an accounting of what they are building (including the number of strands and a description of how non-warehoused fiber will be used); the results of their scoring rubric for the bids (so that it is clear that the project that was selected was the most cost effective); and the names of the consultants who write the proposals (to ensure that such consultants are prohibited from any involvement in bidding on the project) (Comments of the Rural Companies, pp. 11-12). This is another way to protect against waste in the E-Rate program, and to avoid the overbuilding of existing and fully adequate fiber optic and other transmission facilities.

In sum, WTA continues to oppose a nationwide E-Rate bid portal, but urges the Commission to take the steps proposed by the Rural Companies to eliminate the overbuilding of existing USF-supported facilities and other waste, and to give smaller service providers effective and equitable notice and opportunities to participate in the E-Rate bidding process.

Respectfully submitted,
WTA – ADVOCATES FOR RURAL BROADBAND

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