

VIA ECFS

November 22, 2022

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *Ex Parte* Presentation, WC Docket No. 13-184

Dear Ms. Dortch:

The undersigned companies support calls by schools and libraries for E-Rate support for network security solutions. We recognize the challenges community anchor institutions face as they use lean IT resources to combat an ever-increasing number of cyber threats. The Commission should ensure the availability of E-Rate-supported connectivity services by allowing schools and libraries to use Category 2 E-Rate funds for next-generation firewalls for securing their networks and the sensitive data of students, teachers, staff, and library patrons.

Permitting schools and libraries to use Category 2 E-Rate funds for next-generation firewalls has already been broadly endorsed as a general matter. More than 1,100 school districts representing several million K-12 students throughout the United States urged the Commission to clarify that next-generation firewalls are E-Rate-eligible.¹ Likewise, the representative of more than 120,000 libraries throughout the United States agrees that cybersecurity tools are critical and should be E-Rate-eligible.² Representatives of K-12 cybersecurity professionals throughout the nation agree.³ And so, too, do the experts that advise E-Rate applicants.⁴

¹ See Letter from Los Angeles Unified School District and 1,100 other school districts, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 02-6 (filed Sept. 22, 2022); *see also* Comments of the Council of the Great City Schools, WC Docket No. 13-184, at 1 (filed Sept. 21, 2022) (“The Council once again requests that the Commission consider the inclusion of advanced firewall components and services as part of the E-Rate’s Eligible Services List.”).

² Comments of the American Library Association, WC Docket No. 13-184 (filed Sept. 21, 2022).

³ Reply Comments of the Consortium for School Networking, WC Docket No. 13-184, at 1 (filed Oct. 4, 2022) (“CoSN respectfully encourages the Commission to expand E-rate eligibility for basic firewalls to include all current firewall and related features . . .”).

⁴ Letter from John Harrington, CEO, Funds For Learning, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-184, at 3 (filed Oct. 9, 2022) (“[T]he survey data and comments clearly support the full eligibility of firewalls . . .”).

Cyber risks to schools and libraries are profound and pervasive, and now is the time to act. As the Sacramento County Office of Education recently put it:

[O]ur networks are under attack daily by cyber criminals that threaten our schools' use of the Internet, student instruction, our administrative operations, and worst of all, our confidential student and employee data. Repelling these constant attacks requires a combination of expert staffing and modern cybersecurity defenses. The costs of these essential personnel and technology protections, and the insurance for mitigating cyberattack risks, have become increasingly burdensome for school districts, and the costs continue to increase.⁵

Fortunately, the Commission is well positioned to play a leading role in protecting America's schools and libraries by including next-generation firewalls as an eligible Category 2 cost.

Alternatively, we would also support the Commission taking the interim steps proposed by Funds For Learning ("FFL").⁶ In brief, FFL recommends that the Commission (1) permit schools and libraries to use Category 2 E-Rate funds for next-generation firewalls (subject to a three-year limit and an annual cap of \$60 million), (2) commence a public process on "mechanisms for the FCC to support cybersecurity,"⁷ and (3) continue collaborating with other federal agencies in determining how to best protect America's schools and libraries from cyber threats.

While not addressing the totality of the problem or the demand, implementing this combination of actions would create a set of near-, medium-, and long-term actions for incrementally updating the Commission's E-Rate program and recognizing many of the requests and views of stakeholders, while having a minimal impact on the E-Rate fund.⁸ To be sure, implementing this proposal would be a smart initial step to providing schools and libraries with a better ability to protect their systems and data. It would also be a reasonable step toward enabling the most vulnerable entities to bolster their cyber defenses *now*. But pursuing FFL's narrowly tailored proposals would not satisfy the broader demand of schools and libraries for the broader level of network security support needed to fend off all would-be cyber attackers.

And by implementing FFL's proposals, the Commission could gauge overall long-term interest in using E-Rate funding for next-generation firewalls by gaining real-world E-Rate data on how

⁵ Letter from Jerry Jones, Executive Director of Technology Services, Sacramento County Office of Education, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-184 (filed Nov. 14, 2022).

⁶ Letter from John Harrington, CEO, Funds For Learning, to Chairwoman Jessica Rosenworcel and FCC Commissioners, WC Docket No. 13-184 (filed Nov. 15, 2022).

⁷ *Id.* at 1.

⁸ *See supra* note 1; *but see* Letter from AASA, The School Superintendents Association, *et al.*, to Chairwoman Jessica Rosenworcel and FCC Commissioners, CC Docket No. 02-6 (filed Sept. 23, 2022).

schools and libraries use E-Rate funding for cybersecurity tools. This data, coupled with further comment from stakeholders through a rulemaking proceeding, would help inform the Commission's perspective regarding the current and future needs and best tools for secure connectivity.

Finally, increased coordination on collaborative efforts with other governmental entities such as the Department of Education, CISA, and the FBI will help develop a long-term strategy for ensuring our schools and libraries can protect themselves in an ever-evolving cyber threat landscape.⁹

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The Wireline Competition Bureau is well positioned to clarify in the Funding Year 2023 E-Rate Eligible Services List order that Category 2 E-Rate funds may be used for next-generation firewalls. But if this route is not taken, the Commission should consider the proposals set forth by Funds For Learning.

Please contact the undersigned with any questions.

Respectfully submitted,

Fortinet, Inc.

Cisco Systems, Inc.

ENA by Zayo

Hewlett Packard Enterprise

Microsoft Corporation

⁹ See, e.g., U.S. Gov't Accountability Off., GAO-23-105480, CRITICAL INFRASTRUCTURE PROTECTION: ADDITIONAL FEDERAL COORDINATION IS NEEDED TO ENHANCE K-12 CYBERSECURITY 20 (2022) ("FCC officials indicated in July 2022 that they were initiating coordination with Education, the FBI and other independent and executive branch regulators regarding the E-rate program.").