



April 23, 2021

VIA ECFS

Hon. Acting Chairwoman Jessica Rosenworcel
Hon. Commissioner Brendan Carr
Hon. Commissioner Geoffrey Starks
Hon. Commissioner Nathan Simington
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic, WC Docket No. 21-93

Dear Acting Chairwoman Rosenworcel and Commissioners Carr, Starks, and Simington:

We are a group of entities that each filed initial comments on the Public Notice in the above-referenced dockets.¹ Despite the different positions we each may have taken in those comments, we share an overriding interest in ensuring the Emergency Connectivity Fund program (the “ECF”) achieves its stated mission of closing the Homework Gap and providing broadband services and connected devices to students, school staff, and library patrons to engage in remote learning throughout the COVID emergency. Further, we appreciate the challenge the Federal Communications Commission (“Commission”) faces in creating rules in such a short time for this vital program, which even though subject to the same statutory provisions as the traditional E-Rate program (paragraphs (1)(B) and (2) of section 254(h) of the Communications Act, as amended (the “Act”)), has a much different objective. This challenge is heightened because of the significant, yet precisely unknown, number of students and patrons that schools and libraries may seek to support, the limited amount of funding for this program, and the uncertainty over how long students and patrons will need support due to the COVID emergency. Given these circumstances, we are particularly interested in ensuring that the program’s funding is dedicated to those students and patrons that most need assistance for remote learning as the emergency continues to unfold and will continue to unfold in ways none of us can envision

¹ *Wireline Competition Bureau Seeks Comment on Emergency Connectivity Fund for Educational Connections and Devices to Address the Homework Gap During the Pandemic*, WC Docket No. 21-91, Public Notice, DA 21-317 (Mar. 16, 2021) (“Public Notice”). American Rescue Plan Act, 2021, H.R. 1319, 117th Congress, tit. VII, § 7402 (2021).

Accordingly, we have joined to urge the Commission to adopt the following measures to prioritize and allocate ECF funding and hold schools and libraries accountable for expenditures:

1. The ECF should prioritize funding for students and patrons who are not subscribing to a broadband connection available today, those that do not have access to a connected device, and those that are subscribing today to broadband with support from a school or library and may need assistance in continuing to do so. To ensure ECF resources are used in this manner, the Commission should require applicants to certify that funds are only being used for students and patrons — (a) who currently are not subscribed to a residential broadband service or do not have an educational device, or (b) with residential broadband service that is already being purchased and paid for by the applicant school or library. If this rule cannot be implemented, the Commission should use the E-Rate Category Two budget system, which gives applicants access to funding tied to their discount rate and the size of their school or library.² Use of the Category Two approach would have the added benefit of ensuring schools and libraries in rural areas get the support they require.
2. The ECF should prioritize prospective purchases of connectivity and connected devices – those made after the date of enactment of the American Rescue Plan Act through the duration of the emergency period. ECF should only fund procurements made before March 11, 2021 and beginning on January 27, 2020 if there are remaining amounts, if these procurements comply with state and local government statutes, and if these procurements were not funded by other federal programs (i.e., Emergency Broadband Benefit program, the CARES Act, or other provisions of the American Rescue Plan); state programs specifically targeted at providing funding for eligible equipment and services; other external sources of funding; or gifts.
3. Because students and patrons need both connectivity and connected devices for remote learning and because expenditures on connected devices could quickly use up the budget,³ the ECF should limit the total amount of funding that could be used to procure connected devices and the amount to be spent on any device.
4. To measure progress towards achieving the goal of closing the homework gap, to inform future broadband policy initiatives, and to limit waste, fraud, and abuse, the Commission should follow its existing E-Rate rules and practices and make all procurement data related to the emergency connectivity fund transparent and publicly available.⁴

² See e.g., Comments of Funds for Learning, WC Docket No. 21-93 at 8-9 (Apr. 5, 2021) (“Using a similar mechanism, the ECF’s Reasonable Budget Amount for Reimbursement (RBAR) should be pre-determined using objective criteria to calculate maximum reimbursement amounts quickly and equitably. Under this approach, each school and library would be allowed to apply for reimbursement up to an amount calculated using the RBAR calculation formula.”).

³ See e.g., Comments of EducationSuperHighway, WC Docket No. 21-93, at 5 (Apr. 5, 2021) (“the math suggests that ECF resources will be insufficient even if used solely to connect students who currently lack home broadband or educational devices”).

⁴ See e.g., *id.*, at 10.

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Each of us may have additional comments to make on these issues as we file reply comments and meet with the Commission. However, we believe that by adopting these measures, the Commission can best ensure the ECF program will achieve its objective.

Sincerely,

_____/s/_____

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_____/s/_____

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