



December 12, 2022

**SUBMITTED ELECTRONICALLY VIA ECFS**

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

**Re: Ex Parte Filing**

Modernizing the E-rate Program for Schools and Libraries; WC Docket No. 13-184

Dear Madam Secretary:

Pursuant to Federal Communications Commission's ex parte rules, I hereby submit the following summary of our December 12, 2022, conversation with certain members of the Wireline Competition Bureau (WCB) to discuss cybersecurity proposals for the above docket, including points made in a previously filed Ex Parte submission of the Schools, Health & Libraries Broadband (SHLB) Coalition (SHLB Filing).<sup>1</sup>

The following individuals participated in the call along with the undersigned:

- Sue McNeil, Associate Bureau Chief, WCB;
- Johnnay Schrieber, Deputy Division Chief, Telecommunications Access Policy Division of the WCB;
- Liesl Himmelberger, Office of Economics and Analytics
- Allison Baker, Economic and Policy Advisor, WCB
- Joseph Schlingbaum, Attorney Advisor, WCB
- Gabriella Gross, Special Counsel, Telecommunications Access Policy Division of the WCB;
- Eric Ralph, Associate Chief, Wireline, Office of Economics and Analytics; and
- John Windhausen, Jr., Executive Director, SHLB Coalition;

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<sup>1</sup> See Ex Parte of the Schools, Health & Libraries Broadband Coalition, WC Docket No. 13-184 (Nov. 23, 2022) <https://www.fcc.gov/ecfs/search/search-filings/filing/1123988929244>.

The participants in the call made the following points:

- SHLB is fully supportive of cybersecurity eligibility in the E-rate Program (Program). Especially in light of some of the largest and more recent cyber-attacks we've seen, including that which impacted the Los Angeles Unified School District and the Boston Public Library, it is critical that schools and libraries have the ability to purchase the network features they need to ensure secure broadband infrastructure. Unfortunately, attacks on these vulnerable institutions are only increasing as cyber-related incidents grow more sophisticated. As indicated in the SHLB Filing, many of our members have expressed concern that basic firewalls may not provide the adequate protection schools and libraries need to safeguard their networks.
- SHLB acknowledged that many organizations, interest groups, and others have submitted proposals to aid the WCB and Commission when taking short-term and long-term action regarding the future scope of cybersecurity eligibility in the Program. For example, we discussed that Funds for Learning set forth a three-year pilot program to “allow funding for all firewall hardware, software, features and services, without distinction between ‘basic’ and ‘advanced’ capabilities”;<sup>2</sup> that SHLB requested clarification of the definition of “firewall services and firewall components” eligible as Category 2 services and of the definition of “basic firewall protection” eligible in Category 1 in the E-rate Eligible Services List (ESL) for Funding Year 2023, particularly asking the Commission to clarify that Category 2 firewall services should include advanced or “next-generation” firewall services and components;<sup>3</sup> and that the Commission should open a rulemaking proceeding to take comment on other cybersecurity solutions, including a proceeding to seek comment on the petition previously filed by the Consortium for School Networking (CoSN), SHLB and other organizations in February 2021.<sup>4</sup> During today’s call, we also presented the idea that the WCB could clarify that the features/functions of a firewall (like advanced features) that USAC currently requires to be cost-allocated are ancillary features/components to the main firewall functions. Ancillary ineligible components do not have to be cost-allocated (with the exception of any content filtering), so this option would not require a waiver of the cost-allocation rule<sup>5</sup> and the WCB could clarify this specifically with USAC.

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<sup>2</sup> Ex Parte of Funds for Learning, WC Docket No. 13-184 and CC Docket No. 02-6 (Nov. 23, 2022) <https://www.fcc.gov/ecfs/document/112325067454/1>; *see also* Pilot Program for Cybersecurity Support, WC Docket No. 13-184 and CC Docket No. 02-6 (Nov. 15, 2022) <https://www.fcc.gov/ecfs/document/111630719929/1>.

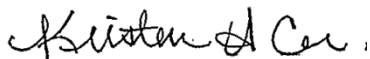
<sup>3</sup> *See* SHLB Filing.

<sup>4</sup> Petition for Declaratory Relief and Petition for Rulemaking Allowing Additional Use of E-rate Funds for K-12 Cybersecurity, Consortium for School Networking, et. al, WC Docket No. 13-184 (Feb. 8, 2021) <https://www.fcc.gov/ecfs/document/102081871205710/1>.

<sup>5</sup> *See* 47 C.F.R. § 54.504(e)(2).

- We also reiterated that advanced cybersecurity equipment and services are often integrated, and not separated from, a network. Accordingly, it may be difficult for an applicant to cost-allocate these features.
- SHLB believes that any of these ideas would be worthwhile and acting now is an imperative interim step as schools and libraries prepare their networks for the coming year. Certain suggestions could also provide temporary solutions as the Commission opens a rulemaking proceeding.
- SHLB is happy to continue to supplement the record with additional information and data surrounding these important issues.

Sincerely,



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