



October 9, 2023

**SUBMITTED ELECTRONICALLY VIA ECFS**

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

**Re: Ex Parte Filing**

Clarifying that the Use of Wi-Fi on School Buses is Eligible for E-Rate Funding, WC Docket No. 13-184

In the Matter of Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6

Dear Madam Secretary:

Pursuant to Federal Communications Commission’s *ex parte* rules, I hereby submit the following summary of our October 6, 2023, conversation with Ramesh Nagarajan, Chief Legal Advisor, Office of Chairwoman Jessica Rosenworcel and Elizabeth Cuttner, Legal Advisor, Wireline and Enforcement, Office of Chairwoman Jessica Rosenworcel concerning the draft Declaratory Ruling on circulation clarifying that the use of Wi-Fi on school buses is eligible for E-Rate funding (Draft Ruling)<sup>1</sup> and considerations for the Chairwoman’s hotspot lending program (within the Learn Without Limits proposal).<sup>2</sup>

The following participated in the call along with the above: John Windhausen and Kristen Corra with the Schools, Health & Libraries Broadband Coalition (SHLB), Bob Bocher and Megan Janicki with the American Library Association (ALA), and Michael Calabrese with the Open Technology Institute at New America (collectively, school and library advocates).

**The Draft Ruling**

The school and library advocates support the Draft Ruling. We believe that providing E-rate support for internet access on school buses will provide a great benefit to students, especially those in rural areas with long commute times to and from school or those attending events away from campus, and help to narrow the Homework Gap when many students might still lack

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<sup>1</sup> *Clarifying that the Use of Wi-Fi on School Buses is Eligible for E-Rate Funding*, Declaratory Ruling, WC Docket No. 13-184 (On Circ. Sept. 28, 2023) (Draft Ruling).

<sup>2</sup> News Release, Paloma Perez, FCC, Chairwoman Rosenworcel Announces ‘Learn Without Limits’ Initiative (June 26, 2023), <https://docs.fcc.gov/public/attachments/DOC-394625A1.pdf>.

adequate internet access at home.<sup>3</sup> We also support the Draft Ruling’s tech-neutral approach, as it authorizes the “use of Wi-Fi, or other similar technologies that act as an access point” on school buses.<sup>4</sup> We note that providing E-rate support for school bus Wi-Fi is comparable to providing E-rate support for bookmobiles, which has been allowed for several years.

We further noted that SHLB members have expressed questions about procedural and operational aspects of the Draft Ruling. For example:

- Will equipment and services be classified as a Category 1 or Category Two expense?
- Will some type of user verification or authentication be required?
- Will the current E-rate application and follow-up processes (bidding, forms, etc.) be used? Will there be a new “bus” drop-down option on Form 470?
- Will schools be required to issue an RFP for any or all segments of a bus wi-fi request?
- Will there be any usage limitations on funding?
- Will there be any discounts during the summer months when buses may be seldom used? Can buses be parked and still have an active wi-fi connection?
- For applicants who entered into multi-year contracts under ECF for Wi-Fi on buses, will they be grandfathered in and exempt from competitive bidding?
- Will third-party bus ownership be an issue? (Many districts lease buses from a commercial company.)
- Would city buses be eligible?
- Would the rules preclude applications by consortia?<sup>5</sup>

The school and library advocates urged the Commission to direct the Wireline Competition Bureau (Bureau) to work with stakeholders (by gathering feedback and recommendations) and USAC to address these and other questions as they operationalize the Draft Ruling. We additionally urge the Commission to direct the Bureau to release updates publicly, such as through dated Public Notices.

### **Hotspot Lending Proposal**

The school and library advocates also support the hotspot lending proposal to make hotspots eligible for funding under the E-rate program. We caution the Commission, however, not to make the proposal too narrowly limited to existing commercial mobile hotspot services. Hotspots work well in some areas, but not as well in other markets. We thus ask that the

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<sup>3</sup> Additionally, although the Draft Ruling states that the cost per school bus per year would total \$1,840, we noted that this would be the total cost per bus *for the first year*, and that the cost for each subsequent year would only constitute the cost for recurring services (\$456). *See* Draft Ruling, ¶ 13 n. 41.

<sup>4</sup> Draft Ruling, ¶ 1.

<sup>5</sup> The school and library advocates did not discuss these questions during the meeting but present them here for consideration.

Commission include the following questions for public comment in its draft Notice of Public Rulemaking (NPRM):

1. **Should E-rate support hotspots and *functionally equivalent equipment or services*?** While we recognize the benefit of incumbent-provided mobile hotspot subscriptions, we believe that E-rate modernization should connect students and library patrons in the best possible way. This could mean, for many schools and libraries, using alternative (but functionally equivalent) equipment and services that work for their communities. For example, dozens of school districts leverage access to unlicensed or license-by-rule spectrum (such as CBRS) to connect students at home or in other locations directly to school networks.<sup>6</sup> Similar to the way a mobile carrier requires a Wi-Fi hotspot at the end user location, CBRS transmits the LTE to a customer premises equipment (CPE) at the household using hotspot access points purchased from commercial suppliers. Equipment like CPEs, which function as a hotspot, should thus also be eligible.

We mentioned SHLB member school districts and libraries as examples. For instance, initially in response to the remote learning crisis, the Fresno Unified School District installed transmitters on many of their school buildings and, using free access to CBRS spectrum, the district connects thousands of low-income students directly to the school's network for educational purposes. While it also buys commercial mobile subscriptions, Fresno USD was motivated to pursue (and is currently expanding) this alternative because its drive tests confirmed that mobile carrier signals were too weak to support remote learning indoors in many very low-income areas. Like a commercial mobile network, the district transmits broadband access using LTE. Using "schools as towers," the LTE signal is received by a CPE hotspot device issued to individual students lacking home internet access. Like a commercial MiFi hotspot, the CPE receives the wireless signal and relays it as Wi-Fi to the student's school-issued Chromebook. The district both authenticates the devices on the network and monitors usage.

Expanding support beyond existing commercial mobile carriers would mirror the Commission's long-standing E-rate policy of being technology-neutral and support the tech-neutral approach in the Draft Ruling (quoted above).

2. **Should E-rate support transmission equipment?** Like an existing commercial mobile hotspot service, in addition to the hotspot end-user device, some schools and libraries provide the "service" of transmitting wireless connectivity to students or

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<sup>6</sup> See Matthew Marcus and Michael Calabrese, *The "To and Through" Opportunity: Case Studies of School and Community Networks Able to Close the Homework Gap for Good*, THE SCHOOLS, HEALTH & LIBRARIES BROADBAND COALITION & THE WIRELESS FUTURE PROJECT AT THE OPEN TECHNOLOGY INSTITUTE AT NEW AMERICA (Aug. 2022), <https://www.shlb.org/uploads/Policy/Policy%20Research/Anchor-Nets-Case-Studies-final.pdf>.

patrons without internet access using network infrastructure (such as CBRS base stations, or Wi-Fi access points) that they install on the roof of school and library buildings, on other municipal buildings (e.g., fire stations), or on monopoles (typically to get above the tree line where the school or library is not multi-story). We suggest that the Commission ask if, in connection with hotspots or a receiving device loaned to students, that some or all of these costs are potentially eligible for E-Rate support. As SHLB demonstrated in an economic study published last year,<sup>7</sup> the cost of this self-deployed service can be substantially less expensive than purchasing a monthly commercial service over a period that corresponds to the useful life of the equipment (e.g., five years).

An example is the New York Public Library system, which recently completed a successful pilot using CBRS, with antennas mounted on local branch libraries in low-income areas. The libraries lend hotspot CPEs to low-income patrons. NYPL officials reported that they would expand this hotspot if the CPE hotspot devices were lower cost or subsidized. For this reason, in its next phase, the NYPL plans to transit internet access to hotspots located in public housing MTEs, community centers and other public places where patrons without internet can get access. While this is closer to the school bus Wi-Fi model than to a one-to-one hotspot lending program, we believe the NPRM should at least ask about potentially including such cost-effective and functionally-equivalent alternatives.

In asking if and to what extent this functionally-equivalent cost may be eligible, the Commission could also ask whether any eligible costs should be capped at an amount equivalent to the market rate (per year) of a comparable monthly commercial service. It could also ask if eligibility should be limited to transmission or network equipment located on school or on other public (municipal) property and used solely or predominantly for this purpose.

- 3. Should E-rate fund only “existing” or also new services?** The school and library advocates are concerned that the NPRM will only take comment on funding equipment and services of *existing* networks. While we understand that the Emergency Connectivity Fund (ECF) gave a strong preference to “existing services,” it did so because of the emergency nature of the pandemic and it did not ultimately *limit* funding to existing services. Accordingly, an Order limited to “existing services” wouldn’t be consistent with ECF or the Commission’s preference for technology neutral solutions and such a limit would also preclude applicants from considering more innovative solutions.

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<sup>7</sup> See Dr. Raul Katz, *The “To and Through” Opportunity: An Economic Analysis of Options to Extend Affordable Broadband to Students and Households via Anchor Institutions*, THE SCHOOLS, HEALTH & LIBRARIES BROADBAND COALITION & THE WIRELESS FUTURE PROJECT AT THE OPEN TECHNOLOGY INSTITUTE AT NEW AMERICA (Aug. 2022), <https://www.shlb.org/uploads/Policy/Policy%20Research/Off-Campus-Deployment-Economic-Assessment-final.pdf>.

We also note that existing commercial mobile hotspot services might produce weak signals or might not work altogether in certain areas (such as low-income areas). As such, we are not suggesting that the Commission use E-rate to fund network overbuilding, but to provide alternative solutions to fill in the gaps where existing services don't work and hotspot signals are weak.

**The student and library advocates did not discuss the following NPRM-related items on the call, but include them here for consideration:**

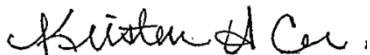
The ECF program compliance regulations are burdensome and time consuming for applicants and we request the NPRM ask ways in which this burden can be reduced.

The ECF program reimburses a library or school up to \$250 for Wi-Fi hotspots. Will this amount or a different reimbursement amount be used in the hotspot lending program?

Related to the above question, will the current E-rate discount matrix be used to determine reimbursements?

The ECF program requires libraries (and schools) to ask each patron who wants to check-out a Wi-Fi hotspot if they lack internet access at their residences. Patrons that do must sign a form stating this. Library staff in particular see asking such questions and requiring signed forms as intrusive and a violation of patron privacy. We ask that the NPRM seek comment on this important issue.

Sincerely,



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