

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter Of |) | |
| |) | |
| Delete, Delete, Delete |) | GN Docket No. 25-133 |
| |) | |
| Schools and Libraries Universal Service Support Mechanism |) | CC Docket No. 02-6 |
| |) | |
| Federal-State Joint Board on Universal Service |) | CC Docket No. 96-45 |
| |) | |
| Changes to the Board of Directors of the National Exchange Carrier Association, Inc. |) | CC Docket No. 97-21 |
| |) | |
| Modernizing the E-rate Program for Schools and Libraries |) | WC Docket No. 13-184 |
| |) | |
| Promoting Telehealth in Rural America |) | WC Docket No. 17-310 |
| |) | |
| Rural Health Care Support Mechanism |) | WC Docket No. 02-60 |

**REPLY COMMENTS OF THE
SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION**

The Schools, Health & Libraries Broadband (SHLB) Coalition respectfully submits these comments replying to recommendations filed in response to Public Notice DA 25-219 (Public Notice).¹

At the outset, SHLB is pleased that other commenters agree with certain positions it supports, whether from SHLB's initial comments filed responding to the Public Notice² or from previous Commission-led proceedings. For example, many commenters support the Commission's proposal to eliminate the E-Rate Form 486 and move CIPA certifications to other

¹ *Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice (rel. Mar. 12, 2025).

² Comments of the Schools, Health & Libraries Broadband Coalition (SHLB), *Delete, Delete, Delete*, GN Docket No. 25-133, *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 02-6, 96-45, 97-21, *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Promoting Telehealth in Rural America*, WC Docket No. 17-310, *Rural Health Care Support Mechanism*, WC Docket No. 02-60 (filed Apr. 11, 2025).

forms.³ We agree with the American Library Association’s (ALA) rationale that deleting this form is a pragmatic simplification measure that can reduce the risk of inadvertent funding denials for program applicants.⁴ We are also pleased to see that other commenters support Universal Service Fund (USF) initiatives, like the Schools and Libraries Cybersecurity Pilot Program (Cyber Pilot) that was adopted last year.⁵ The Information Technology Industry Council highlights the Cyber Pilot as an essential tool to fund safeguards for our nation’s school and library network infrastructure supported by E-Rate.⁶ SHLB likewise supports the Cyber Pilot, deeming it a valuable mechanism for the Commission to gather critical information about the cybersecurity risks and needs of anchor institutions (that remain a vulnerable target for cybercriminals and other bad actors).⁷ This program can inform the Commission about what long-term, permanent cybersecurity solutions are needed in the E-Rate program going forward.

In the following comments, SHLB replies directly to other comments filed responding to the Public Notice. In doing so, we continue to emphasize that recommendations should ensure that Commission-led initiatives ultimately work to benefit anchor institutions and their communities and streamline the administration of the E-Rate and Rural Health Care programs.

³ Comments of the American Library Association, *Delete, Delete, Delete*, GN Docket No. 25-133, 4 (filed Apr. 11, 2025) (*ALA Comments*); Comments of On-Tech Consulting, Inc., *Delete, Delete, Delete*, GN Docket No. 25-133, 9 (filed Apr. 11, 2025) (*On-Tech Comments*); Comments of the Corporation for Education Network Initiatives in California (CENIC), *Delete, Delete, Delete*, GN Docket No. 25-133, *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 02-6, 96-45, 97-21, 2 (filed Apr. 11, 2025) (*CENIC Comments*).

⁴ See *ALA Comments* at 4.

⁵ *Schools and Libraries Cybersecurity Pilot Program*, WC Docket No. 23-234, Report and Order, FCC 24-63 (rel. June 11, 2024).

⁶ Comments of the Information Technology Industry Council, *Delete, Delete, Delete*, GN Docket No. 25-133, 9 (filed Apr. 11, 2025) (*ITIC Comments*).

⁷ Comments of SHLB, the Consortium for School Networking (CoSN), et al. Responding to the Commission’s Proposal to Establish a Schools and Libraries Cybersecurity Pilot Program, *Schools and Libraries Cybersecurity Pilot Program*, WC Docket No. 23-234, 2 (filed Jan. 29, 2024).

TABLE OF CONTENTS

I. THE COMMISSION SHOULD NOT ELIMINATE THE WI-FI HOTSPOT LENDING PROGRAM OR THE SCHOOL BUS WI-FI PROGRAM SUPPORTED UNDER E-RATE. 4

II. THE COMMISSION SHOULD CONSIDER QUESTIONS RELATED TO A CATEGORY TWO “ROLLING” APPLICATION DEADLINE IN E-RATE, WHICH WOULD OFFER APPLICANTS MORE FLEXIBILITY TO UTILIZE THEIR CATEGORY TWO FUNDS. 9

III. THE COMMISSION SHOULD EVALUATE THE CURRENT E-RATE FUNDING RECOVERY TIMEFRAME. 10

IV. THE UNIVERSAL SERVICE FUND MUST BE SUPPORTED BY A DEDICATED FUNDING STREAM AND SHOULD NOT BE FUNDED THROUGH CONGRESSIONAL APPROPRIATIONS. 11

V. BROADBAND LABELING REQUIREMENTS SHOULD EXTEND TO MASS-MARKET BROADBAND SERVICES OFFERED IN THE E-RATE AND RURAL HEALTH CARE PROGRAMS..... 11

VI. CONCLUSION 12

I. THE COMMISSION SHOULD NOT ELIMINATE THE WI-FI HOTSPOT LENDING PROGRAM OR THE SCHOOL BUS WI-FI PROGRAM SUPPORTED UNDER E-RATE.

The Commission should not eliminate the E-Rate program’s Wi-Fi hotspot lending or school bus Wi-Fi programs.⁸ These programs offer schools and libraries a cost-effective way to bring filtered, high-speed internet access to rural areas and low-income families and students who cannot otherwise afford it. Eliminating either of these programs would risk leaving these individuals behind their counterparts (who reside in wealthier districts or areas with reliable, affordable internet access) and overlook the critical role that internet access now plays in meeting the everyday educational and essential needs of students and library patrons.

The Heritage Foundation suggests that providing internet access via these programs brings harm to students.⁹ SHLB previously responded to similar mischaracterizations of the Wi-Fi hotspot lending program, which can be applied to address current criticisms extended to both programs.¹⁰ First, several studies show that internet access promotes education and learning, including a study issued by the Quello Center in 2020 that found a positive impact on academic performance for students that had internet access. Specifically, it concluded: “We find that students who do not have access to the Internet from home or are dependent on a cell phone

⁸ *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-76 (rel. Jul. 29, 2024) (*Hotspot Order*); *Modernizing the E-Rate Program for Schools and Libraries*, 38 FCC Rcd 9943 (2023) (*School Bus Wi-Fi Declaratory Ruling*).

⁹ Letter from Annie Chestnut, Tech Policy Center, The Heritage Foundation to FCC Chairman Brendan Carr, *Delete, Delete, Delete*, GN Docket No. 25-133, 2 (filed Apr. 11, 2025) (*Heritage Comments*). The *Heritage Comments* state that, “Providing free Wi-Fi on school buses and free hotspot devices for kids to check out undermines their educational and developmental needs[]” and that “[t]hese measures overlook parental oversight of children’s screen use and leave kids vulnerable to harmful exposure—such as explicit content and addictive design features” *Id.*

¹⁰ See Letter from SHLB, ALA, and CoSN to Marlene H. Dortch, *Addressing the Homework Gap Through the E-Rate Program*, WC Docket No. 21-31 (filed Apr. 15, 2024).

alone for access perform lower on a range of metrics, including digital skills, homework completion, and grade point average. They are also less likely to intend on completing a college or university degree. A deficit in digital skills compounds many of the inequalities in access and contributes to students performing lower on standardized test scores, such as the SAT, and being less interested in careers related to science, technology, engineering, and math.”¹¹ While lengthy screen time may raise health concerns for young people, it is misguided to conclude that efforts to provide students with Wi-Fi access to complete schoolwork, whether via a take home device or to connect to while riding the school bus, would outright undermine their educational and developmental needs. Second, both the Wi-Fi hotspot lending and school bus Wi-Fi programs promote safe, filtered internet access for minors in accordance with federal law. Both programs require compliance with regulations under the Children’s Internet Protection Act (CIPA). Under CIPA, schools and libraries must adopt an internet safety policy to ensure that hotspots block access to material deemed "harmful to minors." Many filtering technologies are built directly into the hotspots, and schools may also go further than what CIPA requires to block access to non-educational websites.¹² If these programs are eliminated, school children that require an internet connection to complete schoolwork will seek other ways to access the Internet that do not have these filtering protections.

¹¹ Hampton, K. N., Fernandez, L., Robertson, C. T., & Bauer, J. M. Broadband and Student Performance Gaps, James H. and Mary B. Quello Center, Michigan State University, March 3, 2020, available at <https://quello.msu.edu/broadbandgap2020/>.

¹² For example, Jill Hobson, chief technology officer at Gainesville City Schools (GA), said on a webinar that "These devices that go home are not being used by family members to stream a television show or a movie. They're not being used for online gaming. That's not possible. Those kinds of things are blocked from use." SHLB webinar, Should Congress Repeal the FCC’s HotSpot Lending Decision? available at <https://www.youtube.com/watch?v=jY5HkvRXI4w>.

Additionally, some commenters suggest eliminating these programs because the Commission lacks statutory authority to extend E-Rate funded service to a school bus or to the home.¹³ We reject this argument and reiterate that the Commission’s Wi-Fi hotspot lending and school bus Wi-Fi decisions are authorized by the statutory language in the Communications Act. When the Commission adopted the Wi-Fi hotspot lending program, it stated that “Sections 254(c)(1), (c)(3), (h)(1)(B), and (h)(2) of the Communications Act collectively grant the Commission broad and flexible authority to establish rules governing the equipment and services that will be supported for eligible schools and libraries, as well as to design the specific mechanisms of support.”¹⁴

- Section 254(c)(3) specifically allows the Commission to “designate additional services for such support mechanisms for schools, libraries, and health care providers.”¹⁵
- Under section 254(h)(1)(B), the Commission can provide funding for internet devices and services as long as they are used for “educational purposes”.¹⁶ The Commission found that “the off-premises use of such wireless Internet services and the Wi-Fi hotspots needed to deliver such connectivity to students, school staff, or library patrons is ‘integral, immediate, and proximate to the education of students or the provision of library services to library patrons’ and, therefore, serves an educational purpose.”¹⁷ The Commission also stated that, “[a]lthough activities that occur on-campus are presumed to serve an educational purpose, the Commission has never stated that the inverse would be true (i.e., that all off-premises uses are presumed *not* to be for an educational purpose).”¹⁸
- The Commission concluded that section 254(h)(2)(A) of the Communications Act authorizes it “to permit E-Rate support for the off-premises use of Wi-Fi hotspots and services because hotspots and services that connect students, school staff, and library patrons to digital learning will ‘enhance, to the extent technically feasible and

¹³ See, e.g. *Heritage Comments* at 2; Comments of the International Center for Law & Economics Comments, *Delete, Delete, Delete*, GN Docket No. 25-133, 17 (filed Apr. 11, 2025) (*ICLE Comments*); Comments of the Competitive Enterprise Institute, *Delete, Delete, Delete*, GN Docket No. 25-133, 4-5 (filed Apr. 10, 2025) (*CEI Comments*).

¹⁴ *Hotspot Order* ¶ 88.

¹⁵ 47 U.S.C. § 254(c)(3).

¹⁶ 47 U.S.C. § 254(h)(1)(B).

¹⁷ *Hotspot Order* ¶ 90.

¹⁸ *Id.* ¶ 91.

economically reasonable, access to advanced telecommunications and information services for all public and nonprofit elementary and secondary school classrooms . . . and libraries.”¹⁹ It also found that, “section 254(h)(2)(A)’s reference to services for ‘classrooms’ includes using E-Rate support to connect students, school staff, and library patrons to valuable digital educational resources when they are not located on the school or library campus” and noted “that the statute directs the Commission to establish rules to enhance access ‘for all public and nonprofit elementary and secondary school classrooms . . . and libraries’” and that “the text does not say to enhance access to services ‘at’ or ‘in’ school classrooms (or libraries), as would more naturally indicate a tie to a physical location.”²⁰ Further, the Commission pointed to responses from commenters arguing that “the language of section 254(h)(2)(A) of the Communications Act should be interpreted to reflect the increasingly hybrid nature of education and enable off-premises access to important educational resources that support learning, such as student access to homework or online classes, or educator access to professional learning courses, networks, and materials, and library patron access to e-books and virtual programs” and stated that, “[a]s exemplified during the COVID-19 pandemic-era campus closures, the physical school building is not the only place where a student can be in ‘class’ and there are myriad reasons why a student, school staff member, or library patron may not be able to travel to the physical campus but still requires access to their remote learning and other educational resources.”²¹ It thus concluded “that section 254(h)(2)(A)’s reference to ‘classrooms’ is appropriately interpreted to extend beyond the brick and mortar school buildings.”²²

When it adopted the school bus Wi-Fi Declaratory Ruling (*Declaratory Ruling*), the Commission stated that the connectivity services provided on school buses will be used primarily for educational purposes, consistent with section 254 of the Communications Act, as they “will serve students who otherwise cannot complete their homework before or after school hours.”²³ As such, it found that the *Declaratory Ruling* “fits squarely” within the authority given to it under section 254(h)(1)(B).²⁴ It also found that the “Declaratory Ruling independently is permitted by section 254(h)(2)(A)” and “that the use of Wi-Fi on school buses to aid the many

¹⁹ *Id.* ¶ 93.

²⁰ *Id.* ¶ 96.

²¹ *Id.*

²² *Id.*

²³ *School Bus Wi-Fi Declaratory Ruling* ¶ 9.

²⁴ *Id.*

students who lack robust internet access at home similarly enhances eligible schools’ and libraries’ access to advanced telecommunications and information services.”²⁵

Notably, the Commission found that both the Wi-Fi hotspot lending and school bus Wi-Fi programs are consistent with the Commission’s exercise of its authority under section 254(h)(2)(A) to establish the Connected Care pilot program, which provided funding for patient broadband internet access service.²⁶

Additionally, the statute does not limit support to on-campus buildings or classrooms. Neither section 254(h)(1)(B) (when describing services provided to schools and libraries) nor section 254(c) (when defining universal service generally) reference “classrooms.” In fact, E-Rate has supported internet access in administrative offices and parking lots, and for school bus drivers’ wireless telecommunications services and library bookmobiles for several years, even though they are not “classrooms.”

²⁵ *Id.* fn 32.

²⁶ Regarding the school bus Wi-Fi program, the Commission stated, “In [the Connected Care Pilot] Program, [it] found that providing support for patients’ home broadband connections expanded health care providers’ ability to serve more patients through the program, thus enhancing eligible health care providers’ access to advanced telecommunications and information services.” *Id.* See also *Promoting Telehealth for Low-Income Consumers; COVID-19 Telehealth Program*, WC Docket No. 18-213, Report and Order, 35 FCC Rcd 3366, 3417-18, paras. 87-88 (2020). Similarly, regarding the Wi-Fi hotspot lending program, the Commission pointed to comments explaining that providing off-premises Wi-Fi hotspots would “enhance the ability of classrooms and libraries to connect with learners and enable them to participate fully in their classwork and lessons, and complete their assignments” because it would remove the obstacle a student faces to complete schoolwork at home due to lacking broadband connectivity. *Hotspot Order* ¶ 95.

II. THE COMMISSION SHOULD CONSIDER QUESTIONS RELATED TO A CATEGORY TWO “ROLLING” APPLICATION DEADLINE IN E-RATE, WHICH WOULD OFFER APPLICANTS MORE FLEXIBILITY TO UTILIZE THEIR CATEGORY TWO FUNDS.

ALA suggests that the Commission re-evaluate and eliminate the E-Rate program’s current annual, fixed application filing deadline for Category Two purchases. In its place, they suggest that the Commission implement a “rolling” application deadline whereby applicants can apply for Category Two funds at any time during the five-year funding cycle.²⁷

SHLB previously provided comments to the Commission about this suggestion.²⁸ We shared the concern that E-Rate applicants may underutilize or even forgo their Category Two funding at times within the five-year E-Rate funding cycle due to complexities associated with meeting the funding application deadline. For example, applicants might need to request funding when a new school or library is constructed or when an existing network is upgraded, but exact project timelines (including the need for permitting and other approvals) might not line up squarely within the annual E-Rate application window. Additionally, applicants (especially smaller schools and libraries) may have difficulty submitting Category One and Category Two applications at the same time or finalizing applications during the funding window due to the unavailability of IT personnel or lack of staffing and resources. Accordingly, a rolling Category Two deadline would allow applicants more flexibility to access and utilize their Category Two funding, since it would provide them with the opportunity to request funding when they are ready or when the need arises. In line with our previous comments, we also note that as the Commission gathers input about this recommendation, it should consider the following questions

²⁷ *ALA Comments* at 3-4.

²⁸ *See* Comments of the Schools, Health & Libraries Broadband (SHLB) Coalition, *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 02-6, 96-45, and 97-21, 14-17 (filed Sep. 25, 2023) (*SHLB Tribal Libraries FNPRM Comments*).

related to such a change and whether a pilot program with a rolling Category Two deadline would be useful to help applicants and shed light on who would need it/utilize it:

1. How would a rolling Category Two application deadline affect other deadlines within E-Rate, such as those imposed for service delivery or invoicing?
2. How would a rolling Category Two application deadline affect the Commission's ability to determine funding demand?
3. Would certain applicants (such as Tribal, smaller, or more rural applicants) take advantage of a rolling Category Two application deadline?

III. THE COMMISSION SHOULD EVALUATE THE CURRENT E-RATE FUNDING RECOVERY TIMEFRAME.

The Los Angeles Unified School District suggests that the Commission establish a reasonable funding recovery timeframe under the E-Rate program.²⁹ SHLB agrees that the Commission should evaluate the current recovery timeframe. As it stands, schools and libraries are potentially liable for recovery of funds for any mistake they may have made on an E-Rate application extending back to the beginning of the program— and the same is true for participants in the Rural Health Care program. Simply put, there is no statute of limitation for mistakes or errors, even if they have no monetary impact on the fund. This could have a chilling effect on the program, whereby applicants might not wish to apply or may seek less funding than they are entitled to, for fear of making application-related errors. The Commission could effectuate this

²⁹ Comments of the Los Angeles Unified School District, *Delete, Delete, Delete*, GN Docket No. 25-133, *Schools and Libraries Universal Service Support Mechanism*, WC Docket No. 02-6, *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Promoting Fair and Open Competitive Bidding in the E-Rate Program*, WC Docket No. 21-455, *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21- 31, 2 (filed Apr. 11, 2025) (*LAUSD Comments*). Specifically, LAUSD suggests that the 10-year documentation retention requirement in the E-Rate program is burdensome for applicants and should be modified to align with other federal programs and/or state requirements. LAUSD also suggests that the Commission align the E-Rate program audits and fund recovery timeframe with any proposed modified document retention period.

change by reviewing its 2017 decision in Blanca and finding that the five-year statute of limitations codified in federal law applies to the Commission's universal service programs.³⁰

IV. THE UNIVERSAL SERVICE FUND MUST BE SUPPORTED BY A DEDICATED FUNDING STREAM AND SHOULD NOT BE FUNDED THROUGH CONGRESSIONAL APPROPRIATIONS.

The National Taxpayers Union Foundation suggests that the USF should be funded directly through congressional appropriations, rather than by the contribution mechanism framework currently required.³¹ SHLB opposes this suggestion. Without subsidies for internet connectivity, our nation's schools, libraries, and healthcare facilities would face significant challenges, impairing their ability to serve students, library patrons, and the broader community. Millions of people rely on these institutions for education, information, health care, and essential services. Because of this critical need, funding for the USF should be predictable, sustainable, and long-term, which can only be achieved through a dedicated funding stream. Proposals that subject the USF to Congressional appropriations both threaten the reliability of the fund and make it harder for schools, libraries, and healthcare providers to adequately budget for their IT infrastructure needs each year.

V. BROADBAND LABELING REQUIREMENTS SHOULD EXTEND TO MASS-MARKET BROADBAND SERVICES OFFERED IN THE E-RATE AND RURAL HEALTH CARE PROGRAMS.

The Competitive Enterprise Institute suggests that the Commission eliminate the broadband label requirements for internet service providers (ISPs) serving customers in the E-Rate and

³⁰ Blanca Telephone Company Seeking Relief from the June 22, 2016, Letter Issued by the Office of the Managing Director Demanding Repayment of a Universal Service Fund Debt Pursuant to the Debt Collection Improvement Act, CC Docket No. 96-45, Memorandum Opinion and Order and Order on Reconsideration, 32 FCC Rcd 10594 (2017).

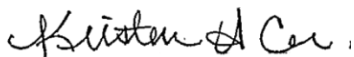
³¹ Comments of National Taxpayers Union Foundation, *Delete, Delete, Delete*, GN Docket No. 25-133, 12-14 (filed Apr. 11, 2025).

Rural Health Care (RHC) programs.³² SHLB opposes this blanket suggestion and notes that it previously provided comments regarding the application of the Commission’s broadband labeling requirements to services purchased through the E-Rate and RHC programs.³³ While we recognize that institutions seeking service supported by E-Rate and RHC may purchase more sophisticated, non-mass-market enterprise service offerings, smaller and more rural schools, libraries and rural healthcare providers often purchase standard “off-the-shelf” mass-market internet access service. These institutions, just like individual consumers, should also have the ability to choose the broadband services that meet their specific needs through an understandable information-sharing process that the Commission’s broadband label order offers.³⁴

VI. CONCLUSION

Thank you for your consideration.

Respectfully submitted,



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³² *CEI Comments* at 10-11.

³³ See Letter from SHLB to Marlene H. Dortch, *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2 (Feb. 15, 2023).

³⁴ As noted in our broadband label comments, we clarify here that while SHLB supports the application of the Commission’s label requirements to mass-market broadband services offered in the E-Rate and RHC programs, we do not support applying label requirements to the more sophisticated, non-mass-market enterprise service offerings in the E-Rate and RHC programs. *Id.*