

April 17, 2026

SUBMITTED ELECTRONICALLY VIA ECFS

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

Re: Ex Parte Filing:

**Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455
Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6**

Dear Madam Secretary:

Pursuant to Federal Communications Commission's (Commission) ex parte rules, I hereby submit the following summary of two meetings discussing the Commission's draft *Report and Order and Order on Reconsideration* that would amend E-Rate program rules.¹ Members of the Schools, Health & Libraries Broadband Coalition (SHLB) who attended the meetings represent various organizations, and together with SHLB, are collectively referred to as the "E-Rate Advocates."² Attached as an Exhibit is the list of attendees at the April 16, 2026 meeting with Danielle Thumann, Senior Counsel to FCC Chairman Brendan Carr, and the attendees at the April 16, 2026 meeting with Marcus Maher, Senior Legal Advisor to FCC Commissioner Olivia Trusty.

During the meetings, we recognized the importance of maintaining the integrity of the E-Rate program. However, we reiterated our opposition to the proposed competitive bidding portal, as explained in our prior comments.³ Specifically, we reiterated our concern that 1) the implementation of the bidding portal would create excessive burdens on applicants (particularly small rural schools and libraries), service providers, and USAC personnel (which could deter program participation); 2) the Draft Order lacks an analysis concerning the costs of creating, implementing, and managing the bidding portal; and 3) the bidding portal functionality would create real areas of inconsistency and conflict with state and local

¹ *Promoting Fair and Open Competitive Bidding in the E-Rate Program*, WC Docket No. 21-455 *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Report and Order and Order on Reconsideration, Draft on Circulation, FCC-CIRC2604-05 (Apr. 9, 2026) (Draft Order).

² In addition to SHLB, the other organizations forming the E-Rate Advocates are American Library Association (ALA), American Federation of School Administrators and the National Education Association, AASA, The School Superintendents Association, and Broadband Legal Strategies, LLC.

³ See SHLB Comments and Reply Comments, SECA Comments and Reply Comments, and ALA Comments in Response to Notice of Proposed Rulemaking Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455 (Comments filed Apr. 27, 2022; Replies filed May 27, 2022).

requirements. In the meeting with Mr. Maher, we also mentioned that the effectiveness of the program's existing protective measures has already been demonstrated in multiple ways.⁴

Further, the E-Rate Advocates explained that the bidding portal rules as contemplated in the Draft Order fundamentally change the structure of the E-Rate competitive bidding process and do not address the Commission's stated concerns and goals.

Although the E-Rate advocates ultimately do not believe that the Commission needs to implement any aspect of the bidding portal, should it decide to move forward we proposed that it could instead consider adopting a simpler document *repository* requirement as an alternative. We explained that a repository approach could have several advantages over the proposed portal, including: reducing questions during USAC and PIA review, ensuring bid document retention, avoiding potential conflicts with state and local procurement laws; and avoiding unnecessary denials for procedural errors. This approach would also better align with the Inspector General's recommendation.

The E-Rate Advocates further noted that the Draft Order contains several confusing provisions requiring clarification. Whether or not the Commission adopts the bidding portal as proposed or a simpler document repository, to clarify ambiguities and consider streamlining recommendations on the portal framework, we asked the Commission to take public comment and require beta testing prior to the bidding portal rollout, ensure mechanisms are available after rollout to answer questions and release public guidance in a timely way, and extend the effective date of the bidding portal implementation for at least one year.

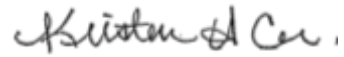
In the meeting with Ms. Thumann, we also suggested allowing a one-year transition period where no violations of portal rules result in funding denial to allow users to get used to the process.

In the meeting with Ms. Thumann, the E-Rate Advocates also asked that the Commission change the waiver standard for late-filed invoices so that petitioners do not have to demonstrate "extraordinary circumstances" in order to receive relief for minor technical invoicing errors, and instead direct the Bureau to use the public interest standard that applies to waivers of all other E-Rate program rules.

We thank the Commission for taking the time to consider our concerns. Please do not hesitate to contact me if you have any questions.

⁴ See, e.g. Letter from Mark Stephens, Managing Director, FCC to Fara Damelin, Inspector General, FCC, re. Inspector General's Top Management and Performance Challenges for FY 2025 for the Federal Communications Commission (Oct. 29, 2024). See also Report to Congressional Requesters, GAO-26-107444 (pub. Dec. 4, 2025, rel. Jan. 5, 2025), available at https://files.gao.gov/reports/GAO-26-107444/index.html?_gl=1*b7lkdm*ga*NTY4NzIwOTE2LjE3NjkwOTU5MTE.*_ga_V393SNS3SR*czE3NjkwOTU5MTEkbzEkZzEkdDE3NjkwOTU5NDIkajI5JGwwJGgw

Sincerely,

A handwritten signature in black ink that reads "Kristen Corra". The signature is written in a cursive, slightly slanted style.

Kristen Corra
Policy Counsel
Schools, Health & Libraries Broadband (SHLB) Coalition
kcorra@shlb.org

cc via email: Danielle Thumann
Marcus Maher

EXHIBIT

The first meeting took place on April 16, 2026 between E-Rate Advocate representatives and Danielle Thumann, Senior Counsel to FCC Chairman Brendan Carr. The second meeting also took place on April 16, 2026 between E-Rate Advocate representatives and Marcus Maher, Senior Legal Advisor to FCC Commissioner Olivia Trusty. Attendees at both meetings included:

- Joey Wender, Executive Director, SHLB
- Kristen Corra, Policy Counsel, SHLB
- Gina Spade, Broadband Legal Strategies, LLC
- Jennifer McKee, Broadband Legal Strategies, LLC
- Robert Bocher, Senior Fellow, American Library Association (ALA)
- Jon Bernstein, President, Bernstein Strategy Group (representing the American Federation of School Administrators and the National Education Association)
- Noelle Ellerson Ng, Chief Advocacy & Governance Officer, AASA, The School Superintendents Association