



July 16, 2021

Kris Monteith
Chief, Wireline Competition Bureau
Federal Communications Commission
45 L St. NE
Washington, DC 20554

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

Dear Ms. Montieth,

On December 14, 2020, the Wireline Competition Bureau (WCB) extended its temporary waivers of the Federal Communications Commission's gift rules applicable to the Rural Health Care (RHC) and E-rate programs to assist rural health care providers and schools and libraries affected by the coronavirus disease, also known as COVID-19. The WCB granted this waiver through June 30, 2021.

Further, the full Commission granted a waiver of the FCC's gift rules related to the new Emergency Connectivity Fund (ECF) through June 30, 2022, in light of the extraordinary needs of schools and libraries to meet the remote learning needs of students, school staff, and library patrons during the pandemic.

Because the COVID-19 crisis has continued to interfere with normal school and library operations, and because we believe it is incredibly confusing for schools and libraries to determine when the gift rules apply under different programs yet with the same basic services and service providers, the Schools, Health & Libraries Broadband (SHLB) Coalition, the Consortium for School Networking (CoSN), the State Educational Technology Directors Association (SETDA), the State E-rate Coordinators' Alliance (SECA), and the American Library Association (ALA), respectfully ask the Bureau to extend the E-rate gift rule waiver until June 30, 2022 to be consistent with the Emergency Connectivity Fund gift rule waiver.

The Secretary of Health and Human Services (HHS) has continued the declaration of a public health emergency every three months beginning in January 2020 until the present day.¹ While the number of overall COVID-19 cases has fortunately declined, the virus continues to be prevalent, and the new "Delta" variant has caused the number of cases to begin rising again in some states.² As CNBC reports,

¹ <https://www.phe.gov/emergency/news/healthactions/phe/Pages/COVID-15April2021.aspx>.

² See, "As Delta Spreads, Virus Cases Rise in New York City." July 14, 2021 (<https://www.nytimes.com/2021/07/14/nyregion/delta-variant-coronavirus.html>). "Hospitalizations rising again as delta variant spreads among the unvaccinated," July 13, 2021 (<https://www.cnbc.com/2021/07/13/hospitalizations-rising-again-as-delta-variant-spreads-among-the-unvaccinated-doctors-say-.html>.)

“The seven-day average of newly confirmed Covid cases has climbed to about 23,300 a day, almost double the average from a week ago, according to data compiled by Johns Hopkins University.”

As a result of the continued pandemic, schools and libraries continue to face challenges with installing broadband technologies to serve their students and library patrons. NTCA–The Rural Broadband Association has also called attention to the supply chain problems that have made it difficult to provision service on time.³ USTelecom has also filed comments outlining the delays in provisioning, as explained in the following news account:

Specifically, USTelecom warned that broadband providers have had to make purchase orders up to 15 months in advance, instead of the typical 1-3 months. The group added that vendors are now requiring purchase orders to be placed six months in advance, and are expected to increase that timeline to a year in advance.⁴

As we said in the past, anchor institutions should have access to every available resource to address the needs of students and patrons during these extraordinary circumstances. While the gift rules are important and necessary to promote fair and open competitive bidding during the normal course of business, the safety and security of our nation’s population comes first. Private sector companies should be permitted to offer, and schools and libraries should be able to accept, donations of whatever broadband equipment and service that they need.

The SHLB Coalition, COSN and SETDA previously submitted a letter on August 4, 2020 asking the FCC to waive the gift rules to June 30, 2021, and we were extremely grateful that the Bureau granted this request in two separate Orders last year. Many schools and libraries have benefited from this regulatory relief. Extending the waiver to June 30 of next year would provide certainty, would be consistent with the end of the funding year for the E-rate program, and would be consistent with the ECF gift rule waiver, and would be easy to administer. The June 30 deadline is also close to the end of the school year (depending on the local school calendar).

For the above reasons, there is good cause for the WCB to extend the waiver of the E-Rate program gift rules in sections 54.622(h) and 54.503(d) of the Commission’s rules through June 30, 2022.

Sincerely,



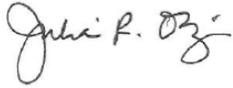
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³https://ecfsapi.fcc.gov/file/106100944422726/06.10.21%20NTCA%20Equipment%20Shortage%20Comments%20WT%20Dkt%2021-195_FINAL.pdf.

⁴<https://www.lightreading.com/cable-tech/us-telecom-groups-warn-of-network-construction-delays-from-chip-shortages/d/d-id/770165>.



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