



October 12, 2023

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

Re: *Modernizing the E-Rate Program for Schools and Libraries*,
WC Docket No. 13-184
Draft Declaratory Ruling, FCCCIRC2310-02

Dear Secretary Dortch:

The State E-rate Coordinators' Alliance (SECA) appreciates the opportunity to review and comment on the draft Declaratory Order that would find the use of Wi-Fi service and equipment, or other similar technologies that act as an access point, on school busses is an educational purpose under E-rate rules and is eligible for E-rate funding.

We note that Footnote 32 of the draft Declaratory Ruling directs the Wireline Competition Bureau to fund these services and to issue a supplemental Public Notice to seek comment on which specific services and equipment to fund as part of the funding year 2024 eligible services list proceeding.

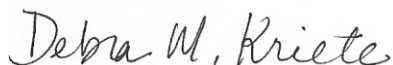
Upon review of the draft Declaratory Order and the *ex parte* letter submitted by the Schools, Health and Libraries Coalition dated October 9, 2023 we have the following comments and suggestions for consideration in connection with the adoption of the declaratory ruling and/or the issuance of the supplemental public notice.

1. The service and related equipment for bus Wi-Fi should be classified as Category one funding similar to the manner in which internet on bookmobiles is classified. Both the internet service and equipment for bookmobiles is classified as Category one.
2. When seeking bids for the service, there should be no RFP requirement unless required by local or state procurement rules.
3. Specific instructions on how to complete the Form 470 regarding the appropriate dropdown options must be provided so that applicants do not mistakenly select the incorrect drop down menu option and experience funding denials due to a perceived competitive bidding violation. Further, in the first year of implementation, the Administrator should be directed to review certified Form 470's for bus Wi-Fi service to ensure they have been filed correctly and to provide outreach/assistance to applicants with incorrectly completed applications.
4. The definition of school bus should be clarified in the following aspects:
 - A. Buses owned by schools qualify for Wi-Fi service and related equipment.

- B. Buses owned by a third party with which a school contracts for student transportation are eligible for E-rate Wi-Fi funding.
 - C. For any third-party owned bus, the district is responsible for ensuring that the E-rate program requirements are followed for the educational use of Wi-Fi on these buses.
5. Authentication (user log in and password) should be required to verify service is used for educational purposes.
 6. The Commission should clarify that when buses are parked, the Wi-Fi service may continue to operate.
 7. Non-eligible use of the school bus Wi-Fi is subject to the cost allocation rules and the 90% safe harbor for eligible internet usage should govern the Wi-Fi equipment and service.
 8. There must be no minimum usage requirement to qualify for E-rate funding reimbursement. Schools and libraries cannot predict with any degree of certainty how often the service will be used, and they are required to pay for the service regardless of how much usage there is. For example, a bus may be out of service for an extended period of time which would result in no Wi-Fi usage during that period, yet the school is obligated to pay for the service.
 9. Multi-year contracts entered into in connection with the ECF program should be exempt from any E-rate competitive bidding requirement.
 10. Schools that have existing bus Wi-Fi equipment that requires a specific service provider's internet service should not be required to comply with the Queen of Peace Order which requires equivalent options to be considered.
 11. Each bus that has E-rate funded Wi-Fi equipment and service should not be required to obtain a separate entity number. If there is already a NIF entity number for the bus garage, the buses should be part of that entity number. Alternatively, the district's entity number should be used for the buses equipped with Wi-Fi.

Please let me know if there are any questions.

Respectfully submitted,



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