

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

In the Matter of)
)
Addressing the Homework Gap through the E-Rate) WC Docket No. 21-31
Program)

**PETITION TO EXTEND COMMENT AND REPLY COMMENT DEADLINE
FOR HOT SPOT NOTICE OF PROPOSED RULEMAKING
PUBLISHED IN FEDERAL REGISTER ON DECEMBER 7, 2023**

The State E-rate Coordinators’ Alliance (“SECA) and the Schools, Health and Libraries Broadband Coalition (“SHLB”) (“Joint Petitioners”) respectfully petition the Federal Communications Commission (“FCC” or “Commission”), pursuant to 47 C.F.R. §1.46, to extend the deadline for the submission of initial and reply comments to the Hot-Spot Notice of Proposed Rulemaking (“Hot Spot NPRM”) published on December 7, 2023 in the Federal Register.¹

The current deadlines for the submission of initial comments and reply comments are January 8, 2024 and January 22, 2024, respectively. The Joint Petitioners request a modest extension to January 26, 2024 for initial comments and February 9, 2024 for reply comments to ensure a comprehensive record is developed to inform the Commission’s development of a report and order. The Commission’s rules allow for extensions of time to be granted for “good cause.” The Joint Petitioners submit that the public interest will be served in granting this request, and provide the following reasons in support thereof:

First, the Hot Spot NPRM poses many questions – well over 150 – and specifically requests data and information from schools and libraries that have purchased and distributed hot spots to students and patrons either with Emergency Connectivity Fund (“ECF”) monies or from other sources. In order to present this information, Joint Petitioners need sufficient time to confer with their organizations’ members and other applicants, particularly those with experience in distributing and loaning hot spots to students and library

¹ <https://www.federalregister.gov/documents/2023/12/07/2023-26033/addressing-the-homework-gap-through-the-e-rate-program>.

patrons. Unfortunately, the current schedule severely limits the Joint Petitioners' efforts. Schools are closed for winter break in the midst of the current comment schedule for a significant period of time, ranging between one and two weeks on average.² Conferring with school officials while they are on winter break is infeasible. This constraint will reduce the Joint Petitioners' ability to prepare comprehensive and responsive comments to assist the Commission's deliberations.

Second, the Joint Petitioners must fulfill numerous other E-rate related obligations simultaneously with the Hot Spot NPRM comment preparation. Most significantly, the same resources and personnel focusing on the Hot Spot NPRM are also working on the Cybersecurity Pilot Notice of Proposed Rulemaking ("Cybersecurity NPRM").³ Even though the text of the Hot Spot NPRM was initially available in late November, SECA and SHLB were working on the School Bus Wi-Fi comments, which were due on November 30, 2023. Furthermore, the Commission just released the final Eligible Services List for the E-rate program in 2024, which includes several significant changes from previous years (such as the eligibility of school bus Wi-Fi). School personnel will be working to implement this new rule change now in preparation for the E-rate application filing window from January to March. While we very much appreciate the Commission's recent actions to update the E-rate program, the multiple overlapping comment cycles are unquestionably straining our resources.

Third, during this time of year, the E-rate program is very busy even without the pendency of two NPRMs. For example, SECA members are busy conducting their state-based E-rate training, supporting applicants' efforts to post FCC Form 470 applications and update their entity profiles in the E-rate Productivity Center ("EPC") and providing outreach and training on the newly eligible school bus Wi-Fi equipment and service.

² The five largest districts in the country provide a geographically diverse survey of a typical winter break for schools across the country:

- New York City Public Schools' winter break is from December 25 through January 1 (5 weekdays).
- Los Angeles Unified School District's winter break is from December 21 through January 5 (12 weekdays).
- Chicago Public Schools' winter break is from December 22 through January 5 (6 weekdays),
- Miami-Dade County Public Schools' winter break is from December 25 through January 5 (10 weekdays).
- Clark County Nevada School District's winter break is from December 18 through January 1 (11 weekdays).

³ Once the Cybersecurity NPRM is published in the Federal Register and the comment cycle is set, Joint Petitioners anticipate the comment cycles of the two NPRMs will overlap.

Fourth, Joint Petitioners submit that an extension will create an opportunity for broader and more meaningful participation of the E-rate stakeholder community in this proceeding. SECA includes more than 75 members representing 42 states and two territories, who assist thousands of applicants with their E-rate filings and also are responsible for filing statewide or regional network applications. The SHLB Coalition includes over 300 members, including schools, libraries, E-rate consultants and E-rate providers that participate actively in the E-rate program. Furthermore, the Joint Petitioners have been leaders in this effort. Joint Petitioners were among those who filed the initial Petition calling for E-rate support for affordable internet access for students and library patrons in January 2021. It is extremely important that the FCC has the full benefit of SECA and SHLB members' expertise to develop the right rules and policies to keep these students and patrons connected.

Fifth, this is not a minor proceeding. The hot spot NPRM is one of the most significant proceedings aimed at providing millions of students and library patrons with affordable internet access. According to the FCC's own analysis, over 18 million students currently receive ECF funding for broadband access and equipment, but the ECF funding will be exhausted by the end of June 2024.⁴ This proceeding has also caught the attention of legislators on Capitol Hill. It will be especially important for the FCC to develop a full record in this proceeding to ensure that the program is on sound footing and meets its goals.

Finally, the brief extension sought by this Petition will not impede the Commission's ability to timely adopt the final rules and issue a report and order promptly, in time for the start of the FY 2025 procurement period, which begins on July 1, 2024, a year ahead of the funding period.⁵

⁴ <https://www.fcc.gov/emergency-connectivity-fund>.

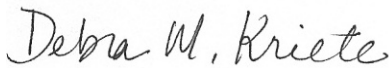
⁵ The FCC Form 471 filing window dates have been set from January 17 through March 27, and Joint Petitioners surmise that the hot spot report and order will not be issued in time for the FY 2024 filing period. Should we be mistaken, and the Commission intends to rule that off campus hot spots will be eligible in FY 2024, this modest extension request of two and one half weeks still will not impede the Commission's action. Whether the comment period closes on January 22 or later on February 9 as this Petition requests, an extension of the window deadline for this particular service or a separate filing window will be inevitable, to provide adequate time for schools and libraries to submit their applications following the Commission's issuance of the off campus hot spot final rules in a report and order.

For these reasons, the Joint Petitioners submit the requested extension is for good cause and in the public interest, and respectfully request the Commission to revise the initial comment due date to January 26, 2024 and the reply comment due date to February 9, 2024.⁶

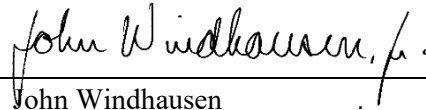
Respectfully submitted,

STATE E-RATE COORDINATORS'
ALLIANCE

SCHOOLS, HEALTH & LIBRARIES
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⁶ If possible, we respectfully ask the Commission to rule on this extension request by Friday, Dec. 22, 2023 so that commenters can plan their work around the upcoming holidays.