

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

In the Matter of)	
)	
Rural Digital Opportunity Fund)	WC Docket No. 19-126
)	
and)	WC Docket No. 10-89
)	
Connect America Fund)	

Comments of the Schools, Health & Libraries Broadband (SHLB) Coalition, Access Humboldt, Institute for Local Self-Reliance, Center for Rural Strategies, Infinity Consulting, Common Spirit Health, Bento Institute for Broadband & Society, ADS Advanced Data Services, Tribal Digital Village Network, A Better Wireless, Education Superhighway, OCHIN Broadband Network Service, New Mexico Public School Facilities Authority (PSFA) and X-Lab

SHLB Coalition
1250 Connecticut Ave. NW Suite 700
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September 20, 2019

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The parties listed above (collectively called the “Rural Anchor Institution Supporters”) appreciate the opportunity to file these brief comments in the above-captioned proceeding to call attention to the importance of including community anchor institutions in the “locations” to be served by broadband providers who receive support from the Rural Digital Opportunity Fund (RDOF).¹ Enhancing the broadband capabilities of community anchor institutions is especially important to the most vulnerable segments of our population: those in rural areas, low-income

¹ The SHLB Coalition is a broad-based coalition of commercial and non-commercial organizations that share the goal of promoting open, affordable, high-capacity broadband for anchor institutions and their communities. SHLB Coalition members include representatives of schools, libraries, telehealth networks, state broadband offices, private sector companies, state and national research and education networks, and consumer organizations. See <http://shlb.org/about/coalition-members> for a complete list of SHLB Coalition members. The Coalition believes that high-capacity broadband is the key infrastructure that libraries, K-12 schools, community colleges, colleges and universities, health clinics, public media, public housing and other anchor institutions need for the 21st century. Enhancing the broadband capabilities of these community anchor institutions is especially important to the most vulnerable segments of our population: those in rural areas, low-income consumers, disabled and elderly persons, students, minorities, and many other disadvantaged members of our society.

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I. The FCC Should Include Anchor Institutions in the Types of Entities that Recipients of Funding Must Serve.

The Rural Anchor Institution Supporters applaud the Federal Communications Commission's (FCC's) effort to promote the deployment and availability of rural broadband through the proposed Rural Digital Opportunity Fund (RDOF). Unfortunately, the Notice of Proposed Rulemaking (NPRM) repeatedly refers to the "homes and small businesses" that will be served by the RDOF, without any mention of anchor institutions.² Paragraph 4 of the NPRM, for instance, says: "The framework we propose today represents the Commission's single biggest step yet to close the rural digital divide and will connect millions more rural homes and small businesses to high-speed broadband networks." The Press Release issued on August 1, 2019 announcing the approval of the NPRM similarly refers to homes and small businesses in both the sub-heading and the body, but does not reference anchor institutions.³

The omission of any reference to anchor institutions is inconsistent with the policies adopted by the Commission in the 2011 *USF/ICC Transformation Order*.⁴ In that Order, the Commission frequently described the importance of providing broadband capability to community anchor institutions.⁵ For instance,

² In re Rural Digital Opportunity Fund, WC Docket No. 19-126, Notice of Proposed Rulemaking, FCC 19-77 (Rel. Aug. 2, 2019) available at <https://docs.fcc.gov/public/attachments/FCC-19-77A1.pdf>.

³ <https://docs.fcc.gov/public/attachments/DOC-358831A1.pdf>.

⁴ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663, 17667, para. 1 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁵ In the *USF/ICC Transformation Order*, the Commission twice adopted the definition of anchor institutions that was contained in the American Recovery and Reinvestment Act of 2009. See, footnote 37 ("We note that '[c]ommunity anchor institutions' as defined in the Recovery Act include schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and

- the Commission’s stated goal #2 was to “ensure universal availability of modern networks capable of providing voice and broadband service to homes, businesses, and **community anchor institutions**.”⁶ (emphasis added)
- in summarizing the purpose of creating the Connect America Fund (CAF), the Commission stated that “The CAF will help make broadband available to homes, businesses, and **community anchor institutions** in areas that do not, or would not otherwise, have broadband . . .”⁷ (emphasis added)
- in measuring its progress in achieving this goal, the Commission required CAF recipients “to report on the number of **community anchor institutions** that newly gain access fixed broadband service as a result of CAF support.”⁸ (emphasis added)
- In discussing the need for Phase I and Phase II support for price cap companies, the Commission said, “Through these coordinated mechanisms, the CAF will **immediately** begin making available broadband and advanced mobile services to unserved American homes, businesses and **community anchor institutions** . . .”⁹ (emphasis added);
- While the Commission did not require carriers to offer broadband service to anchor institutions at any particular broadband speed, the Commission did “acknowledge that **community anchor institutions generally require more bandwidth than a residential customer**,” and it said that it would “expect that ETCs would provide higher bandwidth offerings to community anchor institutions in high-cost areas **at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas**.”¹⁰

The only references to anchor institutions in the RDOF NPRM are contained in paragraphs 32 and 36 in the Initial Regulatory Flexibility Analysis in Appendix B. While it is certainly helpful to remind providers to include anchor institutions when filling out the forms,

entities. See 47 U.S.C. § 1305(b)(3)(A). We adopt that definition for purposes of these rules.”) See also footnote 163 (“For purposes of this order, we define ‘community anchor institutions’ to mean schools, libraries, medical and healthcare providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low-income, the unemployed, and the aged. We draw upon the definition used in implementing American Recovery and Reinvestment Act of 2009. See 75 Fed. Reg. 3792, 3797 (Jan. 22, 2010).”)

⁶ Id., Para. 17.

⁷ Id., Para. 20.

⁸ Id., Para. 19.

⁹ Id., Para. 120.

¹⁰ Id., Footnote 164.

there is no reason to relegate anchor institutions to such a low-profile status. The lack of references to anchor institutions in the main body of the NPRM conveys the impression that anchor institutions are an after-thought and that recipients should focus their efforts only on connecting homes and businesses.

There is good reason for emphasizing the importance of providing broadband for anchor institutions. Community anchor institutions play a vitally important role in rural communities.¹¹ Libraries are often the only provider of broadband access to the general public. Schools are increasingly incorporating Internet applications and smartphones and tablets into their curriculum, all of which require greater bandwidth. Health clinics often provide rural residents with their only connections to medical specialists around the country. Rural colleges and community colleges may provide the essential post-secondary educational services that rural residents need to find jobs and create economic opportunities in their regions.

The broadband needs of community anchor institutions should not be taken for granted. Anchor institutions have a great need for additional broadband capacity, and their needs continue to grow. This is why the National Broadband Goal #4 specifically calls for 1 Gigabit capacity to anchor institutions.¹² Furthermore, anchor institutions are often an essential component of a “success-based build”¹³ strategy; anchor institutions can serve as “anchor tenants” and can help the network as whole achieve long-term financial sustainability. Building out to community anchor institutions can provide great “bang for the buck”, as the capacity used to serve the

¹¹ Several reports document the needs of community anchor institutions for greater bandwidth and the economic benefits of serving them. Two such reports are “The Broadband Imperative” published by SETDA (available at <http://tinyurl.com/krt8fv>); and “Anchor Institutions Help Secure Broadband’s Promise” by Dr. William Lehr (available at <http://tinyurl.com/osumlfw>).

¹² <https://www.fcc.gov/general/national-broadband-plan>.

¹³ A “success-based build” strategy can perhaps be understood as the opposite of a “build it and they will come” strategy.

anchor institutions can also be shared with the surrounding business and residential community. Perhaps most important, community anchor institutions serve the general public; it is the residents in each community of these health, information and educational services that will benefit most from supplying high-capacity, high-quality broadband to anchor institutions. Investing in broadband networks to serve community anchor institutions is an important social good and has a multiplier effect on the economic activity in the community as a whole.

II. The Commission Should Also Require Recipients of RDOF Funding to Incorporate the Needs of Anchor Institutions into their Network Design.

The *USF/ICC Transformation Order* did not just call upon recipients of funding to serve anchor institutions. The Order also required recipients of funding to work with anchor institutions in designing the network. According to the *USF/ICC Transformation Order*:

We also expect ETCs to engage with community anchor institutions in the network planning stages with respect to the deployment of CAF-supported networks. We require ETCs to identify and report on the community anchor institutions that newly gain access to fixed broadband service as a result of CAF support. In addition, the Wireline Competition Bureau will invite further input on the unique needs of community anchor institutions as it develops a forward-looking cost model to estimate the cost of serving locations, including community anchor locations, in price cap territories. (footnotes omitted) (Para. 102)

The Commission also recognized that recipients of CAF funding should provide higher bandwidth to anchor institutions than residences:

There is nothing in this order that requires a carrier to provide broadband service to a community anchor institution at a certain rate, but we acknowledge that community anchor institutions generally require more bandwidth than a residential customer, and expect that ETCs would provide higher bandwidth offerings to community anchor institutions in high-cost areas at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas. (Footnote 164)

The Rural Anchor Institution Supporters believe this is the time for the FCC to re-double its efforts to recognize the importance of community anchor institutions by specifically requiring recipients of RDOF funding to deploy high-quality broadband to the anchor institutions in their service areas. We respectfully request that future references to “locations” to be served, including in both the upcoming Order and in press materials, should recognize “homes, businesses and anchor institutions,” as it did in the *USF/ICC Transformation Order* in 2011 and should encourage the policy of requiring recipients of RDOF funding to reach out to anchor institutions and incorporate their needs for high-capacity broadband into the design of their networks before they are deployed.

Sincerely,



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