



July 14, 2022

**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
- Implementation of the Affordable Connectivity Program, WC Docket No. 21-450
- Report on the Future of the Universal Service Fund, WC Docket No. 21-476
- Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84

Dear Madam Secretary:

Pursuant to Federal Communications Commission's ex parte rules, I hereby submit the following summary of our July 11, 2022, conversation with Justin Faulb in Commissioner Starks' office. The following individuals participated in the call along with the undersigned: John Windhausen, Jr., Executive Director, SHLB Coalition; Justin Faulb, Wireline and National Security Advisor for FCC Commissioner Geoffrey Starks; Case Smith, Legal Intern, Office of FCC Commissioner Geoffrey Starks; and Shiva Sethi, Legal Intern, Office of FCC Commissioner Geoffrey Starks.

The participants in the call discussed the following topics and made the following points:

- E-rate Program: SHLB is strongly opposed to the implementation of a competitive bidding portal as proposed in the Commission's notice of proposed rulemaking on E-rate competitive bidding (WC Docket No. 21-455). SHLB believes that there is no evidence of significant fraud in the program to justify re-shaping the entirety of the application process. A competitive bidding portal would narrow the bid process by only allowing bidders to provide their bid to the portal, thereby cutting off communication between the bidders and E-rate applicant. This would ultimately harm the competitive process, as bidders would not have an opportunity to adjust their proposals to accommodate the needs of the school or library. In addition, having all the bids submitted to USAC through the portal sets up the opportunity for undertrained USAC staff to second guess the judgment of the applicant. Further, implementation of the portal itself would be in

direct conflict with some state laws that do not allow an applicant to post this type of information to outside parties.

- **Wi-Fi on School Buses:** SHLB supports Chairwoman Rosenworcel’s proposal for making Wi-Fi on school buses eligible for E-rate funding. SHLB’s members, however, have inquired as to the status of the draft order that is currently on circulation with the Commission, and whether it specifies if the expenses associated with Wi-Fi on school buses will be classified as either Category 1 or Category 2.
- **Universal Service Fund:** SHLB has been working closely with other organizations and individuals in support of contribution reform to the Universal Service Fund (USF) and continues to urge the FCC to resolve this matter as soon as possible. SHLB also indicated that it joined the Commission’s current 5<sup>th</sup> Circuit appeal as an Intervenor to support the constitutionality of the Universal Service system.
- **Pole Attachments:** SHLB supports the Commission’s current further notice regarding the cost allocation of pole replacements and believes that delays and failed negotiations around pole replacements pose a problem for schools, libraries and other anchor institutions. SHLB has proposed the idea of state pole attachment working groups to assist in expediting pole problems.

The participants also discussed concern about the eligibility treatment of public housing and homeless shelters under the Affordable Connectivity Program (ACP). SHLB further submits the following explanation and example from one of its members, which was not discussed on the call:

- E-rate Central and WestHab submitted reply comments to the Commission’s Further Notice of Proposed Rulemaking on the Implementation of the Affordable Connectivity Program on April 5, 2022 (Reply Comments). In the Reply Comments, E-rate Central and WestHab submit that encouraging bulk ACP subscriptions and ACP administration by housing managers is the most efficient way to achieve participation in housing complexes and homeless shelters. This approach requires removal of the “one economic unit” ACP limitation currently imposed on homeless shelters via footnote 309 in the Commission’s ACP Order. To demonstrate this approach, E-rate Central and WestHab highlighted the following example:

WestHab’s Dayspring Commons shelter is a new 63-unit building located in the Nodine Hill community in Southwest Yonkers, NY. It has been open now for four months and is already at full occupancy. It was built, from its initial design, for full WiFi capability with many residents now having never-before internet services at 300 Mbps. level in each apartment. WestHab already has extensive financial data available on all its residents and will be able to work with its internet provider, currently Crown Castle Fiber (SPIN 143005274) to validate

the eligibility of all its residents to support ACP discounts, substantially under \$30/month per resident, sufficient to cover building-wide internet charges of approximately \$1,000 per month.

Sincerely,



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