

**Before the
United States Department of the Treasury
Washington, DC**

Coronavirus State and Local Fiscal Recovery) RIN 1505-AC77
Funds Interim Final Rule Comments)

**COMMENTS OF THE
SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION**

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Coronavirus State and Local Fiscal Recover Funds Interim Final Rule Comments

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The Schools, Health & Libraries Broadband Coalition (“SHLB”) is pleased to submit these brief comments in response to the Interim Final Rule issued by the Department of the Treasury (“Treasury”) related to the administration of Coronavirus State and Local Fiscal Recovery Funds¹ under the American Rescue Plan Act of 2021 (“ARPA”).²

The SHLB Coalition³ is a non-profit public interest organization whose mission is to promote open, affordable, high-quality broadband for anchor institutions and their communities. Anchor institutions⁴ play a critical role in providing internet-based services to their communities and residential consumers in particular. For example, libraries provide public access computers at no cost to library patrons as well as online databases of information, schools often provide laptop computers and on-line instructional materials, and healthcare providers increasingly offer telemedicine services, which have exploded in popularity during the COVID-19 health crisis. Schools and libraries are also increasingly providing their own private LTE networks to address the “homework gap” and connect students and library patrons at home.⁵

The needs of community anchor institutions for gigabit broadband connectivity were recognized in the National Broadband Plan issued in 2010. Goal #4 of that Plan called for gigabit service to all anchor institutions, as set forth below:

Goal No. 4: Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings. Schools, libraries and health care facilities must all have the connectivity they need to achieve their purposes. This connectivity can unleash innovation that improves the way we learn, stay healthy and interact with government. If this plan succeeds, every American community will have affordable access to far better broadband performance than they enjoy today. . . . In some communities, gigabit connectivity may not be limited to anchor institutions. Certain applications could also require ultra-high-speed connectivity at home. And once community anchors are connected to gigabit speeds, it would presumably become less expensive and more practical to get the same speeds to homes.⁶

Unfortunately, the needs of anchor institutions are sometimes left out of broadband policy programs. The traditional industry tends to divide broadband customers into two categories –

¹ *Coronavirus State and Local Fiscal Recovery Funds*, RIN 1505-AC77, Interim Final Rule, 86 Fed. Reg. 26786 (May 17, 2021) (“Interim Final Rule”).

² American Rescue Plan Act of 2021, Pub. L. No. 117-2, Title IX, Subtitle M, § 9901 (2021).

³ SHLB Coalition members include representatives of schools, libraries, health care providers and 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 current list of SHLB Coalition members.

⁴ According to NTIA, “Community Anchor Institutions—means schools, libraries, medical and healthcare providers, public safety entities, public housing authorities, institutes of higher education and other community support organizations that provide outreach, access, equipment and support services to facilitate greater use of broadband service by the entire population and local governments.” See NTIA’s NOFO on the Broadband Infrastructure program, p. 6, available at [file:///C:/Users/johnw/Downloads/NTIA%20Broadband%20Infrastructure%20Grant%20Program%20NOFO%20\(1\).pdf](file:///C:/Users/johnw/Downloads/NTIA%20Broadband%20Infrastructure%20Grant%20Program%20NOFO%20(1).pdf).

⁵ The SHLB Coalition provided over a dozen examples of anchor institutions providing service to their communities in the Appendix of its filing with the FCC on the Emergency Connectivity Fund (ECF) available at <https://ecfsapi.fcc.gov/file/104060179212275/SHLB%20ECF%20Comments%20FINAL.pdf>.

⁶ <https://www.fcc.gov/general/national-broadband-plan>, P. 10.

business and residential, which leaves anchor institutions in limbo. This industry practice tends to find its way into government rules. For example, the Federal Communications Commission rules to award funding to serve unserved rural markets through the Rural Digital Opportunity Fund (RDOF) focused on supplying broadband to residential consumers but denied the SHLB Coalition's request to include service to anchor institutions in these communities. As a result, there is a great risk that anchor institutions will be bypassed by the recipients of RDOF funding.

Fortunately, the National Telecommunications and Information Administration (NTIA) has taken a more holistic approach. It recently issued rules for the Broadband Infrastructure Program that specifically reference the importance of serving anchor institutions. In the Project Purpose and Benefits section, NTIA describes the benefits as follows:

- a. Level of Impact in the Proposed Service Area (20 points). Reviewers will consider the number of total households, businesses and community anchor institutions that the project will connect in the proposed service area; the total number of unserved households, as defined in Section I.B.10 of the NOFO, that the project will connect in the proposed service area; the total number of households, businesses, and community anchor institutions that will receive qualifying broadband service; and the total number of households, businesses, and community anchor institutions that will receive broadband service at speeds greater than qualifying broadband service.

We urge the Treasury Department to take the same approach to ensure anchor institutions are served by awardees of broadband funding from the Coronavirus State and Local Fiscal Recovery Funds program. We also submitted similar comments to the Treasury Department regarding the Capital Projects Fund, and we urge the Treasury Department to include anchor institutions in that program as well.

Sincerely,



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