



Feb 10, 2022

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

**Re: Ex Parte Filing**

Promoting Telehealth in Rural America, WC Docket No. 17-310

Dear Madam Secretary:

Pursuant to Federal Communications Commission's *ex parte* rules, the Schools, Health & Libraries Broadband Coalition (SHLB) hereby submits the following request for additional questions to be included in the Commission's upcoming Further Notice of Proposed Rulemaking (FNPRM) called "Strengthening Rural Health Care Program Procedures" before the Commission's vote to approve this item.

We very much appreciate the tone and substance of the proposed FNPRM. The SHLB Coalition shares the Commission's interest in improving the Rural Health Care (RHC) program – SHLB members file well over half of all RHC applications. The following questions were developed after consulting with our members and reflect our strong interest in working with the FCC to improve the program going forward. We respectfully ask you to add the following questions to the FNPRM:

1. Should the overall cap on the RHC program be raised in preparation of future demand? The COVID-19 pandemic has brought sudden and long-lasting changes to the telehealth marketplace. Some say that telemedicine is here to stay, as long as there is adequate broadband connectivity to support it. The FCC has rolled over unspent funds from previous years in order to fully fund the program for the past few years. But the availability of roll-over funding is likely to diminish in future years, especially as the demand for funding grows. Should the Commission thus raise the cap now to ensure that there is enough funding available to fully fund all deserving applications in the future?
2. We appreciate that the FNPRM asks whether to eliminate the internal cap altogether, which we believe has outlived its usefulness. If, however, the Commission does not eliminate the internal cap, what types of funding commitments should be subject to the HCF internal cap in the future? If the principal reason for the internal cap is to prevent large construction projects that require upfront payments from draining the HCF, should

multi-year funding requests and/or equipment funding requests be removed from the internal cap because they promote efficiency in the application process and pose little risk of draining the fund?

3. In determining the appropriate urban and rural rates for the purposes of determining the amount of the subsidy in the Telecommunications Program, should the Commission consider the competitiveness of the urban and rural markets? For instance, if multiple bidders respond to an RFP to provide service in a market, should the Commission consider the rate charged by the most cost-effective provider to be the rate used in calculating the discount? Or, even if there is only one bidder offering to provide service, does the existence of other potential bidders that choose not to bid, or the threat of entry by multiple providers create enough of an incentive to consider the rate offered by the sole provider to be the established rate?
4. Gathering and analyzing urban and rural rates is time-consuming for FCC and USAC staff, and it also can lead to some arbitrary results. In light of this, is the creation of a granular urban-rural database cost-effective, particularly since the use of the Telecommunications Program is declining and the data is likely to be skewed because substantial amounts of services are provided pursuant to confidential contracts? How can the Commission ensure that urban rates are not skewed by rates offered, if at all, in the outskirts of an MSA, but that are not representative of rates in the core urban community? Would it be more cost-effective and reflective of the range of potential factors affecting rates, such as geography, the number of facilities-based providers, volume, term, and service level and quality to let the market set the rates and allow the Commission to review or audit the rates selectively to prevent any potential abuse?
5. Under the current rules, it is difficult to obtain approval for equipment in the Healthcare Connect Fund (HCF). The Commission's rules are not as clear as they could be for determining what equipment is or is not eligible, which often results in inconsistent case-by-case funding decisions. How can the Commission clarify the eligibility of broadband equipment going forward?

Sincerely,



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