

Gina Spade  
(202) 907-6252  
gina@broadbandlegal.com

February 9, 2021

**SUBMITTED ELECTRONICALLY VIA ECFS**

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

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

Dear Ms. Dortch:

On February 8, 2021, John Windhausen, Jr., executive director of the Schools, Health & Libraries Broadband (SHLB) Coalition; SHLB members Marci White, Dan Kettwich, and Miriam Gillow-Wiles; and the undersigned counsel for SHLB, spoke via conference call with Ben Arden, legal advisor to Commissioner Carr. During this meeting, we discussed SHLB's RHC Waiver Request filed in the above docket on January 25, 2021.<sup>1</sup>

We discussed the urgency of extending the April 1 deadline for RHC program applications for two months due to the fact that most of the commitments for FY 2020 have not yet been issued. SHLB members explained that health care providers are spending additional time and effort right now on their applications that they probably will not need to spend once the Universal Service Administrative Company (USAC) issues a commitment and decides that they do not have to seek additional bids. A two-month delay in the deadline would be a win-win situation: it would give health care providers more time to juggle the many demands on them due to the pandemic and allow USAC to complete the many tasks it has been assigned by the Commission during the past year.

Similarly, the parties discussed that the Commission should move quickly to postpone the use of the urban and rural rates database. The implementation of the database this year will result in health care providers, on average, paying triple the out-of-pocket costs they did previously for the same bandwidths. The anomalies cited by the Bureau in the *Alaska Database Order* exist in the rest of the database as well, as the letter discussed.

---

<sup>1</sup> Letter from John Windhausen, Jr., Executive Director, Schools, Health & Libraries Broadband (SHLB) Coalition to Chairwoman Jessica Rosenworcel, Commissioner Brendan Carr, Commissioner Geoffrey Starks, Commissioner Nathan Simington, Federal Communications Commission (Jan. 25, 2021) (RHC Waiver Request).

Health care providers simply cannot bear these additional costs in normal years, much less during the national health care crisis we currently face. SHLB noted that the urban rate anomalies cited in the letter include some urban rates that are higher than rural rates, so those health care providers cannot participate in the Telecom program. For example, no rural health care provider in the entire state of Georgia can receive funding from the Telecom program because the database's urban rates are all higher than the rural rates – that simply cannot reflect market realities. In addition, such a result cannot be what the Commission intended and is inconsistent with the statute. We urged the Commission to postpone the implementation of the database until it conducts a factual analysis of the impact of the database rates on healthcare providers and to allow applicants to use rates approved in previous years for the current year.

Please let us know if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gina Spade".

Gina Spade

*Counsel for Schools, Health & Libraries Broadband Coalition*

cc: Ben Arden  
John Windhausen, Jr.