Before the

**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C.  20554

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| In the Matter of ) | GN Docket Nos. 09-47, 09-51, 09-137 |
| Broadband Needs in Education, ) | |
| Including Changes to E-Rate ) | CC Docket No. 02-6 |
| Program to Improve Broadband ) | |
| Deployment – NPB Notice #15 ) | WC Docket No. 05-195 |

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**REPLY COMMENTS OF THE**
**SCHOOLS, HEALTH AND LIBRARIES BROADBAND COALITION**
**RE:  NPB Notice #15**

The Schools, Health and Libraries Broadband (SHLB) Coalition is very pleased to submit these reply comments in response to the Public Notice concerning broadband access in education.  The SHLB Coalition supports building very high-capacity broadband connections to anchor institutions, such as schools and libraries.  These comments recognize the importance of the E-rate program to schools and libraries and offer some recommendations to strengthen that program.

**I.  Background.**

The SHLB Coalition represents a broad cross-section of community anchor institutions and a variety of entities that support high-bandwidth connections to these institutions, including commercial and non-commercial broadband providers.  Our membership includes organizations representing libraries, community colleges, colleges and universities, K-12 schools, hospitals and rural health clinics, fiber deployment companies, and national, state, regional broadband networks.[1]  Many of our members provide broadband services to educational institutions and libraries and receive E-rate assistance.

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[1] A complete list of our members is available at www.shlbc.org.

The mission of the Schools, Health and Libraries Broadband Coalition is to improve the broadband capabilities of schools, libraries and health care providers so that they can enhance the quality and availability of the essential services they provide to the public and serve vulnerable populations more effectively. Anchor institutions such as schools, libraries and health care entities require very high-bandwidth broadband connections to provide essential services to their community, including remote medical care, distance learning, job training, access to e-government benefits, and many more. Because of the growth of high-definition streaming video and other bandwidth-intensive uses, these institutions need upgraded broadband connections simply to maintain their current level of service, and they need even greater levels of bandwidth to plan for the future. Anchor institutions often need capacity that is far greater than the bandwidth needed by individual households. Furthermore, anchor institutions serve some of the most vulnerable, "at-risk" segments of our society – unemployed, rural, low-income, disabled, immigrants, students, and elderly people.

In addition to these essential broadband-delivered services, there is another, equally important reason that community anchor institutions should be considered as essential building blocks for the future. Building "open" broadband pipes to anchor institutions can help bring high-capacity broadband closer to surrounding residential consumers. Community anchor institutions often serve as economic and social "hubs" of their regions; both residential and commercial development often clusters around the school, hospital and library. Building open, high-bandwidth broadband facilities makes it easier to provide broadband services to these surrounding homes and businesses. These high-capacity fiber or wireless facilities can be used as "jumping off" points (or "stepping stones") to which Last Mile broadband providers can interconnect and from which they can provide wired and wireless broadband services to homes, businesses and non-profit entities in the area.

**II. Research.**

The Public Notice asks for "data, reports, and case studies" that documents the use of broadband services to support educational services. There are many such studies. A few of these are listed below:

- The Information Technology and Innovation Foundation (ITIF) has found that communities that have broadband generate 1% more jobs than communities without broadband, and that every $5 billion in spending creates 250,000 jobs.[2]

- The American Library Association's most recent report on public library funding and technology access called Libraries Connect Communities 3 found that "education resources and databases for K-12 students top the list as the Internet service most critical to the role of the public library, followed by services to support job-seekers".  It also found eighty-one percent of public libraries say that they do not have sufficient computer capacity to meet the needs of their patrons, and that nearly sixty percent of libraries now report that their bandwidth is insufficient some or all of the time (up from 57.5% last year).[3]

- The Institute of Museum and Library Services (IMLS) found that libraries and museums are trusted far more than other sources of information, including government, commercial and private individual websites.[4]

- The State Educational Technology Directors Association (SETDA) recommends that in the next 5-7 years, K-12 schools should have an external Internet connection to an ISP of at least 100 Mbps per 1,000 students/staff, and an internal wide area network connection from the district to each school of at least 1 Gbps per 1,000 students/staff.[5]

- A 2006 study by the Greaves Group found that 88% of schools that implemented "ubiquitous computing" in the school had improved academic results. It also found that "a bandwidth crisis is looming" because the schools typically had about 2.9 kbps of bandwidth and would need as much as 40 kbps [per student] in five years.[6]

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[2] See http://speedmatters.bluestatedigital.com/benefits/archive/economic_growth_quality_jobs/.

[3] See, Davis, et al. (2009). *Libraries Connect Communities 3: Public Library Funding & Technology Access Study*. Chicago: American Library Association. ("Libraries Connect Communities 3"). Available: http://ala.org/ala/research/initiatives/plftas/2008_2009/index.cfm.

[4] Griffiths, et al., "*Interconnections:  The IMLS National Study on the Use of Libraries, Museums and the Internet,* February 2008, available at http://interconnectionsreport.org/reports/ConclusionsFullRptB.pdf.

[5] See, "High-Speed Broadband Access for All Kids: Breaking Through the Barriers," available at http://www.setda.org/web/guest/2020/broadband.

[6] See, America's Digital Schools 2006, available at http://www.ads2006.net/ads2006/pdf/ADS2006KF.pdf.

With this background in mind, the SHLB Coalition offers the following specific comments in response to the questions raised in the Public Notice:

### III. Recommendations.

The E-rate program has been enormously successful in extending Internet access to the public through schools and libraries.  The E-rate program was one of the first programs to recognize that "advanced services" (the language in the Telecom Act of 1996 that described high-speed Internet access services) would be an integral component of the services provided by schools and libraries.  Today, 99% of public libraries and large percentage of schools have connections to the Internet, largely due to the E-rate program.

1. While the broadband needs of schools and libraries continue to grow, the E-rate program has not.  The cap on the E-rate disbursements to schools and libraries was set at $2.25 billion per year in 1997 and has not changed since then.  The annual cap on the fund is a significant restraint on the ability of the fund to adapt to the growth in the marketplace for much higher capacity bandwidth.  Libraries and schools need ever higher capacity simply to keep up with existing user demand, and even more capacity will be needed in the future to handle future growth trends.  As the Government Accountability Office (GAO), the American Library Association, EdLiNC, and others have pointed out, the growth in Priority 1 (telecommunications and Internet access services) funding over the past few years has significantly reduced the amount of funding available for Priority 2 (internal connection) expenses.  If current trends continue, as is likely, the requests for Priority 1 funding will soon be larger than the $2.25 billion annual cap.  Not only will this mean that some schools and libraries will not be able to receive funding for broadband services that they need; at some point the cap will also inhibit schools and libraries from planning to increase their bandwidth for the future out of a concern that the E-rate support will not be available.  For all these reasons, we respectfully request that the FCC raise the cap on E-rate (at a minimum to an inflation-adjusted amount) to continue to allow adequate support for the high-capacity broadband needs of schools and libraries in the future.

2. The SHLB Coalition does not believe it would be appropriate to include funding for computers or teacher training, as the Notice suggests (in question 11.e.) The E-rate program was originally designed to address the need for telecommunications services and advanced services (including high-speed Internet access).  As discussed above, the program is having difficulty meeting its *current* objectives because the increase in requests for greater broadband capacity is bumping up against the annual cap on the fund.  Extending the funding beyond telecommunications and advanced services to "computers and other end user equipment," and "training for teachers of librarians in the use of technology," would put even further strain on the program and should not be considered at this time.

3. The SHLB Coalition supports the concept that high-bandwidth facilities to schools and libraries, as anchor institutions, should be capable of being used as "jumping off" points from which broadband providers can serve the surrounding residential and business community.  In other words, the high-capacity fiber cables or wireless networks deployed to serve the needs of schools and libraries should be publicly available to serve others as well. We are not suggesting that the FCC alter the statutory language that prohibits a school or library from reselling E-rate supported services.  We are instead suggesting that facilities built to serve schools and libraries may often be built to contain additional capacity (e.g. additional fiber strands or wireless frequencies) that could serve the surrounding community.  It would be helpful for the Commission to clarify how this can be accomplished.  For instance, it may be necessary to allocate the costs of a large capacity broadband network between the capacity provided to the school or library (eligible for E-rate support) and other costs.  Providing such certainty would provide helpful guidance to the industry as they plan their network deployments.

4. The SHLB Coalition supports the recommendations contained in the comments of the ALA and EdLiNC to streamline and improve the administrative processes of the E-rate program. Such improvements will reduce administrative costs for both applicants and the government and will allow more efficient use of these funds.

**IV. Conclusion**

The SHLB Coalition appreciates the opportunity to submit these reply comments in response to the Public Notice concerning broadband access in education. The SHLB Coalition urges the Commission to focus its efforts on promoting the construction of very high-capacity broadband connections to anchor institutions, such as schools and libraries.

Sincerely,

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