

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Modernizing the E-rate) WC Docket No. 13-184
Program for Schools and Libraries)
)

**REPLY COMMENTS OF THE MINORITY MEDIA
AND TELECOMMUNICATIONS COUNCIL, THE RAINBOW PUSH COALITION,
AND THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS**

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I. INTRODUCTION

The Minority Media and Telecommunications Council, the Rainbow PUSH Coalition, and the League of United Latin American Citizens (collectively “MMTC”) respectfully submit these reply comments in response to the July 23, 2013 Notice of Proposed Rulemaking (“NPRM”) released by the Federal Communications Commission (“Commission” or “FCC”) in the above-captioned proceeding.¹

In the NPRM, the FCC sought comment on whether schools receiving E-rate funding should be permitted to provide wireless hotspots to surrounding communities.² MMTC strongly supports this proposal and believes that the FCC should permit institutions receiving E-rate support for high-capacity broadband to expand this service and provide community broadband access off school grounds through wireless hotspots. In previously-submitted comments in this proceeding, MMTC urged the FCC to focus the E-rate program on funding for high-capacity

¹ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100 (rel. July 23, 2013) (“*NPRM*”).

² *Id.* at ¶ 319.

broadband for schools and libraries, and ensure equitable access to E-rate funds for low-income and rural schools.³ MMTC also endorsed the FCC's proposals to increase the transparency of the competitive bidding process, and streamline the administration of the E-rate program.⁴ In filing these reply comments, MMTC builds on its earlier recommendations that the FCC explore opportunities to allow the E-rate program to grow digital opportunity for communities that may otherwise lag behind in broadband deployment and adoption.

II. E-RATE FUNDING FOR COMMUNITY WIRELESS HOTSPOTS WOULD BENEFIT UNDER-RESOURCED COMMUNITIES AND ENCOURAGE BROADBAND ADOPTION

Allowing schools and libraries to apply for E-rate support for off-campus wireless hotspots would benefit low-income and rural communities and encourage broadband adoption. Schools and libraries are already anchor institutions for the communities they serve, and allowing them to expand their service to the community after business hours is a logical development for the E-rate program.⁵

- A. *Community wireless hotspots will be a low-cost way to benefit low income and rural communities.*

Many of the schools and libraries that are in the greatest need of E-rate support for high-capacity broadband connections are in low-income neighborhoods or rural areas where the

³ See Comments of the Minority Media and Telecommunications Council, WC Docket No. 13-184 (filed Sept. 16, 2013).

⁴ See *id.*

⁵ MMTC also encourages the Commission to consider whether community institutions other than schools and libraries, such as churches or community centers, should be eligible for E-rate support for community wireless hotspots. Such an expansion of the E-rate program could serve the same educationally focused needs as the current program. Allowing E-rate support for other community institutions could expand the opportunities for consumers in low-income and rural communities to access free wireless broadband pending the general deployment of high-capacity broadband in high-cost areas.

residents lack home broadband access.⁶ According to the City of Philadelphia, for example, forty to fifty percent of households in that city lack broadband access.⁷ Approximately sixty-two percent of library branches report being the sole provider of free public access to computers and the Internet within their community.⁸ Research from Connected Nation shows that an estimated forty-two million adults nationally access online information through their local library, while among American adults who do not have home broadband service, fifteen percent report using the local library to access online services.⁹

Free public broadband access is especially important for low-income Americans, as nearly twenty percent of Americans earning less than \$25,000 annually rely on a library to go online.¹⁰ Unfortunately, despite the many benefits of broadband access, the upfront costs can sometimes be too high for the nation's most vulnerable communities. In a recent speech on the importance of broadband adoption, then-acting Chairwoman Mignon Clyburn cited a recent report that found that having access to broadband saves the average consumer over \$9,000 every year.¹¹ However, only forty-three percent of the elderly, fifty-four percent of persons earning less than \$30,000 a year, fifty-three percent of Latinos, and sixty-four percent of African

⁶ See Comments of Weslaco Independent School District, WT Docket No. 13-184, 12-13 (filed Sept. 16, 2013) (strongly supporting permitting offsite wireless broadband access to students and the community, citing the benefit to economically disadvantaged communities).

⁷ Comments of the City of Philadelphia, WT Docket No. 13-184, 11-12 (filed Sept. 16, 2013).

⁸ Information Policy & Access Center, "Broadband and Public Libraries," *available at* <http://www.plinternetsurvey.org/analysis/public-libraries-and-broadband> (last accessed Nov. 5, 2013).

⁹ Comments of Connected Nation, Inc., WC Docket No. 13-184, 5 (filed Sept. 16, 2013) ("Comments of Connected Nation").

¹⁰ *Id.* As VectorUSA noted in its comments to this proceeding, community wireless access can increase the ability of low-income families to search for jobs or for social services. See Comments of VectorUSA, WT Docket No. 13-184, 5 (filed Sept. 16, 2013).

¹¹ FCC Acting Chairwoman Mignon Clyburn, Prepared Remarks at National Urban League Washington/Urban Solutions Forum, "Advancing a Broadband Agenda for Urban America," 1-2 (Oct. 30, 2013), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1031/DOC-323813A1.pdf (last accessed Nov. 5, 2013).

Americans have fixed broadband service in their homes,¹² compared to ninety-three percent of households with annual salaries over \$100,000.¹³

Children in under-resourced areas already rely on the E-rate supported broadband available at their school in the classroom and after-hours to provide them with access to critical online resources, and adults in poor or rural areas know they can access the Internet at their local E-rate supported library. The expansion of the E-rate program to support wireless broadband access for the larger community during hours when schools and libraries are not open would expand significantly access to broadband availability, at a low cost. Since E-rate funds are already being used to provide Internet access at schools and libraries during business hours, and capacity goes almost entirely untapped when buildings are locked for the night, the added cost for expanding this use to off-campus availability would be *de minimis*.

B. Community wireless hotspots will increase broadband adoption.

Providing access to high-capacity broadband via community wireless hotspots would encourage access to and the adoption of broadband.¹⁴ Moreover, allowing schools to provide wireless broadband to surrounding communities allows the digital learning that takes place during school hours to continue when students leave school grounds.¹⁵ Allowing children who have access to high-capacity broadband in the classroom the same access in their communities would also encourage intergenerational exposure to online resources and has the potential to increase the digital literacy of the adult population.

¹² *Id.*

¹³ Comments of McGraw-Hill Education, WC Docket No. 13-184, 12-13 (filed Sept. 16, 2013).

¹⁴ Comments of the Leadership Conference on Civil and Human Rights, WC Docket No. 13-184, 2 (filed Sept. 16, 2013) (“Allowing schools, especially those who receive the highest discount rates, the flexibility to provide hotspot services to surrounding students and other residents would prove a formidable and innovative tool to further combat the broadband access and adoption gap.”).

¹⁵ *See* Comments of the Writers Guild of America, West, Inc., WC Docket No. 13-184, 7 (filed Sept. 16, 2013) (“Community WiFi programs support the Commission’s access and education goals.”).

E-rate support for community wireless hotspots will not, by itself, tackle the digital divide. Students with world-class capacity in the classroom would still face the prospect of going home to a neighborhood where the only fixed broadband option is dial-up, or where their family income cannot be stretched to afford a computer.¹⁶ But with students and low-income consumers who need evening broadband access in many communities currently being forced to rely on securing access via a McDonald's parking lot,¹⁷ expansion of the E-rate program as discussed above offers a simple way for expanding the availability of high-capacity broadband. Wireless community hotspots can serve as a stop-gap measure until a more permanent high-capacity broadband access solution can be developed.¹⁸

III. THE FCC SHOULD ENSURE THAT COMMUNITY WIRELESS HOTSPOTS SUPPORTED BY E-RATE ARE SECURE AND PROTECTED FROM WASTE, FRAUD AND ABUSE

The FCC's amended rules should ensure that E-rate funded community wireless hotspots incorporate critical network security and privacy configurations and include provisions that guard against waste, fraud and abuse.

¹⁶ See Comments of the National Hispanic Media Coalition, WC Docket No. 13-184, 3 (filed Sept. 16, 2013) (noting that while "there is no real substitute to home broadband access on a personal computer or device," for many low-income families the cost of a personal device remains prohibitive).

¹⁷ Anton Troianovski, "The Web-Deprived Study at McDonald's," *The Wall Street Journal* (Jan. 28, 2013), available at <http://online.wsj.com/news/articles/SB10001424127887324731304578189794161056954> (last accessed Oct. 31, 2013).

¹⁸ See Comments of the Texas Education Telecommunications Network, WC Docket No. 13-184, 3 (filed Sept. 16, 2013). To this end, MMTC supports Connected Nation's proposal that the Commission incentivize the coordination of the E-rate program with other state and national broadband infrastructure initiatives, such as the NTIA Broadband Technology Opportunities Program and the Connect America Fund. See Comments of Connected Nation at 16-19. The Commission should consider incentivizing the adoption of community wireless hotspots by schools and libraries by awarding an additional discount to applicants that engage in coordinated community broadband assessment and planning processes. See *id.* at 17. The ultimate goal would be to ensure that E-rate support for community wireless hotspots is part of the community's broader technology plan, rather than an isolated effort to address only local broadband needs.

Security is a legitimate concern with any wireless network, and concern about privacy is one factor that can hinder broadband adoption. The availability of E-rate funds for community wireless hotspots should be tied to the requirement that schools and libraries institute appropriate network and privacy safeguards, which should already be in place for any institution offering in-building wireless access for students and patrons during business hours.¹⁹ In addition, the FCC's rules could require E-rate applicants to condition off-premise wireless broadband access on the user's acceptance of appropriate terms of service. Additional consumer privacy could be assured by conditioning free access to the community wireless hotspots on registering with the school or library and receiving a user name and password.²⁰

Finally, the Commission should adopt safeguards to ensure that E-rate funding for offsite wireless hotspots does not lead to new cases of waste, fraud and abuse. Specifically, MMTC agrees with the FCC's proposal that the conditions currently in place for on-campus E-rate supported services during non-school hours also be applied to offsite locations.²¹

IV. CONCLUSION

Allowing E-rate funds to support community wireless hotspots would be a logical outgrowth of the current program and serve the under-resourced communities that are the intended beneficiaries of the E-rate fund. Expanding community broadband access can also serve to increase adoption and, with it, digital literacy, although hotspots will not alone solve the greater problem of the digital divide. In adopting changes to its rules to allow for E-rate support for community wireless hotspots, the Commission should also ensure that schools and libraries institute appropriate security measures, and adopt safeguards to prevent waste, fraud and abuse.

¹⁹ See Comments of New America Foundation's Open Technology Institute and Education Policy Program, WC Docket No. 13-184, 13-14 (filed Sept. 16, 2013).

²⁰ See Comments of the City of Boston, Massachusetts, WC Docket No. 13-184, 9 (filed Sept. 16, 2013).

²¹ See *NPRM* at ¶ 322.

Respectfully submitted,

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