

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Addressing the Homework Gap through the E-
Rate Program

WC Docket No. 21-31

**RESPONSE OF NORTH AMERICAN CATHOLIC EDUCATIONAL
PROGRAMMING FOUNDATION, INC. AND MOBILE BEACON
IN SUPPORT OF PETITIONS FOR RECONSIDERATION**

North American Catholic Educational Programming Foundation, Inc. (“NACEPF”) and Mobile Beacon submit these comments in support of the petitions for reconsideration filed by the Los Angeles Unified School District (“LAUSD”) and the Schools, Health & Libraries Broadband Coalition, the Open Technology Institute at New America, the Benton Institute for Broadband & Society, the Consortium for School Networking, and Common Sense Media (“SHLB et al.,” and together with LAUSD, “Petitioners”).

NACEPF is a 501(c)(3) nonprofit organization that, through its wholly owned subsidiary, Mobile Beacon, provides educational connectivity services to K-12 schools, public libraries, colleges and universities, nonprofits, museums, healthcare, and other community anchor institutions across the country. In the 14 years since Mobile Beacon was formed, Mobile Beacon’s educational and nonprofit customers have depended on Wi-Fi hotspots paired with Mobile Beacon’s unlimited data plans. Today, 787 schools, 1,900 libraries, and 6,900 nonprofits rely on Mobile Beacon’s internet service each day.

NACEPF and Mobile Beacon applaud the Commission’s decision to extend E-Rate Program funding eligibility to Wi-Fi hotspots and associated services for off-premises use. However, NACEPF and Mobile Beacon support Petitioners’ view that the Commission should extend E-Rate eligibility not just to Wi-Fi hotspots, but also to other devices that perform equivalent functions and can help close the Homework Gap.

As NACEPF and Mobile Beacon have explained in this proceeding, the Commission’s decision to limit E-Rate funding eligibility to Wi-Fi hotspots alone focuses too narrowly on a specific technology and device type rather than on the underlying goal of providing educational connectivity. Other devices—such as USB modems, Chromebooks with built-in data connections, and other Wi-Fi enabled devices such as tablets—offer equivalent functionality.¹ Such devices are capable of providing connectivity to students, school staff, and library patrons with unmet needs, and may be particularly useful to students, school staff, and library patrons living in rural or other remote areas with limited connectivity options.

Moreover, this approach has the added benefit of affording schools and libraries the flexibility to select the device that best meets the needs of their students, school staff, and library patrons. The Commission’s hotspot-centric approach risks distorting normal market forces: with funding available for multiple technologies and device types, program participants will be able to select the device types that best serve their communities’ unique needs and are most cost-effective. But if only hotspots are funding-eligible, participants will have an incentive to purchase and distribute hotspots even if they are not the best or most cost-effective option for their community.

¹ Comments of North American Catholic Educational Programming Foundation, Inc. and Mobile Beacon at 8–9, WC Docket No. 21-31 (filed Jan. 16, 2024) (citations omitted); *see also* Comments of Educational Broadband Service Agency LLC (d/b/a Mobile Beacon) at 2, WC Docket Nos. 11-42, 09-197, 10-90 (filed Aug. 31, 2015).

This approach also appropriately anticipates potential future technological developments and market preferences—although Wi-Fi hotspots are popular today, other device types may well emerge in future that are cost-effective and equally well suited² to provide at-home connectivity in future. The Commission should not narrow its focus to a single, currently popular device type to the exclusion of others, either now or in the future. Other commenters in this proceeding supported this practical, technologically neutral, and device-agnostic approach to E-Rate funding,³ and there is no reason to exclude such devices from E-Rate funding eligibility.

The Commission's *Notice of Proposed Rulemaking* initiating this proceeding acknowledged that Wi-Fi hotspots are not a universal solution to the Homework Gap, and that

² See, e.g., Comments of Dallas Independent School District at 3–4, WC Docket Nos. 21-31, 02-6, and 13-184 (filed Oct. 22, 2024) (“Dallas ISD Comments”) (observing that in some instances “performance of embedded devices has been substantially better than that of hotspots” and that “[t]he net result is that users of our embedded 4G LTE Chromebooks reported better signals and greater throughput with less hassle than users of hotspot devices”).

³ See Comments of American Library Association at 12, WC Docket No. 21-31 (filed Jan. 16, 2024) (“[I]n circumstances where Wi-Fi hotspots are not technically or cost effective, libraries and schools should be able to seek E-Rate funding for alternative strategies that provide functionally-equivalent service.”); Comments of Mississippi Center for Justice at 5, WC Docket No. 21-31 (filed Jan. 8, 2024) (“MCJ advises against the Commission limiting E-Rate support to Wi-Fi mobile hotspots and to instead consider alternatives for off-premise services. MCJ is concerned that Wi-Fi mobile hotspots alone would insufficiently address the connectivity needs for students participating in remote learning.”); Comments of the Council of the Great City Schools at 3, WC Docket No. 21-31 (filed Jan. 16, 2024) (“[E]ligible services should include additional connectivity options beyond Wi-Fi hotspots (wired internet, smartphone tethering, internal data cards, eSIM access on computing devices, etc.) that are necessary to support safe and appropriate remote teaching and learning.”); Comments of Qualcomm Incorporated at 3, WC Docket No. 21-31 (filed Jan. 16, 2024) (“With 4G LTE and 5G connectivity built right into the laptop, students can be online when there is no internet connection, in city apartments and in remote areas lacking wired broadband service.”); Comments of the Wisconsin Department of Public Instruction at 2, WC Docket No. 21-31 (filed Jan. 16, 2024) (offering “information on alternatives to wi-fi hotspots for internet activity”); Comments of the Schools, Health & Libraries Broadband Coalition and the Open Technology Institute at New America at 7, WC Docket No. 21-31 (filed Jan. 17, 2024) (“[T]he Commission should also allow the cost for equipment receiving the wireless signal to be eligible whether it is a cellular modem embedded in the end-user computing device or a Wi-Fi hotspot.”).

“there are some circumstances where Wi-Fi hotspots and services may not meet the connectivity needs of all students, school staff, and library patrons caught in the Homework Gap.”⁴ Yet the Commission’s *Report and Order* declined to extend support to multi-functional devices, based largely on assumptions about the cost of such devices as compared with “less expensive hotspot devices.”⁵ But the conclusion that funding such multi-functional devices would not be “economically reasonable”⁶ is not supported by the record. SHLB et al. correctly note that concerns regarding cost-effective funding use are already adequately addressed by the *Report and Order*’s per-applicant funding caps⁷—singling out a specific device for funding eligibility is an unnecessary, and likely ineffective, restriction given the cost-efficiency guardrails already in place. Indeed, a more flexible approach that expands program eligibility to devices with similar functionality may result in *greater* program efficiency. For example, LAUSD observes that some program participants may be best situated to purchase broadband services provided directly to devices such as laptops or Chromebooks, thereby eliminating the additional need to purchase a Wi-Fi hotspot as an intermediary device and eliminating potentially unnecessary administrative tasks associated with hotspot device management.⁸

⁴ *Addressing the Homework Gap through the E-Rate Program*, Notice of Proposed Rulemaking, 38 FCC Rcd. 10726 ¶ 27 (2023).

⁵ *Addressing the Homework Gap Through the E-Rate Program*, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-76, WC Docket No. 21-31, ¶ 24 (rel. July 29, 2024).

⁶ *Id.* App. C ¶ 36.

⁷ *See* Schools, Health & Libraries Broadband Coalition et al., Petition for Reconsideration at 4, WC Docket No. 21-31 (filed Sept. 19, 2024) (“SHLB et al. Petition for Reconsideration”).

⁸ *See* Los Angeles Unified School District, Petition for Reconsideration at 2, WC Docket Nos. 21-31, 02-6, and 13-184 (filed Sept. 19, 2024) (“LAUSD Petition for Reconsideration”). *See also* Comments of CTL at 1, WC Docket No. 21-31 (filed Oct. 3, 2024) (“CTL Comments”); Dallas ISD Comments at 2 (“Dallas ISD agrees with the Los Angeles Unified Petition that the service to 4G or 5G embedded computing devices is more cost-effective due to the elimination of cost for additional hotspot hardware. We would further add that in addition to the initial cost

Petitioners also highlight the advantages of decoupling service funding from device funding. SHLB et al. note that “E-Rate support should also be available for the purchase of hotspots on a standalone basis if an applicant already has access to the service needed to use the hotspots, and for wireless service that could be used with an applicant’s existing non-hotspot Wi-Fi-enabled equipment.”⁹ Otherwise, “[b]y excluding the purchase of stand-alone hotspots, applicants would have to purchase duplicative commercial wireless service to receive E-Rate hotspot support, unnecessarily increasing the costs to the program.”¹⁰ In such instances, a student or library patron may have access to necessary internet service, but lack a device they can use to complete homework or other educational assignments at home. On the other hand, a student or library patron may have access to a device appropriate for their learning needs, but may lack at-home internet service necessary to make that device functional. In such instances, “E-Rate support should also be available . . . for wireless service that could be used with an applicant’s existing non-hotspot Wi-Fi-enabled equipment.”¹¹

Flexibility is key: schools and libraries are best situated to determine what device and service support will best serve those in their communities who remain on the wrong side of the digital divide, and there is little reason to require schools and libraries to purchase devices or service that may be duplicative of existing resources. To the extent that purchase of standalone hotspots raises concerns regarding “warehousing,” the Commission’s *Report and Order* imposes

of the hotspot device, the risks of loss, damage, and theft are all significantly higher with separate hotspots, chargers, and cases than with no additional equipment.”); *id.* at 3 (explaining “additional administrative activities” and “complexities” resulting from hotspot management and “significant simplification benefits since switching to mobile broadband embedded Chromebooks”).

⁹ SHLB et al. Petition for Reconsideration at 2.

¹⁰ *Id.* at 8; *see also* LAUSD Petition for Reconsideration at 2.

¹¹ SHLB et al. Petition for Reconsideration at 2.

robust guardrails against device warehousing and other inefficiencies,¹² and the E-Rate Program's competitive bidding requirements impose another incentive for applicants to pursue cost-effective purchases.¹³ Indeed, permitting schools and libraries to seek funding for standalone devices or service, depending on community need, could help bolster the program's efficient use of limited resources.

¹² See LAUSD Petition for Reconsideration at 2–3.

¹³ See SHLB et al. Petition for Reconsideration at 5.

Wi-Fi hotspots have an important role to play in closing the Homework Gap, and the Commission was right to extend E-Rate funding for these devices and accompanying service plans. However, NACEPF and Mobile Beacon join the Petitioners in urging the Commission not to limit this critical funding to a specific device type. The goal of the E-Rate program is to provide *connectivity*—and the Commission can and should remain device-agnostic to ensure the E-Rate program is capable of doing just that. The Commission should take a more flexible approach to funding other combinations of devices and services that are also viable solutions for off-premises connectivity.

Respectfully submitted,

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Certificate of Service

I, Paul Caritj, an attorney at HWG LLP, certify that on this 25th day of October 2024, I caused the foregoing to be sent via USPS First-Class Mail to the following:

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