

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

In The Matter of)	
)	
Information Collection Being Reviewed)	
by the Federal Communications)	
Commission, Notice and Request for Comments)	
)	
Universal Service—Schools and Libraries Universal)	CC Docket No. 02-6
Service Support Program)	CC Docket No. 96-45
)	WC Docket No. 13-184
)	
Universal Service—Schools and)	OMB 3060-0856; FR ID 265502
Libraries Universal Service Support)	
Program Reimbursement Forms, FCC Forms 472,)	
473 and 474)	
)	
Certification by Administrative Authority to Billed)	OMB 3060–0853; FR ID 265528
Entity Compliance with the Children’s internet)	
Protection Act Form, FCC Form 479; Receipt of)	
Service Confirmation and Certification of)	
Compliance with the Children’s internet Protection)	
Act Form, FCC Form 486; and Funding)	
Commitment and Adjustment Request Form, FCC)	
Form 500)	

**Comments of the State E-rate Coordinators’ Alliance to Information Collection for
Schools and Libraries Universal Service Program**

The State E-rate Coordinator’s Alliance (“SECA”)¹ submits the following comments regarding the Information Collection of the above-referenced E-rate forms being reviewed by the

¹ SECA members provide E-rate coordination services in 42 states and two U.S. Territories. State Coordinators have daily interactions with and provide training to E-rate applicants to assist them with all aspects of the program. State coordinators serve as intermediaries between the applicant and service provider communities, the E-rate Administrator, and the Federal Communications Commission. SECA regularly communicates with the E-rate program administrator, the Federal Communications Commission) and other federal and state policy makers regarding the operation and administration of the E-rate program to convey recommendations and

Federal Communications Commission (“FCC” or “Commission”). SECA members are knowledgeable about the challenges and confusion applicants face when completing the various forms under review. Our suggestions and comments are intended to alleviate these problems and improve the efficiency and simplification of the program while preserving all safeguards against waste, fraud and abuse.

I. FCC Form 479 Should Be Permitted to Cover Multiple Funding Years.

The CIPA statute, 47 U.S.C. §254 (h)(5)(E)(ii) and §254(h)(6)(E)(ii), prescribes that each school and library that receives E-Rate funding for Internet and/or internal connections must certify their CIPA compliance to the Commission “during each annual application cycle.” See also 47 U.S.C. §§254 (h)(5)(A)(i)(I) and (II) 254(h)(6)(A)(I) and (II).

The statute does not prescribe any specific manner for consortium members to make this certification. The Commission enacted regulations and designed the Form 479 to be used for consortium members to certify CIPA compliance to the lead consortium member who is the billed entity. The lead consortia member must then make the annual certification on behalf of the consortium members, which presently is done on the FCC Form 486.

The key requirement is that each consortium member must certify their compliance with CIPA for each program year prior to the consortium BEN’s submission of Form 486 for Internet and internal connections FRNs.

SECA submits that the annual certification requirement does not apply to the FCC Form 479 for several reasons. First, there is no statutory requirement calling for the submission of the FCC Form 479. This requirement was established by FCC regulation and when the FCC wrote the instructions and created the CIPA Form 479.² Second, the certification in the FCC Form 479 could be amended to state that the CIPA compliance is being made annually for each of the years covered by the form, and meet the FCC’s interpretation of the CIPA statute’s annual certification requirement.

Certification number six on the Form could be amended as follows:

6. *I certify that as of the date of the start of discounted services for each funding year listed in Item 2 of the Form, the recipient(s) of service under my administrative authority and*

feedback to fulfill the goals of the program. The organization was established in 1997 and is operated by a dedicated team of volunteers.

² 47 C.F.R. §54.520(b)(1) and (c)(3).

represented in the Funding Request Number(s) for which Internet and/or Internal Connections have or will be requested ~~you have requested~~ or received Funding Commitments are complying ~~has (have) complied~~ with the requirements of the Children's Internet Protection Act, as codified at 47 U.S.C. § 254(h) and (l).

Along with the revised certification number six, the form instructions could be revised to explicitly permit the form to cover multiple funding years. We believe that this change does not require an amendment to the CIPA regulation at 47 C.F.R. §54.520 since the multi-year Form 479 would enable the school or library to certify their compliance in each of the funding years listed on the form.

Importantly, schools and libraries do not wax and wane from their CIPA responsibilities. That is, once they have adopted a CIPA policy and taken measures to comply with CIPA, they typically continue to rely on the policy and fulfill their obligations until it becomes necessary to amend the policy. In other words, these entities understand that their compliance with CIPA is a continuing obligation that is integral to their ability to receive their E-rate funding. Thus, it is reasonable to rely on a multi-year certification of their compliance with this requirement.

This change would be a significant time savings and streamlining measure for the many consortia that file for Internet and/or internal connections on behalf of school and library members, and who must tediously collect these forms annually. This would not alter the documentation requirements concerning each member's ability to establish and prove their compliance with the CIPA statute and would significantly reduce the administrative burden these forms place on consortia members and the consortia billed entity lead. This measure would be similar to the ability of consortium leads to collect multi-year letters of agency from their members.

II. FCC Form 479 Should Not Be Required For Consortia Recipients of Internet and Internal Connections That Certify to CIPA Compliance in the Consortia Member Letter of Agency.

In lieu of requiring the collection of either an annual or multi-year FCC Forms 479 for consortium member recipients of Internet or Internal Connection E-rate funding, SECA recommends that consortia leads should be permitted to rely on multi-year Letters of Agency ("LOAs") from their members. The FCC and USAC should accept an LOA from a consortium member that includes the member's certification that they are and will continue to be compliant with CIPA throughout the duration of the LOA; and, by signing the LOA they are making an annual certification of CIPA compliance for each year that the LOA is in effect.

The Letter of Agency is already recognized as a legal document, conferring authorization to the consortia lead to file all other E-rate forms, such as FCC Forms 470 and 471, on each consortium member's behalf.³ The CIPA certifications required to be made by the consortium lead should be treated no differently than all the other certifications that the consortium lead (billed entity) makes on other forms on behalf of the consortium members. We believe that the multi-year LOA should also be a vehicle for consortium members to certify CIPA compliance to fulfill the statutory and regulatory requirements, which would render the FCC Form 479 unnecessary altogether in these situations.

III. The Certifications on FCC Form 486 Should be Added to the FCC Form 471 as Optional Certifications To Allow Applicants to Avoid Having to Submit FCC Form 486.

The FCC Form 486 should be eliminated, or made optional, and the CIPA compliance information should be collected on the FCC Form 471 application, consistent with the recommendations set forth in SECA's comments to the Tribal E-Rate NPRM and Streamlining NPRM.⁴

The FCC Form 486 requires applicants to certify that their E-Rate funded services are compliant with CIPA, and to confirm that the applicant has or will begin receiving services which allows the vendor or applicant to begin invoicing USAC. These functions can be transferred to the FCC Form 471, and the FCC Form 486 should be made as a secondary option to certify an applicant's CIPA compliance.

For the vast majority of applicants who are already in compliance with CIPA when they certify their FCC Forms 471, they can make this certification at that time, and forego having to file the FCC Form 486. The other purpose of the FCC Form 486, to notify USAC that services have started for the recipients of service included on one or more funded Funding Request Numbers (FRNs), likewise could be added to the FCC Form 471 certifications for each FRN on

³ Some consortia may not be required to collect LOAs such as those that have a statutory or regulatory basis and mandatory participation by schools or libraries. This option obviously may not work for these consortium.

⁴ Joint Comments of SECA, et al., in Response to Notice of Proposed Rulemaking to Simplify the E-rate Program for Tribal and Other Applicants, CC Docket No. 02-6, et seq (filed April 24, 2023); <https://www.fcc.gov/ecfs/document/10424042123331/1>

Comments of SECA in Response to Streamlining Further Notice of Proposed Rulemaking, CC Docket No. 02-6, et seq (filed September 25, 2023); <https://www.fcc.gov/ecfs/document/109260133305397/1>

the application. Applicants could confirm their intention to purchase the services and confirm they authorize the Administrator to disburse funds on the FRNs.

Applicants that do not wish to or are unable to certify their CIPA compliance and confirmation of purchase of services on the FCC Form 471 would continue to file FCC Form 486 once they receive their funding commitment decision letter.

This modification will reduce the number of late filed FCC Forms 486 and reduce funding rescissions for applicants that commit this ministerial error. The associated appeals and waiver requests will also be reduced. Service providers, too, will benefit by knowing that the approved funding in a Funding Commitment Decision Letter has been confirmed to be effective as of the first day of the funding year, and therefore, will not have to await the FCC Form 486 confirmation letter to begin providing E-Rate credits on bills for those applicants who selected the discounted billing option.

Consolidation of the functions of the FCC Form 486 within the FCC Form 471 will enable applicants, service providers and the program administrator to reduce their associated workload and improve the efficiency and simplification of the program without having any adverse impact of waste, fraud and abuse.

IV. The FCC Form 500 Should Be Improved to Maximize The Efficient Use of E-Rate Funding, Including the Recapture of Approved Funding That Will Not Be Used.

The FCC Form 500 is a versatile tool that allows applicants to document changes to a funding commitment including the cancellation of all or partial funding of a funding request. This function is extremely important to ensure that approved funds that will not be used are recaptured, and to ensure that the program funds are efficiently utilized.

When an applicant opts to cancel some or all of approved Category 2 funding, the FCC Form 500 has the equally important purpose of allowing the applicant to have their funds returned to the applicant's available Category 2 budget in a given five year budget cycle. This feature was heavily utilized in the most recent 2024 funding cycle as applicants try to maximize the usage of all available and used Category 2 funding during the 2021-2025 Category 2 Budget Cycle.

Currently the form functionality to fully cancel a funding request is easy to use. However, in situations where an applicant wants to partially cancel a Category 2 FRN, the form is incredibly difficult to use. They cannot use the "Cancel FRN" option. They must instead select "I want to partially reduce the funding in one or more of the FRNs" and additionally enter the exact

amount of funding they would like to return to the budget, by FRN line item. USAC data available to applicants does not detail how much funding is available per FRN line item, just by the FRN as a whole. It therefore makes it very challenging for an applicant to determine how much funding remains in each line item and how to submit the FCC Form 500 to partially cancel the funding for the FRN.

Complicating matters further for those applicants that utilize the SPI method to receive their E-Rate discount funding, they may have no idea how much funding remains on each line item that could be cancelled. They must obtain the vendor SPI forms and engage in a complicated exercise to try to match up the vendor's SPIs with the approved funding on each line item to identify which line items have remaining funding that should be cancelled.

To resolve this difficulty, SECA proposes the FCC Form 500 "I want to partially reduce the funding in one or more of the FRNs" option includes a checkbox (or equivalent indicator) allowing the applicant to request that the remaining unused balance of the FRN be returned to the Category 2 budget. The applicant should not be required to reduce the individual FRN line items to partially reduce the FRN and return funds to USAC. This will save time for all applicants who wish to maximize their available Category 2 funding and will also reduce the Administrator's time needed to review and approve these FCC Forms 500.

V. The FCC Form 472 Should No Longer Be Linked to the Service Provider's Submission of FCC Form 473.

Currently, the USAC systems will not allow an applicant to submit or certify an FCC Form 472 when a service provider has not yet submitted the FCC Form 473, Service Provider Annual Certification. Service providers file an FCC Form 473 (Service Provider Annual Certification (SPAC) Form) to certify their compliance with Schools and Libraries (E-Rate) program rules.

This linkage should be removed. Applicants should not be prohibited from filing their BEAR forms when a service provider – over which the applicant has no control – does not file a required E-Rate form. Indeed, failure of the service provider to file their FCC Form 473 could result in an applicant missing their invoice deadline and having to request a waiver from the FCC. Enforcement of the service provider's required form filing should not be delegated to the applicant, and an applicant should not be penalized due to a service provider's failure to submit their FCC Form 473.

VI. Conclusion

The State E-rate Coordinators' Alliance respectfully requests the FCC to implement the suggestions and recommendations set forth in these Comments.

Sincerely,

A handwritten signature in dark ink, reading "Rachel K. Schemelin". The signature is fluid and cursive, with the first name "Rachel" and last name "Schemelin" clearly legible, and a middle initial "K." in between.

Rachel Schemelin, Chair
State E-rate Coordinators' Alliance

Dated: February 3, 2025