June 16, 2026

SUBMITTED ELECTRONICALLY VIA ECFS

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

Re: Ex Parte Filing:
Ensuring Children's Safe Use of Screens and E-Rate-Funded Services, WC Docket No. 26-133
Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184
Establishing the Emergency Connectivity Fund to Close the Homework Gap, WC Docket No. 21-93
Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455

Dear Madam Secretary:

Pursuant to Federal Communications Commission's (Commission) ex parte rules, I hereby submit the following summary of three meetings discussing the Commission's draft *Notice of Proposed Rulemaking* that would seek comment about, among other things, terminating or narrowing the scope of the E-Rate program, and *Further Notice of Proposed Rulemaking* proposing actions around program oversight and administration.[1] Members of the Schools, Health & Libraries Broadband Coalition (SHLB) who attended the meetings represent various organizations, and together with SHLB, are collectively referred to as the "E-Rate Advocates."[2] Attached as an Exhibit is the list of attendees at 1) the June 12, 2026 meeting with Harsha Mudaliar, Policy Advisor to Commissioner Gomez; 2) the June 12, 2026 meeting with Marcus Maher, Senior Legal Advisor to FCC Commissioner Olivia Trusty; and 3) the June 15, 2026 meeting with Danielle Thumann, Senior Counsel to FCC Chairman Brendan Carr.

[1] *Ensuring Children's Safe Use of Screens and E-Rate-Funded Services*, WC Docket No. 26-133, *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Establishing the *Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, *Promoting Fair and Open Competitive Bidding in the E-Rate Program*, WC Docket No. 21-455, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, Draft on Circulation, FCC-CIRC2606-02 (June 4, 2026) (Draft NPRM) (Draft FNPRM).

[2] In addition to SHLB, the other organizations forming the E-Rate Advocates are American Library Association (ALA); American Federation of School Administrators and the National Education Association; AASA, The School Superintendents Association; State E-Rate Coordinators' Alliance; and CoSN-The Consortium for School Networking.

During the meetings, the E-Rate Advocates made the following points:

1. **The Commission should remove the paragraphs that seek comment on terminating the E-Rate program (including but not limited to paragraphs 12 and 18) and limiting its scope to certain areas or recipients.**

The E-Rate Advocates expressed concern about the portions of the Draft NPRM asking if the E-Rate program should be terminated[3] or "limited to rural areas or to areas served by a single provider."[4] We strongly oppose the inclusion of both of these items and urge the Commission to remove them from the final NPRM.

The E-Rate program is Congressionally mandated through Section 254 of the Telecommunications Act (Section 254) as part of the universal service framework. There is nothing in the text of the statute empowering the Commission to terminate the program, including (as the Draft NPRM asks) after a certain period of time or after certain benchmarks are met. On the contrary, Section 254 defines universal service as "an evolving level of telecommunications services that the Commission shall establish periodically under this section, taking into account advances in telecommunications and information technologies and services."[5]

Similarly, the text of the statute does not limit or narrow E-Rate support exclusively to certain geographic areas, whether based on rurality or the availability of broadband service, as asked in the Draft NPRM. Rather, the statute makes clear that, among the principles that must guide the preservation and advancement of universal service is the requirement that access to advanced telecommunications and information services should be provided in all regions of the Nation.[6] Accordingly, the E-Rate Advocates asserted that the Commission does not maintain the requisite statutory authority to terminate or limit the E-Rate program in the ways the draft NPRM seeks comment.

Additionally, the E-Rate Advocates noted that the inclusion of these items in the draft NPRM steers future comments to focus on program preservation rather than fostering important conversations around streamlining and modernizing program support. Questions alluding to terminating the E-Rate program also run contrary to significant executive branch and national priorities, including the Executive Order on AI. The Executive Order explains that one of Administration's goals is to "invest in our educators and equip them with the tools and knowledge to not only train students about AI, but also to utilize AI in their classrooms to improve educational outcomes."[7]

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[3] *See Draft NPRM*, para 12, stating "[s]hould the E-Rate program be limited or sunset to reflect today's extensive connectivity rates? At what point should policymakers conclude that the program's core objective has been achieved? We seek comment on whether Congress intended E-Rate to operate indefinitely, regardless of the extent to which schools and libraries have achieved universal connectivity."
[4] *Id*., para 18.
[5] 47 U.S.C. § 254(c)(1).
[6] *Id*., § 254(b)(2).
[7] Advancing Artificial Intelligence Education for American Youth, Executive Order, *available at* https://www.whitehouse.gov/presidential-actions/2025/04/advancing-artificial-intelligence-education-for-american-youth/ (Apr. 23, 2025).

2. The Commission should recategorize the NPRM as a Notice of Inquiry and extend the periods for comment and reply comment to 120 days and 90 days, respectively.

The E-Rate advocates urged the Commission to recategorize the NPRM section of the item to a Notice of Inquiry (NOI). The draft NPRM seeks comments on a variety of questions as opposed to seeking comment on specific proposals and rule changes (as the draft FNPRM does). Changing the NPRM to an NOI is important to provide clarity on both the substance of the item (that it is meant to ask questions and gather information rather than propose rules) and the procedures E-Rate program stakeholders and commenters can expect (that the Commission is gathering information now as an NOI and would presumably seek comment on specific rule changes later as part of a traditional NPRM). As drafted, commenters will not know how to respond to proposed rule changes when there is no cohesive proposed plan. In sum, the questions asked in the NPRM do not satisfy the Administrative Procedure Act for a traditional rulemaking.

The E-Rate Advocates further urged the Commission to extend the periods for comment and reply comment to 120 days and 90 days, respectively. The current 30-day comment period followed by a 30-day reply period is insufficient given the scope and significance of the questions presented. E-Rate is one of the largest federal educational support programs, serving schools and libraries nationwide. Any changes to the program could have substantial budgetary, operational, and educational consequences for participating schools and libraries. Program participants (as well as other interested parties such as state and Tribal officials, parent groups, and economists for example) should be afforded ample time to offer their expertise and insight into the record. Moreover, much of the comment cycle as currently proposed would occur during the summer months, when many school administrators, technology directors, and other stakeholders are away from their regular duties and less likely to become aware of the proceedings. State officials may also wish to comment on the potentially large budgetary impacts of this proposal, but may be unable to do so as many state legislatures do not meet during the summer. Extending the deadlines would ensure that the Commission hears from a broader and more representative set of stakeholders.

3. The Commission should ask additional questions in the final NPRM, and ask additional questions and offer clarifications in the final FNPRM.[8]

The E-Rate Advocates recommend that the Commission include the following questions and revisions into the final item:

- **Questions concerning the current impact of the E-Rate program**
    - How has the E-Rate program (and supported connectivity) benefitted all communities, both rural and urban?
    - What essential systems and operations are supported by internet connectivity in schools and libraries?
    - How does the E-Rate program ensure that broadband access remains universal and affordable for schools and libraries?

[8] The E-Rate advocates summarized some of these questions during the meetings, and now include additional questions and clarifications for the Commission's consideration.

- How does the E-Rate program ensure that broadband infrastructure remains universal and affordable for schools and libraries?
- How has the E-Rate program created competition in the market?
- How does the E-Rate program ensure networks and equipment remain updated and sustainable?
- How do internet connections at schools and libraries play a role as anchor institutions, especially in rural and high-cost areas?
- How does the E-Rate program create investment in the community?
- When the Commission seeks comment asking whether E-Rate funds are used for "duplicative" services, what other services is the Commission referring to?

- **Eligible Services**
  - Paragraph 14 asks about the continued eligibility of special construction. We believe that this inquiry should be omitted because the vast majority of special construction costs paid by E-Rate are for service providers to install facilities that they will own and operate, to provide services to E-Rate beneficiaries. This special construction has been eligible since the inception of the program (not beginning in 2014 which is how the draft Order currently reads). Special construction costs incurred for self-provisioned networks where the E-Rate beneficiary will own the facilities are already carefully reviewed and approved only in those instances when it is the most cost-effective option.
  - In paragraph 15, the draft order seeks comment on whether the presumption that on-campus activities serve an educational purpose should be reversed. All activities occurring on school property - whether they occur in the classroom or support the ability to have classroom instruction – serve an educational purpose. We oppose reversing this presumption and believe this inquiry should be deleted.

- **Questions concerning screen time**
  - To what extent should screen time decisions be decided at the state and local level? What is the role of the Commission and its authority to use E-Rate to set screen time policies?
  - How should the Commission distinguish between intentional, educational device use at schools and libraries and private, mobile phone use?

- **Questions and clarifications for the Further Notice of Proposed Rulemaking**
  - What is the impact on consortia with regard to the requirement for consortium members to certify their compliance on the FCC Form 479 prior to filing the FCC Form 471?
  - Should there be accommodation for school and library consortia members that do not otherwise participate in E-Rate and may not be familiar with the EPC filing system?
  - The Commission should clarify that outside legal counsel are not included in the definition of "consultant."

While the E-Rate Advocates strongly urge the Commission to remove any reference to terminating the program or limiting it only to certain recipients, should the Commission proceed with seeking comment on these items, we recommend that they also include the following:

- **Questions concerning terminating the E-Rate program**
    - What would happen to existing connectivity at schools and libraries if the E-Rate program were terminated?
    - How would terminating the E-Rate program affect connectivity to Tribal schools and libraries?
    - How would terminating the E-Rate program affect safe use of the Internet for students and library patrons?
    - How would terminating the E-Rate program affect cybersecurity protections for school and library networks?
    - How would terminating the E-Rate program affect the administration's efforts around AI?
    - How would terminating the E-Rate program affect other universal service programs and other broadband deployment programs?

We thank the Commission for taking the time to consider our concerns. Please do not hesitate to contact me if you have any questions.

Sincerely,

/s/ Joseph Wender
Joseph Wender
Executive Director
Schools, Health & Libraries Broadband (SHLB) Coalition
jwender@shlb.org

cc via email: Danielle Thumann
Marcus Maher
Harsha Mudaliar

EXHIBIT

The first meeting took place on June 12, 2026 between E-Rate Advocate representatives and Harsha Mudaliar, Policy Advisor to Commissioner Gomez. Attendees included:

- Joey Wender, Executive Director, SHLB
- Kristen Corra, Policy Counsel, SHLB
- Jon Bernstein, President, Bernstein Strategy Group (representing the American Federation of School Administrators and the National Education Association)
- Noelle Ellerson Ng, Chief Advocacy & Governance Officer, AASA, The School Superintendents Association
- Debra Kriete, South Dakota State E-Rate Coordinator and State E-Rate Coordinators' Alliance Past Chair
- Megan Janicki, Deputy Director, Public Policy & Advocacy, American Library Association
- Reg Leichty, FLP Advisors (on behalf of CoSN-The Consortium for School Networking)

The second meeting also took place on June 12, 2026 between E-Rate Advocate representatives and Marcus Maher, Senior Legal Advisor to FCC Commissioner Olivia Trusty. Attendees included:

- Joey Wender, Executive Director, SHLB
- Kristen Corra, Policy Counsel, SHLB
- Jon Bernstein, President, Bernstein Strategy Group (representing the American Federation of School Administrators and the National Education Association)
- Noelle Ellerson Ng, Chief Advocacy & Governance Officer, AASA, The School Superintendents Association
- Debra Kriete, South Dakota State E-Rate Coordinator and State E-Rate Coordinators' Alliance Past Chair
- Megan Janicki, Deputy Director, Public Policy & Advocacy, American Library Association

The third meeting took place on June 15, 2026 between E-Rate Advocate representatives and Danielle Thuman, Senior Counsel to FCC Chairman Brendan Carr. Attendees included:

- Joey Wender, Executive Director, SHLB
- Jon Bernstein, President, Bernstein Strategy Group (representing the American Federation of School Administrators and the National Education Association)
- Noelle Ellerson Ng, Chief Advocacy & Governance Officer, AASA, The School Superintendents Association
- Debra Kriete, South Dakota State E-Rate Coordinator and State E-Rate Coordinators' Alliance Past Chair
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