

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

ORDER

Adopted: December 21, 2023

Released: December 21, 2023

New Deadline for Filing Comments: January 16, 2024
New Deadline for Filing Reply Comments: January 29, 2024

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. By this Order, the Wireline Competition Bureau (Bureau) partially grants a request filed by the State E-rate Coordinators' Alliance (SECA) and the Schools, Health and Libraries Broadband Coalition (SHLB) (collectively, the Petitioners), seeking extensions of the comment and reply comment deadlines for the above-captioned proceeding.

II. BACKGROUND

2. On November 8, 2024, the Commission released a Notice of Proposed Rulemaking seeking comment on its proposal to permit eligible schools and libraries to receive E-Rate support for the off-premises use of Wi-Fi hotspots and wireless Internet services.

3. On December 19, 2023, the Petitioners filed a petition to extend the comment deadline from January 8, 2024 to January 26, 2024, and the reply comment deadline from January 29, 2024 to February 9, 2024.

1 Petition of State E-rate Coordinators' Alliance and the Schools, Health and Libraries Broadband Coalition to Extend Comment and Reply Comment Deadline for Hot Spot Notice of Proposed Rulemaking, WC Docket No. 21-31 (filed Dec. 19, 2023) https://www.fcc.gov/ecfs/filing/121954068961 (Petition).

2 We note that January 15, 2024 falls on a Federal holiday and extend the date to the next business day, January 16, 2024. See also 47 CFR § 1.4(j) (making the next business day the filing date when a deadline falls on a holiday).

3 See Addressing the Homework Gap through the E-Rate Program, WC Docket No. 21-31, Order, FCC 23-91, 2023 WL 8602208 (Nov. 8, 2023) (E-Rate Hotspots NPRM).

4 Federal Communications Commission, Addressing the Homework Gap through the E-Rate Program, Proposed Rule, 88 Fed Red 85157 (Dec. 7, 2023).

5 Petition at 1.

6 See id. at 1.

schools' winter breaks, leaving insufficient time for the Petitioners to confer with schools for the purposes of preparing comments.<sup>7</sup> Second, the Petitioners assert that additional time is necessary given the various other E-Rate program proceedings<sup>8</sup> and responsibilities<sup>9</sup> taking place at the same time or in the near future. Finally, the Petitioners highlight the importance of providing sufficient time for their organizations to develop a complete record and argue that the requested extension of time will not impede the Commission's ability to timely adopt new rules and issue a report and order for this proceeding in time for funding year 2025.<sup>10</sup>

### III. DISCUSSION

4. We partially grant the Petitioners' request for a comment and reply comment deadline extension. As set forth in section 1.46 of the Commission's rules, the Commission does not routinely grant extensions of time for filing comments.<sup>11</sup> The Commission may consider an extension "to the extent that good cause for an extension is demonstrated."<sup>12</sup> The criteria for granting a request for extension of time "are that the extension be in the public interest, cause no harm to any party in the proceeding, and cause no significant delay."<sup>13</sup> In this instance, we do not find good cause exists to grant the requested 18-day extension of the comment and reply comment deadlines asked for by the Petitioners. However, we do find there is good cause to grant a shorter, seven-day extension of the comment and reply comment deadlines recognizing the overlap of the original comment period with the schools' winter holidays and the importance of developing a robust public record for this proceeding.

5. The Commission released the *E-Rate Hotspots NPRM* on November 8, 2023, giving commenters 61 days to address the issues in the *NPRM* before the January 8, 2024 original comment deadline. While we believe 61 days provides interested parties with ample time to respond to the proposals and issues raised in the *E-Rate Hotspots NPRM*, we recognize that there is overlap with winter holiday breaks that may impede the schools' availability to provide comments. Specifically, the Petitioners explain that many schools do not return from their winter breaks until the first week of January 2024.<sup>14</sup> We also acknowledge that many E-Rate participants are balancing concurrent or forthcoming program responsibilities, including preparing FCC Form 471 applications for funding year 2024,<sup>15</sup> and

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<sup>7</sup> See *id.* at 1-2.

<sup>8</sup> See *id.* at 2 (explaining that the Petitioners were focusing on comments to the Eligible Service List updates when the *E-Rate Hotspots NPRM* was initially released in November 2023, and will need to also focus on responding to the Schools and Libraries Cybersecurity Pilot proceeding in the coming months).

<sup>9</sup> See *id.* at 2 (stating that they must also account and prepare for the E-Rate program funding year 2024 application filing window opening in January, including the training, competitive bidding, and administrative work needed to prepare for the window opening).

<sup>10</sup> See Petition at 3.

<sup>11</sup> 47 CFR § 1.46.

<sup>12</sup> See e.g., *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59 and WC Docket No. 17-97, Order, 36 FCC Rcd 15572, 15573, para. 4 (WCB & CGB 2021) (*Robocall Extension Order*); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Order, DA 23-13 (WCB 2022).

<sup>13</sup> *Robocall Extension Order*, 36 FCC Rcd at 15573, para. 4.

<sup>14</sup> See Petition at 2, n.2. See also Letter from Johnathan Hurley, Assistant Superintendent of Technology, Dallas Independent School District, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-31, at 1 (filed Dec. 20, 2023).

<sup>15</sup> The funding year 2024 FCC Form 471 application filing window will open on January 17, 2024, and will close on March 27, 2024. Additionally, the E-Rate Productivity Center (EPC) Administrative Window will close on January 12, 2024.

participating in other E-Rate proceedings.<sup>16</sup> We therefore find that the record in this proceeding will benefit by allowing commenters additional time to respond to the proposals and questions asked in the *E-Rate Hotspots NPRM*. We agree with the Petitioners that developing a full record in this proceeding is important, particularly given the upcoming sunset of the Emergency Connectivity Fund program.<sup>17</sup> We further note that schools and libraries participating in the Emergency Connectivity Fund program have more than two full years of experience to draw from when considering these issues.<sup>18</sup> To avoid unnecessary delay and being conscious of other upcoming E-Rate program obligations, we find a brief seven-day extension of the comment and reply comment deadlines in this matter will serve the public interest by allowing parties additional time to gather the information needed to prepare and submit their comments, and thus, facilitate a more complete public record. We therefore partially grant the Petitioners' request and extend the comment deadline from January 8, 2024 to January 16, 2024, and the reply comment deadline from January 22, 2024 to January 29, 2024.

6. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46 of the Commission's rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46, that the Petition to Extend the Comment and Reply Comment Deadline filed by the Petitioners is GRANTED IN PART to the extent provided herein.

7. IT IS FURTHER ORDERED that the date for filing initial comments IS EXTENDED to January 16, 2024, and that the date for filing reply comments IS EXTENDED to January 29, 2024.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader  
Chief  
Wireline Competition Bureau

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<sup>16</sup> See, e.g., *Modernizing the E-Rate Program for School and Libraries*, WC Docket No. 13-184, Order, DA 23-1070 (WCB Nov. 9, 2023) (establishing a November 30, 2023 filing deadline for comments regarding the E-Rate program's funding year 2024 eligible services list, including the newly added equipment and services needed to use wi-fi on school buses); *Schools and Libraries Cybersecurity Pilot Program*, WC Docket No. 23-234, Notice of Proposed Rulemaking, FCC 23-92 (Nov. 13, 2023) (seeking comment on a three-year cybersecurity pilot program for eligible schools and libraries).

<sup>17</sup> See Petition at 3.

<sup>18</sup> See generally *Establishing the Emergency Connectivity Fund to Close the Homework Gap*; WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696 (2021) (*Emergency Connectivity Fund Report and Order*).