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Congress of the United States
House of Representatives
Washington, DC 20515-5400

February 8, 2016

The Honorable Tom Wheeler, Chairman
The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Mr. Chairman and Commissioners:

I’ve been made aware of a series of troubling decisions by the Universal Service Administrative Company (“USAC”) regarding applications for E-Rate funds for Funding Year 2014 filed by numerous private schools in Puerto Rico for providing essential internet access services which are being retroactively denied to more than 60 schools on the island. I understand that USAC may be releasing additional decisions of this nature and I’m deeply concerned about the impact that this issue is having on the educational resources available to students in Puerto Rico. I ask that you take prompt action to ensure that USAC re-assesses its decisions so that the approximately 40,000 children impacted by the rescissions in Puerto Rico are not unfairly disadvantaged by these federal actions.

During the Fall of 2014 USAC sent questions to many private schools in Puerto Rico asking, among other things, to explain how these schools determined which E-Rate services to include in their application forms (the FCC Form 470).¹ Unfortunately, despite the fact that it was abundantly clear from the responses that the applicants did not understand what USAC was asking or were unable to articulate an adequate response in English due to a language barrier, USAC did nothing to attempt to clarify the content of the answers that were provided. Then in May 2015 USAC began issuing decisions that retroactively rescinded funding commitments for multiple institutions and said it would seek recovery of all the funds that had been already disbursed, amounting to \$2.5 million. Subsequently, most if not all schools filed appeals with USAC, which we understand were summarily denied without a discussion on the issues raised in the appeals. In September 2015, the schools filed Requests for Review with the Commission.²

¹ The specific schools affected by USAC’s decisions are identified in the Appendix.

² See Requests for Review of Decisions of the Universal Service Administrator by Consortium Escuelas Católicas, CC Docket No. 02-6 (filed September 14, 2015); Requests for Review of Decisions of the Universal Service Administrator by Consorcio Colegios Católicos Diócesis Fajardo y Humacao, CC Docket No. 02-6 (filed September 15, 2015); Requests for Review of Decisions of the Universal Service Administrator by Consortium Colegio Católico Notre Dame Secundario, CC Docket No. 02-6 (filed September 14, 2015); Requests for Review of Decisions of the Universal Service Administrator by Robinson School, CC Docket No. 02-6 (filed September 18, 2015).

I cannot offer an opinion on the merits of the appeals. However, I feel compelled to call your attention to the fact that these schools and the thousands of students they serve in Puerto Rico have been severely disadvantaged in this information gathering process by USAC because their primary language is Spanish and, as a consequence, many of the schools' representatives formulated responses in English that were inadequate. There is clearly a language barrier that is at the root of this issue and in order to prevent an unfair discrimination against my constituents on the basis of their primary language the Commission needs to work with USAC and the stakeholders to help find a solution.

The goal of the E-Rate program is to ensure that all schools, libraries – and most importantly, students – have access to the tools they need to compete and succeed in the digital age. If USAC was truly seeking the truth about the applications in question its personnel should have followed up with the schools to clarify the responses. USAC's failure to do so means that, unless USAC's decisions are set aside by the Commission, some of the poorest children in the United States will continue to be bypassed by 21st Century educational opportunities. As of 2010, 56.3 percent of children aged 0 to 17 in Puerto Rico lived below the poverty line.³ These are the very students the E-Rate program was designed to reach and if the Commission does not redress this problem the E-Rate program will be failing in its mission when it comes to Puerto Rico. I am not asking for "special treatment." I am asking that you provide schools in Puerto Rico a *fair and equal opportunity* vis-à-vis schools on the mainland to participate in the E-Rate program regardless of their primary language.

Therefore, I urge the Commission to take the steps necessary to modify USAC's procedures to ensure that the children of Puerto Rico have a fair and equal opportunity to participate in the E-Rate program. The Commission can take a step in this direction by requiring USAC to:

1. Provide the E-Rate application forms and the instructions to those forms in Spanish;
2. Have customer support (telephone and email) available in Spanish;
3. Assign application reviewers who are fluent in Spanish to Puerto Rico applicants;
4. Offer in-person training in Puerto Rico in Spanish (which has never been scheduled to occur in Puerto Rico in the history of the E-Rate program);
5. Have training materials on its website in Spanish; and
6. Reach out to applicants in Puerto Rico to ensure they are aware of these resources as they become available.

Thank you for your attention to this important issue. I am confident that, working together, we can ensure that Puerto Rico's children continue to be able to access the critical educational resources that the E-Rate program offers.

Sincerely,



Pedro R. Pierluisi
Member of Congress

³ See American Community Survey Briefs, Child Poverty in the United States 2009 and 2010: Selected Race Groups and Hispanic Origin, Table 1, page 9.

APPENDIX

Puerto Rico private schools who had their Funding Year 2014 E-rate commitments rescinded by USAC:

School	Billed Entity Number
Colegio Nuestra Señora del Rosario	198187
Colegio San José Elemental	199864
Consortium Escuelas Católicas	231955
Colegio San Rafael	158943
Colegio San Juan Bosco	159199
Colegio Nuestra Señora del Carmen	158961
Academia Santa Teresita	200008
Colegio Sagrada Familia	198178
Colegio Católico La Merced	200051
Academia Cristo de Los Milagros	157732
Academia San Alfonso	199998
Colegio San Jose Superior	216679
Colegio San Juan Bautista	159097
Colegio San Felipe	159193
Colegio Nuestra Señora del Pilar	199874
Colegio San Benito	159938
Colegio Nuestra Señora del Perpetuo Socorro	200273
Colegio Nuestra Señora del Carmen	159108
Colegio Santiago Apóstol	200062
Colegio Católico Notre Dame Secundario	201210
Colegio Católico Notre Dame Elemental	199857
Colegio San Carlos Borromeo	219595
Academia Inmaculada Concepción Superior	159940
Academia Inmaculada Concepción Elemental	219946
Robinson School	200286