



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF THE
CHAIRWOMAN

April 7, 2022

The Honorable Daniel Crenshaw
U.S. House of Representatives
413 Cannon House Office Building
Washington, DC 20515

Dear Representative Crenshaw:

Thank you for your letter regarding potential changes to the E-Rate Program at the Federal Communications Commission, including modifications to the competitive bidding rules and whether to permit E-Rate funding for off campus use. I share your interest in promoting the efficient administration of the E-Rate Program, while protecting against waste, fraud and abuse.

As you note, open and transparent competitive bidding is central to the fair, efficient, and fiscally responsible administration of the E-Rate Program. To this end, on December 14, 2021, the Commission began a rulemaking to consider improvements to the competitive bidding process. The rules governing the process are designed to protect program integrity, ensure the prudent use of limited universal service funds, and facilitate the efficient administration of the program. For example, our rules establish a minimum 28-day competitive bidding window to solicit bids, but allow parties up to one year to complete the competitive bidding process. In addition, applicants are required to select the most cost-effective option, using price of the eligible equipment and services as the primary factor in their bid evaluation process. Applicants seeking support for special construction services must consider any existing service options in evaluating the most cost-effective option. Additionally, requests for special construction support are subject to enhanced application reviews by the Universal Service Administrative Company to verify compliance with E-Rate Program rules, including the competitive bidding requirements and cost-effectiveness requirements. As part of these reviews, USAC staff evaluates whether the applicant provided enough information in its request for proposal to allow different providers to respond, considered all bids received, and selected the most cost-effective option. Applicants are required to consider the total cost of constructing, owning, operating, and maintaining the network when comparing the cost of a proposed self-provisioned network with services provided over a third party's existing network. As part of our ongoing efforts to review and enhance our E-Rate rules and procedures, please be assured that we will take your suggestions under consideration when we revisit E-Rate Program rules.

In addition, as you note, the Commission received several petitions requesting that E-Rate funded services and equipment be permitted to support off campus use to enable remote learning during the COVID-19 pandemic. The Wireline Competition Bureau sought comment on the petitions on February 1, 2021, including specifically on what measures should be used to safeguard E-Rate funds, and protect against waste, fraud, and abuse. As the Commission was reviewing the record, Congress enacted the American Rescue Plan Act on March 8, 2021, and

created the Emergency Connectivity Fund to provide funding to eligible schools and libraries for the purchase of eligible equipment and/or advanced telecommunications or information services for use by students, school staff, and library patrons at locations other than a school or library. Since the time the petitions were submitted, funding has been made available to support students' off campus learning needs through the Emergency Connectivity Fund Program, as well as the Emergency Broadband Benefit Program (and its successor, the Affordable Connectivity Program). Both programs include provisions prohibiting households from receiving duplicative broadband services under either program. We will continue to consider these programs, other federal funding sources, and the role of the Universal Service Fund, as well as your views, when considering the best way to support learning needs off campus.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", with a long horizontal flourish extending to the right.

Jessica Rosenworcel



FEDERAL COMMUNICATIONS COMMISSION
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CHAIRWOMAN

April 7, 2022

The Honorable John R. Curtis
U.S. House of Representatives
2400 Rayburn House Office Building
Washington, DC 20515

Dear Representative Curtis:

Thank you for your letter regarding potential changes to the E-Rate Program at the Federal Communications Commission, including modifications to the competitive bidding rules and whether to permit E-Rate funding for off campus use. I share your interest in promoting the efficient administration of the E-Rate Program, while protecting against waste, fraud and abuse.

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April 7, 2022

The Honorable Debbie Lesko
U.S. House of Representatives
1214 Longworth House Office Building
Washington, DC 20515

Dear Representative Lesko:

Thank you for your letter regarding potential changes to the E-Rate Program at the Federal Communications Commission, including modifications to the competitive bidding rules and whether to permit E-Rate funding for off campus use. I share your interest in promoting the efficient administration of the E-Rate Program, while protecting against waste, fraud and abuse.

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April 7, 2022

The Honorable Tim Walberg
U.S. House of Representatives
2266 Rayburn House Office Building
Washington, DC 20515

Dear Representative Walberg:

Thank you for your letter regarding potential changes to the E-Rate Program at the Federal Communications Commission, including modifications to the competitive bidding rules and whether to permit E-Rate funding for off campus use. I share your interest in promoting the efficient administration of the E-Rate Program, while protecting against waste, fraud and abuse.

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