

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS  
CONCURRING**

Re: *BellSouth Telecommunications, LLC, d/b/a/ AT&T Southeast*, File No.: EB-IHD-14-00017954.

In the coming months, schools and libraries will have to do more with less—a daunting proposition given the challenges of teaching and learning during the pandemic. School districts across the country face budget shortfalls and layoffs.<sup>1</sup> The American Federation of Teachers estimates that schools face roughly \$116.5 billion in costs associated with safe reopening, not including the costs associated with retrofitting buildings that need changes like upgrades to ventilation systems or reconfiguration of classrooms. Limited funding will have to stretch further than ever. There is so much more the Commission should be doing to help schools and libraries help Americans during this crisis, but the very least we can do is ensure E-Rate beneficiaries get the benefit of the “lowest corresponding price” rule. As with countless other problems, COVID-19 has made this issue all the more urgent.

I do not disagree with today’s outcome, but I want to emphasize how much more needs to be done to give the lowest corresponding price rule the teeth it needs. The rule requires E-Rate service providers to offer participating schools and libraries rates at or below what they charge similarly situated customers for the same services—protecting schools, libraries, and the Universal Service Fund from inflated prices.

I recognize that the statute of limitations is, as the name indicates, set by statute and not a matter of our discretion. But after four years of letting the underlying Notice of Apparent Liability linger, I would have expected the Commission to be in a position to say *something* about the merits of this case to give all parties a modicum of guidance and allow school districts to set firm pricing expectations.

Going forward, we may need to adjust our rules or enforcement practices to ensure we actually punish and deter violations of the lowest corresponding price rule. Detecting these violations is challenging, and the Universal Service Administrative Company is our first line of defense. Due to the timing of various steps in the E-Rate funding cycle, however, USAC may not learn about the price a service provider has charged an E-Rate beneficiary until weeks or months later. The Commission should consider how we can best promote timely detection of violations to avoid future problems with the statute of limitations. If we don’t, schools and libraries will not get the full benefit of the lowest corresponding price rule.

---

<sup>1</sup> Daarel Burnette II and Madeline Will, *Thousands of Educators Laid Off Already Due to COVID-19, and More Expected*, Education Week, July 14, 2020.