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**DISSENTING STATEMENT OF  
COMMISSIONER NATHAN SIMINGTON**

Re: *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Notice of Proposed Rulemaking (November 1, 2023).

This proposed E-Rate expansion is even more lawless and wasteful than the last. Just a few weeks ago, we were told that school buses are actually classrooms. Today, we are asked to believe that when Congress says schools, classrooms, and libraries, it actually means private homes, offices, amusement parks, and, really, anywhere and everywhere a mobile hotspot could be used. I am disappointed by this rapidly metastasizing disregard for the law. It is not clear at this point that there is any location where the Commission would decline to fund connectivity on the premise that someone, sometime, might decide to study there.

In addition to being obviously illegal, E-Rate funding of mobile hotspots would be a waste of money. The federal government already subsidizes home and mobile internet service through affordability programs, like ACP and Lifeline, and high-cost programs, like BEAD, RDOF, and ACAM. In fact, 95% of teenagers already have access to a smartphone.<sup>1</sup> And almost every new smartphone already supports mobile hotspot capability. This is a solution—a very expensive solution—in search of a problem.

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<sup>1</sup> <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022>