

**DISSENTING STATEMENT OF
COMMISSIONER ANNA M. GOMEZ**

Re: *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Declaratory Ruling (September 30, 2025).

First, I want to address process. Participation, transparency, and accountability are critical to the Commission's process. As the item before us today says "[i]t is longstanding practice for the Commission to seek public input and collect information" before making decisions with regard to the E-Rate program's eligible services list.¹ That is why the process failure before us is so concerning.

The Commission generally releases copies of draft items scheduled for the monthly open meeting to the public 3 weeks before such meeting² in order to allow stakeholders and interested parties to read the item and voice any concerns they may have. This process was implemented during former Chairman Pai's administration serving the goal of transparency.³ Instead of following this well-functioning, longstanding practice, the Order on Reconsideration regarding Wi-Fi hotspots and the Declaratory Ruling regarding Wi-Fi on school buses were added to the September meeting agenda without releasing public drafts and just hours before the Sunshine notice, the deadline after which parties can no longer meet with Commissioners' offices. As a result, stakeholders and interested parties were not afforded the chance to read the items impacting their constituencies and were not afforded the chance to weigh in on the substantive details in each item.

Public input is integral to the Commission's decision-making process—as it should be. That input is all the more critical when dealing with items that propose to strip funding from services on which schools and libraries currently rely. Removing E-Rate funding for hotspots and Wi-Fi on school buses will force cutbacks in service and undoubtedly impact the way that schools and libraries are providing educational support to students. Decisions of this magnitude—decisions that take resources away from people across the country—should never be made in the dark, behind closed doors. The Commission is supposed to serve the public, not sideline it. When we shut out the very communities our decisions affect, we fail in that responsibility.

Now, I want to turn to the policy and the law. Broadband is the infrastructure of opportunity. Across the political spectrum, lawmakers have acknowledged the existence of the digital divide—the gap between those who have access to affordable, reliable broadband and those who do not.⁴

For more than 25 years, the FCC's E-Rate Program has helped us narrow the digital divide by making telecommunications and information services more affordable for schools and libraries.⁵ It has connected library patrons, empowered teachers, and equipped students with digital skills.

Specifically, Section 254(h)(1)(B) of the Communications Act tasks the Commission with providing E-Rate support "to elementary schools, secondary schools, and libraries for educational

¹ *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Declaratory Ruling, FCC 25-63, para. 14, (adopted Sept. 30, 2025) (*2025 School Bus Wi-Fi Declaratory Ruling*).

² Press Release, FCC Chairman Ajit Pai, Announces Pilot Program to Release Commission Documents to the Public (Feb. 2, 2017), https://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0202/DOC-343303A1.pdf.

³ *Id.* at 3.

⁴ *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 8989 (2024) (*Hotspots Order*).

⁵ *Id.*

purposes.”⁶ Schools and libraries understand best what their students and patrons need and how to reach them. Teachers, librarians, and parents alike understand that education is not confined to the four walls of a classroom or a library. The pandemic made this painfully clear. It showed us that learning occurs in all kinds of places – from the parking lot of a McDonald’s to the steps outside of a public library. It would be incredibly naïve for us to think that in our post-pandemic world learning has returned to solely in-person and on-paper instruction. The era of homework by quill and candlelight is long gone and will never return.

Technology and telecommunications services change year after year. And that’s why Congress expressly authorized the Commission to update the E-Rate program over time by “designat[ing] additional services for support.”⁷ In doing so, Congress gave the FCC permission to expand the applications of E-Rate funding as the technologies used to educate children evolve. When the E-Rate program was implemented, dial up Internet was the standard,⁸ and today, September 30th, 2025, AOL is discontinuing dial up service.⁹ It is safe to say the landscape of communications technology has changed dramatically throughout the life of the E-Rate program. As underscored during my visit to the High School for Environmental Studies in New York a couple of weeks ago, students are now using Chromebooks in classrooms on a regular basis, and they are expected to submit homework assignments online using platforms like Google classroom. These changes are made possible with support from E-Rate funding.

The Commission has long recognized this reality and expanded E-Rate funding to cover new services, including those that provided off-site connectivity. For example, as early as 2003 the Commission expanded E-Rate support to cover internet access for bookmobiles.¹⁰ It also clarified that E-Rate funding could cover a school bus driver’s use of wireless services while transporting students, a librarian’s use of wireless services on a library’s mobile library unit van, and teachers’ use of wireless services while accompanying students on a field trip.¹¹ Expanding E-Rate support to cover hotspots and Wi-Fi on school buses was consistent with that precedent.

These services matter most for students who would otherwise be left behind, such as students in rural areas who spend more time on school buses than most.¹² For example, in the state of Arkansas, the longest school bus commute is 2 hours and 47 minutes each way, and the average school bus commute is nearly 50 minutes each way.¹³ Moreover, as of 2023, one in three rural students still had inadequate

⁶ 47 U.S.C. § 254(h)(1)(B).

⁷ 47 U.S.C. §§ 254(c)(3), 254(h)(1)(B).

⁸ John Wells & Laurie Lewis, *Internet Access in U.S. Public Schools and Classrooms: 1994-2005*, U.S. Dept. of Ed., Nat’l Center for Ed. Stats., at 4–5 (Nov. 2006); *id.* at 14, 18.

⁹ AOL, *Dial-up Internet to be discontinued*, <https://help.aol.com/articles/dial-up-internet-to-be-discontinued> (last visited Sept. 29, 2025).

¹⁰ *Request for Review of the Decision of the Universal Service Administrator by Montgomery County-Norristown Public Library, Norristown, PA et al.*, Order, 18 FCC Rcd 1775 (WCB 2003).

¹¹ *Schools and Libraries Second Report and Order*, 18 FCC Rcd at 9208–09, para. 19 n.28

¹² See, e.g., Beth Spence, *Long School Bus Rides: Their Effect on School Budgets, Family Life, and Student Achievement*, Rural Educ. Dig. (2000), <https://files.eric.ed.gov/fulltext/ED448955.pdf>; Sarah A. Cordes, et al., *Do Long Bus Rides Drive Down Academic Outcomes?*, Annenberg Brown Univ., EdWorking Paper No. 21-504, at 2 (Dec. 2021), <https://files.eric.ed.gov/fulltext/ED616857.pdf> (“Cordes”).

¹³ Memorandum from Richard Wilson, Assistant Dir. for Rsch. Servs., Ark. Bureau of Legis. Rsch. (Aug. 12, 2014) (reporting on K-12 Student Transportation Survey per Act 1288 of 2013).

internet access at home.¹⁴ For these students, having access to hotspots at home or Wi-Fi on school buses can mean the difference between completing their homework and falling behind.

Importantly, the characterization of these uses of funding as unsupervised screen time fails to acknowledge that the E-Rate program has guardrails to ensure childrens' safety when using both hotspots and Wi-Fi on school buses.¹⁵ Those who receive E-Rate funding are subject to the Children's Internet Protection Act which requires that they employ technology protection measures to block or filter obscene and otherwise harmful content online.¹⁶ These are protection measures that are not even guaranteed for children using a home Wi-Fi connection paid for by their family. Similarly, schools and libraries provide hotspot recipients with an acceptable use policy (AUP) that makes clear that hotspots must be used for primarily educational purposes under the Commission's definitions.¹⁷

Let's zoom out and look at the big picture. Across the political spectrum, policymakers have identified global leadership on artificial intelligence as a national priority.¹⁸ But we cannot expect to lead if we fail to equip today's students, who will be tomorrow's innovators and technologists, with the digital skills they need to succeed. Without support for connectivity, that pipeline dries up—and in the long run, we—and the communities—lose out.

We learned the same lesson from the Affordable Connectivity Program. It was the most successful tool our country has ever had to address the digital divide. When funding for the program lapsed last year, millions of households lost support.¹⁹ And without it, the struggle to afford reliable, high-speed broadband continues to loom large. I strongly believe that Congress should establish another affordability program. If the Commission votes to take away funding for hotspots today, the need for a new affordability program will only become more urgent.

The Commission's move to roll back federal funding for hotspots and Wi-Fi on school buses ignores our nation's educational landscape today and the need to equip students with digital skills for the future. Let me be clear, these decisions benefit no one. Funding for hotspots and Wi-Fi on school buses comes from the existing E-Rate budget.²⁰ It will however make it harder for students to learn, harder for libraries to serve their community, and harder for us to close the digital divide. Because I cannot support turning the digital divide into a digital chasm, I dissent.

I do, however, want to acknowledge the hard work and dedication of the Wireline Competition Bureau.

¹⁴ Keith N. Hampton et al., *Broadband and Student Performance Gaps After the COVID-19 Pandemic*, Quello Center, Mich. State Univ., at 6 (2023), <https://quello.msu.edu/wp-content/uploads/2023/08/Broadband-and-Student-Performance-Gaps-After-the-COVID-19-Pandemic.pdf>.

¹⁵ See 47 U.S.C. § 254(h)(5).

¹⁶ *Hotspots Order*, para. 97.

¹⁷ Universal Serv. Admin. Co., *Off-Premises Wi-Fi Hotspots Overview*, <https://www.usac.org/e-rate/applicant-process/before-you-begin/off-premises-wi-fi-hotspots-summary-overview/> (last visited Sept. 29, 2025).

¹⁸ See, e.g., Sorelle Friedler & Andrew D. Selbst, *5 points of bipartisan agreement on how to regulate AI* (Aug. 15, 2025), <https://www.brookings.edu/articles/five-points-of-bipartisan-agreement-on-how-to-regulate-ai/>.

¹⁹ *Hotspots Order*, para. 15.

²⁰ *Hotspots Order*, para. 5.