

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:

Petition by the State E-rate Coordinators)	CC Docket No. 02-6
Alliance for Clarification and/or Waiver)	
Of E-rate Rules Concerning Technology)	
Plan Creation and Approval Under the)	
Schools and Libraries Universal Service)	
Support Mechanism)	

**COMMENTS OF THE AMERICAN LIBRARY ASSOCIATION
IN RESPONSE TO THE PETITION BY THE STATE E-RATE
COORDINATORS ALLIANCE FOR CLARIFICATION AND/OR WAIVER OF
E-RATE RULES CONCERNING TECHNOLOGY PLAN CREATION AND
APPROVAL UNDER THE SCHOOLS AND LIBRARIES UNIVERSAL SERVICE
SUPPORT MECHANISM**

The American Library Association (ALA) is the oldest and largest library association in the world with some 64,000 members, primarily school, public, academic and some special librarians, but also trustees, publishers and friends of libraries. ALA's mission is to provide leadership for the development, promotion and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all.

We appreciate the opportunity to comment on the petition filed by the State E-rate Coordinators Alliance (SECA) for clarification and/or waiver of E-rate rules concerning technology plan preparation and approval under the schools and libraries universal service support mechanism. The following comments are the result of a combined effort by ALA's Office for Information Technology Policy and the Association's E-rate Task Force. Together, these organizations serve the entire ALA membership by working with the E-rate program and understanding its impacts on the library community. Over the last nine years, we have established our leadership in the area of E-rate for the library community, as we

have taken several opportunities to advise the FCC and SLD on the library perspective. We appreciate this opportunity to continue that tradition.

We are in general agreement with SECA's identification of the problems E-rate applicants face in the technology planning and approval process. However, we encourage the Commission to move beyond short-term fixes and take the bold steps needed to really address the many problems associated with the current technology plan rules and regulations.

As we stated in our comments in response to the Commission's Notice of Proposed Rulemaking on the Comprehensive Review of Universal Service Fund Management, Administration and Oversight (WC Docket No. 05-195), the intended purpose of technology plans is to determine how technology can impact certain desired outcomes. Technology plans are typically very strategic documents addressing the broader issues of curriculum and instruction and library patron services. Today's E-rate technology plan requirements have little to do with this purpose; rather, it has become a way to check whether a particular E-rate eligible product or service is identified in the technology plan and then on the subsequent Form 470 and Form 471. Although libraries have many different methods for approaching technology planning, rarely will you find specific pieces of equipment identified in such a strategic document as a technology plan—that is the purpose of a request for proposal and bidding process.

We continue to believe that the process of technology planning is best monitored and managed at the state level. The Commission should not be involved in shaping the process of or timing requirements for technology planning on the local, regional or state level. State Libraries and State Departments of Education need to be free to set the timelines and standards for technology planning that meet the intended outcomes of their organizations and to integrate those requirements into other functions of their agencies.

It is important to note that technology planning timelines and requirements (outside of E-rate) differ from state to state, reflecting local needs. This local context is lost in the technology planning requirement for E-rate – the cookie-cutter approach the program often

allows applicants to get through the hoops of this program, but often produces a technology plan that has little value. In the end, the E-rate technology plan requirement does little practical good and can do much harm -- it is one more way in which an applicant can typically be denied if plans aren't written at a certain time, don't include the most basic of telecommunications services (including such items as Centrex and voicemail services), aren't approved by a certain date, aren't updated in a certain way, et cetera.

We once again take this opportunity to challenge the Commission to more carefully analyze the purpose of technology plans and the role of state and local decision makers in their creation, implementation, and approval. Most technology planning experts would agree that the purpose of having a technology plan is less about the technology and more about the desired outcomes that can best be accomplished through the use of technology. It is why most effective technology plans often begin with needs assessments and/or user input. The FCC in its May 8, 1997, Universal Service Order recognized that technology plans were a mechanism for identifying how technologies would be used in the near term and into the future and would include how technologies would be integrated into school curriculum (par. 573). Somehow, through the course of implementing the program, technology plans have turned into a procurement mechanism and not a planning mechanism. We believe that the procurement mechanism is covered by the function of Requests for Proposals—not technology plans. For this reason, we request that the Commission permanently remove or waive the current rule with regard to technology planning in order to allow state and local entities to focus their effort on the more strategic planning requirements of their organizations rather than on the artificial requirements of the E-rate program and the very real problems that occur when the problems outlined in the SECA petition leave applicants in a position of being denied funding.

The confusion as to the timing of technology planning requirements under the E-rate program is as old as the program itself. As described in the SECA petition, for several years the rule requiring that technology plans be “approved” before the filing of the Form 470 was never implemented. In fact, program certifications that were to be signed by applicants seeking funding were contrary to the existing rule. Consequently, while there was a great deal of confusion as to the precise E-rate requirements, the practical implementation was to

require that technology plans be approved by the start of services – normally July 1 of the funding year.

Although the FCC's Fifth Report and Order (FCC 01-190) released on August 13, 2004, clarified that technology plans were not required to be approved before the filing of FCC Form 470, it did little to address the practical reality of the purpose of technology plans in education and library institutions. As discussed in the SECA petition, the lack of clarity in requirements for what constituted technology plan "preparation," and the requirements for applicants to be able to prove "preparation" dates, is causing applicants to be denied funding for services that are, in fact, E-rate eligible.

Institutional needs and therefore related technology plans often evolve over time. Furthermore, multi-year contracts and E-rate plan coverage dates often do not coincide, and basic services such as Internet access and transport services continue from year to year. All of these factors make establishing a "preparation" date for the purpose of E-rate technology planning virtually impossible to define. For example, what happens if a recipient has a technology plan before the initial filing of a Form 470 for a new service, and they enter into a five-year contract for that service? In year 4 of the five-year contract, the entity, under current E-rate program guidance, is required to file a new technology plan and receive approvals from a certified technology plan approver. The preparation date for that new three year technology plan is not before the filing of the Form 470. Does that mean the last two years of the contract for service cannot be used? Does it mean that the continuation of service does not require a "new" technology plan? How does the Administrator differentiate between a "preparation" date for the purpose of the initial technology plan and the later years related to that same service. Technically, the relevant plan for funding years 4 and 5 in this example is not "prepared" prior to the filing of the Form 470.

At a recent national training session to improve the participation of libraries in the E-rate program, the number one question raised by libraries was with regard to technology plan requirements. Because there are no definite answers to the questions that were raised by the participants, the state coordinators left frustrated that applicants in their states may be in financial jeopardy and that without clear guidance on the implementation of the existing

rules, the state coordinators are helpless to inform their applicants as to how to ensure compliance.

Further, as pointed out in the SECA petition, since states are not required to “approve” the plans until the start of services, states have no knowledge as to whether local plans have been prepared. Yet, consortium level applicants must certify that such tech plans exist at the time that Forms 470 are filed. This is an impossible situation to manage. In many states, a thousand or more recipients of service for whom the state is trying to achieve the best rates for services on behalf of their schools and/or libraries are listed as recipients of service on E-rate applications. Yet, once again, the artificial dates and deadlines of the current E-rate program have no basis in reality as states look to reduce the drain on the universal service fund by achieving favorable rates by aggregating demand for services through coordinated procurement (and filing of the FCC Form 470). In this case, a statewide applicant or consortium is forced to sign a certification saying that tech plans exist when, without communication with those thousand or more recipients, a state who has not yet been required to approve a technology plan can in no way know whether or not such certification is accurate. While the Joint Board touted the benefits of aggregating demand to make best use of the universal service support mechanism for schools and libraries, these technology plan requirements are causing states to re-think the risk involved for facilitating procurement on behalf of their schools and/or libraries. This situation is not limited to state master contracts. It is true for any consortium filing statewide for their schools and/or libraries and it is also true for regional consortia as well.

We acknowledge and support the identification of the many problems outlined by SECA in their petition as being very real and having a negative impact on recipients of service, applicants, and even states. However, we believe that the FCC -- an agency that has neither responsibility nor authority for K-12 educational outcomes or library patron issues -- should not be imposing a level of technology planning requirements at the federal level. This is not an effective way to deal with the problems that have been identified. Instead, the solution is to keep the important activity of technology planning in the hands of the states. The unfortunate impact of tying E-rate timelines to technology planning is that the very schools

and libraries for whom these funds were intended are being denied access to these resources because of this approach.

We believe that the problems pointed out in the SECA petition are further evidence of the need for the Commission to rethink its role in this process. We ask that the Commission take this opportunity to remove itself from the technology planning process and to defer to both the substance and timing requirements of states in this matter. Again, we believe that technology planning requirements and the timing for meeting those requirements is best monitored and managed at the state level.