



June 6, 2012

Ex Parte via Electronic Filing

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Alan G. Fishel

Partner
202.857.6450 DIRECT
202.857.6395 FAX
fishel.alan@arentfox.com

Re: In the Matter of Lifeline Linkup Reform and Modernization; Lifeline and Linkup; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training; WC Docket Nos. 11-42, 03-109, 12-23 and CC Docket No. 96-45

Dear Ms. Dortch:

On June 4, 2012, Corey Williams, Larra Clark, and Marijke Visser of the American Library Association (“ALA”), Alan Fishel and Stephen Thompson of Arent Fox, LLP, on behalf of ALA, and John Windhausen of Telepoly Consulting, on behalf of ALA, met with Austin Schlick, General Counsel of the Commission; Sean Lev, Deputy General Counsel; Julie Veach, Deputy General Counsel; Marcus Maher and Diane Griffin Holland of the Office of General Counsel; Josh Gottheimer, Senior Counselor to the Chairman; and Jordan Usdan, Deputy Director of Public-Private Initiative, regarding the above-referenced rulemaking.

During the meeting we discussed ALA’s view that the Commission has legal authority to establish and fund digital literacy training through libraries and schools under Section 706 of the Act and that such funding should come through a fifth fund. Section 706 provides direct authority to the Commission to take action to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms) by utilizing, in a manner consistent with the public interest, convenience, and necessity, price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, or other regulating methods that remove barriers to infrastructure investment.”¹ Importantly, the Commission has already correctly recognized that poor digital literacy is a barrier to infrastructure investment because it reduces the revenue available to providers who invest in

¹ 47 U.S.C. § 1302(a) (emphasis added).
TECH/1142746.1

Arent Fox

broadband.² Therefore, Section 706 provides the Commission with clear legal authority to fund, under a fifth fund, digital literacy training through libraries and schools as it will help remove barriers to infrastructure investment. Indeed, as ALA stated at the meeting, and as the Commission has also recognized, digital literacy training would encourage broadband deployment by providing more consumers with the requisite skills to use broadband, which in turn will improve the business case for providers to deploy broadband in many areas of the nation.³

In addition, ALA discussed that the Commission may also use its ancillary authority under Title I of the Act to effectuate digital literacy training through libraries and schools under a fifth fund. Specifically, ALA explained that 47 U.S.C §§ 151 and 201(b) may also provide the Commission with additional authority for establishing and funding the program. ALA also discussed whether in the alternative the funding could be provided through the Lifeline program.

ALA discussed that there are very significant benefits that establishing digital literacy training through libraries and schools under a fifth fund would provide. ALA, however, also emphasized that if the Commission moves forward with establishing a digital literacy training program it should take every precaution necessary to structure the program in a manner that protects the uniqueness and funding of the current E-Rate program and does no harm whatsoever to the E-Rate program. Because the E-Rate program is absolutely essential to the success of our nation's schools and libraries, and because it already receives far less funding than is needed, ALA firmly believes that the creation and funding of any digital literacy training program should be kept separate and distinct from that of the E-Rate program.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced docket for inclusion in the public record.

² *In the Matter of Lifeline & Link Up Reform & Modernization; Lifeline & Link Up; Fed.-State Joint Bd. on Universal Serv.; Advancing Broadband Availability Through Digital Literacy Training*, 2012 WL 387742, ¶ 424 (Feb. 6, 2012).

³ *Id.*

Arent Fox

Respectfully submitted,

/s/ Alan G. Fishel

Alan G. Fishel

cc: Austin Schlick
Sean Lev
Julie Veach
Josh Gottheimer
Jordan Usdan
Marcus Maher
Diane Griffin Holland