



September 23, 2025

The Honorable Brendan Carr, Chairman
The Honorable Anna Gomez, Commissioner
The Honorable Olivia Trusty, Commissioner
Federal Communications Commission
45 L St. NE
Washington, D.C. 20554

RE: Items On Circulation That Would Overturn School Bus Wi-Fi and Hotspot Lending Eligibility Under E-Rate

Addressing the Homework Gap Through the E-Rate Program, WC Docket No. 21-31
Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184

Dear FCC Commissioners:

The Schools, Health & Libraries Broadband (SHLB) Coalition, the American Library Association (ALA), EdLiNC, and the Homework Gap Coalition (collectively “E-Rate Advocates”), strongly support E-Rate funding for the provisioning of Wi-Fi service and associated equipment on school buses (School Bus Wi-Fi Program)¹ and funding to support hotspot lending by schools and libraries (Hotspot Lending Program).² Recently, certain items were placed on circulation that would end these previously adopted initiatives. Based on a recent press release, the Commission would vote to adopt i) a declaratory ruling that would overturn the

¹ *Modernizing the E-Rate Program for Schools and Libraries*, Declaratory Ruling, 38 FCC Rcd 9943 (2023) (*School Bus Wi-Fi Ruling*). The *School Bus Wi-Fi Ruling* clarified “that the use of Wi-Fi, or other similar access point technologies, on school buses is an educational purpose, and the provision of such service, including the equipment needed to provide such service, is eligible for E-Rate funding.” *Id.* at ¶ 2.

² *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-76 (rel. Jul. 29, 2024) (*Hotspot Lending Order*). The *Hotspot Lending Order* adopted “a budget mechanism to allow for the equitable distribution of Wi-Fi hotspots and services to students, school staff, and library patrons.” *Id.* at ¶ 4.

School Bus Wi-Fi Program and ii) an order on reconsideration that would reverse the Hotspot Lending Program.³

The E-Rate Advocates believe that overturning these programs would negatively affect community members nationwide by cutting off access to critical connectivity resources - namely those that enable students and library patrons to complete homework assignments or engage in services that define modern-day life. Regarding Wi-Fi connectivity on school buses, we believe that this effort safely equips students with a reliable broadband solution to help them complete online assignments and coursework, especially for those who have long commutes or class-sanctioned trips. For example, Farmington Municipal Schools in New Mexico added Wi-Fi to its entire fleet of 90 buses, which serve about 6,500 of the district's 11,000 students every day.⁴ While some students may have a 30 to 45 minute drive to their school, others have up to a two hour drive (with an even longer commute - up to three hours - to get to after-school games).⁵ Billy Huish, Farmington's transportation supervisor, says that "students are not getting out of school and just riding home. They're getting on the bus and continuing to learn and get their work done" and that "[p]arents have shared that they are happy when their children are home and have already completed their homework."⁶

Regarding hotspot lending, we see this as a solution to improve student and library patrons' ability to participate in remote learning and enrich their education online, outside of school and library hours.⁷ For example, hotspots are a popular and vital service that public libraries across the country have offered for over a decade. At the Brown County Public Library in Appalachian Ohio, where reliable and affordable internet is not feasible in all areas, hotspot lending has been impactful for students, local businesses, and veterans. For homeschool families in the area, hotspots mean that they can join virtual teaching groups, download lesson plans, access enrichment materials, and connect to other homeschool networks. For local businesses, internet access is required for sales, communicating with customers and clients, and basic security. One local entrepreneur takes her shop on the road, setting up at fairs and community events. She uses

³ *Carr Proposals Would End FCC's Unlawful Biden-Era Expansion of COVID Spending Program*, News Release, available at <https://docs.fcc.gov/public/attachments/DOC-414268A1.pdf> (Sept. 3, 2025).

⁴ Wylie Wong, CDW, *How Wi-Fi-Enabled School Buses Connect Students and Drivers to Learning*, <https://edtechmagazine.com/k12/article/2024/11/how-wi-fi-enabled-school-buses-connect-students-and-drivers-learning> (Nov. 18, 2024).

⁵ *Id.*

⁶ *Id.*

⁷ See American Library Association, *Libraries = Learning Without Limits*, available at https://www.ala.org/sites/default/files/2025-02/Libraries%20%3D%20Learning%20Without%20Limits_hotspots%20Jan2025.pdf (Feb. 2025).

a hotspot from the library to access her payment systems, online inventory, and social media and communications with customers.

Local veterans are one of the most important groups that the Brown County Public Library serves. This July, a former military pilot who now flies civilians and military personnel overseas, borrowed a hotspot during a one-week furlough between assignments. During that week, he needed internet access to complete testing for recertification; something important for maintaining his professional credentials. Because of the hotspot, this veteran was able to do what he needed without financial strain. Veterans also regularly check out hotspots in order to participate in telehealth appointments from the privacy of their homes.

Sustainable funding for both school bus Wi-Fi and hotspot lending through E-Rate would allow schools and libraries to maintain and grow their fleet of resources in an attempt to address the demand for flexible connectivity. Notably, both of these programs are subject to E-Rate's filtering requirements in accordance with the Children's Internet Protection Act (CIPA), ensuring that users do not have unfettered access to obscene or harmful material. We also believe that these programs are authorized by the statutory language in the Communications Act. In fact, E-Rate has supported internet access in administrative offices, parking lots, and library bookmobiles for several years, even though they are not "classrooms." Further, Section 254 of the Communications Act directs the FCC to update the definition of universal service, including E-Rate, so that it evolves over time.

While we remain committed to supporting the continuation of these programs and closing the Homework Gap, we also write to share our concerns about the potential reach and effect the items on circulation could have on those E-Rate applicants who have received school bus Wi-Fi commitments and funding for FY 2024 and for those applicants who requested school bus Wi-Fi or hotspot funding in FY 2025 (by relying on the fact that these services were on the Eligible Services List (ESL)). Should the Commission vote to overturn these programs, we believe that there are certain actions it should take that would safeguard FY 2024 and FY 2025 applicants from being financially harmed, through no fault of their own. We outline these concerns, and suggest alternative solutions, more specifically below.

Regarding the School Bus Wi-Fi Program:

- First, we are concerned about the mechanism the Commission plans to use to overturn school bus Wi-Fi eligibility. Specifically, we question whether overturning this program via a declaratory ruling would roll back committed funding for FY 2024. This not only undermines applicants' trust in the E-Rate program's precedence and predictability, but could also force schools to find alternative funding for these services, a particularly burdensome challenge for those operating under tight budget constraints or procedures. Additionally, we understand that USAC is currently in the process of reimbursing FY

2024 invoices. We further question whether the declaratory ruling will only apply to those applicants who have yet to receive their reimbursement. If so, we are concerned that this could disproportionately impact, and discriminate against, those applicants.

- Second, we are concerned that an abrupt halt of the program, coupled with a lack of notice to program applicants, would create an unduly harmful result for those that requested school bus Wi-Fi support for FY 2025. Applicants and service providers alike have relied on the fact that school bus Wi-Fi equipment and service was on the Eligible Services List (ESL) for 2025.⁸ Given that we are well into FY 2025, many applicants most likely signed contracts months ago (in the first quarter) after completing their competitive bidding requirements. These applicants would similarly be forced to reallocate their budgets to make up for the lack of E-Rate support, or break their contracts.
- To ensure that applicants are not put into a financial lurch for simply relying on the ESL to guide their FY 2024 and 2025 requests, we instead suggest that the Commission release an Order and Notice of Proposed Rulemaking that clarifies this rule change, if adopted, would be effective beginning in FY 2026.⁹ This procedure would allow the Commission to more closely follow traditional APA procedures by providing applicants with advance notice and opportunity for public comment regarding the change.

Regarding the Hotspot Lending Program:

- We are likewise concerned that the order on reconsideration could similarly harm those schools and libraries that applied for support in FY 2025.¹⁰ As with school bus Wi-Fi support, applicants and service providers have relied on the fact that hotspot equipment and service was on the ESL for 2025, with many also in the position of having signed contracts earlier this year. Without anticipated E-Rate funding, these applicants would similarly be forced to reallocate their budgets, or break their contracts.

⁸ Applicants also relied on the precedent that these services were on the ESL the year prior and that they received commitments and funding for those services.

⁹ We suggest that the Commission could use the process similar to the one it followed in 2010, which allowed “community use” of E-Rate services after school hours in the school building – finding it was in the public interest – and started the rulemaking process on the same day. *See Schools and Libraries Universal Service Support Mechanism*, Order and Notice of Proposed Rulemaking, CC Docket No. 02-6 (rel. Feb. 19, 2010).

¹⁰ For FY 2025, more than 8,000 schools and libraries applied for program support, requesting funding for over 200,000 hotspot connections during the funding window that closed earlier this year.

- We thus suggest that the Commission’s order on reconsideration should similarly find that any reversal of the Hotspot Lending Program takes effect in FY 2026. Again, this solution more closely follows traditional APA procedures by providing applicants with advance notice of the Commission’s rule change.

The statutory language in section 254 of the Communications Act calls for universal service to be “predictable”.¹¹ We are concerned that the Commission’s potential declaratory ruling and order on reconsideration could reverse these programs without proper notice to applicants and recipients which could significantly impact their budgets and planning. By using mechanisms that instead provide advanced notice, the Commission will more closely follow traditional APA procedures and help preserve trust in the predictability, integrity, and transparency of the E-Rate program.

Thank you for your consideration of these important matters.

Respectfully,

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¹¹ 47 U.S. Code § 254(b)(5).