

**VIA ECFS**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

**Re: *Ensuring Children’s Safe Use of Screens and E-Rate-Funded Services, WC Docket No. 26-133*  
*Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184*  
*Establishing the Emergency Connectivity Fund to Close the Homework Gap, WC Docket No. 21-93*  
*Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455***

On June 16, 2026, Staci Pies, Chris Shipley, and Taylor Abshire of INCOMPAS (“the association representatives”) conducted separate virtual meetings with 1) Danielle Thumann, Senior Counsel to Chairman Brendan Carr; 2) Harsha Mudaliar, Policy Advisor and External Affairs Liaison to Commissioner Anna M. Gomez; 3) Marcus Maher, Senior Legal Advisor to Commissioner Olivia Trusty. On June 17, 2026, Staci Pies and Taylor Abshire conducted a virtual meeting with Matthew Baker, Gabriela Gross, Veronica Garcia-Ulloa, Kristen Berkland, and Rachel Bixby of the Wireline Competition Bureau, Telecommunications Access Policy Division. In these meetings, INCOMPAS discussed the Draft *Notice of Proposed Rulemaking* (“NPRM”) and *Further Notice of Proposed Rulemaking* (“FNPRM”) in the above-referenced proceedings to be voted on during the Commission’s June Open Meeting.<sup>1</sup>

INCOMPAS is the premier trade association representing competitive communications providers and AI infrastructure companies dedicated to promoting competition, innovation, and network services, including dark fiber, lit fiber, and services to schools and libraries through the E-Rate program.

INCOMPAS supports the Commission’s commitment to strengthening children’s online safety in schools and libraries and shares the goal of ensuring the E-Rate program delivers the educational outcomes Congress intended. INCOMPAS urges the Commission to adopt language in the NPRM and FNPRM that accurately reflects E-Rate’s unique and irreplaceable role in delivering on both of those goals, and to avoid language that could be read to invite program elimination at the moment when E-Rate’s functions are most critical.

INCOMPAS’s comments address five areas: (1) reframing the program necessity inquiry; (2) E-Rate’s role in supporting Artificial Intelligence (“AI”) literacy and AI-enabled education consistent with the administration’s AI priorities; (3) E-Rate’s indispensable role in facilitating the FCC’s protection of children’s online safety; (4) the importance of preserving special construction eligibility, particularly lit

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<sup>1</sup> *Ensuring Children’s Safe Use of Screens and E-Rate-Funded Services, WC Docket No. 26-133, Modernizing the E-Rate Program for Schools and Libraries, WC Docket No. 13-184, Establishing the Emergency Connectivity Fund to Close the Homework Gap, WC Docket No. 21-93, Promoting Fair and Open Competitive Bidding in the E-Rate Program, WC Docket No. 21-455, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, Draft on Circulation, FCC-CIRC2606-02 (June 4, 2026) (Draft NPRM) (Draft FNPRM).*

fiber, for rural and low-income communities; and (5) definitional clarification in the FNPRM consultant oversight provisions to exclude service provider channel partners from the consultant definition.

## **I. PROPOSED NPRM ADDITIONS AND MODIFICATIONS**

### **A. Reframing the Inquiry**

The NPRM's current framing, asking whether E-Rate has fulfilled its mission given that 99.3% of schools report broadband connectivity, appears to envision the E-Rate program primarily as an infrastructure deployment program. The reality is that a significant portion of E-Rate funding supports lit services that schools and libraries would otherwise be unable to afford, with direct consequences for the students and library patrons who depend on those services. Moreover, point-in-time connectivity statistics show only that some broadband was present when the data was collected; they say nothing about whether that connectivity remains adequate as technology, instructional methods, and network demands evolve, or what happens to it if E-Rate funding is withdrawn. A forward-looking inquiry would generate a more robust record to inform decisions about a program whose value lies in continuing to meet needs that are still moving. This concern is reinforced by the statute itself, which defines universal service as "an evolving level of telecommunications services" to be established, "taking into account advances in telecommunications and information technologies and services."<sup>2</sup>

INCOMPAS proposes that the Commission revise the NPRM to also ask forward-looking questions, including:

*"The Commission seeks comment on how the emerging connectivity and infrastructure needs of E-Rate-funded schools and libraries compare to the connectivity levels reflected in current program data, including the extent to which current E-Rate support funds ongoing lit services that schools and libraries rely on for day-to-day educational operations rather than one-time infrastructure deployment. The Commission also seeks comment on the extent to which existing connectivity and any associated program requirements depend on continued E-Rate support to be maintained or replaced over time, and on the consequences for students and library patrons if that support were reduced or eliminated."*

INCOMPAS urges the Commission to keep this forward-looking frame in view as it considers the more specific issues addressed below.

### **B. AI Literacy and White House AI Executive Orders**

INCOMPAS requests that the Commission acknowledge in the NPRM that E-Rate is essential infrastructure for the administration's AI education priorities. The White House has made K-12 AI education a stated national priority. Executive Order 14277 (Advancing Artificial Intelligence Education for American Youth, April 23, 2025) directs federal agencies to prioritize AI literacy and expand equitable access to AI learning tools across all schools.<sup>3</sup> Executive Order 14179 (Removing Barriers to American Leadership in Artificial Intelligence, January 23, 2025) frames AI infrastructure as a national competitiveness priority and directs agencies to identify and remove barriers to AI deployment.<sup>4</sup>

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<sup>2</sup> See 47 U.S.C. § 254(c)(1); see also Ex Parte Letter from Joseph Wender, SHLB Coalition, WC Docket No. 26-133 et al. (filed June 16, 2026).

<sup>3</sup> Advancing Artificial Intelligence Education for American Youth, Executive Order, available at <https://www.whitehouse.gov/presidential-actions/2025/04/advancing-artificial-intelligence-education-for-american-youth/> (Apr. 23, 2025).

<sup>4</sup> Ensuring a National Policy Framework for Artificial Intelligence, Executive Order, available at <https://www.whitehouse.gov/presidential-actions/2025/12/eliminating-satte-law-obstruction-of-national-artificial-intelligence-policy/> (Dec. 11, 2025).

School districts also want to implement AI into their network environments. A majority of those school districts (65%) cite security threat detection as the top use case.<sup>5</sup> AI-enabled educational and cybersecurity tools require robust, high-speed, low-latency broadband connectivity and modern and secure internal network infrastructure, precisely what E-Rate funding supports. The emergence of AI is accelerating existing technology pressures school districts have been experiencing for years now, including aging devices, an increasing dependency on cloud services, and sophisticated cybersecurity threats.<sup>6</sup> Losing E-Rate funding would further accelerate these issues. INCOMPAS encouraged the FCC to develop a record reflecting how actions to reduce E-Rate eligibility or funding will affect the White House directive to federal agencies to expand access to AI education.

INCOMPAS proposes that the Commission add the following questions and findings to the NPRM:

*“The Commission seeks comment on the connectivity and infrastructure requirements associated with AI-enabled educational tools, consistent with Executive Order 14277 (Advancing Artificial Intelligence Education for American Youth)—which calls for the Nation to “invest in our educators and equip them with the tools and knowledge to not only train students about AI, but also to utilize AI in their classrooms to improve educational outcomes”; as well as Executive Order 14179 (Removing Barriers to American Leadership in Artificial Intelligence). The Commission further seeks comment on the extent to which the E-Rate program’s eligible service categories and administrative framework align with such requirements.*

*“What broadband speeds and network performance characteristics are needed for schools and libraries to utilize AI-enabled educational tools effectively? Beyond instructional applications, the Commission seeks comment on whether AI-enabled tools and services offer additional benefits to E-Rate-funded networks, such as stronger cybersecurity protections, anomaly detection, or threat response capabilities, and if so, what connectivity or infrastructure requirements are associated with deploying those tools.”*

### **C. Children’s Online Safety**

In the meetings, INCOMPAS urged the Commission to consider whether it can simultaneously strengthen the federal child online safety framework for schools and invite the elimination of the program that enforces that framework. INCOMPAS believes the Commission should acknowledge this directly in the NPRM.

The Children’s Internet Protection Act (“CIPA”) is the Commission’s most direct enforcement mechanism for federal child online safety standards in schools and libraries. A school that does not participate in E-Rate faces no direct FCC-imposed obligation to implement content filters, hold public hearings on internet safety policies, or certify any child protection standard to a federal agency. Other federal laws may impose related obligations, but none replicate the direct, enforceable, school-level internet safety floor that CIPA provides as a condition of E-Rate participation. Critically, the loss of E-

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<sup>5</sup> Consortium for School Networking (CoSN), *Operational AI in Education: A CoSN 2025 Member Survey* (Sept. 2025), [https://www.cosn.org/wp-content/uploads/2025/09/2025-HPE-Report\\_F2.pdf](https://www.cosn.org/wp-content/uploads/2025/09/2025-HPE-Report_F2.pdf).

<sup>6</sup> See Julia Gilban-Cohen, *What Kind of Infrastructure Will K-12 Schools Need for AI?*, Gov’t Tech. (May 11, 2026), <https://www.govtech.com/education/k-12/what-kind-of-infrastructure-will-k-12-schools-need-for-ai>.

Rate would not take students offline; as the FCC acknowledges in the NPRM, students would continue to access the internet at school, including on their own devices, but would do so without the federal content-filtering and internet-safety-policy floor that CIPA supplies. The communities that would bear the greatest harm from this reversion are low-income, rural, and Tribal schools, precisely those least able to independently implement robust safety measures and are most dependent on E-Rate for connectivity itself.

INCOMPAS requests that the FCC inquire whether, if E-Rate is eliminated or dramatically narrowed, schools and libraries that cease participating would lose their federal CIPA compliance obligations and funding. INCOMPAS further requests that the Commission examine what authority, if any, it would retain to require or enforce school-level child online safety protections outside the CIPA framework, given that the end of E-Rate participation would not remove students from school networks or prevent their internet access on personal devices.

INCOMPAS proposes the Commission add the following language to the NPRM:

*"The Commission seeks comment on the relationship between E-Rate program participation and compliance with the Children's Internet Protection Act (CIPA), including the extent to which CIPA's content filtering, internet safety policy, and public hearing requirements are tied to a school or library's receipt of E-Rate support. The Commission further seeks comment on the child online safety implications of any reduction in E-Rate program participation, including the effect on CIPA compliance rates and on the capacity of under-resourced districts to implement content filtering and internet safety policies independent of E-Rate support. The Commission further seeks comment on what authority, if any, it would retain to require or enforce content filtering, internet safety policies, or related child protection measures at schools and libraries that no longer participate in E-Rate, including where students continue to access the internet on school premises through their own devices."*

Separately, INCOMPAS noted in the meetings that the NPRM's discussion of children's screen time serves two functions: it summarizes a body of research on child development and screen use generally, and it proposes 'screen time' as the basis for specific regulatory requirements, including per-day limits and conditions on E-Rate support. INCOMPAS takes no position on the underlying research. As to the regulatory function, however, the NPRM recognizes, in paragraph 40, that "screen time is not a single category and should not be evaluated as such," distinguishing between educational and recreational screen time. INCOMPAS proposes that the Commission build on this distinction by adopting 'non-educational use,' rather than 'screen time,' as the operative concept for any rule adopted in this proceeding, since a rule framed around screen time would apply identically to AI tutoring software and social media, while a non-educational-use rule targets the actual conduct of concern.

INCOMPAS proposes that the Commission add the following question to the NPRM:

*"For any rule adopted pursuant to this proceeding addressing children's use of E-Rate-funded networks and devices, the Commission seeks comment on whether non-educational use, rather than 'screen time', should serve as the operative regulatory concept, consistent with the distinction discussed at paragraph 40 between educational and recreational screen time."*

#### **D. Special Construction, Lit Fiber, and Rural Communities**

During meetings with the Commission, INCOMPAS emphasized the continued importance of special construction, particularly for rural and low-income schools and libraries. Lit fiber remains especially valuable for these communities, as it provides a managed, high-capacity connection that can be deployed without significant internal technical resources.

INCOMPAS urged the Commission to revisit the premise that special construction should be available only where no other connectivity option exists. That "sole option" framing risks treating any

technically available service as sufficient grounds to deny support, regardless of whether that service meets a school's current or future connectivity needs. The relevant inquiry should not be whether a connection exists, but whether available alternatives constitute meaningful substitutes in terms of performance, service quality, and long-term value. To better inform this analysis, INCOMPAS recommends that the Commission seek comment on how to evaluate whether an available alternative is a meaningful substitute, including consideration of performance, service characteristics, and competitive effects.

Separately, INCOMPAS urged the Commission not to treat E-Rate special construction as duplicative of last-mile deployment funded through the Broadband Equity, Access, and Deployment (BEAD) program. The two programs serve distinct purposes: BEAD funds one-time deployment of broadband infrastructure primarily to residential and community locations, while E-Rate special construction supports the dedicated capacity, reliability, and service characteristics that schools and libraries require on an ongoing basis. The presence of BEAD-funded infrastructure in a community does not establish that a school's institutional connectivity needs are met, particularly given that BEAD deployment remains incomplete in many areas.

Moreover, INCOMPAS also noted that the Commission's existing competitive bidding requirements already mitigate any risk that special construction displaces private investment by requiring applicants to select the most cost-effective solution following a fair and open market test.<sup>7</sup> This framework requires applicants to compare self-provisioned and third-party solutions and select the option that best meets their needs at the lowest cost. Where that process results in the selection of self-construction, it reflects a determination based on submitted bids that no alternative offering is more cost-effective. The Commission has recently reinforced these competitive bidding requirements, including by strengthening its bidding rules and adopting a centralized bidding portal and document repository.<sup>8</sup>

INCOMPAS recognizes that this framework predates BEAD and that the availability of other federal funding sources may inform how cost-effectiveness is evaluated going forward. However, any additional safeguards should build on, not duplicate, the competitive bidding process that already disciplines these decisions.

Accordingly, INCOMPAS recommends that the Commission seek comment on the following issues:

*"The Commission seeks comment on whether available connectivity alternatives constitute a meaningful substitute for purposes of evaluating special construction eligibility, including whether such alternatives: (1) meet or exceed performance levels sufficient to support modern educational applications, including 100/20 speeds where appropriate; (2) are offered on terms, conditions, and service levels comparable to those that special construction would provide; and (3) would be expected to deliver comparable long-term value, including through competitive pricing and service quality."*

*"The Commission seeks comment on whether E-Rate special construction should be considered duplicative of broadband deployment supported by other federal programs, including the Broadband Equity, Access, and Deployment (BEAD) program, and whether such programs are*

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<sup>7</sup> See, e.g., 47 CFR § 54.503; *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Second Report and Order, 29 FCC Rcd 15538, 15557–58, para. 48 (2014); see also *Ensuring Children's Safe Use of Screens and E-Rate-Funded Services*, WC Docket Nos. 26-133 *et al.*, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC-CIRC2606-02, para. 14 (2026).

<sup>8</sup> See *Promoting Fair and Open Competitive Bidding in the E-Rate Program*, WC Docket No. 21455, Report and Order and Order on Reconsideration, FCC 26-30 (rel. May 1, 2026).

*designed to meet the distinct connectivity requirements of schools and libraries. In particular, the Commission seeks comment on whether the presence of BEAD-funded infrastructure in a community should be treated as resolving a school or library's connectivity needs where institutional service requirements may differ, and program deployment remains ongoing."*

*"The Commission seeks comment on whether the existing competitive bidding requirements governing special construction sufficiently address concerns regarding potential displacement of private investment, and whether any additional disclosure or coordination requirements relating to other federal funding sources would provide material benefits without imposing unnecessary administrative burdens."*

*"The Commission seeks comment on whether limiting special construction support to areas served by a single provider would appropriately target support, or whether such an approach would be under- or over-inclusive relative to performance- and competition-based considerations."*

## **II. PROPOSED FNPRM ADDITIONS AND MODIFICATIONS**

### **A. Consultant Definition — Channel Partner Carve-Out**

INCOMPAS supports the Commission's effort to address concerns that E-Rate program costs could be inflated by the use of consultants. In the meeting, INCOMPAS urged one targeted clarification to the FNPRM: the proposed consultant definition, as written, captures service provider channel partners, resellers, agents, and authorized dealers who assist E-Rate applicants in the ordinary course of their commercial relationship with the service provider. Channel partners are commercial intermediaries who act as extensions of the service provider: they are subject to the provider's oversight, their compensation typically takes the form of a fixed or flat fee paid through the provider relationship rather than a percentage of, or contingent fee tied to, the size of the applicant's funding request, and they are not positioned to steer applicants toward unnecessarily large funding commitments. Treating them as consultants subject to independent registration, certification, and fee restrictions would impose compliance burdens on an entire tier of the E-Rate distribution system without addressing the cost increases the Commission is concerned about.

This concern is most acute with respect to any obligation to report client noncompliance or discrepancies: an independent consultant retained by a school district can be expected to report irregularities it observes in the district's conduct, but a channel partner subject to the same obligation would be required to report on the very service provider it represents—an obligation that is untenable within an ordinary commercial agency relationship and that does not advance the Commission's cost-integrity objective.

INCOMPAS proposes that the Commission add the following clarifying language to the FNPRM consultant definition and associated rules:

*"The term 'consultant' does not include employees, agents, resellers, or authorized dealers of E-Rate-eligible service providers who assist E-Rate service providers as part of their commercial relationship with the service provider, provided the entity does not receive compensation from the applicant independent of that relationship, does not represent multiple competing service providers to the same applicant without disclosure, and does not steer applicants toward particular service configurations for personal financial benefit outside the provider relationship. To the extent the Commission adopts reporting or disclosure obligations applicable to consultants, those obligations shall not require an entity excluded under this provision to report on the E-Rate-eligible service provider with which it maintains the commercial relationship described above."*

## Conclusion

INCOMPAS respectfully urges the Commission to adopt the NPRM and FNPRM additions and modifications described above. These proposals are designed to build a record that accurately reflects E-Rate's unique role in supporting AI literacy, AI-enabled education, child online safety enforcement, and connectivity for rural and low-income communities, and to ensure that the consultant oversight framework reaches its intended targets without disrupting legitimate commercial distribution activity.

If you have any questions about this filing, please feel free to contact me.

Respectfully submitted,

*/s/ Staci L. Pies*

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## APPENDIX

### Meeting Attendees

#### **Meeting 1 – Office of Commissioner Olivia Trusty (Marcus Maher)**

Staci Pies, INCOMPAS

Christopher L. Shipley, INCOMPAS

Taylor Abshire, INCOMPAS

Brett P. Ferenchak, Cooley (*counsel for INCOMPAS*)

#### **Meeting 2 – Office of Chairman Carr (Danielle Thumann)**

Staci Pies, INCOMPAS

Christopher L. Shipley, INCOMPAS

Taylor Abshire, INCOMPAS

Wills Norton, INCOMPAS

Ron Del Sesto, Cooley (*counsel for INCOMPAS*)

#### **Meeting 3 – Office of Commissioner Gomez (Harsha Mudaliar)**

Staci Pies, INCOMPAS

Christopher L. Shipley, INCOMPAS

Taylor Abshire, INCOMPAS

Wills Norton, INCOMPAS

Ron Del Sesto, Cooley (*counsel for INCOMPAS*)

#### **Meeting 4 – Wireline Competition Bureau, Telecommunications Access Policy Division (Matthew Baker, Gabriela Gross, Veronica Garcia-Ulloa, Kristen Berkland, Rachel Bixby)**

Staci Pies, INCOMPAS

Taylor Abshire, INCOMPAS