



May 21, 2014

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner O’Rielly, Commissioner Rosenworcel, and Commissioner Pai:

This letter is sent on behalf of public libraries that are members of the Urban Libraries Council, serving over ninety million individuals across the country, to provide the Commission with a series of E-rate program reform recommendations specific to public libraries.

The E-rate legislation and implementing regulations established public libraries as a separate and distinct set of civic institutions to which the FCC has the authority and duty to provide advanced telecommunications services. While there is nothing in the statute or regulations that suggests that public libraries are inferior to schools, and no one commenting in the pending E-rate proceeding has supported this idea, public libraries and the citizens they serve are not being equally considered. The facts are that the E-rate program as administered has not addressed public library buildings and users as effectively as school buildings and their users in at least three major respects. While a number of participants in this proceeding have eloquently made the case for reform of the E-rate program for schools, the case for public libraries is just as strong—but also quite different.

The three major E-rate problems for public libraries are:

1. Proportionality. Public libraries have not received a proportion of E-rate funding that parallels the proportion of public library buildings compared to school buildings. Public libraries operate in approximately 17,000 buildings, whereas schools receiving E-rate funding appear to operate in about 100,000 buildings. Roughly speaking, after school buildings receive all of the funding necessary to meet their goals, then public libraries should have received one-sixth of allocated funds for the 17 year history of the E-rate. If, for example, the E-rate had been indexed for inflation, as it should have been from inception, then schools would be drawing about \$3.4 billion a year, and libraries would be receiving about \$560 million, for a total of about \$3.96 billion a year. Instead, public libraries have been receiving only about \$60-70 million a year. The cumulative shortfall since the beginning of the E-rate now totals about \$4 billion. It is predictable and regrettable that the results of this shortfall are visible in every public library in the country: (1) very few have 1 Gbps bandwidth to the building; (2) perhaps none have the minimally adequate 5 Mbps downlink Wi-Fi per user at critical times; (3) few have adequate desktop computers for their user base; and, (4) only a very few can afford the high cost of digital information.

The 1996 Telecommunications Act was signed in the Library of Congress in order to showcase its promise of connecting everyone to all information through the E-rate. Given this original goal, it is tragic that the E-rate has left public libraries offering Internet access inferior to what is available in most single family households today. Yet public libraries are the most important and often only free, public Internet access point for after-school children or the 90 million adult Americans who are not in the workforce and, therefore, cannot access the Internet at work. Urban, suburban and rural public libraries are also critically important Internet access points for the one-third to 40% of Americans in those geographic areas who do not have broadband access at home.

2. Needs. Public libraries receive less financial support from the federal government than any other institution in the civic landscape. If the E-rate had provided the requisite proportional funding to public libraries (the rule of one-sixth), then at \$560 million a year, the E-rate would be more than three times the budget of the Institute of Museum and Library Services, the largest and most important federal agency with a library mission, other than the FCC. At that level of funding, the FCC could transform public libraries into fertile grounds for innovating and digital learning, as well as providing adequate access to the Internet for the more than 100 million Americans who annually use libraries for such access. (That is much larger than the number of students and teachers in all K-12 schools.) However, because any E-rate spending must be allocated equitably -- that is, serving buildings in descending order of need, with the most needy coming first -- part of E-rate reform should be the creation of a formula for prioritizing library funding. The undersigned believe in a two-part formula: (1) income of the user group (weighted by cost of living), plus (2) number of daily users of the building (because the number leads to assessing the necessary Wi-Fi and desktop connectivity).

Because a large urban or suburban library will have at least as many users per day as there are students in a large high school (many will have three to four times as many users), the cost-of-living-adjusted income levels in cities will push urban libraries to the top of any equitable assessment of need. At the other end of the demographic analysis, rural libraries have fewer users, but often very low-income levels in their user base. Eventually all public libraries should receive E-rate funding necessary to produce the 1 Gbps outside/5 Mbps inside bandwidth. In order to maximize results per E-rate dollar, however, an equitable formula is necessary.

In no way should such prioritizations pit urban against rural or library against school. Instead, this is an opportunity to ensure that the playing field is leveled for all simultaneously.

3. Administration. While a number of participants in this proceeding have studied the contracting processes for schools, these studies have not addressed the situation of public libraries. This was not an error as much as a practical acknowledgment of the near irrelevance of public libraries to the administration of the E-rate program. Buildings that receive as little as three percent of the E-rate funding understandably do not attract the study of those who focus on deficiencies in the existing contracting process.

Many of the E-rate reforms proposed in this proceeding do not address the primary issues for public libraries. Public libraries do not obtain much E-rate funding from school-led consortiums, and their governing authorities do not necessarily choose to supply broadband to and inside public libraries as part of the same processes that apply to schools. Giving due deference to the actual

governance of public libraries (as the FCC must), the E-rate program as to libraries will need to be administered under at least three different rubrics. First, all libraries should have access to the contracting prices obtained by other libraries and by schools in similar geographic areas. Next, all public libraries should be able to opt into contracts that the FCC itself puts out for bids. Finally, all public libraries should be able to know that they can contract for "whole networks." This means access to the Internet at a wide area network point of presence, a 1 Gbps fiber connection to every library building (two thirds of libraries have no fiber and those that do cannot afford the electronics upgrade to Gbps bandwidth), a 5 Mbps Wi-Fi downlink inside all buildings, as well as caching, firewall, and maintenance. Comprehensive funding for whole networks is especially critical because a network is only ever as fast as its slowest link.

These three rubrics should be transparent and predictable for at least five-year contracting periods.

The FCC's current process of modernizing the E-rate has served as a stimulus to the community of public libraries' thinking about the digital future of all communities. No other institutions rival the significance of public libraries in the civic landscape for adults, and for children during the many days and hours when school is not in session. Public libraries across the country now are asking themselves how it has come to pass that they have suffered such a shocking shortfall in obtaining E-rate funds.

Thanks to the FCC and its supporters in Congress, including especially the chairman of the Senate Commerce Committee and the originator of the E-rate legislation along with now retired Senator Snowe, public libraries are recognizing what should have happened and what needs to happen in order to provide a digital future for all Americans everywhere.

Thank you for your consideration.

Respectfully yours,

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| ▪ Alameda County Library, CA | ▪ Miami-Dade Public Library System, FL |
| ▪ Albuquerque/Bernalillo County Library System, NM | ▪ Mid-Continent Public Library Serving Greater Kansas City, MO |
| ▪ Alexandria Library, VA | ▪ Milwaukee Public Library, WI |
| ▪ Allen County Public Library, IN | ▪ Multnomah County Library, OR |
| ▪ Anchorage Public Library System, AK | ▪ Nashville Public Library, TN |
| ▪ Anne Arundel County Public Library, MD | ▪ New Haven Free Public Library, CT |
| ▪ Anythink, CO | ▪ New Orleans Public Library, LA |
| ▪ Arapahoe Library District, CO | ▪ Newport News Public Library System, VA |
| ▪ Atlanta-Fulton Public Library System, GA | ▪ Oakland Public Library, CA |
| ▪ Boston Public Library, MA | ▪ Omaha Public Library, NE |
| ▪ Bridgeport Public Library, CT | ▪ Orange County Library System, FL |
| ▪ Brooklyn Public Library, NY | ▪ Palm Beach County Library System, FL |
| ▪ Broward County Libraries Division, FL | ▪ Palo Alto City Library, CA |
| ▪ Carnegie Library of Pittsburgh, PA | ▪ Pierce County Library System, WA |
| ▪ Charlotte Mecklenburg Library, NC | ▪ Pikes Peak Library District, CO |

- Chattanooga Public Library, TN
- Columbus Metropolitan Library, OH
- County of Los Angeles Public Library, CA
- Dayton Metro Library, OH
- DeKalb County Public Library, GA
- Denver Public Library, CO
- Des Moines Public Library, IA
- Detroit Public Library, MI
- District of Columbia Public Library, DC
- East Baton Rouge Parish Library, LA
- El Paso Public Library, TX
- Enoch Pratt Free Library, MD
- Fort Vancouver Regional Library District, WA
- Fort Worth Library, TX
- Free Library of Philadelphia, PA
- Fresno County Public Library, CA
- Frisco Public Library, TX
- Grand Rapids Public Library, MI
- Gwinnett County Public Library, GA
- Hartford Public Library, CT
- Hayward Public Library, CA
- Houston Public Library, TX
- Indianapolis Public Library, IN
- Jacksonville Public Library, FL
- Jefferson County Public Library, CO
- Johnson County Library, KS
- Kalamazoo Public Library, MI
- King County Library System, WA
- Las Vegas-Clark County Library District, NV
- Lexington Public Library, KY
- Lincoln City Libraries, NE
- Live Oak Public Libraries, GA
- Los Angeles Public Library, CA
- Loudoun County Public Library, VA
- Madison Public Library, WI
- Marin County Free Library, CA
- Memphis Public Library and Information Center, TN
- Pima County Public Library, AZ
- Pioneer Library System, OK
- Portland Public Library, ME
- Poudre River Public Library District, CO
- Prince George's County Memorial Library System, MD
- Providence Public Library, RI
- Public Libraries of the City of Pasadena, CA
- Queens Library, NY
- Richland Library, SC
- Richmond Public Library, VA
- Rochester Public Library, NY
- Sacramento Public Library, CA
- Saint Paul Public Library, MN
- Salt Lake City Public Library, UT
- Salt Lake County Library Services, UT
- San Antonio Public Library, TX
- San Diego County Library, CA
- San Diego Public Library, CA
- San Francisco Public Library, CA
- San José Public Library, CA
- Santa Clara County Library District, CA
- Sno-Isle Libraries, WA
- Somerville Public Library, MA
- Springfield City Library, MA
- St. Louis County Library, MO
- St. Louis Public Library, MO
- The Kansas City Public Library, MO
- The New York Public Library, NY
- The Public Library of Youngstown & Mahoning County, OH
- The Seattle Public Library, WA
- Toledo-Lucas County Public Library, OH
- Topeka and Shawnee County Public Library, KS
- Tulare County Library, CA
- Virginia Beach Public Libraries, VA
- Wichita Public Library, KS
- Worcester Public Library, MA
- Ohio Public Library Information Network (OPLIN)