

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Schools and Libraries Universal Service Support Mechanism)	CC Docket No. 02-6
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
2013 Eligible Services List)	

REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”) hereby respectfully submits its reply to comments filed on August 6, 2012, on the draft 2013 Eligible Services List (“ESL”). As discussed below, the Commission should reject the proposal by E-Rate Provider Services, LLC (Comments, p. 2) to make “Cellular Data Plans” ineligible for support under the E-Rate Program, and to transfer support which currently goes to wireless data plans to Priority 2 equipment such as Wireless Access Points.

Sprint agrees that E-rate support for any eligible service -- which, as E-Rate Provider Services, LLC acknowledges (*id.*), includes “cellular data plans” -- should be provided on a cost-effective basis. However, there is no basis to challenge the cost-effectiveness of wireless data plans or to change their status as an eligible service. E-Rate Provider Services, LLC has failed to demonstrate that wireless data plans as a total solution are not cost-effective for the applicant; that Priority 2 Wireless Access Points provide a complete solution resulting in a more cost-effective wireless solution than

mobile data services used with an end-user device; or that E-rate applicants even want to purchase and install Wireless Access Points.

The Commission has rightly made mobile learning a top priority.¹ As stated in the *Digital Textbook Playbook* (p. 30), “to accomplish truly ubiquitous digital learning, students must be able to connect outside the school walls.” In the E-rate context, the Commission has long included wireless Internet Access services on the ESL, with schools and libraries that use wireless Internet Access services off-premises allowed to cost-allocate ineligible usage for purposes of determining E-rate support. The Commission has incrementally expanded support for wireless Internet Access services, making wireless Internet Access services designed for portable electronic devices a supported service when used for educational purposes.² And, in recognition of “the benefits of enabling innovation in learning outside the boundaries of the school building and the traditional school day,” the Commission instituted a pilot program to evaluate support for connectivity for portable learning devices used outside the physical grounds of schools and libraries.³ It is difficult to envision how mobile and digital learning goals can be achieved if E-rate support for mobile data plans is eliminated or curtailed. Adoption of the E-Rate Provider Services, LLC’s proposal in this regard would be a giant step backwards.

¹ See, e.g., *Digital Textbook Playbook*, unveiled by FCC Chairman Genachowski and Secretary of Education Duncan at their Digital Learning Day Town Hall, March 29, 2012; *Connecting America: The National Broadband Plan*, Chapter 11 (Education), released March 16, 2010.

² See, e.g., ESL for funding year 2010, p. 8 (“a wireless Internet access service designed for portable electronic devices is eligible to be funded if used for educational purposes”).

³ *Schools and Libraries Universal Service Support Mechanism; A National Broadband Plan For Our Future*, 25 FCC Rcd 18762, 18784-5 (para. 43) (2010). See also, *E-Rate Deployed Ubiquitously 2011 Pilot Program, Order* released July 11, 2011 (DA 11-1181).

Moreover, because E-Rate Provider Services, LLC has failed to recognize that the Priority 2 *equipment* and the Priority 1 *service* are not equivalent in terms of functionality, its per student cost-effectiveness comparison is inapposite. Wireless Access Point equipment, when connected to a wired network connection, may provide in-building wireless service, but offers no off-site service capability; in contrast, wireless data service can be used off-site throughout the mobile service provider's footprint. Therefore, while a student may be able to use a mobile learning device while at school via a Wireless Access Point, that Priority 2 equipment is useless in terms of providing that student with the ability to use the mobile learning device while on the school bus on a school-sponsored outing, at the field trip destination, or at home to do his homework. To say that E-Rate Provider Services, LLC has given short shrift to the "effectiveness" portion of the equation would be a gross understatement.

E-Rate Provider Services, LLC's financial analysis of its recommended Priority 2 configuration is similarly problematic. For example, it does not appear to have factored in many expenses associated with Priority 2 equipment (recurring maintenance costs; installation and upgrade expenses; the impact of the two-in-five rule as regards to upgrades, etc.), or the increased bandwidth to the wireline facility necessary to accommodate in-building wireless access.

Finally, even if additional funds were made available for Priority 2 equipment, E-Rate Provider Services, LLC offers no evidence whatsoever that eligible schools and libraries would even want to use such funds to purchase and install Wireless Access Points. One might readily imagine that applicants would find it more "cost effective" to invest in other internal connection components (*e.g.*, servers, fiber build out, voice

systems, video distribution systems, routers or switches). Indeed, a few large school districts could gobble up the lion's share of any additional Priority 2 funds, leaving little or nothing for the thousands of applicants in the rest of the country.⁴

The E-Rate Provider Services, LLC's proposal to eliminate support for wireless data service, and to transfer that support to Priority 2 Wireless Access Points, is misguided from a policy perspective and is unwarranted from a cost-effectiveness standpoint. The Commission should accordingly reject this proposal.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

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⁴ In contrast, even a 20% applicant has a good chance of receiving Priority 1 support for wireless data service.