

FORESIGHT LAW + POLICY, PLLC

800 Maine Avenue, S.W., Suite 200
Washington, D.C. 20024
(p) 202.499.6996 | www.FLPAdvisors.com

May 26, 2023

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C. 20554

Re: Notice of Ex Parte, Allowing the Use of E-Rate Funds for Advanced or Next-Generation Firewalls and Other Network Security Services, WC Docket No. 13-184

Dear Ms. Dortch:

On Wednesday, May 24, 2023, the following education, library, community anchor, and privacy leaders met with Ramesh Nagarajan, Legal Advisor, Wireline and Enforcement and Elizabeth Cuttner, Legal Advisor, Affordable Connectivity Program for Chairwoman Jessica Rosenworcel.

- Keith Krueger, Consortium for School Networking
- Julia Fallon, SETDA
- John Heim, National School Boards Association (NSBA)
- Manish Naik, Council of the Great City Schools (CGCS)
- Moses Valle-Palacios, Council of the Great City Schools
- Dean Folkers, Council of Chief State School Officers (CCSSO)
- Bob Bocher, American Library Association (ALA)
- Hannah Quay-de la Vallee, Center for Democracy and Technology (CDT)
- Julie Tritt Schell, State E-rate Coordinators Alliance (SECA)
- Rebeca Shackelford, All4Ed
- Kristen Corra, Schools, Health & Libraries Broadband (SHLB) Coalition
- Cathy Cruzan, Funds for Learning
- Reg Leichty, Foresight Law + Policy, PLLC

The attendees discussed and endorsed the joint comments submitted to the Commission in the above captioned proceeding by CoSN, SETDA, NSBA, CGCS, CCSSO, SECA, the National Association of State Boards of Education (NASBE), SHLB Coalition, CDT, Benton Institute, and All4Ed. The attendees noted that the joint comments, and related comments filed independently by the American Library Association and Funds for Learning, reflect a strong national consensus among education and library leaders that the Commission must promptly modernize E-rate to

help schools and libraries meet their cybersecurity needs. Consistent with the joint comments and independent comments referenced above, and related reply comments, the attendees urged the Commission to:

- Make advanced or next-generation firewalls and related features eligible for E-rate Category 2 support beginning in 2024.
- Increase Category 2 funding levels, within the E-rate program's existing aggregate cap, to cover investments in modern firewalls.
- Provide this limited E-rate cybersecurity support in a manner that is minimally burdensome to applicants, allowing schools and libraries to select the modern firewall technology best suited to their specific needs.

The group noted that modernizing E-rate consistent with these recommendations would successfully balance the Commission's fiscal responsibility goals and the critical need to fortify schools and libraries against serious and pervasive cyber threats. In addition, the ALA discussed the importance of ensuring that Category 2 investments in firewalls should include services beyond the physical confines of school or library buildings, such as cloud-based cybersecurity. SECA noted that should the Commission expand Category 2 eligibility to include cybersecurity, the agency must also repeal the requirement that applicants must deduct the cost of non-instructional facilities' (NIFs) use of the Category 2 equipment or services. Currently, applicants are not permitted to use their Category 2 budgets for the portion of any equipment or services that will be used by a NIF, including site-specific or shared services. SECA added that this rule is burdensome and no longer necessary due to the school district-wide approach to Category 2 budgeting. In addition, All4Ed and CDT noted that modernizing E-rate to better protect schools and libraries from cyberattacks is essential to promoting broadband equity. The same low income, minority, and rural communities that are disproportionately harmed by the nation's broadband gaps suffer from a related cybersecurity gap that must be closed so that all learners and library patrons are safe online.

Should you have any further questions or require additional information about this meeting, please do not hesitate to contact me.

Respectfully submitted,

/s/ Reg Leichty

Reginal J. Leichty
Foresight Law + Policy, PLLC
800 Maine Avenue, S.W., Suite 200
Washington, D.C. 20024

Cc: Ramesh Nagarajan and Elizabeth Cuttner