



# PUBLIC NOTICE

Federal Communications Commission  
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## WIRELINE COMPETITION BUREAU SEEKS COMMENT ON DRAFT ELIGIBLE SERVICES LIST FOR SCHOOLS AND LIBRARIES UNIVERSAL SERVICE PROGRAM

CC Docket No. 02-6; GN Docket No. 09-51

**Comment Date: August 6, 2012**  
**Reply Comment Date: August 21, 2012**

The Wireline Competition Bureau seeks comment on a draft eligible services list (draft ESL) for the schools and libraries universal support mechanism (also known as the E-rate program) for funding year 2013.<sup>1</sup> As part of the Commission's ongoing commitment to remove burdens on industry and provide greater transparency regarding Commission requirements, the draft ESL has been reorganized to make it easier for schools and libraries who apply for E-rate funding to determine what services and products are eligible for E-rate discounts.

The draft ESL divides Priority One services into three sections grouped primarily by functionality from the user perspective. The "communications connectivity" section includes digital transmission services, fiber and Internet access. The "voice services" section includes telephone services, telephone service components and interconnected voice over Internet protocol. The "other designated and related services" section includes E-mail, voice mail and web hosting.<sup>2</sup> The proposed reorganization of the ESL does not change the eligibility status for any of these services from funding year 2012.<sup>3</sup> Rather, it lists the services by categories that reflect how school and library applicants plan for and seek technology and services, *i.e.*, by the services they purchase and the infrastructure they need to bring the services to their buildings. We seek comment on this proposed reorganization and whether there are other ways to organize the ESL that would make the document more useful to applicants and reduce regulatory burdens. We also seek comment on the proposed list of eligible services.

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<sup>1</sup> See 47 C.F.R. § 54.502 (detailing the procedures for seeking comment on a draft ESL for the E-rate program for the upcoming funding year). The E-rate program was established pursuant to section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254.

<sup>2</sup> Voice mail is moved out of the "miscellaneous" category of the ESL into the "other designated and related services" but this does not change the eligibility status for voice mail.

<sup>3</sup> To help transition applicants to this reorganization and minimize any potential confusion, we propose to add a third column in all three of the Priority One services sections to suggest the category of service that should be selected in Block 2 of the FCC Form 470 and Block 5 of the FCC Form 471.

In addition, we have made other minor changes in this draft ESL. For example, throughout the document, we have removed citations to Commission orders and other legal or regulatory language to make this document more accessible for personnel at schools and libraries who may not be familiar with the details of telecommunications regulation and terminology. We understand E-rate applicants use this document predominantly as a quick reference for eligible services and products and not as a primary reference source for the Commission regulations and orders that have established the relevant requirements. We propose this change because we think it will further streamline the ESL into a more user-friendly resource for applicants. We seek comment on these changes.

We also clarify that although the phrase “commercially available” was left out of the section describing supported telecommunications services in the ESL for funding year 2012, this was not intended to change the eligibility status for telecommunications services.<sup>4</sup> We reinsert the phrase “commercially available” into the proposed ESL for 2013 to clarify that supported telecommunications services provided by telecommunications carriers include all commercially available telecommunications services; this language is taken verbatim from the Commission’s rules.<sup>5</sup>

Pursuant to section 54.502 of the Commission’s rules, the final ESL for the upcoming funding year will be released at least 60 days prior to the opening of the E-rate application filing window.<sup>6</sup> Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

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<sup>4</sup> Last year’s ESL included the statement that “[a]ny service that meets the definition of ‘telecommunications service’ is eligible for E-rate funding.”

<sup>5</sup> 47 C.F.R. § 54.502(a)(1).

<sup>6</sup> *See* 47 C.F.R. § 54.502(b).

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The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>7</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Cara Voth, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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<sup>7</sup> 47 C.F.R. §§ 1.1200 *et seq.*