

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Modernizing the E-rate Program for	)	
Schools and Libraries	)	WC Docket No. 13-184

**PETITION FOR  
RECONSIDERATION AND/OR CLARIFICATION**

Pursuant to section 1.429 of the Commission’s rules,<sup>1</sup> Infinity Communications & Consulting, Inc. (Infinity) respectfully asks the Commission to reconsider or clarify certain aspects of its recent E-rate Category 2 Report and Order.<sup>2</sup> Specifically, Infinity urges the Commission to reconsider its decision to base student counts on full-time enrollment only.<sup>3</sup> We appreciate that the Commission was trying to streamline the application and review processes, but the Commission’s decision may result in unintended consequences that the Commission may not have considered.

First, Infinity wishes to raise the plight of schools that have no full-time students at all and are not part of a school district. Infinity has a few customers in this predicament: they are trade schools or career centers that serve multiple school districts but are not part of any single district, and *all* of their students are part time. The students may attend a school within one of the trade school’s feeder districts or they may attend home or virtual school the rest of the time. Limiting student counts to full-time enrollment means that schools like this will not be eligible

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<sup>1</sup> 47 C.F.R. § 1.429.

<sup>2</sup> *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order, FCC 19-117 (rel. Dec. 3, 2019) (*Order*).

<sup>3</sup> *Order* ¶ 26.

for any Category 2 E-rate funding at all. They do not reap the benefits of district-wide budgets because they are not part of any school district, so they are essentially in a no man's land, ineligible for any C2 E-rate funding. To address this problem, Infinity respectfully asks that the Commission revise or clarify its new rules to ensure that schools with significant part-time students such as the ones described above are not punished.

Second, Infinity notes that the Commission did not define "part-time" student in the Order. We believe that the Commission was thinking of situations where students split their time between schools, not situations where students do not attend school for an entire day. Eliminating the requirement that applicants try to account for the number of students in each building when the C2 budgets were determined by building certainly makes sense. However, we are concerned that the new rule would also prohibit schools from counting students who attend school for most, but not all, of the school day.

In some states, "full-time" may be defined as any student that does not attend a full schedule of classes each day. For example, some high school students may take only six out of seven hours in a school day. This may happen because the student has previously earned more credit hours than required and, as a senior, the student leaves school an hour early to go to a job. Would those students be considered "part-time"? Limiting enrollment counts to full-time students only, as the *Order* does, may lead to school districts in some states being eligible for less funding than same-sized school districts in other states. Infinity requests that the Commission clarify that any student that attends a school at least half the time will be considered "full-time" for Category 2 purposes.

For the foregoing reasons, Infinity respectfully requests that the Commission clarify or reconsider its decision to prohibit part-time students from being considered in the student count for Category 2 services.

Respectfully submitted,

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Chief Executive Officer  
Infinity Communications & Consulting, Inc.

January 21, 2020