



July 21, 2003

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

Re: Docket 02-6, FCC 03-101

Dear Chairman Powell:

The Education and Library Networks Coalition (EdLiNC) would like to thank you and the other members of the Commission for your continued support of the E-Rate program. This telecommunications program has had an amazing impact on the telephone and internet services being delivered to schools and libraries across the country. Thanks to E-Rate 90 percent of America's classrooms are connected to the internet and 95 percent of public libraries provide public internet access. However, the work is not yet done. There is still a gap between the access afforded to suburban areas and those in rural and urban locations. EdLiNC is supportive of steps to streamline the operation of E-Rate in order to increase accessibility.

In the NRPM adopted on April 23, 2003, the Commission ruled on some of the issues remaining from the previous order of last spring. Among these decisions, EdLiNC would like to applaud the inclusion of voice mail and cell phones for school and library personnel though the extension of the definition of educational purposes and giving the applicants the choice of their method of payment and timing. We also support the steps taken by the FCC to debar parties convicted of violating E-Rate rules from participation in the program.

EdLiNC would like to take this opportunity to comment on several of the proposals put forth by the Commission in the recent NPRM.

Proposed Unused Funds Carryover Rules

EdLiNC strongly applauds the FCC for its September decision to reallocate unused funds into the current funding year. We encourage the FCC to streamline the process of carrying over the funds to encourage increased utilization of these dollars. In any event, we caution the FCC to leave enough carry-over dollars to fund any remaining appeals. EdLiNC supports the FCC proposal to provide quarterly estimates regarding the amount of unused funds that will be available to be carried forward.

Technology Plan

EdLiNC urges the Commission to proceed with caution regarding changes to the technology plans. Any changes to the timing of approval of the technology plan must guard against waste, fraud and abuse in the program. The technology plan should serve as the basis for requesting any services under E-Rate. Allowing the filing of services before the plan is approved can be counter productive to the integrated technology approach needed in schools and libraries. If the FCC and the Schools and Libraries Division (SLD) were able to place proper protections to require the approval of the plan before the services are delivered, EdLiNC could see some merit in this proposal.

Computerized Eligible Services List

EdLiNC supports the proposal that provides a safe harbor of approved services on a computerized list. However, we remain concerned about keeping the list as updated as possible with the most recent technology and caution against vendor favoritism. This list should act as a safety list, but should not preclude the requesting and approval of other technology. EdLiNC urges the FCC to follow the progress of the upcoming eligible services pilot program and its outcomes before it makes any changes to the way the list operates. This eligible services list should not unduly delay anything within the application process and thus hinder the participation and there should be a good geographic distribution of available services listed.

Program Integrity and Preventing Waste, Fraud and Abuse

EdLiNC applauds the steps taken by the Commission to streamline the program integrity and to prevent whatever waste, fraud, and abuse there may be. However, we caution against that the addition of unnecessary layers of bureaucracy to the program and urge that current protection measures are fully utilized. E-Rate is not a federal program, as it is not federally funded. We strongly caution the FCC against applying government wide regulations to E-Rate and involving the Department of Justice in any investigation. If E-Rate were to be classified as a federal program it could have adverse effect on the private school community or library community. Accepting E-Rate as a federal program would increase the number of stipulations that private entities would have to accept to use the discounts.

EdLiNC also recommends that the Commission or SLD make available online the list of all individuals and entities debarred from participating in the E-rate program because they have been convicted criminally or held liable civilly for actions arising out of participation in the E-rate program, or because the Commission or SLD have determined that they have violated E-rate program rules willfully and repeatedly. Ultimately, it should be the vendors who are accountable to the applicants. Those vendors that have been “willfully or repeatedly” violating the program should have steps taken to prevent their full participation in the program. EdLiNC urges the FCC to adopt a graduated level of sanctions tied to the severity of the infraction. We hope that this would address the range of violations that could occur while not harming those inexperienced applicants who may make a mistake on their application. Additionally, EdLiNC urges the FCC to take into account when it was an individual who violated the program rules versus the

institution. If the institution takes steps against the individual at fault, leniency should be taken on the institution as a whole under the tiered sanction system.

EdLiNC supports the proposed referral system for those persons suspected of “willful and repeated” violations with SLD identifying and the FCC investigating. This is similar to the current system under which E-Rate operates. We urge the Commission to maintain the due process protections for the person(s) under investigation. Wrongful disbarment could have a negative impact on the program as a whole.

EdLiNC also supports allowing applicants to change service providers if a provider has been found in violation of program rule, including when the request for provider transfer occurs prior to the issuance of a funding commitment. Although post-commitment changes could currently be accomplished it is important for the streamlining of the application process to allow the applicant to take steps for the transfer of the service provider as soon as they realize there is a problem.

Finally, EdLiNC requests that the FCC issue a formalized Notice of Proposed Rulemaking before any changes are made to the discount matrix for internal connections. It is important that steps are taken in order to increase the accessibility of internal connections among schools and libraries, but there is still a lot of discussion over the best way to accomplish getting internal connections to the 70th and 80th percentile. There should be opportunity by all of the interested constituencies before any changes are made.

Thank you for this opportunity to comment and if you have any other questions please do not hesitate to contact any members of EdLiNC.

Sincerely,

American Association of School Administrators
American Library Association
Association of Educational Service Agencies
Consortium for School Networking
International Society for Technology in Education
National Association of Independent Schools
National Association of State Boards of Education
National Catholic Educational Association
National Education Knowledge and Information Association
National Rural Education Association
National School Board Association
United States Conference of Catholic Bishops