



PUBLIC NOTICE

Federal Communications Commission
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DA 03-1186

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION BY THE
STATE OF TENNESSEE TO CHANGE ITS SERVICE PROVIDER FOR SCHOOLS
AND LIBRARIES UNIVERSAL SERVICE SUPPORT MECHANISM FUNDING YEAR
2002**

PLEADING CYCLE ESTABLISHED

CC Docket Nos. 96-45, 97-21

Release Date: April 21, 2002

Comment Date: April 30, 2003 Reply Comment Date: May 5, 2003

The Wireline Competition Bureau (Bureau) seeks comment on the State of Tennessee's Request for Immediate Relief, filed on April 17, 2003. Tennessee seeks approval to change its service provider for Funding Year 2002, before USAC has issued a Funding Commitment Decision (FCDL) to Tennessee for Funding Year 2002.¹ Tennessee asserts that action on its funding request appears to be delayed because of an ongoing investigation of its current service provider, Education Networks of America, Inc.(ENA).² Tennessee therefore seeks to expedite the review and approval of the state's Funding Year 2002 funding request and avoid discontinuance of the state's K-12 Internet services based on non-payment prior to the end of the current school year.

Under USAC procedures, an applicant may request a change in the service provider associated with a particular funding request number after USAC issues a funding decision, a procedure known as a SPIN change.³ An "operational SPIN change" is the result of a decision

¹ See Request for Immediate Relief by the State of Tennessee to Change its Service Provider for Funding Year 2002, filed April 17, 2003 (Tennessee Petition).

² *Id.*

³ See SLD's website, <http://www.sl.universalservice.org/reference/SpinChange.asp>.

by the applicant to change the service provider supplying the services, and it must be received no earlier than the issuance date of the FCDL and no later than the last date to submit an invoice.⁴

The Bureau seeks comment on whether there are unique circumstances that warrant granting a SPIN change prior to the issuance of an FCDL and whether permitting such a change would be consistent with the public interest. The Bureau also seeks comment on whether and how program procedures should be modified to address Tennessee's request.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before April 30, 2003, and reply comments on or before May 5, 2003. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to <ecfs@fcc.gov>, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters 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 (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554.

⁴ See SLD's website, <http://www.sl.universalservice.org/reference/SpinChange.asp>.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Romanda Williams or Greg Lipscomb, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.