



PUBLIC NOTICE

Federal Communications Commission
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DA 06-2371

Released: November 27, 2006

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE
E-RATE CENTRAL PETITION FOR CLARIFICATION OR WAIVER OF THE
COMMISSION'S RULES CONCERNING THE DISPOSAL OF EQUIPMENT PURCHASED
UNDER THE SCHOOLS AND LIBRARIES UNIVERSAL SUPPORT MECHANISM**

PLEADING CYCLE ESTABLISHED

CC Docket 02-6

Comment Date: December 18, 2006

Reply Comment Date: January 8, 2007

On September 13, 2006, E-Rate Central filed a petition for clarification or waiver of the Commission's rules concerning the disposal of equipment purchased under the schools and libraries universal support mechanism, also known as the E-rate program.¹ Specifically, E-Rate Central seeks guidance from the Commission on the proper method for disposing of equipment when its value or usefulness precludes the possibility of transferring the equipment to another eligible facility.² E-Rate Central notes that the Commission's rules for the disposal of equipment funded under the E-rate program, which prohibit eligible services and equipment components from being sold or transferred in consideration of anything of value, may conflict with New York's state regulations mandating that obsolete equipment shall be sold through bid procedures, if possible, for the highest possible price.³

The Wireline Competition Bureau (Bureau) seeks comment on E-Rate Central's petition. In addition, the Bureau seeks comment on how the disposal of equipment is currently being handled in other

¹ See *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, *E-Rate Central Petition for the Clarification or Waiver of E-Rate Rules Concerning the Disposal of Equipment Purchased Under the Schools and Libraries Universal Support Mechanism* (filed Sept. 13, 2006) ("E-Rate Central Petition"). E-Rate Central is an independent firm that specializes in providing consulting, compliance, and forms processing services to E-rate applicants and service providers. See also 47 C.F.R. § 54.513(a) ("Eligible services purchased at a discount under this subpart shall not be sold, resold, or transferred in consideration of money or any other thing of value."); 47 C.F.R. § 54.513(c) ("Eligible services and equipment components of eligible services purchased at a discount under this subpart shall not be transferred, with or without consideration of money or any other thing of value, for a period of three years after purchase, except that eligible services and equipment components of services may be transferred to another eligible school or library in the event that the particular location where the service originally was received is permanently or temporarily closed.").

² See E-Rate Central Petition at 2.

³ See *id.*, Attach. A (citing to New York State Boards of Cooperative Educational Services' (BOCES) Regulation on Sale and Disposal of BOCES Property).

jurisdictions and on any conflicts with state or local requirements that may be encountered by applicants in other jurisdictions.

Interested parties may file **comments on or before December 18, 2006** and **reply comments on or before January 8, 2007**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *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://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** 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, 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 (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Federal Communications Commission's Web Site:** <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.

- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563; and
- (2) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (3) Gina Spade, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5B-550, Washington, D.C. 20554; e-mail: gina.spade@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁴ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁵ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.⁶

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

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⁴47 C.F.R. §§ 1.1200 *et seq.*

⁵*See* 47 C.F.R. § 1.1206(b)(2).

⁶47 C.F.R. § 1.1206(b).